



# City of Fayetteville

433 Hay Street  
Fayetteville, NC  
28301-5537  
(910) 433-1FAY (1329)

## Meeting Agenda - Final Planning Commission

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Tuesday, February 21, 2023

6:00 PM

Festival Park

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1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 Approval of Meeting Minutes: November 15, 2022

4.0 PUBLIC HEARING

4.01 TA23-002 thru -019: 18 Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

5.0 OTHER ITEMS OF BUSINESS

6.0 ADJOURNMENT



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 22-3117

Agenda Date: 2/21/2023

Version: 1

Status: Agenda Ready

In Control: Planning Commission

File Type: Consent

Agenda Number: 3.01

**TO: Mayor and Members of City Council**

**THRU: Development Services, Planning and Zoning Division**

**FROM: Catina Evans - Office Assistant II**

**DATE: February 21, 2023**

**RE:**

**Approval of Meeting Minutes: November 15, 2022**

### **COUNCIL DISTRICT(S):**

All

### **Relationship To Strategic Plan:**

Strategic Operating Plan FY 2021

Goals 2026

Goal 6: Collaborative Citizen & Business Engagement

- Objective 6.2 - Ensure trust and confidence in City government through transparency & high-quality customer service.

### **Executive Summary:**

The City of Fayetteville Planning Commission conducted a meeting on the referenced date during which they considered items of business as presented in the draft.

### **Background:**

NA

### **Issues/Analysis:**

NA

**Budget Impact:**

NA

**Options:**

1. Approve draft minutes;
2. Amend draft minutes and approve draft minutes as amended; or
3. Do not approve the draft minutes and provide direction to Staff.

**Recommended Action:**

Option 1: Approve the draft minutes.

**Attachments:**

- Draft Meeting Minutes: November 15, 2022

**MINUTES  
CITY OF FAYETTEVILLE  
PLANNING COMMISSION MEETING  
FESTIVAL PLAZA, SUITE 122  
NOVEMBER 15, 2022 @ 6:00 PM**

**Members Present**

Victor Sharpe, Chair  
Raymond Makar  
Stephon Ferguson  
Adrian Williams  
Christina Aragues

**Staff Present**

Jennifer Baptiste, Planning & Zoning Manager  
Lisa Harper, Assistant City Attorney  
Demetrios Moutos, Zoning Administrator  
Joseph Senn, Zoning Technician  
Catina Evans, Office Assistant II

**Members Absent**

Laurie Linder  
Wesley Fountain  
Eldred Loftin  
Antonio Jones

**I. CALL TO ORDER**

Chairman Victor Sharpe called the November 15, 2022, meeting to order at 6:16 p.m. The new and current members introduced themselves.

**II. APPROVAL OF THE AGENDA**

**MOTION:** Stephon Ferguson made a motion to approve the agenda.  
**SECOND:** Raymond Makar  
**VOTE:** Unanimous (5-0)

**III. APPROVAL OF CONSENT ITEMS TO INCLUDE THE SEPTEMBER 20, 2022, MEETING MINUTES**

**MOTION:** Stephon Ferguson made a motion to approve the consent items to include the minutes from the September 20, 2022, meeting.  
**SECOND:** Raymond Makar  
**VOTE:** Unanimous (5-0)

**LEGISLATIVE HEARING(S)**

**ALT22-02.** Alternative Sign Plan as requested by Barker Partners, LLC for Gillis Hill Road Retail, located at the corner of Gillis Hill Road and South Raeford Road, property of Barker

Partners, LLC, to consist of one ground-mounted freestanding project identification sign and seven ground-mounted freestanding outparcel signs.

Mr. Moutos presented the following in regard to ALT22-02:

- The signs will be located on the property located at the corner of Gillis Hill Road and South Raeford Road.
- The applicants want to add a ground sign and seven mounted free-standing outparcel signs.
- There are larger identification signs for the overall development.
- The signs would only be allowed 60 square feet of lot frontage.
- There must be a one-to-one ratio for square footage to lot footage.
- The free-standing ground signs are the only ones affected by this alternate sign plan.
- Mr. Moutos showed where the Project Identification Ground signage would be.
- He showed a picture of what the taller Project ID sign would look like and a picture of the 10 feet high outparcel signs.

The Staff is recommending approval of the adoption of the Alternative Sign Plan. The Board has the following options:

1. Approval of the Alternative Sign Plan as presented.
2. Approval of the Alternative Sign Plan with conditions.
3. Denial of the Alternative Sign Plan.

Mr. Sharpe opened the legislative hearing for case ALT22-02.

Speakers in favor:

Scott Friedman, 2665 Brimway, Cooper City, FL 33026

- Mr. Friedman thought the staff presentation was done well.
- He said the smaller outparcel signs would be 20 feet in height.
- Mr. Friedman stated that they are limiting it to 10 ft. in height.
- He said the corner gas station sign would be larger to show the gas prices.

Jeffrey Surrency, 4521 Sharon Road, Unit 275, Charlotte, NC 28211

- Mr. Surrency stated that he was present to answer any questions.

Mr. Sharpe closed the legislative hearing for case ALT22-02.

Mr. Sharpe asked to see the slide of the overall development, and he asked Mr. Moutos to explain the 60 feet regulation. Mr. Moutos explained that each individual parcel will leave 60 feet from the entrance of the development.

**MOTION:** Christina Aragues made a motion to approve the Alternative Sign Plan as presented.

**SECOND:** Stephon Ferguson  
**VOTE:** Unanimous (5-0)

#### **IV. OTHER BUSINESS**

Ms. Baptiste stated that there would not be a Planning Commission Meeting during the month of December. Ms. Baptiste introduced the new members Adrian Williams and Christina Aragues to the Board and City Staff.

**MOTION:** Raymond Makar made a motion to adjourn the November 15, 2022, meeting.  
**SECOND:** Stephon Ferguson  
**VOTE:** Unanimous (5-0)

The meeting was adjourned at 6:31 p.m.

