

CITY COUNCIL



Text Amendment

May 6, 2024



UDO (Chapter 30) Text Amendment

- Council item request January work session
- Review proposed County ordinance and return at future work session
- Take item to Planning Commission in May
- Return to City Council in June for adoption



Step 1. Introduction to City Council Work Session – May

Step 2. Planning Commission – May

Per State Statute, the Commission's duties are to develop and recommend policies, ordinances, development regulations, and administrative procedures

Step 3. City Council – June

Discuss and adopt



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:

- Direct Staff to present the proposed text amendment to the Planning Commission for their review, modification and recommendation. (Recommended);
- Remand the proposed text amendment back to Staff for further consideration.

Recommended Action:

- Direct Staff to present proposed amendment to the Planning Commission



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