

CITY COUNCIL



Text Amendment

October 28, 2024



UDO (Chapter 30) Text Amendment

- Council item request January work session
- City Council work session May 6th
- Planning Commission review May 21st
- Planning Commission recommendation September 17th
- Return to City Council for legislative hearing, review, and decision

Tobacco and Hemp Retail Standards

1. The site of the establishment must be located at least 1,500 feet – measured in a straight line from property line to property line – from the site of any other Tobacco and Hemp Retail establishment that exists or has been permitted
2. The site of the establishment must be located at least 1,500 feet - measured in a straight line from property line to property line – from any of the following uses: schools (public, private, elementary or secondary), day care facilities, religious institutions, group homes, public parks, group quarters (halfway house), or residential rehabilitation support facilities
3. There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof

- Allowed in Commercial districts (NC, LC, CC)
- This amendment only affects new retailers in the City of Fayetteville
 - Existing uses become legal nonconforming
- This amendment only applies to retailers where the sale of tobacco and hemp products are the principal or primary use of the business
 - Businesses not affected
 - Convenience
 - Grocery
 - Gas stations



- Cumberland County
 - 1,000-foot separation
- Apex
 - 1,000-foot separation
- Fuquay-Varina
 - 500-foot separation
- Knightdale
 - 1,000-foot separation
- Zebulon
 - 500-foot separation
- Jacksonville
 - 500-foot, 1,500-foot, 2,000-foot, and 2,500-foot separation
- Businesses not affected
 - Convenience
 - Grocery
 - Gas stations

Tobacco and Hemp Retail: means the principal sales and/or distribution of:

1. Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. 14-313(4). As used in this subchapter, “tobacco product” includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. Tobacco product does not include nicotine replacement products approved by the USFDA for treatment of tobacco use and dependence.
2. Any product that contains tetrahydrocannabinol (THC), irrespective of whether the THC is hemp derived or synthetic. Products that contain no greater than .3% THC are exempt.
3. Any product that contains *Mitragyna speciosa*, commonly known as kratom.

Tobacco and Hemp Retail: means the principal sales and/or distribution of:

4. Any electronic device that delivers nicotine, THC or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vape, or electronic hookah
5. Tobacco and hemp retail shall also mean any person who primarily sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia



Options:

- Move to recommend approval of the proposed text amendment (Recommended);
- Remand the proposed text amendment back to Staff for further consideration and specific changes.
- Move to recommend denial of the proposed text amendment;

Recommended Action:

- Move to recommend approval of the proposed text amendment.



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