Respectfully submitted by Catina Evans





# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 23-3223

Agenda Date: 2/21/2023

Version: 1

Status: Agenda Ready

In Control: Planning Commission

File Type: Public Hearing  
(Public & Legislative)

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Craig M. Harmon, CZO - Senior Planner  
Chester Green - Senior Planner

DATE: February 21, 2023

RE:

TA23-002 thru -019: 18 Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

COUNCIL DISTRICT(S):

All

### Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsible City Government Supporting a Diverse and Viable Economy

- Objective 2.4 - Sustain a favorable development climate to encourage business growth

Goal 3: City Investment in Today and Tomorrow

- Objective 3.2 - Manage the City's future growth and strategic land use

### Executive Summary:

The 18 proposed text amendments below represent suggested updates to the Unified Development Ordinance (UDO), as proposed by the City's Professional Planning Staff of the Development Services Department. These amendments all fall into one of three categories:

1. Cleanup - to clarify and simplify some areas of the code.
2. Development/Community - items asked for by developers or the community
3. Policy - how do we as a city move forward

Upon City Council direction, these items will proceed to the Planning Commission for a legislative hearing and recommendation by the commission at their February meeting. Following the Planning Commission's meeting, their proposed text amendments will be presented to the City Council for a second legislative hearing, review, and decision, most likely in March. The exception being TA23-020 regarding a new Airport Entrance Corridor Overlay. This item will also go before the Zoning Commission to review and recommend its map amendment portion.

Development Services Staff proposes 18 text amendments:

1. Cleanup Items

- a) TA23-002: Accessory Dwelling Units in SF-15,
- b) TA23-003: Change Variance Recording Timeline Extension
- c) TA23-004: Off-Street Parking Table - Remove Maximum Spaces

Allowed

- d) TA23-005: Accessory Uses/Structures on Large Residential Lots -

In AR zones

- e) TA23-006: Reduce Specimen Tree Removal Fee
- f) TA23-007: Landscaping Applicability - properties two acres or less
- g) TA23-008: Remove Maximum Parking for Alternative Parking

Plans

2. Development/Community Items

- a) TA23-009: DT-2 Front and Corner Setbacks for Drive-Throughs
- b) TA23-010: Remove SUP for Financial Institutions w/ Drive

Throughs in NC

- c) TA23-011: Electrified Fencing Height
- d) TA23-012: Specialty Eating Establishments in OI
- e) TA23-013: Ease gasoline sales access requirements
- f) TA23-014: Eliminate the requirement for increased setbacks
- g) TA23-015: Remove Floor Area Ratio (FAR) in the Hospital Overlay

3. Policy Items

- a) TA23-016: Prohibiting Outdoor Commercial Recreation from OI
- b) TA23-017: Separation Standards for Religious Institutions, Bars,

Nightclubs & Adult Entertainment

- c) TA23-018: Airport Entrance Corridor Overlay
- d) TA23-019: Boarding of Commercial Buildings

**Background:**

Generally, twice per year, the Development Services Department proposes a batch of seasonal text amendments to adjust the UDO. The aim of the amendments is to ensure that the City's regulations reflect modern development standards and community preferences. These suggested amendments are the result of issues identified through ordinance cleanup, development community suggestions, statutory changes and mandates, and case law implications. The reason to limit the potential amendments is a combination of staff and City Council time spent on the items to fully vet items for consideration.



**Issues/Analysis:**

The first step in bringing a proposed amendment before City Council is to have it reviewed, modified and recommended by the City's Planning Commission, following City policies and State Statutes as shown below. The Commission is an integral part of any text amendment process.

According to section 160D-301 of the North Carolina General Statutes:

(a) *Composition.* - A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:

(b) *Duties.* - A planning board may be assigned the following powers and duties:

(3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

Proposed text amendments:

1. Cleanup Items

a) TA23-002: Accessory Dwelling Units in SF-15, allow accessory dwellings to be a permitted use in the SF-15 zoning district. SF-15 is the only residential district that does not allow these types of dwellings.

b) TA23-003: Change Variance Recording Timeline - Extension, Extend the timeline for recording a variance with the Register of Deeds from 30 days to 60 days after a written decision is issued. Variances become invalid if not recorded within a certain time period.

c) TA23-004: Off-Street Parking Table - Remove Maximum Spaces Allowed, proposed amendment would remove references to maximum parking from both Commercial Use Classification and Industrial Use Classification as in all other sections of the UDO related to Parking Standards.

d) TA23-005: Accessory Uses/Structures on Large Residential Lots - In AR zones, Allow residential accessory structures in the AR zone to exceed the maximum size based on lot size to match what is allowed in all other residential districts.

e) TA23-006: Reduce Specimen Tree Removal Fee, As a recommendation of the UDO Task Force, the specimen tree removal fee was changed from \$100 to \$50 per caliber inch. This fee however was not changed in the clear-cutting section of the UDO.

f) TA23-007: Landscaping Applicability - properties two acres or less, Amendment to clarify who is and is not exempted from the landscape section of the UDO. This amendment came about as part of the work of the UDO Task Force. The word except was left out of the original amendment and is needed for clarification.

g) TA23-008: Remove Maximum Parking for Alternative Parking Plans, The UDO was previously amended to remove maximum parking standards. However, this provision was not removed from the Alternative Parking Plan section during the previous text amendment. This amendment would remove it from this section.

