

To: City Council and Mayor Prussing
From: Charlie Smyth
RE: Motion to Direct Staff Action on Definition of Family

September 8, 2005

This motion would direct staff to prepare appropriate language modifying the zoning ordinance that regulates the number of unrelated individuals that can live in single family housing.

I think following Ann Arbor's way of approaching definition of family (with a few tweaks) will close the "cousin" loophole in the current zoning ordinance and address Danielle's concern about unrelated people who live together "as a family." The cousins loophole comes from allowing the family THREE additional unrelated persons. I suggest no more than one additional unrelated person be allowed with "the family" unless additional persons meet the functional family definition (as described below). The tweaks needed are that Ann Arbor has different numbers of people for different zoning districts and we haven't done that in Urbana (since R-5 and R-7 are in close proximity to R-2 uses).

The proposed changes should incorporate these definitions:

A dwelling unit may not be occupied by more persons than one of the following living arrangements:

1. Any number of persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit and no more than one additional person who is not related to the other household members.
2. No more than 4 persons who are not related.
3. A functional family of unrelated persons (or a mix of related and unrelated persons) who demonstrate that they live together as a family. The determination of a functional family will be made by the Zoning Administrator, based on the following criteria:
 - a) Proof of sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
 - b) Members of the household have the same address for the purposes of voter registrations, driver's licenses, motor vehicle registrations and filing of taxes.
 - c) Enrollment of dependent children in local schools.
 - d) Evidence that the household has been living together as a family unit for a year or more at the current dwelling unit or other dwelling units.

Comment: If someone really has become a "family" with his or her five best friends, they should have proof of sharing expenses and all should be using the family's address for vehicle registration, voter registration and tax purposes. The five or six unrelated people who are just leasing together for one year might be able to do this, but most won't even have the same address for vehicle registration and taxes, won't have children and probably will not have lived together in the past.