## 2. Development/Community Items

a) TA23-009: DT-2 Front and Corner Setbacks for Drive-Throughs, Amendment addresses the front and corner side yard setback requirements for use types with drive-through facilities along Grove, Rowan, and Ramsey Streets. The current standards are too restrictive to allow proper circulation on properties with drive-throughs.

b) TA23-010: Remove SUP for Financial Institutions w/ Drive Throughs in NC, Amendment will remove the need for a Special Use Permit to develop a Financial Institution with drive-through services in the Neighborhood Commercial (NC) zoning district.

c) TA23-011: Electrified Fencing Height, Allow taller (six feet) non-electrified fencing in the front yard of industrially zoned properties when a monitored electrified fence is approved through the Special Use Permit (SUP) process. The current ordinance only allows the maximum height in the front yard to be 4 feet. This creates a fence that is ineffective in securing the property. Again, this increase would only be allowed with an approved SUP.

d) TA23-012: Specialty Eating Establishments in OI, Allow specialty eating establishments without drive-through service in the OI zoning district with use specific standards.

e) TA23-013: Ease gasoline sales access requirements, Amendment would give more flexibility to the number and location of access points into businesses offering gas sales.

f) TA23-014: Eliminate the requirement for increased setbacks, Amendment to eliminate the requirement in residential districts that "Minimum setbacks for all principal uses shall be increased by five feet for all building walls 25 feet or more above grade".

g) TA23-015: Remove Floor Area Ratio (FAR) in the Hospital Overlay, Amendment would eliminate floor area ratio from the Hospital Overlay. The Floor Area Ratio requirements limit the ability of the Hospital to grow and expand. This overlay is concentrated with medical facilities, services and buildings which require higher density since the space for lateral expansion inside the Overlay District is limited.

## 3. Policy Items

a) TA23-016: Prohibiting Outdoor Commercial Recreation from OI, Amendment to prohibit the development of Commercial Outdoor Recreation uses in the (OI) zoning district. Currently, this use is allowed by right in the OI. In all other commercial districts, a SUP is required for this type of use.

b) TA23-017: Separation Standards for Religious Institutions, Bars,

Nightclubs & Adult Entertainment, This amendment is to remove or modify the separation requirements for Religious Institutions, Bars, Nightclubs & adult entertainment establishments. Currently, the code requires that religious institutions be located at least 500 feet from any bar/nightclub or adult entertainment establishment. The same separation requirement is required in the reverse as well.

c) TA23-018: Airport Entrance Corridor Overlay, Adoption of additional language for the Airport Overlay District. Proposed by Cumberland County to stop manufactured homes from locating on Airport Road between Hwy 301/Business I95/Gillespie St and the Fayetteville Airport. Additionally, this item requires a Zoning Map Amendment.

d) TA23-019: Boarding of Commercial Buildings, This amendment is to amend chapter 14, Article VI. to add regulations governing residential and commercial boarded up structures in order to prevent their detrimental effects in the city's neighborhoods.

**Budget Impact:**

N/A

**Options:**

- 1) Recommend approval by the City Council of all of the proposed text amendments. (Recommended);
- 2) Recommend approval by the City Council of some of the proposed text amendments;
- 3) Remand some or all of the proposed text amendments back to Staff for further consideration.;

**Recommended Action:**

The Professional Planning Staff recommends Option (1) Recommend approval of all of the proposed text amendments.

**Attachments:**

1. Draft Ordinance - TA23-002: Accessory Dwelling Units in SF-15
2. Consistency Statement - TA23-002
3. Draft Ordinance - TA23-003: Change Variance Recording Timeline Extension
4. Consistency Statement - TA23-003
5. Draft Ordinance - TA23-004: Off-Street Parking Table - Remove Maximum Spaces Allowed
6. Consistency Statement - TA23-004
7. Draft Ordinance - TA23-005: Accessory Uses/Structures on Large Residential Lots - In AR zones

8. Consistency Statement - TA23-005
9. Draft Ordinance - TA23-006: Reduce Specimen Tree Removal Fee
10. Consistency Statement - TA23-006
11. Draft Ordinance - TA23-007: Landscaping Applicability - properties two acres or less
12. Consistency Statement - TA23-007
13. Draft Ordinance - TA23-008: Remove Maximum Parking for Alternative Parking Plans
14. Consistency Statement - TA23-008
15. Draft Ordinance - TA23-009: DT-2 Front and Corner Setbacks for Drive-Throughs
16. Consistency Statement - TA23-009
17. Draft Ordinance - TA23-010: Remove SUP for Financial Institutions w/ Drive Throughs in NC
18. Consistency Statement - TA23-010
19. Draft Ordinance - TA23-011: Electrified Fencing Height
20. Consistency Statement - TA23-011
21. Draft Ordinance - TA23-012: Specialty Eating Establishments in OI
22. Consistency Statement - TA23-012
23. Draft Ordinance - TA23-013: Ease gasoline sales access requirements
24. Consistency Statement - TA23-013
25. Draft Ordinance - TA23-014: Eliminate the requirement for increased setbacks
26. Consistency Statement - TA23-014
27. Draft Ordinance - TA23-015: Remove Floor Area Ratio (FAR) in the Hospital Overlay
28. Consistency Statement - TA23-015
29. Draft Ordinance - TA23-016: Prohibiting Outdoor Commercial Recreation from OI
30. Consistency Statement - TA23-016
31. Draft Ordinance - TA23-017: Separation Standards for Religious Institutions, Bars, Nightclubs & Adult Entertainment
32. Consistency Statement - TA23-017
33. Draft Ordinance - TA23-018: Airport Entrance Corridor Overlay
34. Consistency Statement - TA23-018
35. Draft Ordinance - TA23-019: Boarding of Commercial Buildings
36. Consistency Statement - TA23-019

**TO:** City of Fayetteville Planning Commission  
**THRU:** Craig Harmon/Chester Green – Senior Planner  
**FROM:** Name and Title  
**DATE:** January 10, 2023  
**RE:** TA 23-000: Proposed Text Amendments to Section 30-4.D.2.E, Table of Permitted Accessory Uses, to allow accessory dwelling in Single Family 15 (SF-15).

**COUNCIL DISTRICT(S):**

All

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**Relationship to Strategic Plan:**

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City's future growth and support strategic land use policy by supporting quality development.

**EXECUTIVE SUMMARY:**

This requested amendment is being proposed to address issues that arose during the implementation of this sections which did not allows for accessory dwelling units to be located in Single Family 15 (SF-15) zoning district.

Many of our citizen in the SF-15 zoning district are denied the ability to have an accessory dwelling unit on their property, whereas all the other residential zoned districts are allow accessory dwelling.

This proposed amendment would change SF-15 zoning district on the table of permitted accessory uses of accessory dwelling units from prohibited us to a permitted use, as in all the other residential zoning district.

**Background:**

The following text amendment to the Unified Development Ordinance (UDO) is to address issues that arose when citizens where denied to have an accessory dwelling in the SF-15 zoning district where it is permitted in all the other residential zoning districts.



**Issues/Analysis:**

**I. Currently, the section reads as:**

**30-4.D.2 General Standards and Limitations**

**e. Table of Permitted Accessory Uses**

In the table of permitted accessory uses under Accessory Use Type, Accessory Dwelling Unit are Prohibited (/) in the SF-15 Residential Districts.

**End of Current Code**

**II. City staff recommends that the section be amended to read as:**

**e. Table of Permitted Accessory Use**

In the table of permitted accessory uses under Accessory Use Type, Accessory Dwelling Unit are Permitted (P) in the SF-15 Residential Districts.

**End of Recommendation**

**Budget Impact:**

NA

**Options:**

The Planning Commission shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Commission shall consider the application, relevant support materials, the staff report, and any comments given by the public. The Planning Commission, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) Recommend to City Council adoption of the proposed ordinance amendment per the City Staff.
- 2) Recommend to City Council denial of the proposed ordinance amendment.
- 3) Recommend revisions and adoption of the proposed ordinance amendment.
- 4) Recommend remanding of the proposed ordinance amendment back to Staff for further consideration.



**Recommended Action:**

- 1) Staff recommends that the Planning Commission recommend to City Council adoption of the proposed ordinance amendment per the City Staff.

Staff recommends no change upon the congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-2.C.2(e):

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments will align with Code with NC General Statutes, NC Building Codes, and various other regulations and requirements within the City and the Code.
4. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
5. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
6. The proposed amendments would result in a logical and orderly development pattern.
7. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

**Attachments:**

TA23-000

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection b.2., Monitored Electrified Fences, of Section 30-5.D.5, Exemptions, is amended by deleting the same in its entirety and substituting with the following:

*2. Perimeter fence or wall*

No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is not less than six feet in height. When wrought iron or similar open-style metal fence is utilized, nonelectrified fencing in the front yard setback may be increased to six feet in height when installed in conjunction with an approved electrified fence. Otherwise, the nonelectrical fence or wall shall not exceed the maximum height allowed in the underlying zoning district. In no case shall the electric fence be taller than two feet higher than the nonelectrical fence.

Section 2. Subsection b.3., Monitored Electrified Fences, of Section 30-5.D.5, Exemptions, is amended by deleting the same in its entirety and substituting with the following:

*3. Location*

Electric fences shall be restricted in location to the same areas where other fences are allowed in the underlying zoning district.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of

Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, SECTION H.11.C, USE TABLE FOR THE COLISEUM TOURISM OVERLAY DISTRICT OF CHAPTER 30 OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection H.11.c, Allowable Uses Table, of Article 30-3, is amended by modifying the use table to reflect the following additional requirements:

TABLE 30-3.H.11.c: Use Table P=PERMITTED USE S=SPECIAL USE MP=ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN "P"= PROHIBITED USE			
USE CATEGORY	USE TYPE	ZONING DISTRICTS	ADDITIONAL REQUIREMENTS
		CROWN COLISEUM TOURISM OVERLAY DISTRICT (CCTOD)	
Eating Establishments	Specialty Eating Establishments	P	30-4.C.4.e

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk

Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-3, SECTION H.13.C, USE TABLE FOR THE SUBURBAN  
ACTIVITY CENTER OVERLAY DISTRICT OF THE CODE OF ORDINANCES OF THE  
CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection H.13.c, Allowable Uses Table, of Article 30-3, is amended by modifying the use table to reflect the following additional requirements:

TABLE 30-3.H.13.c: Allowable Uses			
USE CLASSIFICATION	USE CATEGORY	USE TYPE	ADDITIONAL REQUIREMENTS
Commercial	Eating Establishments	Specialty Eating Establishments	30-4.C.4.e

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk





**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, SECTION A.2, USE TABLE OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection A.2, Use Table, of Article 30-4, is amended by modifying the use table to reflect the following:

Table 30-4.A.2 Use Table																							
P = Permitted Use S = Special Use																							
MP = Allowed Subject to a Planned Development Master Plan																							
"/" = Prohibited Use [1]																							
USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS		
		SPECIAL	RESIDENTIAL					BUSINESS										PLANNED DEVELOPMENT					
			C D	A R	SF - 1 S	SF - 1 O	SF - 6	M R- 5	M H	O I	N C [3 J	L C	C C	M U	D T- 1	D T- 2	U C	B P <sup>1</sup>	L I	H I		PD -R	PD -EC
Eating Establishments	Specialty Eating Establishment	/	/	/	/	/	S	/	/	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-4, SECTION C.4.E, USE SPECIFIC STANDARDS FOR  
EATING ESTABLISHMENTS OF THE CODE OF ORDINANCES OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection C.4.e, *Use Specific Standards for Eating Establishments*, is amended by adding the following text in its entirety:

**2. *Specialty Eating Establishments with Indoor/Outdoor Seating***

- a. Specialty eating establishments in the OI zoning district providing indoor or outdoor seating for patrons shall be limited to a total seating area no more than 20% of the building's total floor area, irrespective of the seating being located indoor or outdoor.
- b. Specialty Eating Establishments having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
  1. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district (SF-15, SF-10, or SF-6).
  2. The outdoor portions of the restaurant shall not operate after 11:00 p.m. In the UC zoning district (specialty eating establishments with indoor/outdoor seating located to the interior of the campus are exempt from this standard).
  3. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use. In the UC zoning district (specialty eating establishments with indoor/outdoor seating located to the interior of the campus are exempt from this standard).

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the subsection C.4.e, *Use Specific Standards for Eating Establishments* of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**TO:** City of Fayetteville Planning Commission  
**THRU:** Craig Harmon/Chester Green – Senior Planner  
**FROM:** Name and Title  
**DATE:** January 10, 2023  
**RE:** TA 23-000: Proposed Text Amendments to Section 30-4.C.4.i.7, Gas Sales.

**COUNCIL DISTRICT(S):**

All

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**Relationship to Strategic Plan:**

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City's future growth and support strategic land use policy by supporting quality development.

**EXECUTIVE SUMMARY:**

This requested amendment is being proposed to give some flexibility on the access point that must meet a separation of 150 feet from each other and from any street intersection in the gas sale section of the zoning ordinance.

Project that have added use of gas sales may have issues meeting the 150 foot separation and abandoned the project or they may get some flexibility in reducing the separation through the City Traffic or NCDOT access permit review process.

**Background:**

The following text amendment to the Unified Development Ordinance (UDO) is to give some flexibility on the access point that must meet a separation of 150 feet from each other and from any street intersection in the gas sale section of the zoning ordinance.



## **Issues/Analysis:**

### **I. Currently, the section reads as:**

#### **30-4.C.4.i Retail Sales and Services**

##### **7.c. Gasoline Sales**

The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street rights-of-way, and at least 15 feet from any other lot line.

#### **End of Current Code**

### **II. City staff recommends that the section be amended to read as:**

##### **7.c. Gasoline Sales**

The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street rights-of-way, and at least 15 feet from any other lot line, **unless otherwise approved through the City and/or NCDOT access permit review process.**

#### **End of Recommendation**

## **Budget Impact:**

NA

## **Options:**

The Planning Commission shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Commission shall consider the application, relevant support materials, the staff report, and any comments given by the public. The Planning Commission, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) Recommend to City Council adoption of the proposed ordinance amendment per the City Staff.
- 2) Recommend to City Council denial of the proposed ordinance amendment.
- 3) Recommend revisions and adoption of the proposed ordinance amendment.
- 4) Recommend remanding of the proposed ordinance amendment back to Staff for further consideration.

**Recommended Action:**

- 1) Staff recommends that the Planning Commission recommend to City Council adoption of the proposed ordinance amendment per the City Staff.

Staff recommends no change upon the congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-2.C.2(e):

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments will align with Code with NC General Statutes, NC Building Codes, and various other regulations and requirements within the City and the Code.
4. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
5. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
6. The proposed amendments would result in a logical and orderly development pattern.
7. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

**Attachments:**

TA23-000

Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-3.D.2. NOTE [3], Single-Family Residential 15 (SF-15) District, of Section 30-3.D., Residential Base Zoning Districts, is amended by deleting the same in its entirety and substituting the following:

“[Reserved]”

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED  
DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-3.D.4. NOTE [3], Single-Family Residential 6 (SF-6) District, of Section 30-3.D., Residential Base Zoning Districts, is amended by deleting the same in its entirety and substituting the following:

“[Reserved]”

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED  
DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-3.D.3. NOTE [3], Single-Family Residential 10 (SF-10) District, of Section 30-3.D., Residential Base Zoning Districts, is amended by deleting the same in its entirety and substituting the following:

“[Reserved]”

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED  
DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-3.H.2.e.2, Maximum Floor Area Ratio, of section 30-3.H. Overlay  
Zoning District, is amended by deleting the same in its entirety and substituting the following:  
“[Reserved]”

Section 2. It is the intention of the City Council, and it is hereby ordained that the  
provisions of this ordinance shall become and be made part of the Code or Ordinances, City of  
Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish  
such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk



Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-2, SECTION C.14, SUB-SECTION E.5.a, VARIANCE, OF  
CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF  
ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection E.5.a, Expiration, of Section 30-2.C.14, Variance, is amended  
by deleting the text in its entirety and substituting the following:

*5. Expiration*

a. Variance approval shall automatically expire if the applicant does not record the Variance  
with the Cumberland County Register of Deeds within 60 days after the date the Variance is  
approved.

Section 2. It is the intention of the City Council, and it is hereby ordained that the  
provisions of this ordinance shall become and be made part of the Code or Ordinances, City of  
Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3.E.11, Downtown 2 (DT-2) District, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Table 30-4.A.2., Use Table, is amended by removing the notation “P” for a Permitted Use in the column/row for Office and Institutional (OI)/Other Commercial Recreation, Outdoor and substituting with the following:

Table 30-4.A.2 Use Table																							
P = Permitted Use S = Special Use																							
MP = Allowed Subject to a Planned Development Master Plan																							
"/" = Prohibited Use [1]																							
USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS										PLANNED DEVELOPMENT				
		C D	A R	SF - 15	SF - 10	SF - 6	M R - 5	M H	O I	N C [3]	L C	C C	M U	D T - 1	D T - 2	U C	B P	L I	H I	PD - R		PD - EC	PD - TN
Recreation/Entertainment, Outdoor	Other Commercial Recreation, Outdoor	/	/	/	/	/	S	/	/	S	S	P	P	P	P	/	/	P	P	MP	MP	MP	

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

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MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, OF  
THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF  
THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection g.1., Religious Institutions, of Section 30-4.C.3, Use-Specific Standards, is amended by deleting the same in its entirety and renumbering as needed.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection g.1., Religious Institutions, of Section 30-4.C.3, Public and Institutional Uses, is amended by deleting the same in its entirety and renumbering if required.

Section 2. The opening section of 30-4.C., Use-Specific Standards, is amended by deleting the same in its entirety and substituting with the following:

*30-4.C. Use Specific Standards*

Use-specific standards are the requirements applied to individual use types regardless of the zoning district in which they are located or the review procedure by which they are approved. This section is intended to identify the use-specific standards for all principal uses identified in Table 30-4.A, Use Table, as subject to "additional requirements." These standards may be modified by other applicable requirements in this Ordinance.

These standards are not subject to a variance request. However, with the following exceptions or as explicitly stated in other sections of this ordinance, the separation standards may be reduced upon approval of a special use permit finding that the reduction in the separation standard does not increase negative impacts on surrounding uses, and that there are specific characteristics that help minimize any negative impacts, such as natural or man-made features that create visual or physical separation between the uses. Consistent with standards for the procedure in Article 30-2.C.7 Administration – Special Use Permit, conditions may be attached to further minimize or prevent negative impacts, including limitations on hours of operation, maximum size, or range of activities. Uses which cannot use the special use process to seek reduction in separation standards are:

1. Adult entertainment

2. Bar, nightclub, cocktail lounge except that a bar, nightclub, cocktail lounge in the DT Downtown district or MU Mixed Use District can request a reduced separation standard from any child care center, religious institution, or educational facility through the special use process. A brewpub is exempted from the separation requirements although issues of concentration of such uses may be considered during any associated special use or conditional zoning review.

In the event that a special use permit or administrative adjustment is issued to reduce separation requirements between certain uses, any use legally existing at the time the special use permit or adjustment is issued shall not be precluded from expanding on property that is currently being used for the use that requires the separation. For example, if a special use permit is issued to allow a child care center to be established within 500 linear feet of a bar, the bar use is not prohibited from expanding on property being used for the bar use at the time the separation reduction special use permit is issued, nor in the event the bar use is damaged or destroyed beyond 50% of its appraised value shall the adjusted separation be a factor in whether the use may be rebuilt. In the event that a religious institution chooses to establish itself within 500 feet of an existing bar/nightclub or adult entertainment establishment, any use legally existing at the time of the establishment of the religious institution shall not be precluded from expanding on property that is currently being used for the use that requires the separation. Nor in the event, the use is damaged or destroyed beyond 50% of its appraised value shall the reduced separation be a factor in whether the use may be rebuilt.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor



ATTEST:

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PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3.H.6. AIRPORT OVERLAY (APO) DISTRICT, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 30-3.H.6.c.2. District Standards, Incompatible Uses in Other Districts, is amended by deleting it in its entirety and substituting with the following:

2. Incompatible Uses in Other Districts

Any district that allows a use incompatible with the airport operations should not be favorably considered without a favorable recommendation from the Fayetteville Airport Director to include such uses as high concentration of residential units, buildings having large assembly of people, smoke or other substances that would impair aircraft visibility or interfere with its operation, light emissions that interfere with pilot vision, electrical interference, tall smokestacks or telecommunication towers and uses that attract birds and water fowl.

- a. Manufactured homes shall not be permitted to be located on any property abutting Airport Road, between Gillespie Street and the Fayetteville Airport.
- b. In addition, any existing manufacture homes located on parcels that abut Airport Road, between Gillespie Street and the Fayetteville Airport, once removed, shall not be replaced.
- c. The abutting parcels shall form an area known as the Airport Entrance Corridor and be established as a layer on the Official Zoning Map of The City of Fayetteville, North Carolina. If the parcels abutting Airport Road, as identified in this section,

are expanded or reduced through subdivision, the layer boundaries on the Official Zoning Map shall be amended accordingly in compliance with this section.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE VI, REGULATION OF BOARDED UP RESIDENTIAL STRUCTURES, OF CHAPTER 14, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Article VI, regulation of boarded up residential structures, of chapter 14, is amended by deleting the same in its entirety and substituting the following:

**Article VI. - Regulation of Boarded Up Structures**

**Sec. 14-121. Purpose and Authority.**

- a. It is the purpose of this article to promote the health, safety and welfare of the citizens and preserve the dignity and peace of the city by establishing regulations governing boarded up structures in order to prevent their detrimental effects in the city's neighborhoods.
- b. The department shall be responsible for the administration and enforcement of the provisions of this article and shall have the following authority:
  1. To inspect the properties;
  2. To obtain administrative search and inspection warrants, if necessary, as provided in G.S. 15-27.2; and
  3. To issue notices of violation and impose civil penalties.

*(Ord. No. S2012-014, § 1, 8-27-2012 )*

**Sec. 14-122. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

**Board Up** means the boarding up of any means of egress and ingress, including, without limitation, windows and doors that are clearly visible from the public right-of-way, to an unoccupied structure.

**Department** means the development services department, housing and code enforcement division. With respect to the department, the development services director may delegate any of the functions or powers of the department under this article to such officers and agents as he may designate.

**Owner** means the holder of title in fee simple and includes the owner's duly authorized agent or attorney.



**Structure** means anything constructed or erected, the use of which requires location on the land, or attachment to or something having a permanent location on the land. The term "structure" shall be construed as if followed by the words, "or part thereof"

**Unoccupied** means a structure that is not occupied or that is occupied by unauthorized persons. In the case of a multi-unit residential structure, unoccupied means when any one unit is unoccupied or occupied by unauthorized persons.

#### Section Footnote(s)

(Ord. No. S2012-014, § 1, 8-27-2012; Ord. No. S2015-011, § 1, 8-24-2015)

#### Sec. 14-123. Registration.

- a. No owner shall board up a structure without registering the structure with the department no later than 48 hours after boarding it up. Failure to register the structure within 48 hours after boarding it up will subject the owner to civil penalty as set forth in section 14-127 of this article.
- b. The owner of the boarded up structure must submit an application for registration to the department on a form prescribed by the department within 48 hours of boarding it up. The completed registration form shall contain the following information:
  1. The full name and mailing address of the owner;
  2. The full address and tax parcel number of the structure to be boarded;
  3. An accurate telephone number where the owner may be reached;
  4. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;
  5. The owner's plan for the occupancy, repair or demolition of the structure;
  6. The owner's plan for regular maintenance during the period the structure is boarded up; and
  7. Such other information as the department shall from time to time deem necessary.
- c. The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.
- d. Registration of a boarded up structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitation, including Chapter 14. By accepting an owner's registration, the department has not determined that the structure being registered is in compliance with any applicable local or state regulation or law.

(Ord. No. S2012-014, § 1, 8-27-2012 )

#### Sec. 14-124. Time Limit.

- a. An owner who registers a boarded up structure pursuant to section 14-123 of this article shall comply with section 14-39(i) of the Fayetteville Code of Ordinances and any



guidelines for boarding up structures as shall be established by the department from time to time.

- b. An owner's registration of a boarded up structure shall expire three years from the date of registration with the department. Upon notification from the department of expiration of registration an owner shall, within 60 days of such notification, remove all boarding from doors and windows. Doors and windows may be covered with at least one-half inch thick transparent shatter-proof acrylic material, in compliance with section 14-39(j). Doors and windows shall be free of any defects prior to covering.

(Ord. No. S2012-014, § 1, 8-27-2012; Ord. No. S2015-011, 8-24-2015)

#### **Sec. 14-125. Compliance Period for Existing Structures.**

An owner who owns a boarded up structure prior to the effective date of this article shall register the structure with the department in compliance with section 14-123 of this article within 30 days of the effective date of this article. The registration shall be effective for three years following the date of registration. An owner who fails to register the structure within 30 days of the effective date of this article shall be in violation of this article and shall be subject to civil penalty as described in section 14-127 of this article.

(Ord. No. S2012-014, § 1, 8-27-2012 )

#### **Sec. 14-126. Reserved.**

(Ord. No. S2012-014, § 1, 8-27-2012; deleted by Ord. No. S2015-011, § 1, 8-24-2015)

#### **Sec. 14-127. Notice of Violation; Penalties.**

Except as otherwise specified in this article, the department shall notify the owner of a boarded up structure of a violation of this article and the owner shall have ten business days from the date of the notice of violation to abate the violation. Failure to abate the violation shall subject the owner to a civil penalty in accordance with the fee and penalty schedule as approved by city council until the violation is abated. The civil penalty may be recovered in the nature of a debt in accordance with North Carolina law.

(Ord. No. S2012-014, § 1, 8-27-2012 )

#### **Sec. 14-128. Notices.**

Any notice required to be given by the department under this article to the owner shall be given either by personal delivery to the owner or by first class United States mail to the most current address listed in the registration that has been received by the department. In the event an owner has failed to register with the department any required notice may be sent to the address listed for the responsible person in the county property tax records. Notices shall be deemed given upon their deposit in the United States mail and shall be deemed to have been received on the third regular postal delivery day thereafter.

(Ord. No. S2012-014, § 1, 8-27-2012 )

#### **Sec. 14-129. Appeal of Civil Penalties.**



An owner who has been assessed a civil penalty for a violation of this article may request an appeal hearing in accordance with section 1-9 of the Fayetteville Code of Ordinances.

*(Ord. No. S2012-014, § 1, 8-27-2012 )*

#### Article Footnote(s)

--- (6) ---

**Editor's note**— Ord. No. S2012-014, § 1, adopted August 27, 2012, amended the Code by adding provisions designated as Art. VI, §§ 14-101—14-109. Inasmuch as current Art. V contains provisions through § 14-117, the provision of Ord. No. S2012-014 have been included herein as §§ 14-121—14-129. See also the Code Comparative Table.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-002** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-003** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #3: Encourage redevelopment of strip commercial areas	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods</b>	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_  
Print



# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-004** is consistent with the City of Fayetteville's Future Land Use Map and Comprehensive Plan. The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-005** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-006** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature



Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF  
THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 1, Subsection 30-5.A.4.b, Off-Street Parking Standards, of subsection 30-.5, Development Standards, is amended by deleting the same and substituting with the following:

e. Minimum Parking Table – Remove references to maximum parking numbers located in the “Commercial Use Classification” and “Industrial Use Classification” headers.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-007** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-008** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature



# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-009** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 1: Encourage Growth in Areas Well Served by Infrastructure and Urban Services, including roads, utilities, parks, schools, police, fire, and emergency services.</b>	X	
1.2: Encourage more intense uses, greater mix of uses, and denser residential types in key focal areas: Downtown.	X	
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	
<b>LUP 4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts</b>	X	
4.2: Encourage context-sensitive site design	X	

Additional comments, if any (write-in):

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Date

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Print

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# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-010** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	
<b>LUP 4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts</b>	X	
4.1: Ensure new development meets basic site design standards	X	
4.2: Encourage context-sensitive site design	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature



# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case TA23-011 is consistent/inconsistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	
<b>LUP 4: Create well-designed and walkable commercial and mixed-use districts.</b>	X	
4.2: Encourage context-sensitive site design	X	
<b>LUP 5: Improve gateways</b>	X	
5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

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Print

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-12** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #3: Encourage redevelopment of strip commercial areas	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods</b>	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_  
Print

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-013** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature



# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-014** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-015** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 2: Encourage Economic Development in Designated Areas.</b>	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
<b>LUP 3: Encourage Redevelopment Along Underutilized Commercial Strip Corridors and Reinvestment in Distressed Residential Neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature

# Consistency Statement

## Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA23-016** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Promote Compatible Economic and Commercial Development in Key Identified areas	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts</b>	X	
4.1: Ensure new development meets basic site design standards	X	
4.2: Encourage context-sensitive site design	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Signature



Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF  
THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 1, Subsection 30-4.D.3.w, accessory use/structures on large residential lot, of subsection 30-4.D, Accessory Use Standards, is amended by deleting the same and substituting with the following:

w. The following standards shall apply to accessory use/structures that exceed the maximum size provided in section 30-3.C and 30-3.D residential base zoning district that are located on residential lots of at least one acre in size:

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case TA23-017 is consistent/inconsistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	
<b>LUP 4: Create well-designed and walkable commercial and mixed-use districts.</b>	X	
4.2: Encourage context-sensitive site design	X	
<b>LUP 5: Improve gateways</b>	X	
5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case TA23-018 is consistent/inconsistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	
<b>LUP 4: Create well-designed and walkable commercial and mixed-use districts.</b>	X	
4.2: Encourage context-sensitive site design	X	
<b>LUP 5: Improve gateways</b>	X	
5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print



# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case TA23-019 is consistent/inconsistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.</b>	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards.	X	
<b>LUP 4: Create well-designed and walkable commercial and mixed-use districts.</b>	X	
4.2: Encourage context-sensitive site design	X	
<b>LUP 5: Improve gateways</b>	X	
5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.	X	

Additional comments, if any (write-in):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-2.C.9.e.2, CLEAR-CUTTING PERMIT STANDARDS, OF  
CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF  
ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Paragraph e.2, Provisions for removal, of Section 30-2.c.9, Clear-Cutting Permit, is amended by deleting the same in its entirety and substituting the following:

2. No trees proposed for removal are greater than 30 inches in caliper (see Section 30-5.B.6.e, Specimen Trees Identified) or if specimen trees are proposed to be removed, then the applicant shall submit with the application, a survey illustrating the location, species, size and condition of the specimen tree(s), along with a compelling argument why such tree(s) should be removed (see Section 30-5.B.6, Tree Preservation). Approval shall be at the discretion of the city manager. If approved, a removal fee of \$50 per caliper inch shall be paid to the city;

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE  
UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE  
CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-5.B.2.a, General, of Section 30-5.B., Landscaping and Tree Protection Standards, is amended by deleting the same in its entirety and substituting the following:

a. General

Except where expressly exempted, these standards shall apply to all development in the City except as described in Section 30-7.F for properties two acres or less.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

Ordinance No. S2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE  
UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE  
CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-5.A.8.a.2, Minimum Amount Required of Section 30-5.A, Off-Street  
Parking, Loading, and Circulation is amended by deleting the same in its entirety.

Section 2. It is the intention of the City Council, and it is hereby ordained that the  
provisions of this ordinance shall become and be made part of the Code or Ordinances, City of  
Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish  
such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3.E.11, Downtown 2 (DT-2) District, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 30-3.E.11., Downtown 2 (DT-2) District, is amended by deleting the table in its entirety and substituting with the following:

Purpose			
DT-2 Downtown 2 District	The Downtown 2 (DT-2) District is established and intended to encourage the urban form and character found in the traditional downtown area as well as promote redevelopment that will make the downtown area a more diverse and vibrant mixed-use urban center. The district is intended to create a downtown district by expanding the Hay Street experience. Establish downtown's identity at its gateways. Foster downtown living by promoting residential development to create a pedestrian-oriented downtown neighborhood. Strategically located cultural venues to maximize their contribution to downtown's vitality. Improve Mobility and Streetscapes by promoting a well-connected and beautiful downtown, improving walkability and bikeability, managing parking, and enhancing streets-capes and public spaces. Enhance Parks and Trail Connections, improve stormwater management. The district is subject to flexible and incentive-based standards intended to foster such urban development and redevelopment.		
Dimensional Standards			
DIMENSIONAL STANDARD	NONRESIDENTIAL, MULTI-FAMILY, & MIXED-USE	SINGLE-FAMILY ATTACHED & DETACHED & TWO TO FOUR FAMILY	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	None	5,000 for 1 <sup>st</sup> unit, then 4,000	n/a
Lot width, min. (ft.)	45		n/a
Gross residential density, max. (dwelling units/acre)	20 (24 when retail is on first floor)	20	n/a
Lot coverage, max. (% of lot area)	75		[2]
Height, max. (ft.)	SF Residential 35; 75 for others (can be increased to 130 feet for buildings with street-level restaurants or retail)		25; 15 where abutting a single-family district or use with setbacks less than 10 feet
<u>Front and corner setback, max.</u>	<u>The greater of 20 ft. or 40 ft. from centerline of private streets. (can be increased to 70 ft for businesses with a drive-through on certain streets: Grove, Ramsey, and Rowan)</u>		Not allowed in front, side, or corner side yard areas
Side setback, min. (ft.)	3; 10 when abutting single-family zoning or use	10	
Rear setback, min. (ft.)	3; 20 where abutting an alley or single-family zoning district or use		
Spacing between buildings, min. (ft.)	10		

Zero lot line	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply.
Glazing – fenestration minimum for walls abutting the street	Minimum of forty percent (40%) of the first floor and twenty percent (20%) of the upper floors on the front facade shall have window/door fenestration. Tinted or mirrored glass is prohibited on the front facade. Side elevations which can be seen from the public view shall have a minimum of twenty percent (20%) window/door fenestration These requirements shall not apply to residential uses.
Notes: [1] Reserved. [2] Accessory structures/use areas shall not exceed the lesser of: 1,200 square feet in size or 25 percent of the allowable lot coverage. [3] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).	

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3.E.11, Downtown 2 (DT-2) District, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Table 30-4.A.2., Use Table, is amended by removing the requirement for a Special Use Permit, notated as “S”, in the column/row for Neighborhood Commercial (NC)/Financial Institutions with Drive Through Service and substituting with the following:

Table 30-4.A.2 Use Table																							
P = Permitted Use S = Special Use																							
MP = Allowed Subject to a Planned Development Master Plan																							
"/" = Prohibited Use [1]																							
USE CATEGORY	USE TYPE	ZONING DISTRICTS																				ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS										PLANNED DEVELOPMENT			
		C D	A R	SF - 15	SF - 10	SF - 6	M R- 5	M H	O I	N C [3]	L C	C C	M U	D T- 1	D T- 2	U C	B P <sup>1</sup>	L I	H I	PD -R	PD -EC		PD - TN
Retail Sales and Services	Financial Institutions, with drive-through service	/	/	/	/	/	/	/	P	P	P	P	P	S	P	P	P	/	/	/	MP	/	30-4.C.4.i.5

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE



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MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk