

City of Fayetteville

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

Meeting Agenda - Final City Council Work Session

Monday, June 3, 2019

5:00 PM

Lafayette Conference Room

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

4.01 [19-831](#) Future Land Use Map/Plan Update

Attachments: [Presentations](#)

4.02 [19-822](#) Prioritization discussion by City Council of remaining proposed UDO development standards, text amendments from mayoral appointed UDO Task Force.

Attachments: [UDO Task Force Results](#)
[UDO Task Force Action Summary Spreadsheet](#)

4.03 [19-841](#) Stormwater Infrastructure Maintenance Policy

Attachments: [Infrastructure Maintenance Presentation Update June 2019 WKS_FINAL](#)
[Financial Model Prg Mgmnt plus Options A, B and C](#)
[Financial Model Prg Mgmnt plus Options B and C](#)

4.04 [19-812](#) Economic and Community Development New Programs Proposal

Attachments: [New Programs](#)

4.05 [19-838](#) Discussion on Anti-Camping and Anti-Sleeping Ordinance

Attachments: [Comparison Chart with Other North Carolina Cities](#)

4.06 [19-827](#) Student Semester Pass - Mobile Ticketing Update

Attachments: [Mobile Ticketing - Presentation 6-3-2019](#)

4.07 [18-704](#) Consideration of Options for Regulating Short-Term Rentals

4.08 [19-855](#) Appointments Committee Update and Report

5.0 ADJOURNMENT

CLOSING REMARKS

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations, ADA Coordinator, e-mail: YNazar@ci.fay.nc.us, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

City of Fayetteville

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City Council Action Memo

File Number: 19-831

Agenda Date: 6/3/2019

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager

FROM: Gerald Newton, AICP - Development Services Director
Taurus Freeman, Planning & Zoning Divisional Manager
Marsha Bryant, Development Advocate

DATE: June 3, 2019

RE:

Future Land Use Map/Plan Update

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

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:

The City realizes the importance and necessity of an updated Land Use Map and Comprehensive Plan. In light of the State Legislation placing more emphasis on comprehensive planning, zoning requirements and development approvals, it is vital to have standards based on and consistent with the Comprehensive Plan.

In February 2019 the City contracted with Stewart Inc. consultants to begin updating the City's Future Land Use Map/Plan. The Future Land Use Map and associated recommendations is meant to function as the Land Use Element of the City Comprehensive Plan. Stewart Consultants are working with members of a local firm, Crawford Design, to complete this project.

This is one initiative in updating Comprehensive Plan, another being the clean-up of the zoning map, making it parcel specific. This report is being provided as an update to Council on the progress that is being made.

Background:

This project is a result of one of City Council's Targets for Action for Fiscal Year 2020 that is to update the City's Comprehensive Land Use Plan. The focus of the project is to create a new Future Land Use Plan. The Plan will include a Future Land Use Map, character area descriptions, goals and objectives and associated policies and implementation strategies.

The map will be designed to reflect the City's future vision, goals, and objectives to guide growth and development in an organized, efficient, and sustainable manner with a horizon year of 2040. The plan will include feasible implementation steps and strategies and will incorporate the City's core values and Strategic Plan goals. The Plan will also be designed to be expanded and amended with future data and study area information.

The project consists of four phases:

- Phase I: Project Initiation
- Phase II: Analysis and Strategic Planning
- Phase III: Plan Development
- Phase IV: Implementation and Adoption

Issues/Analysis:

Phase I of the project involved the analysis of past studies to include the comprehensive analysis of 13 plans that was completed in April 2018 by Benchmark Consultants. The plans reviewed included the Cumberland County 2010 Land Use Plan and the Cumberland County 2030 Growth Vision Plan.

Phase II of the project consisted of an all-day session of stakeholder meetings, four neighborhood meetings and a survey.

Phase III, the current phase, includes conducting a land use suitability analysis and mapping economic and environmental factors that affect future land use. Drafting a Future Land Use Map and character area descriptions, based on previous plans and stakeholder, staff and community input is also part of this phase.

Phase IV, as the project moves forward, policy recommendations will be finalized. A list of the top five implementation actions will be developed.

The consultant team will be involved in two public hearing processes; one before the Planning Commission, held in accordance with the standards of the Code for their review and recommendation to Council; and another public hearing before City Council, held in accordance with the standards of the Code shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to the rendering of the final determination.

The links below are draft maps:

- Draft FLU Map: <https://stewartinc.sharefile.com/d-s4d433e4568443088>
- Composite FLU Map (from previously adopted plans):
<https://stewartinc.sharefile.com/d-s5f252ea243c4e70b>
- Draft Suitability Maps: <https://stewartinc.sharefile.com/d-sba37f88c74d49cf9>

Budget Impact:

None

Options:

- 1) City Council may direct staff to continue the work with the consultants and schedule the required public hearings.
- 2) City Council may direct staff to continue the work with the consultants and bring the item back to a future work session for additional updates.

Recommended Action:

Option 1:

Staff recommends that City Council direct staff to continue working with the consultants and move the item through the process of required public hearings. The Planning Commission could consider the items at a public hearing in July and City Council could consider the items at a public hearing in August.

Attachments:

- Presentation



Fayetteville FUTURE LAND USE MAP

Worksession
Draft 05/03/2019



Worksession Agenda

- Wednesday, 5/15, 1pm-4pm Cape Fear Conference Room
- Agenda
 - 1:00-1:30: Survey and PM Results
 - 1:30-1:50: Existing Land Use / LS Edits
 - 1:50-2:15: Suitability
 - 2:15-2:30: Break
 - 2:30-2:50: Character Areas
 - 2:50-3:20: Draft FLU Map
 - 3:20-3:50: Interchange Worksession
 - 3:50-4:00: Schedule and Next Steps

Public Meeting Results

Visual Preference: Commercial

- **Lifestyle centers** with architectural detail, quality materials and plaza with landscape plantings
- **Mixed use development** with retail and restaurants below and residences or offices above, buildings close to the street, pedestrian scale (2-3 stories), outdoor seating



Precedent: Colony Place, Charlotte, NC



Precedent: Baxter Village, Fort Mill, SC

Public Meeting Results

Visual Preference: Commercial

- **Infill and Re-use** - Reuse of building(s) for a new purpose or developing vacant/underutilized parcels developed area
- **Office and Technology** centers with transparent or brick facades, amenities for employees

Only in the right places

- Strip Commercial
- Manufacturing and Industry



Precedent: Rocky Mills, Rocky Mount, NC



Precedent: Cambridge Science Park

Public Meeting Results

Visual Preference: Residential

- **Low Density Residential** – Single family detached homes, usually front loaded, medium sized yards
- **Medium Density** – Single family homes, front, side or alley loaded, narrower lots, small yards, walkable neighborhoods

Only in the right places

- Higher density townhomes, apartments



Precedent: Winterville, NC



Precedents: Alley loaded home with porch, pocket neighborhood

Public Meeting Results

Visual Preference: Subdivision Design / Character

- **Walkable mixed use areas development** – blend of commercial and residential uses and types
- **Conservation subdivision design**– homes clustered, more open space, opportunities for trails, etc.

Conservation subdivisions preferred over conventional subdivisions over 2 to 1.



Precedent: Habersham, SC



Precedents: Conservation subdivision design, home with trails

Public Meeting Results

Keep / Toss / Create Maps

- **More recreation options**
- **Walkable destinations** and active transportation (bike/ped facilities)
- Restaurants and “light, neighborhood commercial”
- **Diversity housing stock** – “Mixed Use”
- **Redevelopment**, improvements to neighborhoods and corridors
- **Infrastructure related to water**
 - Bridges, stormwater, flooding, riverfront development



Public meeting #1

Survey Results

Priorities

- **Safe and Secure Community***
- **Desirable Place** to Live, Work and Recreate*
- **High Quality Built Environment***
- **Encourage redevelopment** in areas of decline**
- **Improve transportation and options** such as sidewalks and bike lanes**
- **Improve the appearance** of new and existing development**

* Strategic Goal
Priorities

** Ten year priorities

Survey Results

Which types of development are most important to encourage?

1. **Redevelopment of existing vacant properties**
2. **Walkable developments**
3. **Mixed use developments**
4. **Industrial businesses**
5. **Parks and Recreation facilities**
6. **Commercial businesses**
7. **Residential**



65 Ideas for areas ripe for redevelopment

- Murchison Road
- Downtown + Edges
- Massey Hill
- Bragg Blvd
- North Fayetteville
- Ramsey Street
- Shaw Heights

Survey Results

On which items should the City focus its improvement efforts:

1. **Recreation Activities**
2. **Appearance along major roadways**
3. **Sidewalks**
4. **Crosswalks**

Relationship to land use plan

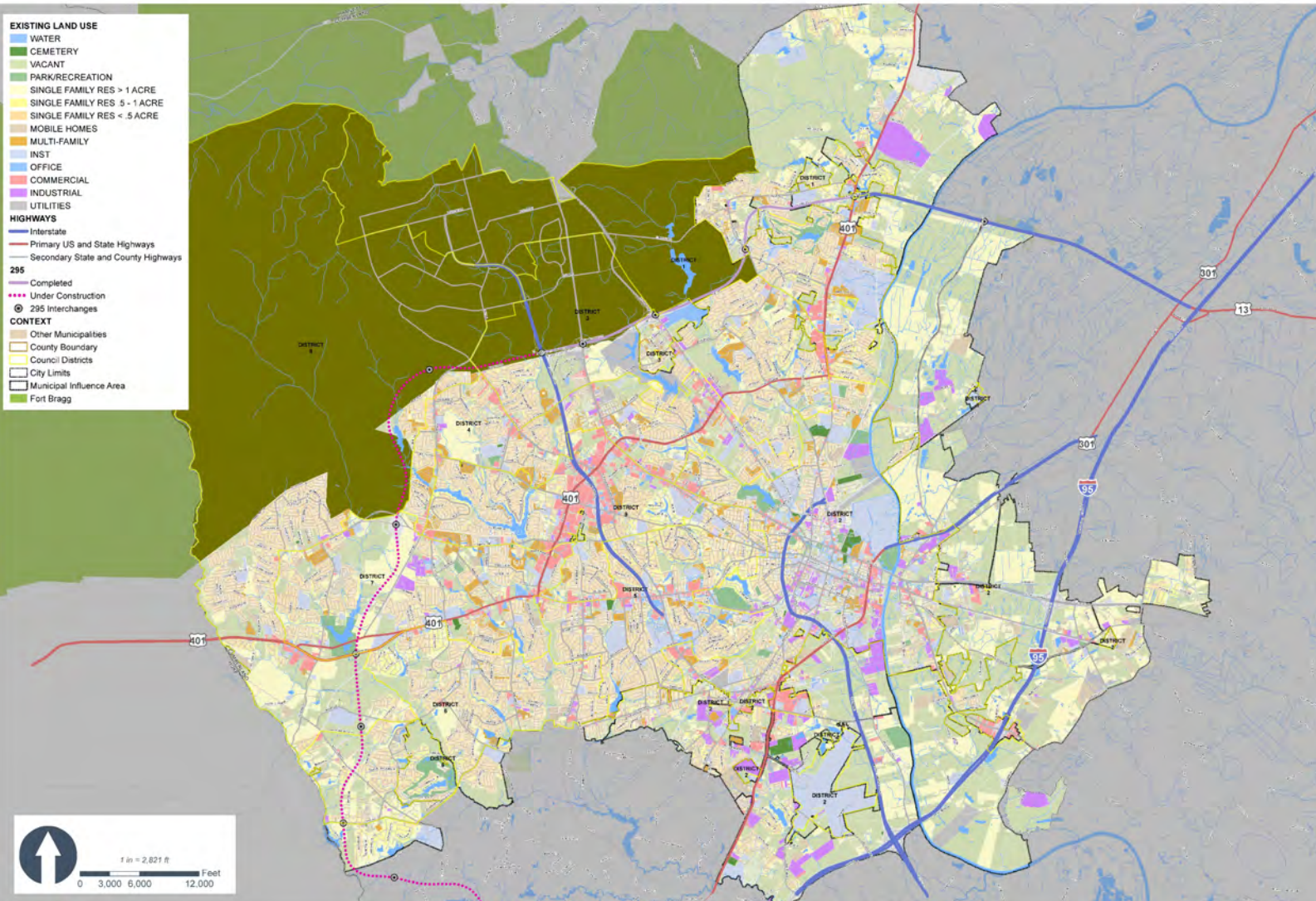
- Open space requirements
- Character area descriptions
- Land use recommendations and design policies along corridors
- Development standards
- Infrastructure projects

Survey Results

Open Ended Responses / Themes

- Stormwater
- Too much commercial zoning/traffic
- Concern over gentrification
- Concern over less fortunate / homeless
- Too many apartments
- Support for small business
- More live/work/play areas
- Public safety
- Coordination with county
- Code enforcement
- Greenways and parks

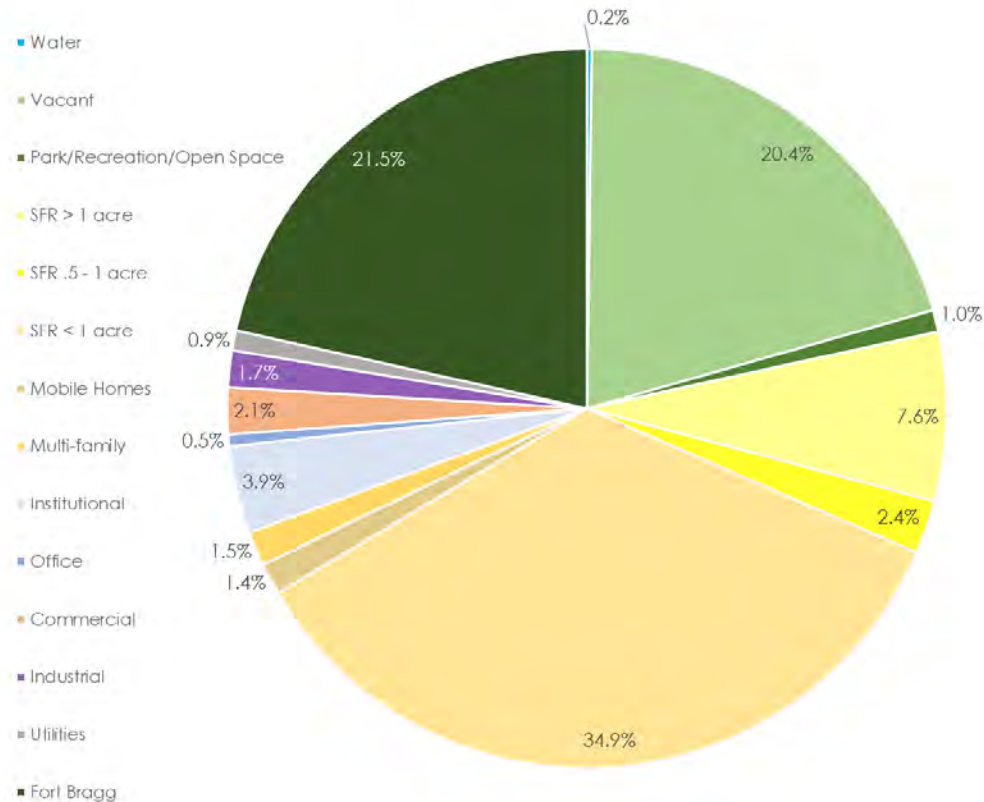
Existing Land Use



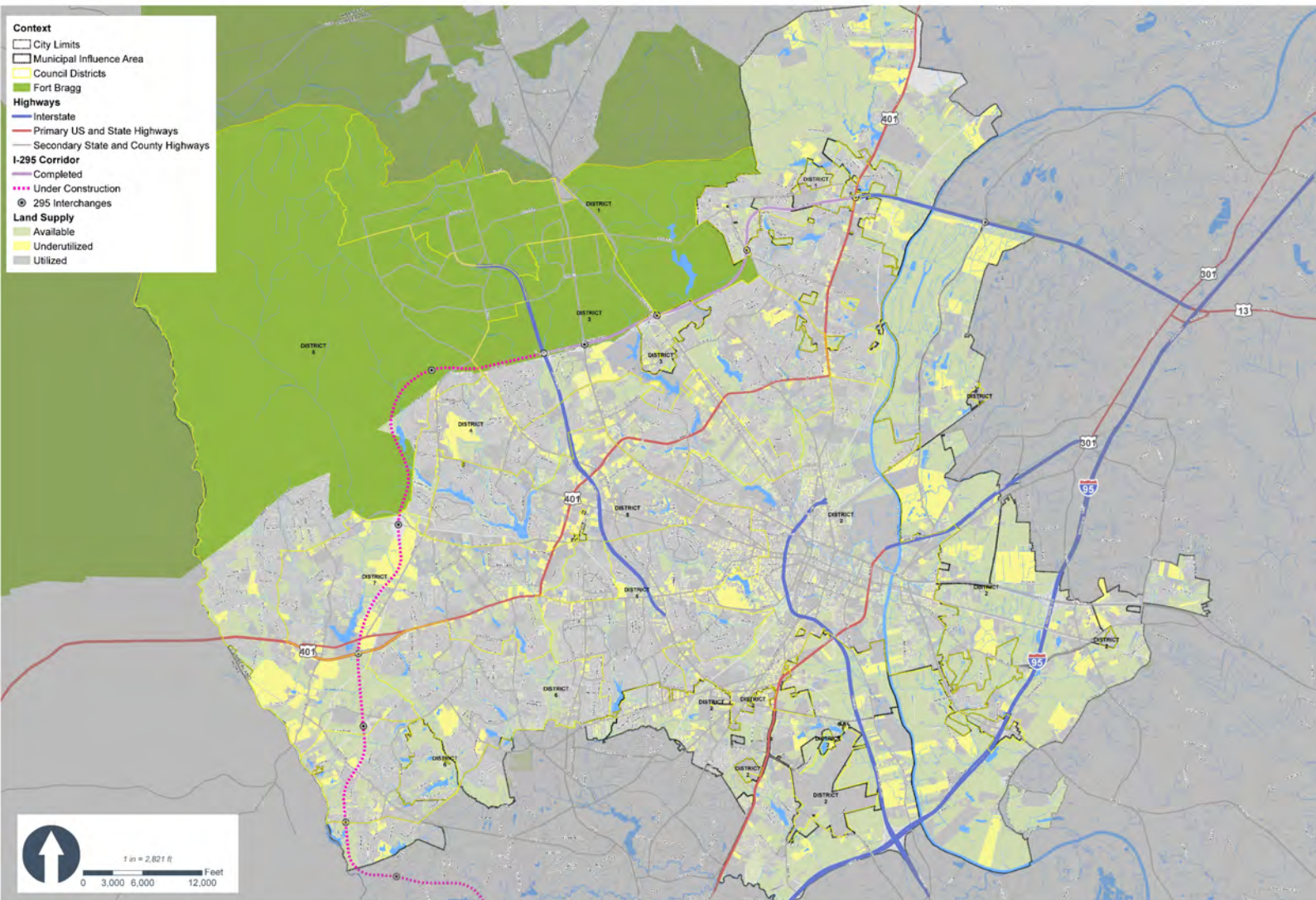
Existing Land Use

Land Use Observations

- **Top Three Land Uses (75%):**
 - Fort Bragg
 - Vacant Land,
 - SFR less than ½ acre
- **All SFR (44.9%)**
- **Commercial (2.1%) of total**
- **Parks and Open Space (1%)**



Land Supply



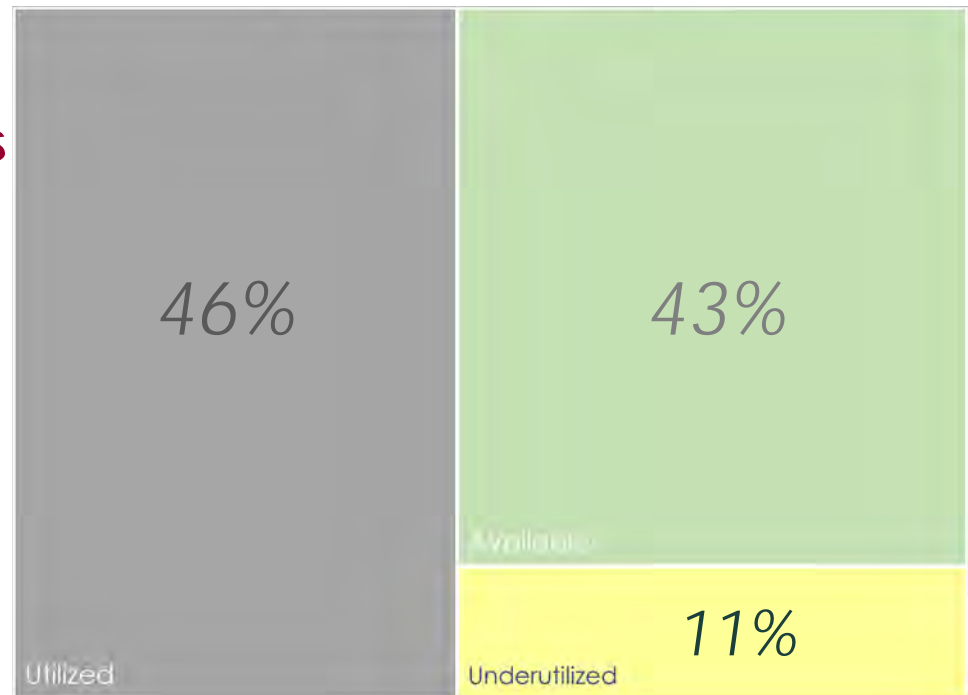
STEWART
STRONGER BY DESIGN

Land Supply

- Approximately 54 percent of land in Fayetteville is available or underutilized.
- Utilized land does not include Fort Bragg but does include properties such as:
 - Homes
 - Businesses
 - Churches and Schools
- Underutilized lands included low-value (building / land) residential areas

Land Supply within City Limits and MIA

■ Available ■ Underutilized ■ Utilized

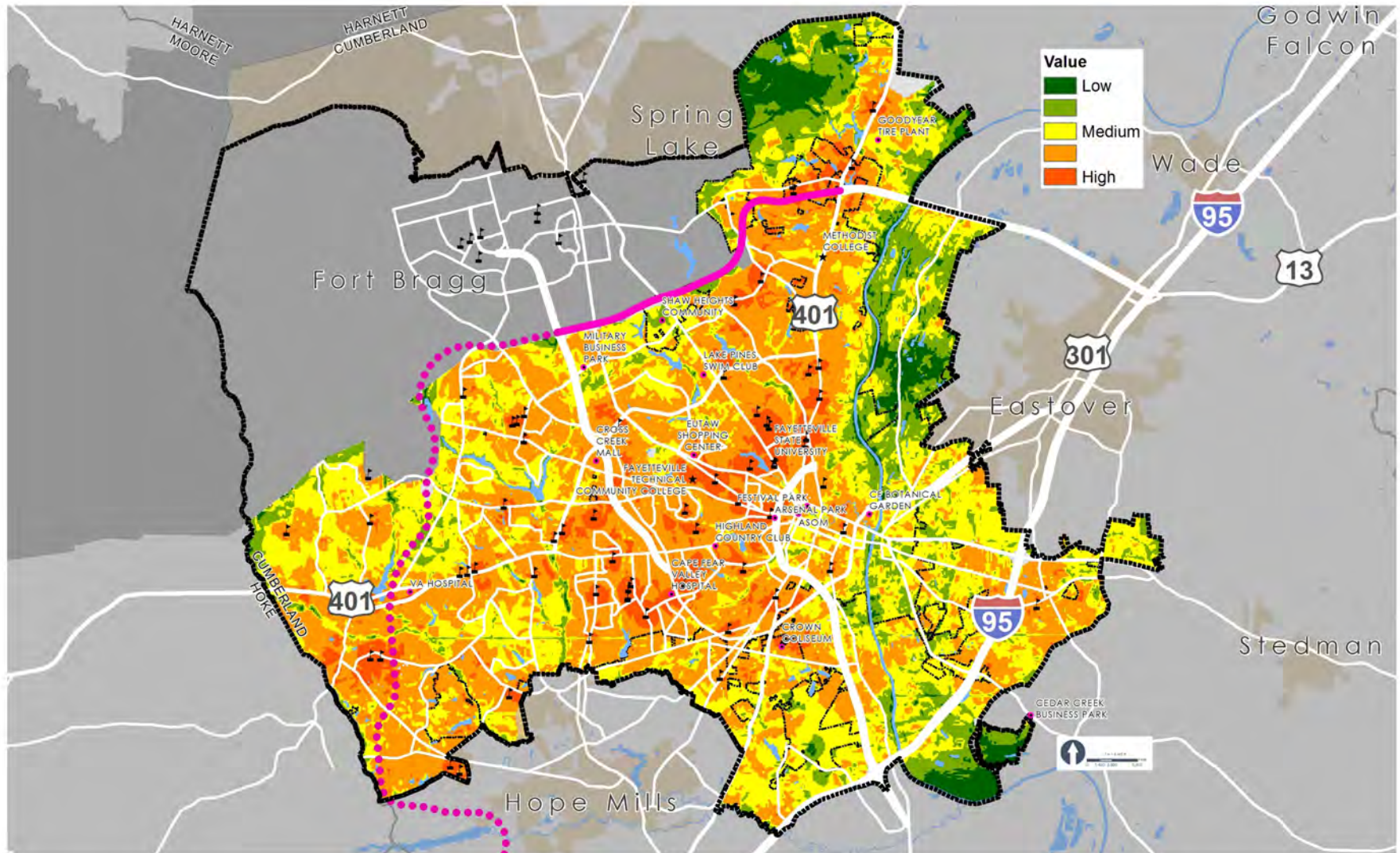


Residential Suitability

Draft Factors:

- Near existing single family development
- Near commercial and services
- Near schools and parks
- Away from industrial uses
- Not in JLUS Critical and Important Areas
- Not environmentally constrained
- Large parcels
- Distance to activity centers (Downtown, Fort Bragg, colleges, interchanges, Cross Creek Mall, hospitals)
- Proximal to fire stations

Residential Suitability Map

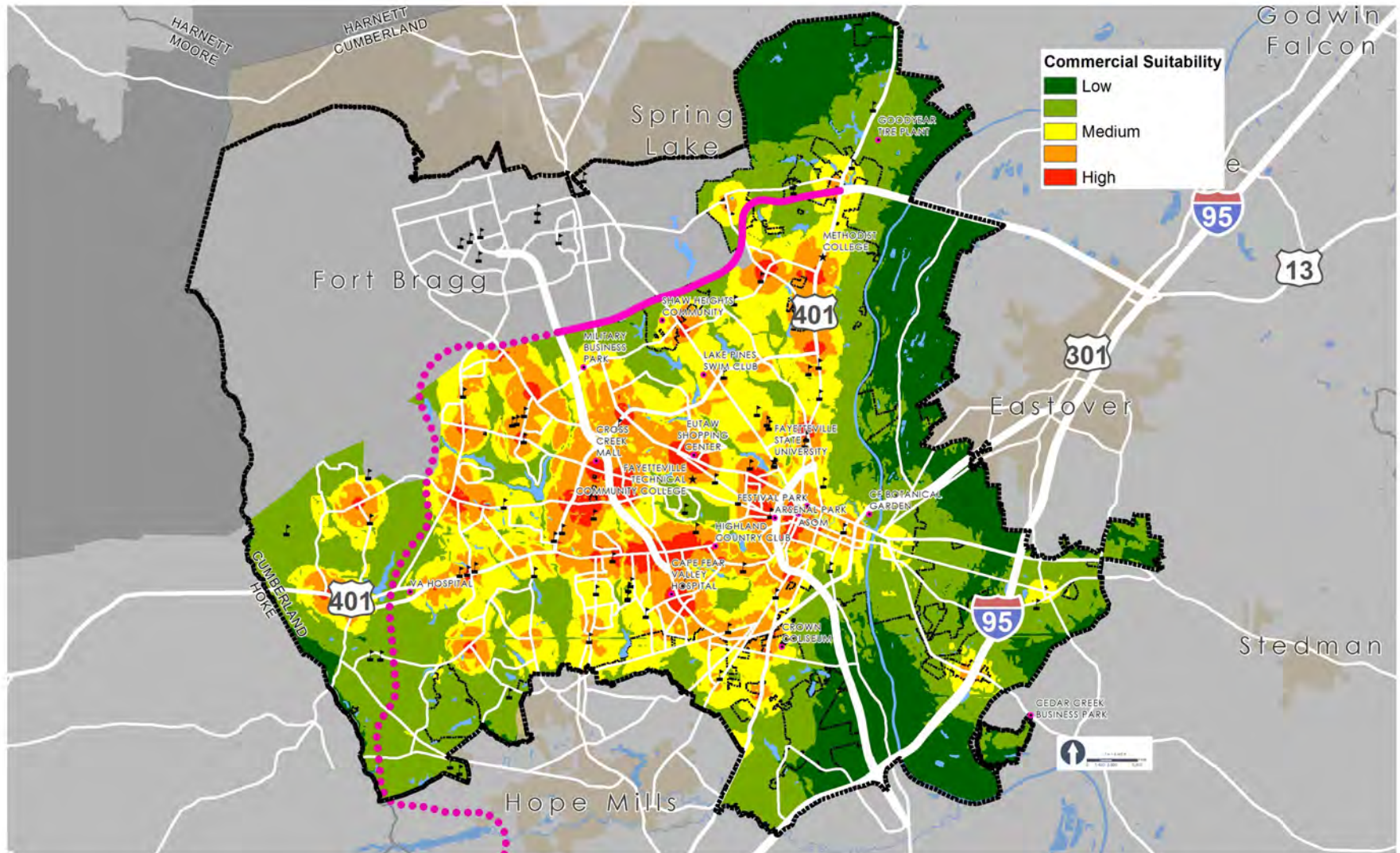


Commercial Suitability

Draft Factors:

- Near concentrations of existing single family development
- Near concentrations of commercial and services
- Near accessible high traffic roads
- Near activity centers (Downtown, Fort Bragg, colleges, interchanges, Cross Creek Mall, hospitals)
- Near sewer
- Not environmentally constrained

Commercial Suitability Map

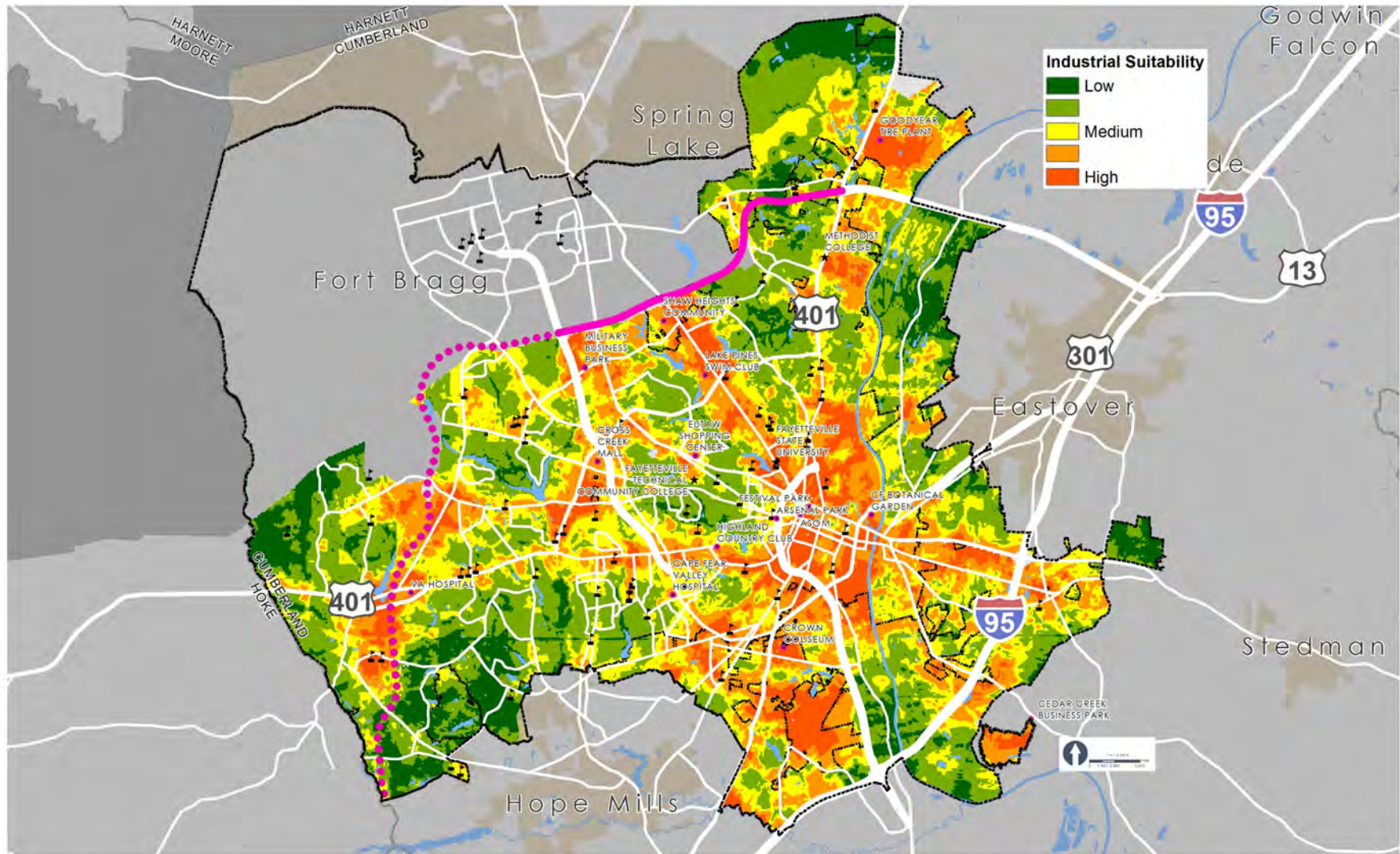


Industrial Suitability

Draft Factors:

- Away from incompatible residential uses
- Away from high value properties
- Near existing industrial land uses
- Near 4-lane roads
- Near railroads and/or airport
- Near exits
- Near sewer
- Not environmentally constrained
- Large parcels

Industrial Suitability Map



Draft Character Areas

Non-Residential + Mixed Use

- Downtown (DT)
- Regional Center (RC)
- Community Center (CC)
- Neighborhood Mixed Use (NMU)
- Highway Commercial (HC)
- Office & Institutional (OI)
- Employment Center (EC)

Residential + Other

- Park and Open Space (OS)
- Rural (RU)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)

Mixed Use: Downtown

- **Identity:**
 - Cultural, entertainment, and social heart of the city
 - Large proportion of high rise buildings (>5 stories), especially on major corridors
 - Dense residential uses, stacked vertically
 - Intense commercial, retail, service sectors
 - Tier 1 and Tier 2, Refer to Downtown Plan
- **Example areas:**
 - The redeveloped downtown near the ballpark stadium
 - Person St. corridor from the river to Hay Street



Commercial: Regional Center

- **Identity:**

- >300,000 sqft nonresidential leasable space
- Vertically mixed uses, mostly nonresidential
- Some high rise buildings (>5 stories), hotels
- Mostly nonresidential at the center, major intersections, and major campuses
- If residential uses occur, they are only on upper floors or edges

- **Example areas:**

- Cross Creek Mall
- Cape Fear Valley Medical Center area



Commercial: Community Center

- **Identity:**

- 150,000-300,000 sqft nonresidential leasable space
- Vertically mixed uses
- Potentially mid-rise buildings (4-5 stories)
- Mostly nonresidential on ground floors, with mostly offices and potentially residential on upper stories
- Standalone, multi-family, high density residential as integrated uses

- **Example areas:**

- Raeford Road shopping center (Tallywood, Harris Teeter, etc.)
- Ramsey Street shopping center
- Bordeaux Shopping Center
- Raeford Road/Cliffdale Road intersection area



Commercial: Neighborhood Mixed Use

- **Identity:**

- Neighborhood serving commercial uses
- <150,000 sqft nonresidential leasable space
- Mostly a horizontal mix of uses, some vertical mix in key locations
- Mostly low-rise buildings (<3 stories), nonresidential on ground floors, with residential or office on upper stories
- Standalone, multi-family, attached and small-lot single family residential interspersed or on the outside edges

- **Example areas:**

- Haymount neighborhood center
- 71st school district area (possibly?)
- Massey Hill community (convergence of Owen Dr., Eastern Blvd., and Gillespie St.)



Commercial: Highway Commercial

- **Identity:**

- High intensity nonresidential uses
- Often associated with interstate interchanges or major intersections
- Hotels, gas and service stations, retail stores, high-volume fast food restaurants, etc.
- Limited opportunity for incorporating residential uses as part of redevelopment

- **Example areas:**

- Cedar Creek Road interchange @ I-95
- Claude Lee Road interchange @ I-95
- Potentially the interchange with 401 and Bragg Boulevard?



Employment: Employment Center

- **Identity:**

- High intensity nonresidential uses
- High impact / nuisance uses
- Regional employment centers
- Larger industrial uses or business parks

- **Example areas:**

- Goodyear plant
- Airport area
- Cedar Creek Industrial Park
- Williams Village area (behind PWC offices)
- South warehouse area (Gillespie St to Robeson St)
- 71st District industrial area (east of 71st School Rd.
- Shaw Heights industrial area (western side of Murchison Rd.)



Employment: Office / Institutional

- **Identity:**

- Medium intensity nonresidential uses
- Low, to medium impact / nuisance uses
- Light industrial, office, flex, warehouse
- Community employment centers
- Includes large schools or other institutions
- Often groupings of businesses or buildings, sometimes in loose industrial or business parks

- **Example areas:**

- Military Business Park
- VA hospital (both locations)



Park / Open Space

- **Identity:**
 - XX
- **Example areas:**
 - XX



Residential:

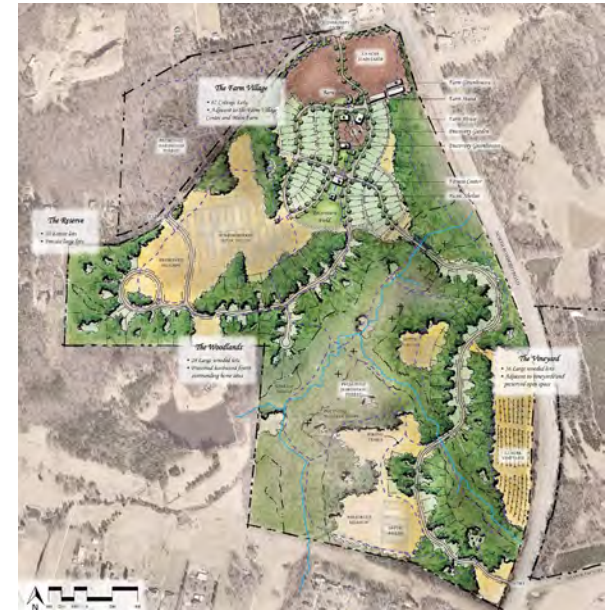
Rural Residential

- **Identity:**
 - No utility service (esp. lack of sewer)
 - Primarily working lands (farms, silviculture, etc.) with occasional single family residential
 - (Often much) less than 1 dwelling per acre
- **Example areas:**
 - Most areas east of the Cape Fear River
 - Additional areas along the city's periphery where there are larger lots that may be actively farmed (Gillis Hill Rd. & Stoney Point Rd.)
 - VAD parcels



Residential: Open Space Subdivisions

- **Identity:**
 - Potential for utility service or septic systems
 - Clustered residential / conservation subdivisions
 - ~1-2 dwelling units per acre
- **Example areas:**
 - Area on rural fringes or areas with sensitive environmental features



Residential:

Low Density Residential

- **Identity:**
 - Utility (service) service
 - Primarily single family residential, with some accessory dwellings and occasional isolated duplex or townhome development
 - Usually 1-4 dwellings per acre; sometimes less
 - Suburban character, auto-oriented
- **Example areas:**
 - Northern end of Ramsey Street (Greystone Farms subdivision)



Residential:

Medium Density Residential

- **Identity:**

- Utility (service) service
- Primarily single family residential with mix of duplex or townhome interspersed; low-impact, low rise apartments possible
- Usually 3-6 dwellings per acre;
- Small-lot neighborhoods, mostly auto-oriented, with some walkability to retail/restaurants/services

- **Example areas:**

- Bonnie Doone neighborhood
- Residential areas between Cumberland Rd. and Raeford Rd.
- Would consist of much of the older residential neighborhoods developed in the 80's and 90's.



Residential: High Density Residential

- **Identity:**

- Utility (service) service
- Primarily townhomes and apartments in low- to mid-rise buildings (3-5 stories); some very small lot single family possible
- Usually 5-16 dwellings per acre
- Active, compact neighborhoods, walkable to retail/restaurants/services/activity areas
- Often serves as a step-down (and supportive use) to adjacent commercial centers

- **Example areas:**

- Only a few recent examples of this type of residential development.
 - Villagio
 - The View



Targeted Reinvestment Overlay: Neighborhood Infill/Redevelopment

- **Identity:**

- Groupings of residential properties that are very underutilized or have numerous vacant parcels
- Often older housing stock or neighborhoods

- **Objective:**

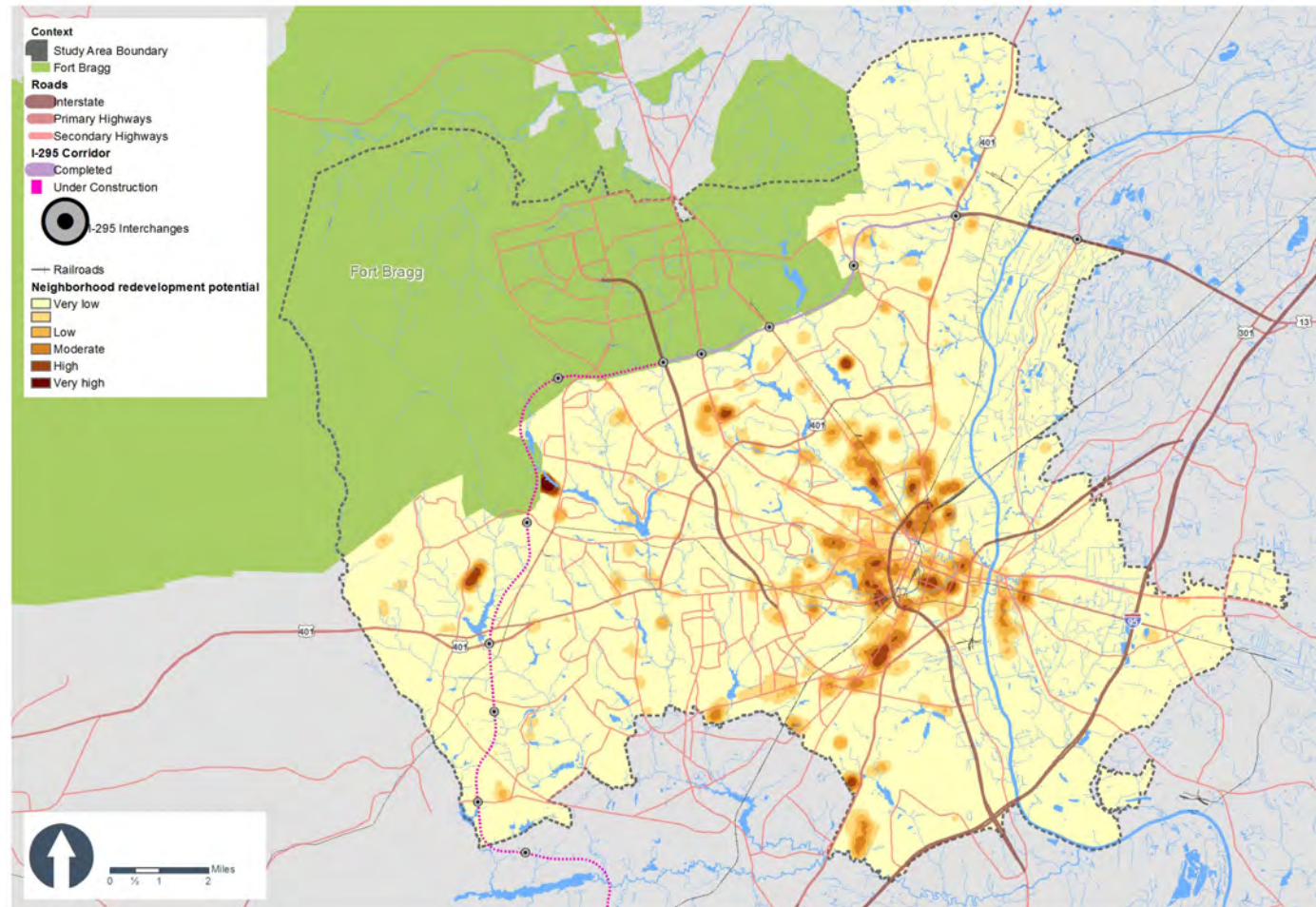
- Allowing higher density redevelopment and increased mix of “missing middle” homes
- Increase private investment and revitalize neighborhoods

- **Example areas:**

- North downtown – Hillsboro St neighborhood
- Southwest downtown – Commerce St / Turnpike Rd neighborhood
- Rembrant Drive mobile home park



Redevelopment Potential



Targeted Reinvestment Overlay: Commercial Strip Redevelopment

- **Identity:**

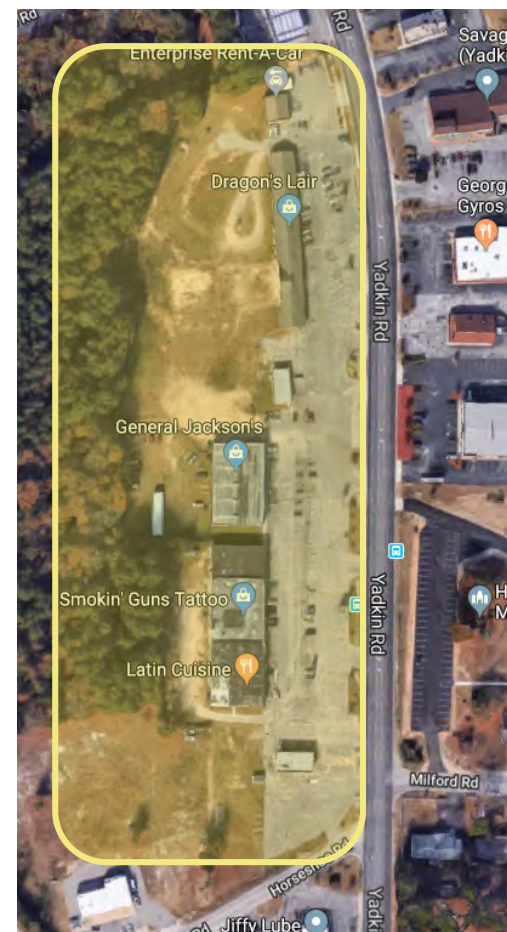
- Groupings of commercial strip development properties that are very underutilized or failing
- Often older buildings on older corridors

- **Objective:**

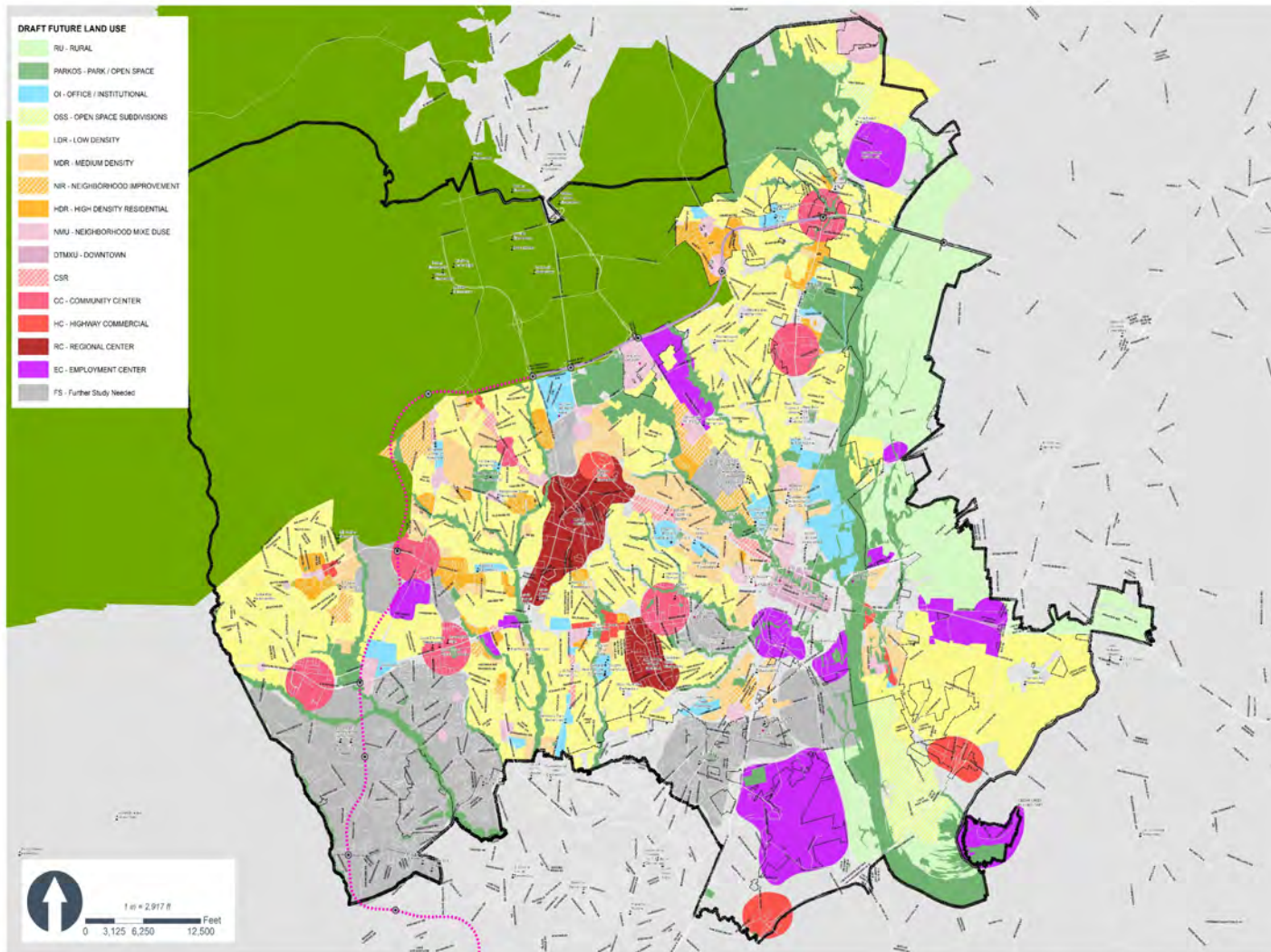
- Eliminate failing strips → create activity nodes
- Allow higher density residential redevelopment and maybe “missing middle” homes to support commercial FLU areas
- Increase private investment and redevelop failing commercial properties into
 - Revitalized commercial (if within an activity center focal area)
 - New residential (if outside activity center focal area)

- **Example areas:**

- Yadkin Road strip mall



Working Future Land Use Concept Map



Project Schedule

PROJECT SCHEDULE

We anticipate the following schedule for development and adoption of the Fayetteville Land Use Map:

TASK	Feb	Mar	Apr	May	Jun
Project Initiation					
Kick-off Meeting and Study Area Tour	▲				
Status Review					
Analysis and Strategic Planning					
Strategic Planning		▲			
District Meetings (Optional)		●			
Survey (Optional)					
Draft Goals and Objectives					
Plan Development					
Character Areas					
Future Land Use Map				▲	
Policy Recommendations					
Open House					●
Story Map (Optional)					
Implementation and Adoption					
Priority Implementation Actions				▲	
Plan Adoption					▲ ●



Task



Meeting with City or Stakeholders



Subtask



Public Meeting / Hearing



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TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager

FROM: Gerald Newton, AICP - Development Services Director
Taurus Freeman, Planning & Zoning Divisional Manager
Marsha Bryant, Development Advocate

DATE: June 3, 2019

RE:

Prioritization discussion by City Council of remaining proposed UDO
development standards, text amendments from mayoral appointed UDO Task
Force.

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

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:

The City Manager was asked by Mayor Colvin to have the staff share the remaining items with the full Council at the work session for three reasons. The purposes are for the (a) Council to determine which items should proceed through the formal review process, and (b) to prioritize which item(s) are to move forward immediately, and (c) which items are to be folded into the work flow of the various departmental staffs to be considered in the future.

Background:

Over the past year, the mayoral appointed UDO Task Force, with the assistance of City Staff, has reviewed nearly 1,000 portions of the development standards of the City's Unified Development Ordinance to determine if changes should be made. The Task Force review left most of the development standards intact. A total of 37 items had

suggested changes and adjustments. The processing of the first set of items was completed on April 23, 2019. An update of items was presented at the last Fayetteville City Council Work Session of May 6th. A year-end report was shared with the City Council on May 28th. Tonight's presentation is at the direction of the mayor to prioritize the processing of the balance of items.

Issues/Analysis:

A review of the remaining items follows in three sections. The first group of five are not-yet processed. The second set are items just shared with the City Council last month by the Task Force chairman that were asked to be presented for this purpose of prioritizing before moving to the Planning Commission. The third section lists three items that do not required an amendment to the UDO or relate to other City regulations. The narrative of these three sections are supplemented by two attachments that provide the details of the task force actions.

Section 1.

- 1. Non-Conforming Lot Requirements (30-F. Nonconforming Sites).** The issues deal with the extent of compliance to the site standards at business locations in existence prior to the 2011 regulations and subsequent revisions in 2013. The UDO Task Force is suggesting the standard be based on acreage then later value and provides a list of options to pick from with privacy fencing always to occur. The current regulations require varying amounts of upgrades to parking, landscaping, buffers and screening, and open space based on the value of remodeling or site work to be done.
- 2. Landscaping and Tree Protection Standards.** A general recommendation is to include exempting non-conforming lots of two acres or less from following any of the standards of these provisions.
- 3. Tree Preservation.** The current ordinance uses \$100 per caliper inch on trees greater than 30 inches caliper. The committee's modified recommendation is \$50 per caliper inch.
- 4. Pedestrian Pathways in Large Parking Lots.** The current policy is to provide "fully-separated, improved pedestrian pathways" on large parking lots greater than 200 parking spaces. The proposal is to remove the requirement.
- 5. Required Open Space Dedication.** Some zoning districts require open space be set aside as part of larger developments. The requirements in industrially zoned and used areas is one that creates objections on larger industrial project. The various provisions define what should and should not as open space in and around a site/ subdivision under development review. A part of this Open Space dedication deals with the UDO Task Force suggestion to include already required public improvements off the private property as open space of the private property. The Task Force suggests **sidewalks in the right-of-way** be considered as open space for the private property under development. The second item under further review is the idea of the Task Force to **count landscaping as usable open space** for use of customers.

Section 2.

- 1. Cul-de-sac and Street Stubs (30-5.F.4.d.1).** Identify other sections of the City

ordinances. There probably is no issue to the proposed text addition. However, the staff has not been able to verify information from another department. (February 28, 2019)

2. **Cul-de-sacs and Sidewalks. (30-5.F.a.4)** This is a proposal to not require the one-half of the way around a cul-de-sac to have sidewalks. (March 14, 2019)
3. **Sidewalk Performance Guarantees (30-5.F.9.d).** The issue deals with bonds. Needs other departments to look at implications. (March 14, 2019)
4. **Single Family Lots Fronting Open Space (30-5.G.3.b.2).** Word change from “front upon” to “abut” regarding having at least ten percent of single-family dwellings next to dedicated open space. (March 14, 2019)
5. **Commercial, Office, and Mixed-Use Design Standard- of Downtown vacant buildings (30-5.I.3.b. 4&5) & 50-5.I.3.h.4 &5.** Suggested removal of an option of displaying “Artwork or other materials provided by the Downtown Alliance” when storefronts are vacant for more than 30 days. (March 14, 2019) Then, adjusted to allow other works as provided by “other agencies approved.” Also requires someone to review and approve the proposed display window of vacant buildings (March 28,2019)
6. **Driveway widths (30-5.F.8.a.1).** Provides a way to reduce required width of driveways based on number of garage doors. No issue. (March 28, 2019)
7. **Parking in rear and sides of Neighborhood Commercial districts (30-5.I.3.e.2).** Proposal to change one-story commercial, office, and mixed-use development from current requirement of all parking to side and rear of the building to “a minimum of 70%” required. (March 28, 2019)
8. **Auto-Oriented Uses (30-5.I.3.g).** The issue is a current restriction on auto-oriented uses being permitted between “a building and the principle street it fronts.” The proposal allows some discretion. This deals mainly with corner lots.
9. **Transitional Standards, Zero lot line developments. (30-5.K.2.a.1, b.1).** A proposal to allow no side-yard setback on some single-family residential developments. (April 10, 2019)
10. **Transitional Standards, Perimeter Zero Lot Line Developments (30-5.K.3).** A proposal to remove “perimeter zero lot line developments” from the transitional standards when adjoining various residential developments. (April 10, 2019).
11. **Transitional Standards, Building Facades (30-K.3.b.2, b.4).** Provides a change in the building look when facing residential developments when buffering is put in place. Currently, the buffer does not alter the need to make buildings greater than 80 feet appear to be separate storefronts. (April 25, 2019)
12. **Transitional Standards, limit type of automobile or truck delivery vehicles (30-5.K.3).** Current requirements for Special Use Permit without consideration of new forms of delivery. Proposal places weight and height limit before needing a SUP. (May 9, 2019)

Section 3.

1. **Variance sections identified.** The professional planners agreed to determine sections of the development standards where variances can be requested and advance those items in the fall 2019 or later update. The action will not be changing any policies but creating an easier way for readers to recognize when

variances are an option.

2. **University zoning needs changed.** In providing information about the zoning map, Director Newton shared with the task force of the incompatible zoning of FSU (and FTCC) to their use. The property is currently zoned residential, essentially treating the universities as non-conforming uses when the clear intention of the City is to encourage institutions. Newton recommended this be a point to share with the City Council.
3. **Stormwater Credit.** The UDO Task Force made one stormwater recommendation. They voted to have the Stormwater Credit increase from 50% to 75%.

Budget Impact:

None

Options:

- 1) Per the request of Mayor Colvin, complete (a) the decisions of items to proceed through the formal process, (b) prioritize immediate items, and (c) identify the balance of items to proceed later in the various departments work program in FY 2020.
- 2) City Council determines some action(s) other than requested by Mayor Colvin. These may be, but are not limited to:
 - a. City Council may direct Staff to further consider and research all or some of the proposed amendments and bring back additional information to future work sessions.
 - b. City Council may direct Staff to do no further consideration and research on all or some of the proposed amendments.

Recommended Action:

Council direction regarding next steps is sought.

Attachments:

1. UDO Task Force Results (5/17/18 - 5/9/19)
2. UDO Task Force Action Summary Spreadsheet

UDO Task Force Results

(5/17/18 – 5/9/19)

August 9, 2018

Present Members:

Al Aycock – Chair
Lori Epler
David Guy
John McCauley
Christine Michaels
Dr. Wayne Riggins
Evelyn Shaw
DJ Haire – Council Liaison

Action(s):

Non-Conforming Lot Requirements

(TA19-036/6-3-19 CCWS)

- Created proposal for lots with less than two acres, Staff came back with a counterproposal; I have merged the two and have come up with a reasonable proposal. (Proposal is attached to the minutes for recordkeeping purposes.)
- Main differences between the two: Staff requires properties to pick four of the six items listed under Additions and Expansions on Sites two acres or less; my recommendation is for sites one acre and less in size, properties shall provide two of the items if not already existing, for sites larger than one acre but not more than two acres, properties shall provide three items if not already existing.
- Remodeling or redevelopment shall require that nonresidential property provide a six foot high solid fence or wall where property abuts single-family residentially zoned property.
- Having read the information provided is there any further discussion on this item?
 - Any rule that is adopted is going to have broad spectrum impact on how the City looks. Has this been compared to the general guidelines in the UDO to confirm it is in compliance with the 2030 Joint Growth Vision Plan, the City Functional Plans, the Small Area Plans and the Municipal Influence Areas Agreement?
 - It is this committee's job to make recommendations to the City Council and Staff's position to advise if the recommendations are in compliance.

MOTION: Approve Ms. Epler's amendment, as written.

VOTE: 5-1, with Riggins in opposition

September 27, 2018

Present Members:

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
John McCauley
Christine Michaels
Evelyn Shaw
Glenn Adams

UDO Task Force Results

(5/17/18 – 5/9/19)

Johnny Dawkins – Council Liaison
DJ Haire – Council Liaison
Ted Mohn – Mayor Pro-Tem

Action(s):

30-5.A.3.k.1 – Curbs and Motor Vehicle Stops

(TA19-018/4-23-19 CC)

- Include “motor vehicles stops” in the general definition of a parking area if not covered elsewhere.

MOTION: Christine Michaels moved to include “motor vehicle stops” to be maintained at all times.

SECOND: Lori Epler

VOTE: Unanimous (6-0)

30-5.A.4.f – Maximum Number of Spaces Permitted

(TA19-019/4-23-19 CC)

- Omit section

MOTION: John Malzone moved to eliminate the maximum percentage of allowable parking spaces as well as the entire section “f. Maximum Number of Spaces Permitted”.

SECOND: Lori Epler

VOTE: Unanimous (6-0)

October 25, 2018

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone (arrived at 5:20)
Johnny Dawkins – Council Liaison

Action(s):

Table 30-5.A.7 – Dimensional Standards for Parking Spaces and Aisles

(TA19-020/4-23-19 CC)

1. General

- Discussion regarding the aisle width for one way traffic with a 90° parking angle being 24 feet versus 20 or 22 feet

MOTION: Lori Epler moved to change the aisle width for one way traffic with a 90° from 24 feet to 20 feet.

SECOND: David Guy

VOTE: Unanimous (2-0)

UDO Task Force Results

(5/17/18 – 5/9/19)

30-5.A.8.c.3 – Site Zoning

(TA19-021/4-23-19 CC)

- Omit 30-5.A.8.c.3. Shared Parking

MOTION: John Malzone moved to delete 30-5.A.8.c.3 as it is unnecessary

SECOND: David Guy

VOTE: Unanimous (3-0)

30-A.8.c.4 – Maximum Shared Spaces

(TA19-022/4-23-19 CC)

- Omit section

MOTION: Lori Epler moved to delete 30-A.8.c.4

SECOND: John Malzone

VOTE: Unanimous (3-0)

30-5.A.8.c.6 – Shared Parking Plan

(TA19-023/4-23-19 CC)

- Omit section

MOTION: John Malzone moved to move 30-5.A.8.c.6 to sub paragraph 1 (30-5.A.8.c.1), renumber the remaining paragraphs in sequential order and to eliminate sub paragraph 6.c.

SECOND: Lori Epler

VOTE: Unanimous (3-0)

November 8, 2018

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
Christine Michaels
Evelyn Shaw
DJ Haire – Council Liaison

Action(s):

MOTION: John Malzone moved to increase the Stormwater Credit from 50% to 75% with the use of pervious materials upon approval of Engineering and Stormwater Commission and to make it retroactive (Stormwater Ordinance)

SECOND: Lori Epler

VOTE: Unanimous (5-0)

UDO Task Force Results

(5/17/18 – 5/9/19)

Table 30-5.A.10.a – Number of Required Off-Street Loading Spaces

(TA19-024/4-23-19 CC)

- Visitor Accommodations, these are hotels, we have had to do an Alternative Parking plans for every hotel we have done because hotel owners say they do not need a loading space. The hotels are never at 100% capacity.

MOTION: Lori Epler moved to have Visitor Accommodations to not require a loading space if there is not a full service restaurant in the hotel in accordance with the Cumberland County Health Department standards and regulations.

SECOND: John Malzone

VOTE: Unanimous (5-0)

30-5.A.11.d.2 – Medians in Driveway Entrances

(TA19-025/4-23-19 CC)

2. Signage may be included within the median under certain circumstances; see Section 30-5.L.7.b.1;

MOTION: Lori Epler moved to change #2 to read "Signage may be included within the median if it meets the requirements of the Fire Code, the Sign Ordinance and Traffic Services.

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

30-5.A.11.f – Pedestrian Pathways

(TA19-041/6-3-19 CCWS)

- Omit section

MOTION: David Guy moved to remove 30-5.A.11.f in its entirety

SECOND: Lori Epler

VOTE: 4-1 with Christine Michaels in opposition

November 29, 2018

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
Christine Michaels
Evelyn Shaw

Action(s):

30-5.A.11.c – Stacking Lanes for Parking Lot Entrances

(TA19-026/4-23-19 CC)

MOTION: Lori Epler moved to include possible exceptions (Section 30-5.A.11.C) to stacking lane requirements for sites with two or more driveways; applicants should contact staff to discuss exceptions.

UDO Task Force Results

(5/17/18 – 5/9/19)

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

30-5.B.2.a – Applicability

(TA19-036/6-3-19 CCWS)

MOTION: Christine Michaels moved to add the exemption for small developments to section 30-5.B.2; except where expressly exempted, these standards shall apply to all development in the City with exemption for two acre small developments of non-conforming lots.

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

30-5.B.3.e.2 – New Plantings

(TA19-027/4-23-19 CC)

MOTION: John Malzone moved to change “Plant material not on the list may be approved by the City or the utility provider on a case-by-case basis” to “Plant material not on the list may be approved by the City AND the utility provider on a case-by-case basis”.

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

Table 30-5.B.3.e.2.h – Species Variety

(TA19-028/4-23-19 CC)

MOTION: Lori Epler moved to delete the last row of Table 30-5.B.3.e.2.h and modify the new final row to read 31+ versus 31-40.

SECOND: John Malzone

VOTE: Unanimous (5-0)

December 13, 2018

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
Christine Michaels
Evelyn Shaw
John McCauley

Action(s):

30-5.B.4.b.2 – Location

(TA19-029/4-23-19 CC)

MOTION: Lori Epler moved that the linear perimeter footage is exclusive of docks, bays and pedestrian entrances up to 50 percent of the total perimeter linear footage.

SECOND: John McCauley

UDO Task Force Results

(5/17/18 – 5/9/19)

VOTE: Unanimous (5-0)

30-5.B.4.c.3.b – Interior Vehicular Use Area Landscaping Standards

(TA19-030/4-23-19 CC)

b. All rows of parking shall be terminated by a tree planted within a landscape island.

MOTION: John Malzone moved that all rows of interior parking shall be terminated by a tree planted within a landscape island. Perimeter parking detailed in paragraph c. does not require a landscape tree.

SECOND: Lori Epler

VOTE: Unanimous (5-0)

Figure 30-5.B.4.c – Vehicular Use Area Landscaping

(TA19-031/4-23-19 CC)

MOTION: Lori Epler moved that City staff amend Figure 30-5.B.4.c. to match subparagraph B as outlined.

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

30-5.B.4.c.3.d – Vehicular Use Interior Landscaping Standards

(TA19-032/4-23-19 CC)

MOTION: Lori Epler moved that at least 50% of all trees required in subparagraph d shall be canopy trees.

SECOND: John McCauley

VOTE: Unanimous (5-0)

January 10, 2019

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
Christine Michaels
Evelyn Shaw
John McCauley

Action(s):

30-5.B.4.d.7 – Location of Buffers

(TA19-034/4-23-19 CC)

MOTION: Lori Epler moved to change the wording to state “No trees are to be planted within a drainage or utility easement except as allowed on a case by case basis by the appropriate authority”.

SECOND: John Malzone

UDO Task Force Results

(5/17/18 – 5/9/19)

VOTE: Unanimous (6-0)

30-5.B.4.e.3.b - Screening

(TA19-033/4-23-19 CC)

MOTION: John McCauley moved to change the wording in to read "An earthen berm that is at least two feet in height, covered with grass or other planted ground covering and planted with other landscaping materials consistent with the function of and requirements for a Type D buffer (see Table 30-5.B.4.d.4, Property Perimeter Buffer Types) – provided, however that a berm shall not be used in the DT district or if it will replace existing trees of six inches in caliper or more;

SECOND: Christine Michaels

VOTE: Unanimous (6-0)

January 24, 2019

Present Members

Al Aycock – Chair
Lori Epler
David Guy
Christine Michaels
Evelyn Shaw
John McCauley

Action(s):

30-5.B.6.d – Tree Preservation – Tree Survey

(NA)

MOTION: John McCauley moved that this read as follows:

"Generally a tree survey is only required to illustrate the location, species, caliper; and condition of existing trees on the development site which the developer is proposing to save and for which he/she shall receive landscaping or open space credit (see Section 30-5.B.7, Tree Preservation Incentives and Section 30-5.C.4, Bonuses and Incentives); however, a tree survey is required for the purposes of documenting any tree having a caliper of 40 inches or greater. This information is used by the city manager in determining the exact location and extent of required tree protection zone.

30-5.B.6.e.1& 2 – Tree Preservation – Specimen Trees Defined; Provisions for Removal

(TA19-037/6-3-19 CCWS)

1. Any healthy tree with a caliper measurement meeting or exceeding 40 inches shall be considered to be a specimen tree unless exempted under Section 30-5.B.7a.2.
2.specimen trees may be removed upon payment of \$50.00 per caliper inch of the removed tree(s) into the City's tree fund.

SECOND: David Guy

VOTE: Unanimous (5-0)

UDO Task Force Results

(5/17/18 – 5/9/19)

30-5.C.3.b.2 – Nature of Open Space to be Dedicated

(TA19-039/6-3-19 CCWS)

MOTION: Lori Epler moved to add the word “sidewalks” in the following statement: Facilities may include, but are not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, play grounds, open play areas, community gardens, roof gardens, green roofs, sicewalks, multi-use trails picnic facilities, and urban amenities such as plazas and fountains. If in question, the usability of the dedicated land shall be at the determination of the city manager.

SECOND: Christine Michaels

VOTE: Unanimous (5-0)

30-5.C.3.c.2 – Not Counted as Open Space

(TA19-040/6-3-19 CCWS)

MOTION: Lori Epler moved to exclude the following all together. “2. Land occupied by required landscaping, except as noted in Section 30-5.C.4, Bonuses and Incentives”.

SECOND: John McCauley

VOTE: Unanimous (5-0)

30-5.C.3.c.4 – Not Counted as Open Space

(TA19-040/6-3-19 CCWS)

MOTION: Lori Epler moved to adjust the wording in #4 to read as follows: Public street rights-of-way or private street easements, except the areas of sidewalks and multi-use trails, located within those rights-of-ways or easements. (EXCLUDING THE FOLLOWING: Exceptions may be provided at the discretion of the city manager for rights-of-way accommodating multi-use trails;

SECOND: John McCauley

VOTE: Unanimous (5-0)

February 14, 2019

Present Members

Al Aycokk – Chair
Lori Epler
David Guy
Christine Michaels
Evelyn Shaw
Glenn Adams

Action(s):

30-5.E.5.d - Coordination with Tree Locations

(TA19-035/6-3-19 CCWS)

MOTION: Lori Epler moved to have the Ordinance read as follows: Site lighting must be located no closer than 15 feet from the trunk of a canopy tree and five feet from the trunk of an understory tree.

UDO Task Force Results

(5/17/18 – 5/9/19)

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

February 28, 2019

Present Members

Al Aycock – Chair
Lori Epler
John Malzone
John McCauley
Evelyn Shaw
Glenn Adams

Action(s):

30-5.F.4.d.1 - Cul-de-Sac and Street Stubs

[\(TA19-042/6-3-19 CCWS\)](#)

MOTION: Lori Epler moved to add “Other requirements exists; refer to Section _____ for those requirements.” (City Staff will provide the section number at next meeting.)

SECOND: John Malzone

VOTE: Unanimous (5-0)

March 14, 2019

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
John McCauley
Christine Michaels
Glenn Adams
Deno Hondros

Action(s):

30-5.F.9.a.4 – Sidewalks

[\(TA19-044/6-3-19 CCWS\)](#)

MOTION: John McCauley moved to removed 30-5.F.9.a.4 altogether, “On cul-de-sacs less than 500 feet in length (in these instances, sidewalks are required only on one side of the street);”

SECOND: Lori Epler

VOTE: Unanimous (7-0)

30-5.F.9.d – Sidewalks: Performance Guarantees

[\(TA19-045/6-3-19 CCWS\)](#)

UDO Task Force Results

(5/17/18 – 5/9/19)

MOTION: John McCauley moved to add the following verbiage as indicated below:

30-5.F.9. Sidewalks

D. Performance Guarantees

1. To insure the completion of sidewalks that are required as part of an approved subdivision plan, but are not approved by the City Manager as complete before application for a final plat, the following requirements must be met:

- a. Sidewalks required pursuant to this section in accordance with the Ordinance must be constructed on buildable residential lots, prior to the issuance of a certificate of occupancy.
- b. Sidewalks required pursuant to this section in accordance with the Ordinance on common areas, detention lots or other non-buildable lots/parcels shall be constructed or bonded by the developer, prior to application for approval of final plat.

SECOND: John Malzone

VOTE: Unanimous (7-0)

30-5.G.3.b.2 – Design Standards; Fronting Open Space

([TA19-046/6-3-19 CCWS](#))

MOTION: John McCauley moved to remove the words “front upon” and replace with “abut” so the statement reads: at least ten percent of all single-family dwellings shall abut an open space dedicated area when part of a single-family detached or attached Development.

SECOND: Christine Michaels

VOTE: Unanimous (7-0)

30-5.I.3.b.4&5 – Design Standards

([TA19-047/6-3-19 CCWS](#))

MOTION: Lori Epler moved to delete number four from 30-5.I.3.b.4 and changing subparagraph 30-5.I.3.b.5 to be subparagraph 30-5.I.3.b.4.

SECOND: Christine Michaels

VOTE: Passed (4-2) John Malzone and Glenn Adams in opposition

March 28, 2019

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John Malzone
John McCauley
Christine Michaels
Glenn Adams
Deno Hondros

UDO Task Force Results

(5/17/18 – 5/9/19)

Action(s):

30-5.F.8.a.1 – Maximum Driveway (TA19-043/6-3-19 CCWS)

MOTION: Lori Epler moved to make the following changes to 30-5.F.8 Maximum Driveway Width.
a. Maximum driveway width for the first 12 feet of driveway, as measured from the street pavement edge, shall be limited in accordance with the following maximum driveway width standards, unless the city manager determines a greater width is required because of projected traffic volumes: 1. Single-family attached, detached, and two- to four-family residential: 16 feet for single car garage, and 24 feet for a two or more car garage

SECOND: Deno Hondros

VOTE: Unanimous (7-0)

30-5.I.3.e.2. – Design Standards (TA19-048/6-3-19 CCWS)

MOTION: Lori Epler moved for #2 to read as follows: Neighborhood Commercial District – Single-story commercial, office, and mixed-use development in the NC district shall be configured to locate a minimum of 70 percent of required surface off-street parking to the side or rear of the building. Buildings of two or more stories may locate up to two rows of off-street surface parking between the primary building entrance and the street it faces, when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided.

SECOND: John Malzone

VOTE: 6-1, with one in opposition

30-5.I.3.g. – Auto-Oriented Uses (TA19-049/6-3-19 CCWS)

MOTION: Lori Epler moved to have the words “unless approved by the city manager” at the very end of the sentence under Auto-Oriented Uses.

SECOND: Christine Michaels

VOTE: Unanimous (7-0)

30-5.I.3.h.4. & 5. – Display Windows for Vacant Commercial Establishment in DT Downtown (TA19-050/6-3-19 CCWS)

MOTION: Christine Michaels moved to have #4 read as follows: Artwork or other materials provided by the Downtown Alliance, or other agencies approved, specifically for this purpose.

*Also, in the Paragraph directly above #1 in this section it will read as follows: Prior to installation, the city manager or his or her designee shall review and approve a plan prepared by the applicant to assure that the plan will adequately comply with one or more of the following:

*5. Other measures consistent with these examples, if approved in writing by the city manager or his or her designee, in his/her discretion. Displays should cover 50% of the window. If the display does not cover the entire window, the unoccupied (or vacant) space should be screened to obscure it.

UDO Task Force Results

(5/17/18 – 5/9/19)

SECOND: John Malzone

VOTE: Unanimous (7-0)

April 11, 2019

Present Members

Al Aycock – Chair
Lori Epler
David Guy
John McCauley
Evelyn Shaw
Deno Hondros

Action(s):

30-5.K.2.a.1. – Transitional Standards General

[\(TA19-051/6-3-19 CCWS\)](#)

MOTION: Lori Epler moved to have the words single-family detached zero lot line removed and #1 read as follows: 1. Commercial, industrial, mixed-use, attached residential and multi-family developments located on land adjacent to or across a local street or alley from existing single-family detached residential development.

SECOND: John McCauley

VOTE: Unanimous (5-0)

30-5.K.2.b.1. – Transitional Standards Exemptions

[\(TA19-052/6-3-19 CCWS\)](#)

MOTION: Lori Epler moved to have the words single-family detached zero lot line removed and to have #1 read as follows: 1. Commercial, industrial, mixed-use, attached residential and multi-family developments located on lots across a four-or-more-lane street, sub-collector, collector, or arterial street from single-family detached residential development;

SECOND: John McCauley

VOTE: Unanimous (5-0)

30-5.K.3. – Transitional Standards

[\(TA19-053/6-3-19 CCWS\)](#)

MOTION: Lori Epler moved to have the words perimeter zero lot line removed and to have the first paragraph read as follows: All commercial, industrial, mixed-use, attached residential and multi-family developments subject to this section shall comply with the following standards:

SECOND: John McCauley

VOTE: Unanimous (4-0)

April 25, 2019

Present Members

UDO Task Force Results

(5/17/18 – 5/9/19)

Al Aycock – Chair
Lori Epler
Evelyn Shaw
Christine Michaels
Deno Hondros

Action(s):

30-5.K.3.b.2. – Building Facades

([TA19-055/6-3-19 CCWS](#))

MOTION: Lori Epler moved to change the wording in #2 to read as follows: Facades greater than 80 feet in length facing residential development, shall be configured to appear as a series of discrete storefronts with no single storefront occupying more than 50 percent of the total façade width, unless a buffer is otherwise required adjacent to the residential development.

SECOND: Deno Hondros

VOTE: 3-0-1, with Christine Michaels abstaining

30-5.K.3.b.4. – Building Facades

([TA19-055/6-3-19 CCWS](#))

MOTION: Lori Epler moved to change the wording in #4 to read as follows: Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent residential development unless a buffer is other-wise required adjacent to the residential development and

SECOND: Deno Hondros

VOTE: Unanimous (4-0)

May 9, 2019

Present Members

Al Aycock – Chair
Lori Epler
David Guy
Evelyn Shaw
Christine Michaels
Deno Hondros

Action(s):

30-5.K.3.a.1.d. – Use Specific Buffering, Separation, or Special Use Permit Requirements

([TA19-054/6-3-19 CCWS](#))

MOTION: Lori Epler moved to amend to read, "Uses providing delivery services via automobile or truck larger than 6,000 lbs. or commercial for hire."

SECOND: Evelyn Shaw

VOTE: Unanimous (5-0)

Unified Development Ordinance
Task Force Actions

Actions	TA	Date	Outcome	CCWS	CC	Epler	Guy	Malzone	McCauley	Michaels	Shaw	Adams	Riggins	Hondros
Non-Conforming Lot Requirements	36	8/9/2018	APPROVED	6/3/2019	TBD	F	F	F	F	F	F	X	O	—
30-5.A.3.k – Curbs and Motor Vehicle Stops	18	9/27/2018	APPROVED	2/4/2019	4/23/2019	S	F	F	F	M	F	F	F	—
30-5.A.4.f – Maximum Number of Spaces Permitted	19	9/27/2018	APPROVED	2/4/2019	4/23/2019	S	F	M	F	F	F	F	F	—
Table 30-5.A.7 – Dimensional Standards for Parking Spaces and Aisles	20	10/25/2018	APPROVED	2/4/2019	4/23/2019	M	S	A	X	X	X	X	—	—
30-5.A.8.c.3 – Site Zoning	21	10/25/2018	APPROVED	2/4/2019	4/23/2019	F	S	M	X	X	X	X	—	—
30-5.A.8.c.4 – Maximum Shared Spaces	22	10/25/2018	APPROVED	2/4/2019	4/23/2019	M	F	S	X	X	X	X	—	—
30-5.A.8.c.6 – Shared Parking Plan	23	10/25/2018	APPROVED	2/4/2019	4/23/2019	S	F	M	X	X	X	X	—	—
Table 30-5.A.10 – Number of Required Off-Street Loading Spaces	24	11/8/2018	APPROVED	2/4/2019	4/23/2019	S	F	M	X	F	F	X	—	—
30-5.A.11.d.2 – Medians in Driveway Entrances	25	11/8/2018	APPROVED	2/4/2019	4/23/2019	M	F	F	X	F	S	X	—	—
30-5.A.11.f – Pedestrian Pathways	41	11/8/2018	APPROVED	6/3/2019	TBD	S	M	F	X	O	F	X	—	—
30-5.A.11.c – Stacking Lanes for Parking Lot Entrances	26	11/29/2018	APPROVED	2/4/2019	4/23/2019	M	F	F	X	F	S	X	—	—
30-5.B.2.a – Applicability	36	11/29/2018	APPROVED	6/3/2019	TBD	F	F	F	X	M	S	X	—	—
30-5.B.3.e.2 – New Plantings	27	11/29/2018	APPROVED	2/4/2019	4/23/2019	F	F	M	X	F	S	X	—	—
Table 30-5.B.3.e.2.h Species Variety	28	11/29/2018	APPROVED	2/4/2019	4/23/2019	M	F	S	X	F	F	X	—	—
30-5.B.4.b.2 – Location	29	12/13/2018	APPROVED	2/4/2019	4/23/2019	M	F	F	S	F	F	X	—	—
30-5.B.4.c.3.b – Interior Vehicular Use Area Landscaping Standards	30	12/13/2018	APPROVED	2/4/2019	4/23/2019	S	F	M	F	F	F	X	—	—
Figure 30-5.B.4.c – Vehicular Use Area Landscaping	31	12/13/2018	APPROVED	2/4/2019	4/23/2019	M	F	F	F	F	S	X	—	—
30-5.B.4.c.3.d – Interior Vehicular Use Landscaping Standards	32	12/13/2018	APPROVED	2/4/2019	4/23/2019	M	F	F	S	F	F	X	—	—
30-5.B.4.d.7 – Location of Buffers	34	1/10/2019	APPROVED	2/4/2019	4/23/2019	M	F	S	F	F	F	X	—	—
30-5.B.4.e.3.b - Screening	33	1/10/2019	APPROVED	2/4/2019	4/23/2019	F	F	F	M	S	F	X	—	—
30-5.B.6.d – Tree Preservation – Tree Survey*	NA	1/24/2019	APPROVED	2/4/2019	TBD	F	S	X	M	F	F	X	—	—
30-5.B.6.e.1 & 2 – Tree Preservation – Specimen Trees Defined; ...*	37	1/24/2019	APPROVED	2/4/2019	TBD	F	S	X	M	F	F	X	—	—
30-5.C.3.b.2 – Nature of Open Space to be Dedicated	39	1/24/2019	APPROVED	6/3/2019	TBD	M	F	X	F	S	F	X	—	—
30-5.C.3.c.2 – Not Counted as Open Space	40	1/24/2019	APPROVED	6/3/2019	TBD	M	F	X	S	F	F	X	—	—
30-5.C.3.c.4 – Not Counted as Open Space	40	1/24/2019	APPROVED	6/3/2019	TBD	M	F	X	S	F	F	X	—	—
30-5.E.5.d – Coordination with Tree Locations	35	2/14/2019	APPROVED	2/4/2019	4/23/2019	M	F	F	F	F	S	F	—	—
30-5.F.4.d.1 – Cul-de-Sac and Street Stubs	42	2/28/2019	APPROVED	5/6/2019	TBD	M	X	S	F	X	F	F	—	—
30-5.B.6.d – Tree Preservation – Tree Survey*	NA	3/14/2019	APPROVED	6/3/2019	TBD	F	F	S	M	F	X	F	—	F
30-5.B.6.e.2 – Tree Preservation – Specimen Trees Defined; ...*	37	3/14/2019	APPROVED	6/3/2019	TBD	F	F	S	M	F	X	F	—	F
30-5.F.9.a.4 – Sidewalks	44	3/14/2019	APPROVED	6/3/2019	TBD	S	F	F	M	F	X	F	—	F
30-5.F.9.d – Sidewalks; Performance Guarantees	45	3/14/2019	APPROVED	6/3/2019	TBD	F	F	S	M	F	X	F	—	F
30-5.G.3.a.2.a – Design Standards; Fronting Open Space	46	3/14/2019	APPROVED	6/3/2019	TBD	F	F	F	M	S	X	F	—	F
30-5.I.3.b.4 & 5 – Design Standards	47	3/14/2019	APPROVED	6/3/2019	TBD	M	F	O	F	S	X	O	—	F
30-5.F.8.a & 1 – Maximum Driveway	43	3/28/2019	APPROVED	6/3/2019	TBD	M	F	F	F	F	F	F	—	S
30-5.I.3.e.2 – Design Standards	48	3/28/2019	APPROVED	6/3/2019	TBD	M	F	S	F	F	F	F	—	F
30-5.I.3.g – Auto-Oriented Uses	49	3/28/2019	APPROVED	6/3/2019	TBD	M	F	F	F	S	F	F	—	F
30-5.I.3.h.4 & 5 – Display Windows for Vacant	50	3/28/2019	APPROVED	6/3/2019	TBD	F	F	S	F	M	F	F	—	F
30-5.K.2.a.1 – Transitional Standards General	51	4/11/2019	APPROVED	6/3/2019	TBD	M	F	X	S	X	F	X	—	F
30-5.K.2.b.1 – Transitional Standards Exemptions	52	4/11/2019	APPROVED	6/3/2019	TBD	M	F	X	S	X	F	X	—	F
30-5.K.3. – Transitional Standards	53	4/11/2019	APPROVED	6/3/2019	TBD	M	F	X	F	X	X	X	—	S
30-5.K.3.b.2 – Building Facades	55	4/25/2019	APPROVED	6/3/2019	TBD	M	X	X	X	X	F	X	—	S
30-5.K.3.b.4 – Building Facades	55	4/25/2019	APPROVED	6/3/2019	TBD	M	X	X	X	F	F	X	—	S
30-5.K.3.a.1.d. – Use Specific Buffering, Separation, or Special.....	54	5/9/2019	APPROVED	6/3/2019	TBD	M	F	A	A	F	S	X	—	F

M - Motion
S - Second
F - In Favor
O - Oppose
X - Absent

*Revised from 1/24/19 UDO TF Meeting

- Roster:

● Lori Epler

● John Malzone

● Christine Michaels

● Glenn Adams

● Wayne Riggins (resigned after 9/27/2018 meeting)

● David Guy

● John McCauley

● Evelyn Shaw

● Deno Hondros

CC	City Council
CCWS	City Council Work Session
TBD	To Be Determined
TA	Text Amendment No.

A	Planning Commission 3/19/2019 City Council 4/23/2019
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B	CC Work Session 6/3/2019
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City of Fayetteville

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

City Council Action Memo

File Number: 19-841

Agenda Date: 6/3/2019

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.03

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

FROM: Sheila Thomas-Ambat, P.E., Public Services Director
Tracey Broyles, Budget Director

DATE: June 3, 2019

RE: Stormwater Infrastructure Maintenance Policy

COUNCIL DISTRICT(S): All

Relationship To Strategic Plan:

High quality built environment

Executive Summary:

The City has grown significantly over the past two decades. However, policies related to stormwater infrastructure maintenance have not kept up with this growth. Staff will provide an informative presentation to Council that highlights the challenges of maintaining, repairing, and replacing stormwater infrastructure in a City of over 200,000 residents and seek policy guidance regarding the scope of responsibility for stormwater activities.

Background:

Stormwater infrastructure consists of a network of catch basins, drop inlets, swales, pipes, and stormwater control measures (SCM's) that carry stormwater runoff away from roadways and property, ultimately discharging it into creeks and streams. A great deal of this infrastructure is maintained by the City, but an even larger portion is located on private property and considered the responsibility of property owners.

Responsibility for stormwater infrastructure comes at a cost for the City. Equipment, supplies, and personnel are needed to perform maintenance with a cost proportional to the size of the system being maintained. Additionally, stormwater infrastructure has a life cycle cost that typically requires greater funding for repairs with age and, ultimately, capital funding for full replacement after the functional life of the system is over.

Peer cities of Fayetteville generally have well defined policies regarding the responsibility

for stormwater infrastructure. Almost all North Carolina cities the size of Fayetteville or larger maintain stormwater infrastructure only in the public right-of-way.

Issues/Analysis:

City staff are not currently resourced with the personnel or equipment to proactively and consistently maintain the infrastructure located within the right-of-way in accordance with a defined level-of service. Maintaining the infrastructure outside of the right-of-way would require a significant increase in the operational budget and, eventually, an enormous investment in capital replacement. Without adoption of ordinance and policy changes, the City is in a position to inherit a significant liability in the form of future stormwater infrastructure maintenance, repair, and replacement.

City staff is seeking a Council policy decision that will define the core responsibility of the City to perform maintenance, repair, and replacement. This policy direction is necessary in order for staff to advise regarding resources required to provide that level of service.

Staff will also present options for implementing drainage assistance programs that would provide resources to assist with drainage projects that are off the right-of-way. Staff will present three options for the drainage assistance programs for Council consideration.

Drainage assistance programs will require the addition of one engineer and one engineering technician to implement as well as funding and personnel costs for both the maintenance and repair components. Staff is seeking Council direction regarding policy actions as well as options for the drainage assistance program. These cost estimates are based on the assumption that Council decides to define the City's core responsibilities consistent with peer organizations.

Budget Impact:

Maintenance of off right-of-way stormwater infrastructure is estimated to be nearly \$1.99 million annually and is projected to increase overtime. If the City were to take responsibility for off right-of-way infrastructure, it is estimated that capital replacement costs would be \$4.76 million annually and increase significantly over time.

During the May 22nd Council Budget Work Shop, the Council directed that an additional \$800,000 in funding be moved from the Stormwater Fund balance into the Spot Repair program line item. This would make \$1,000,000 available for small capital projects in FY20. This one time funding, however, would not be appropriate for ongoing costs associated with a program to perform maintenance operations on a consistent basis. Choosing whether to define the City's responsibility in a way that increases costs consistently over time versus selecting an alternative that provides this and future Councils the option to adjust funding and scope of activities on an annual basis is a critical element of this important policy decision.

Staff has prepared alternative financial models (attached) to fund the program options identified. The one time funding would not be appropriate to support the program option presented. Depending on Council decision on policy and assistance for off right-of-way, the FY20 budget may need to be adjusted to accommodate increases in capital costs to

accommodate the drainage assistance program and provisions would need to be made to add the staff identified to effectively manage and implement these programs.

Current funding is, however, inadequate to fund ongoing O&M and Capital needs for stormwater infrastructure within public right-of-way.

Options:

City Council adopts a policy decision that will limit the core responsibility of the City to perform maintenance, repair, and replacement only within the right-of-way, directs staff to prepare associated ordinance revisions and directs staff towards complementary options for the drainage assistance program.

City Council does not adopt a policy decision that will limit the core responsibility of the City to perform maintenance, repair, and replacement only within the right-of-way and provides further direction to staff.

Recommended Action:

Staff recommends City Council adopts a policy decision clearly defining the core responsibility of the City to perform maintenance, repair, and replacement of stormwater infrastructure and support enhancing resources as necessary to adequately fund that work.

Attachments:

Stormwater Maintenance Presentation
Financial Plan Options A, B & C
Financial Plan Options B&C



Stormwater Infrastructure

*Maintenance, Repair and Replacement –
Drainage Assistance Program*

City of
Fayetteville
North Carolina




Stormwater Infrastructure - Maintenance, Repair and Replacement

Consensus Needed:

'What is the 'Core Responsibility' for CoF's stormwater maintenance?

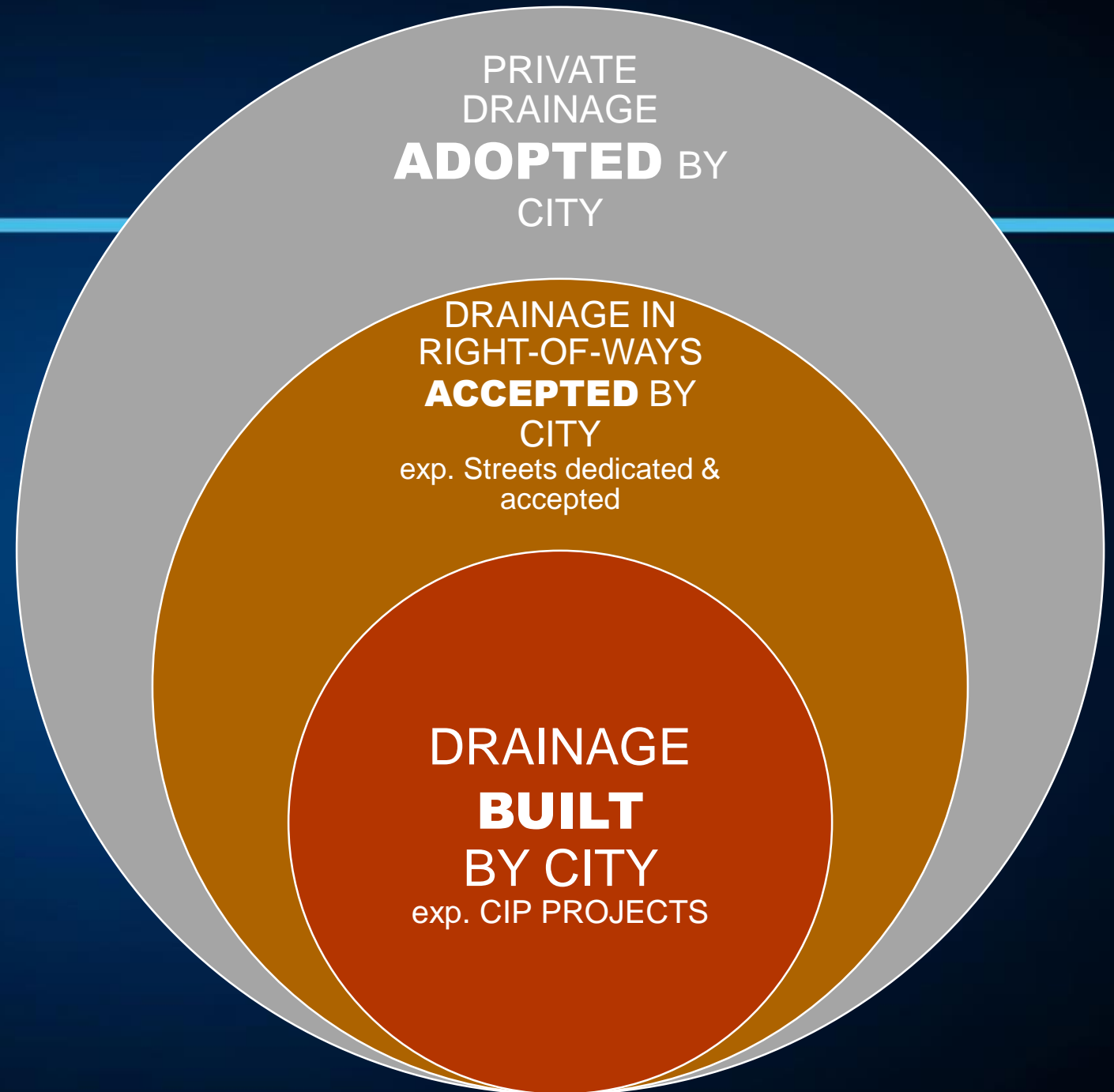
Key questions:

- Cost/Liability
- Sustainability
- Peer Communities

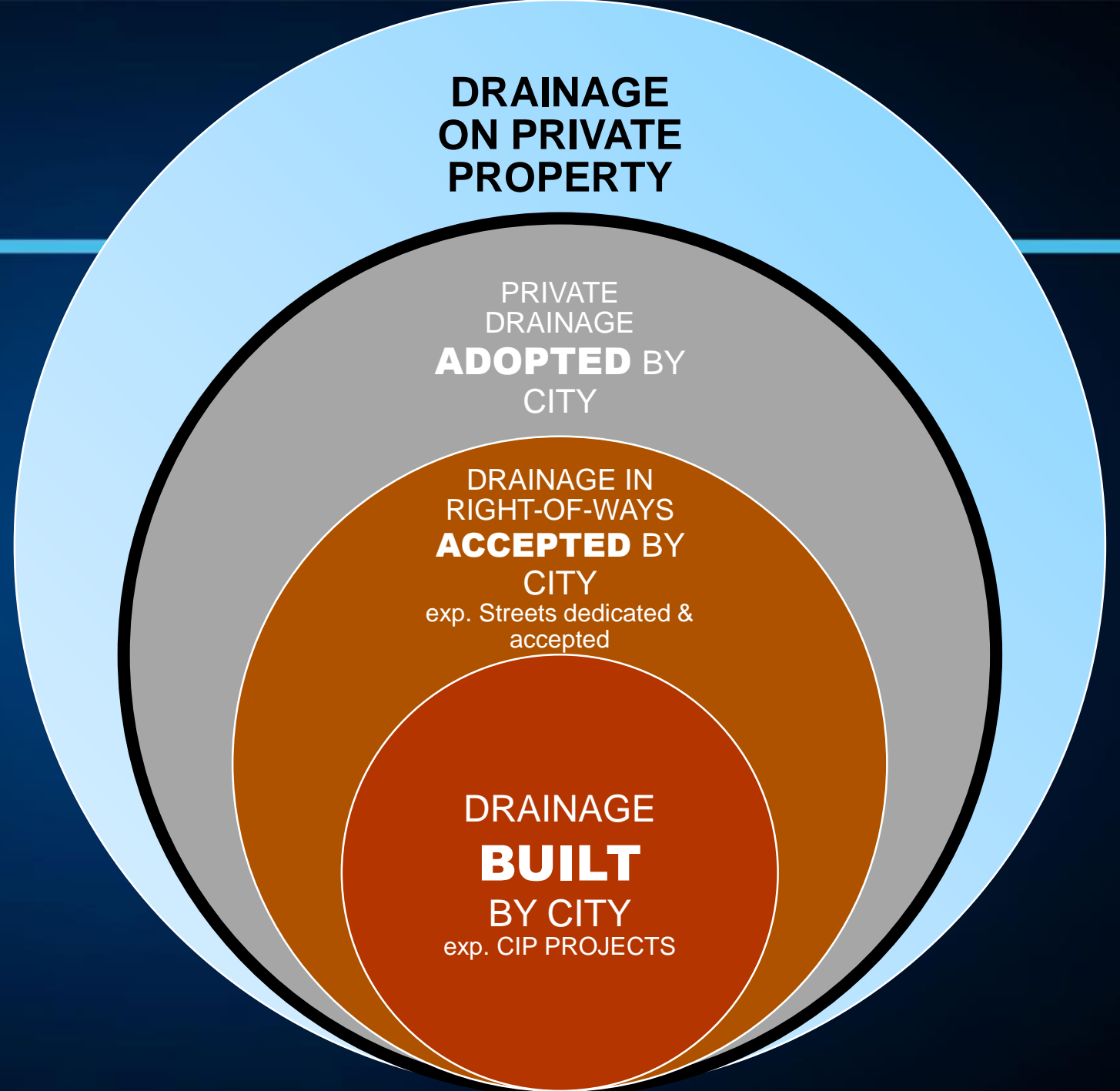


Options for supplementing 'Core Responsibility' on a limited basis.

What drainage
infrastructure
MUST the City
maintain and/or
repair?



What
ADDITIONAL
drainage
infrastructure
COULD the City
choose to
maintain?



CoF 'Core' Responsibility Versus 'Non-Core'

High Level Statistics – Best Available Data

RoW (Non-DOT)



MUST



19 Bridges



6 CoF Dams



~ 212 mi. Pipes-
Culverts



~ 17 mi. of Open
Conveyance



~15219 Network
Structures

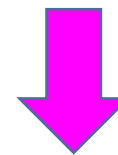


743 mi. - Street
Sweeping



<1 mi. Streams

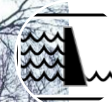
Off RoW – Private



MAY



~13 Bridges



~45 Dams, 4 PWC



~ 222 mi. Pipes-
Culverts



~ 110 mi. Open
Conveyance



~12343 Network
Structures



0 mi. Street Sweeping

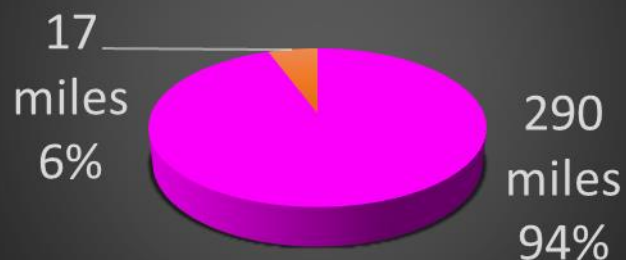


~180 mi. Streams

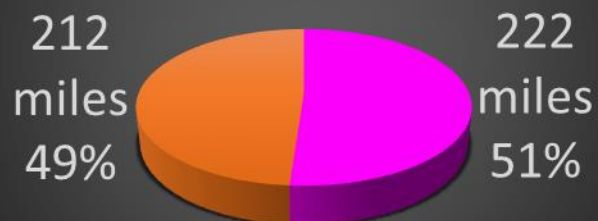
CoF 'Core' Responsibility Versus 'Non-Core'

High Level Statistics – Best Available Data

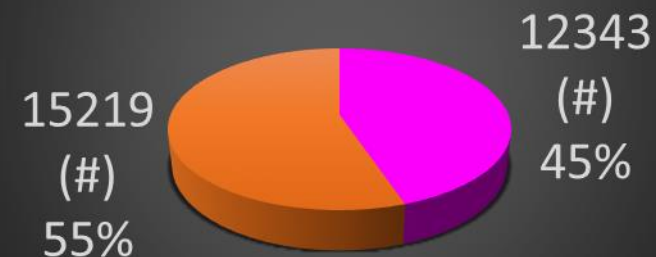
Streams and Open Conveyance (307 Miles)



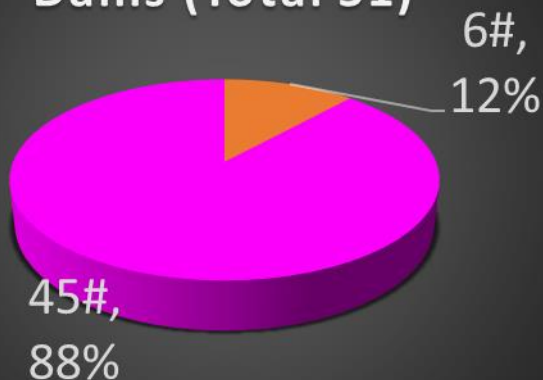
Stormwater Pipes and Culverts (434 Miles)



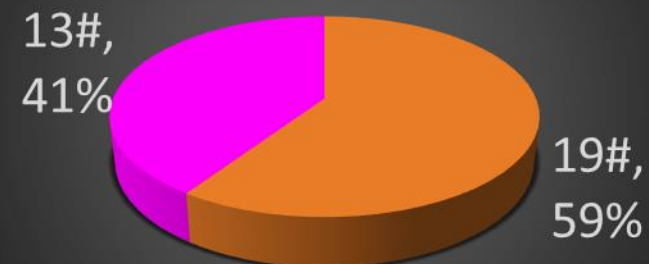
Stormwater Network Structures 27561 (#)



Dams (Total 51)

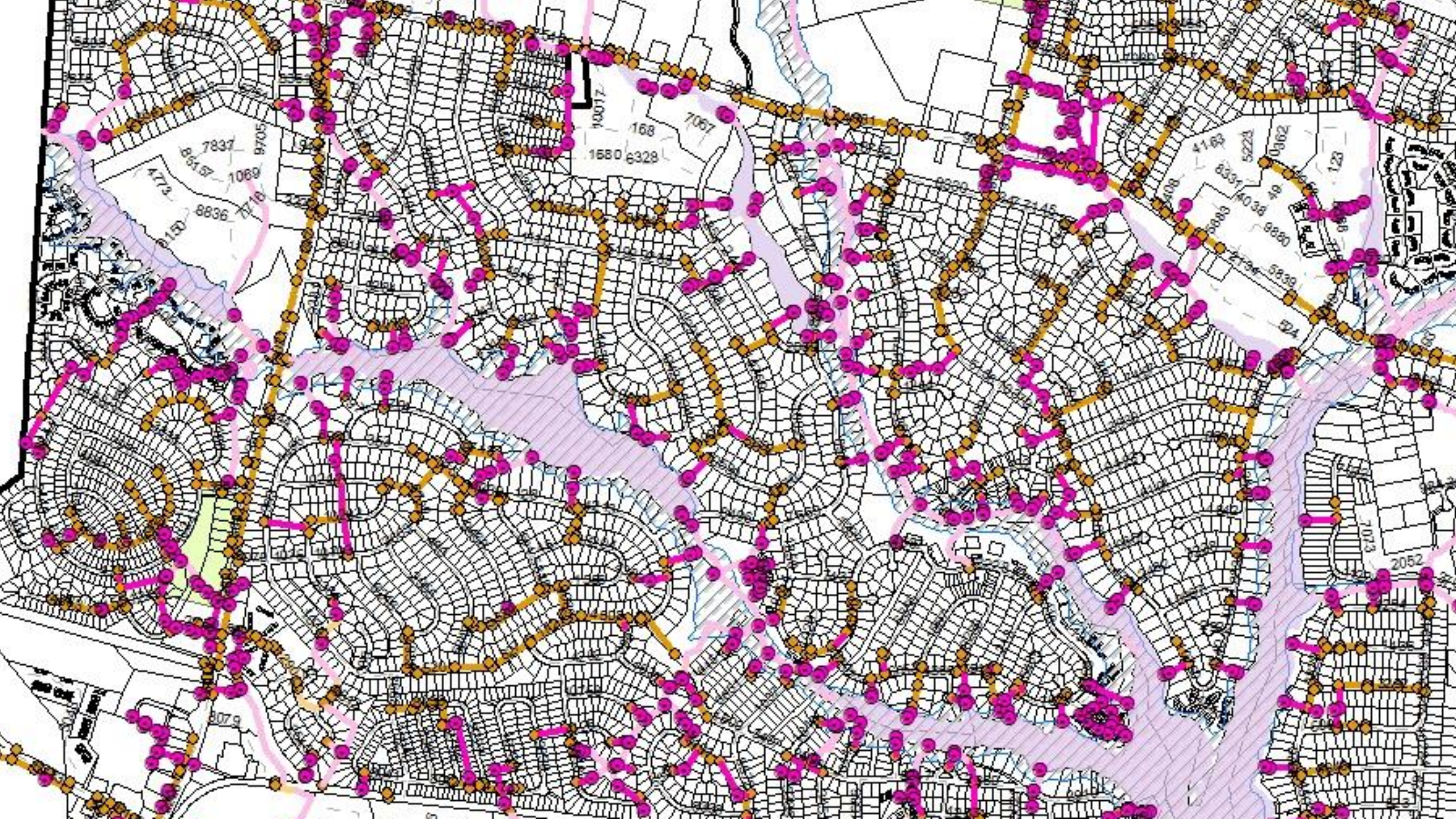


Bridges (Total 32)



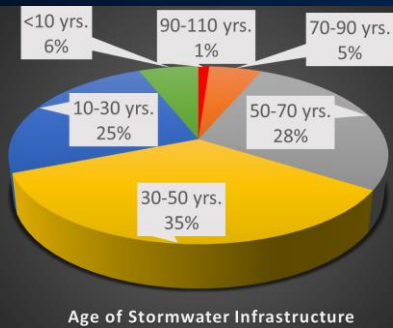
RoW 
Off RoW 

Revisions based on 12% Private Streets

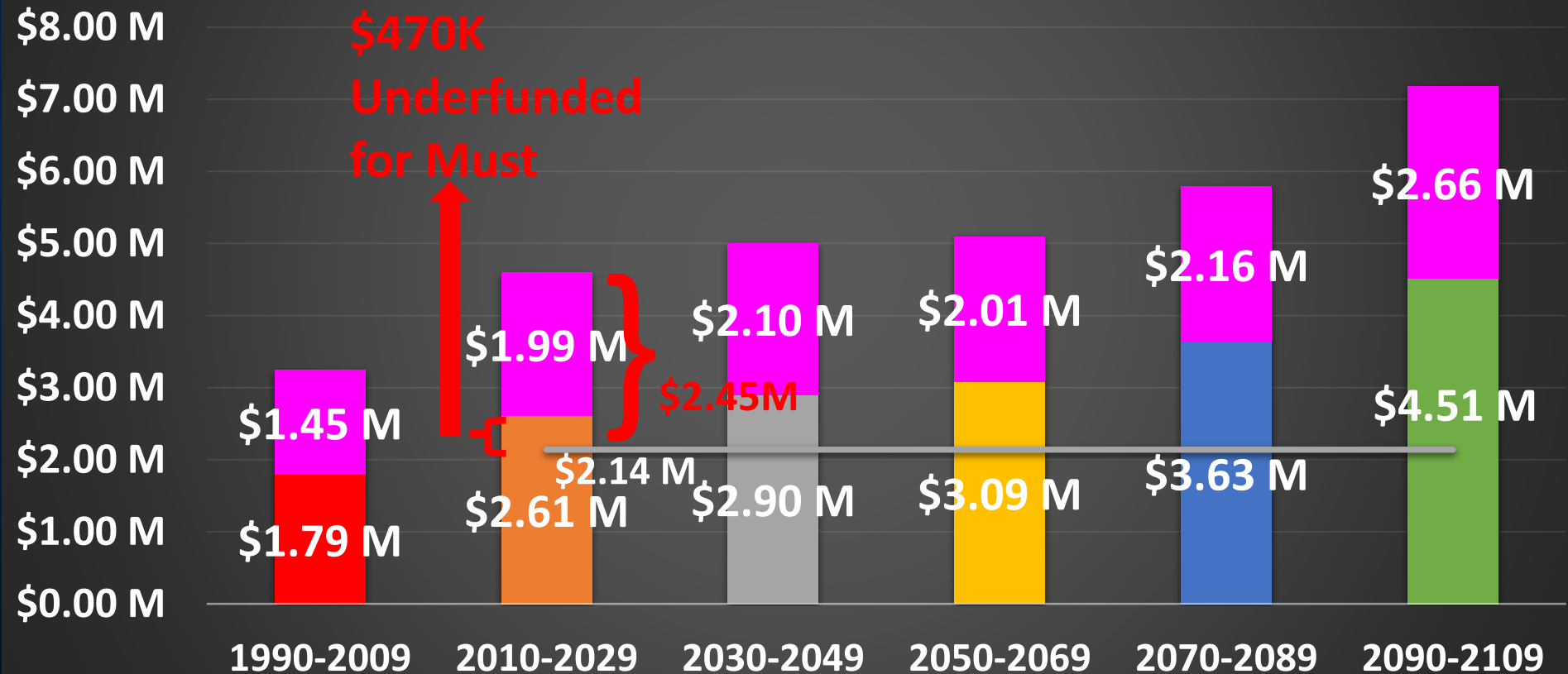


Core Responsibility Versus Non Core - O&M

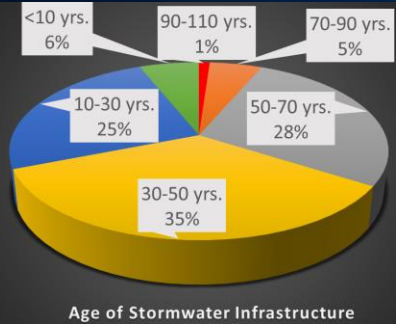
Preliminary Estimated Needs



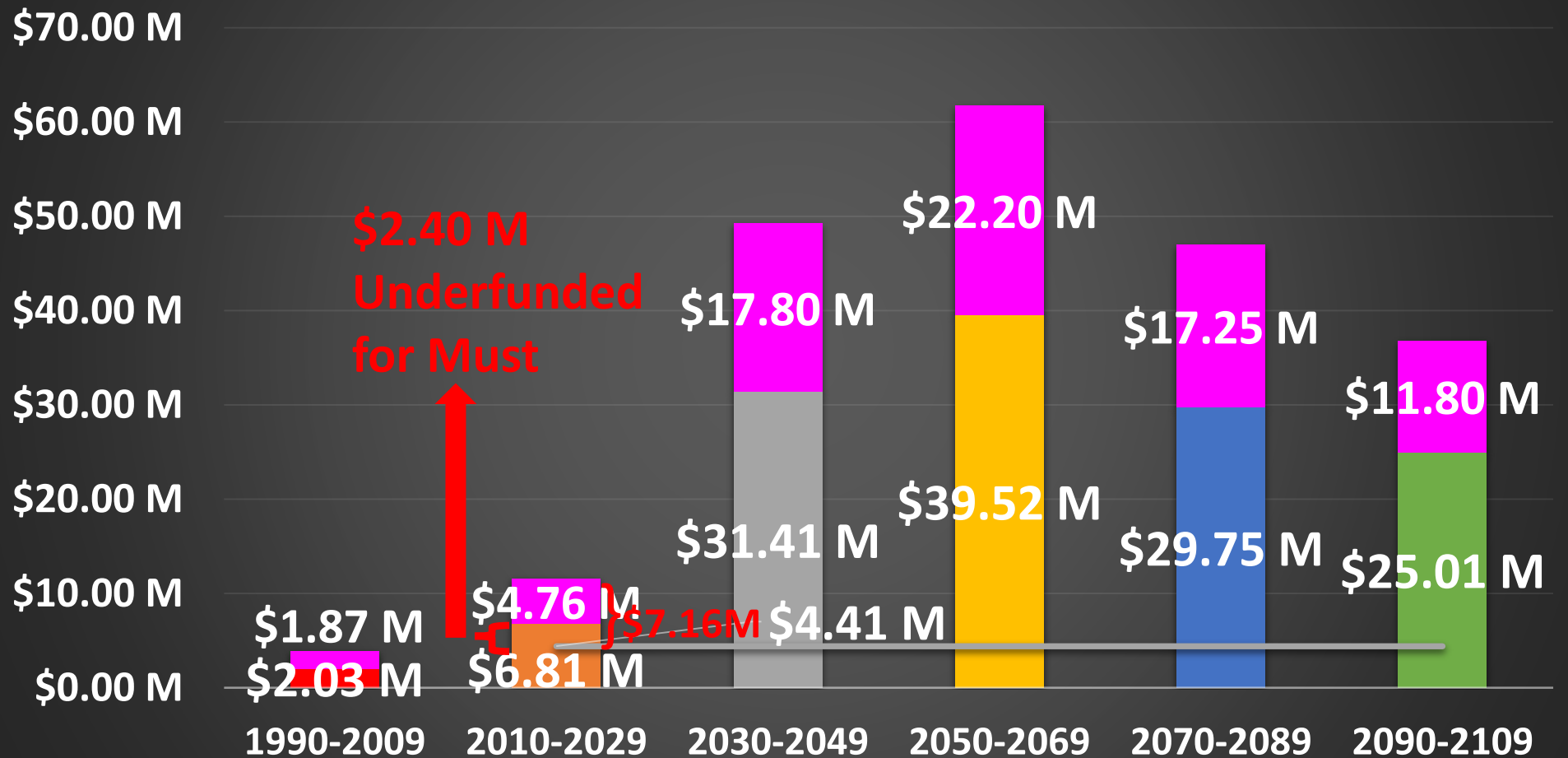
Public RoW and Off RoW O&M Costs Per Year (2018 Dollars)



Core Responsibility Versus Non Core – Capital Preliminary Estimated Needs



Public RoW and Off RoW Capital Cost Per Year (2018 Dollars)



Peer City Comparison



Peer City/CoF Comparison

City*	Population (2017 Est.)	Area (Sq. Mile)	Public RoW	off RoW
Charlotte**	859,035	305	✓	x
Raleigh	464,758	145	✓	x
Greensboro	290,222	132	✓	✓
Durham	267,743	108	✓	x
Winston-Salem	244,605	133	✓	x
Fayetteville	209,889	95	✓	TBD
Cary	165,904	59	✓	x
Wilmington	119,045	41	✓	x
Highpoint	111,513	55	✓	x

*Cities over 100,000 in population

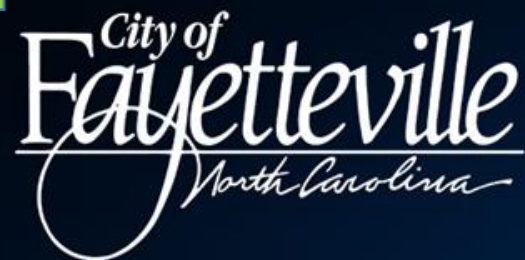
**Utility since early 90's with revenues of > \$70M/Yr. Significant resources for correcting private systems that have public benefit.

Peer City/CoF Comparison

Stormwater Staffing – Maintenance and Program

	Stormwater Management*			Stormwater Maintenance		
Municipality	FTE	FTE/SQ Mile	Comparison	FTE	FTE/SQ Mile	Comparison
Raleigh	66	0.4552	↑ 154.36%	54	0.3724	↑ 26.35%
Greensboro	19	0.1439	↓ -19.56%	62	0.4697	↑ 59.36%
Durham	48	0.4444	↑ 148.37%	45	0.4167	↑ 41.37%
Fayetteville	17	0.1789		28	0.2947	

*Stormwater Development Review, Infrastructure, GIS Billing, Water Quality/NPDES



Peer City/CoF Comparison

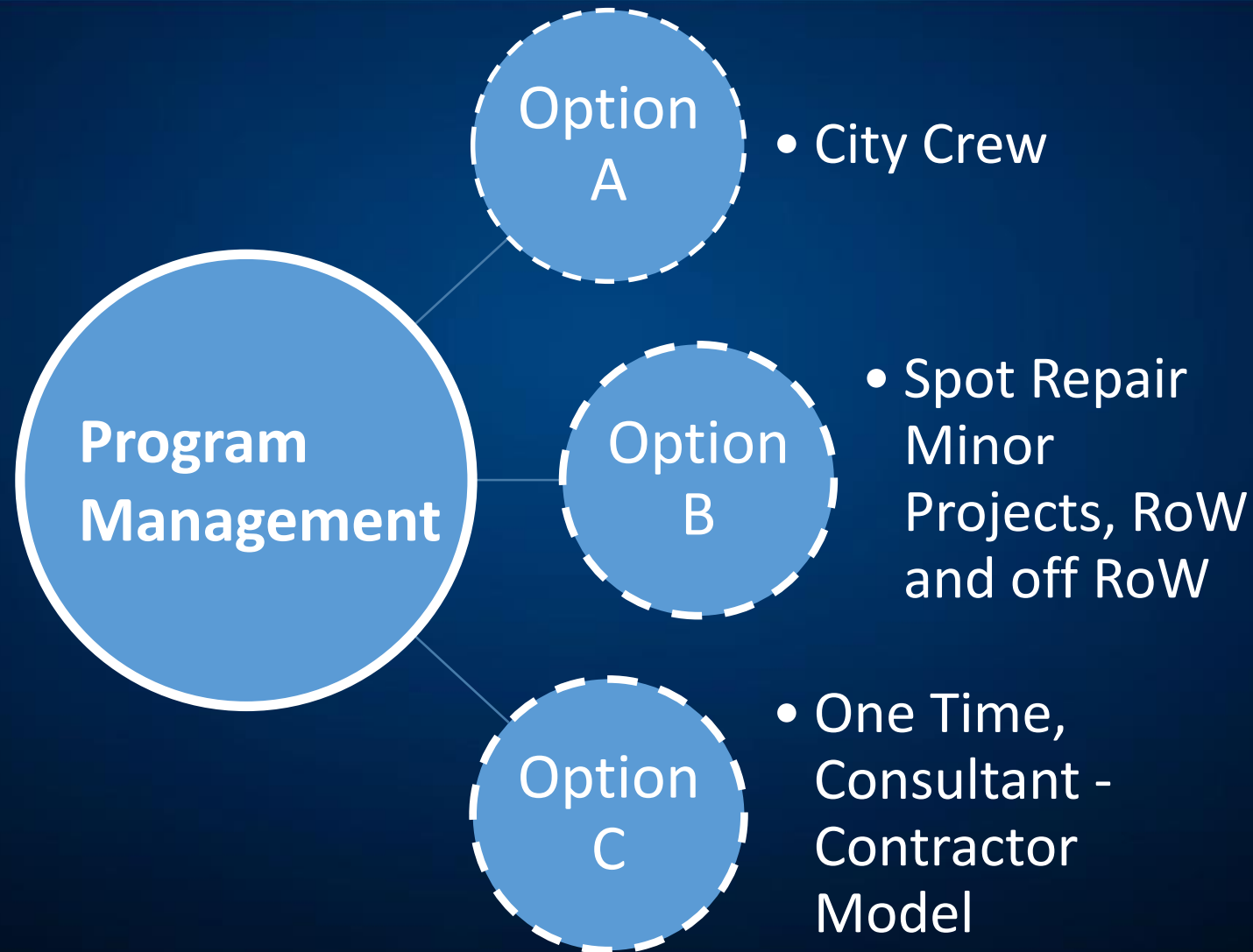
Drainage Assistance Program

City	Allocated Funds for off RoW Projects	Drainage Assistance Program Management Staff	Drainage Assistance Field Crew	Cost Share	Limits	Focus
Raleigh	\$1.50M	4 Eng. And 4 Tech.	10 FTE	100	No Cap Indv., Cap per Project	Flooding, Structural, Asset, Other
Durham	~\$1.0M	3 Tech.	0 FTE	80/20	\$25K per property	Structural Impacts to Home

Winston-Salem: Has a program that is 70/30 and \$35K Cap/property
Cary: Has a program that is 50/50

Options for
Supplementing
‘Core Responsibility’
on a Limited Basis.

Drainage Assistance Program



Expanding 'Core Responsibility' – Option A

Off RoW Repair Crew

- <\$10,000; 2-3 days for Repair
- No design; No Previous Complaints, One Time Only, Typically Sink Holes
- Estimated Repair Service Level: 70/year
- Estimated Crew Cost \$248K/Yr., Material Est. \$35K, No Anticipated Equipment Needs
- **Total \$283K/Yr.**

Expanding 'Core Responsibility' – Option B

Off RoW Spot Repair

- >\$10K, Average \$30K up to \$200K/Project
- Includes Repeat Issues from Option A
- Prioritization and SWAB Approval
- Design Consultant as Appropriate
- Contractor (Smaller jobs <\$30K Option A Repair Crew Pending Availability)
- Initial Additional Funding Level **\$100K/Yr.;**
Existing \$200K; Total \$300K/Year

Expanding 'Core Responsibility' – Option C

Off RoW Spot Repair

- One time Consultant and Contractor Model for Existing Backlog
- Allow for Hiring of Staff and Ramp Up.
- Service Level **\$300K FY 20**, Non Recurring



Expanding 'Core Responsibility' – Recommended Inclusions and Exclusions

Includes

- Priority – Flooding, structural, pipe asset condition, hard Assets
- SWAB review of Option B projects
- Voluntary program, recorded temp. easement with waiver of liability
- Least cost approach with no replacement of ornamentals
- Public contribution of runoff
- Conditions under 10 Yr. storm event

Excludes

- Property which is undergoing development or redevelopment
- Acquiring Easements for \$
- Cosmetic, landscaping, yard/nuisance flooding, ponding or standing water, maintenance, ornamental
- Falling Trees, Blocked Creeks, Creek/Ditch Clearing, stream erosion, modifications to soft assets
- No Private Roads and Associated Storm Drainage Features
- Moisture or ponding not attributable to flooding, roof drains downspouts, groundwater seepage
- Flooding due to the periodic temporary inundation of stream flow, conditions > 10 Yr. Storm

Drainage Assistance Program

- Respond to Off RoW Calls
- Site visits
- Educate Complainants on Drainage
- Research Past Work
- Log Complaints
- Prepare and Record Easements
- Manage Consultants
- Coordinate with SWAB
- Generate Initial Priority Score
- Prepare Estimates

Program Managmt
Engineer (2), 1 new
Technician (1), new
**Cost: \$161K Recurring,
\$30K Startup**

Option
A

- City Crew for 2-3 Day Jobs

Option
B

- Spot Repair Minor Projects, RoW and off RoW

Option
C

- One Time, Consultant Contractor Model for Backlog



Drainage Assistance Program

Program Management plus
Option A + Option B + Option C
Rate Increase of \$0.25

Budget Impact Based on
FY2020 Cost:~\$874K
Estimate FY2021:~\$555K

Program Management plus
Option B + Option C
No Rate Increase





Estimated Funding Needs Core and Supplement Based on Level of Service and High Level Asset Analysis

	FUNDING NEEDS/Yr.
CORE O&M	~\$470K
CORE CAPITAL	~\$2.4M
SUPPLEMENT DRAINAGE ASSISTANCE PROGRAM MANAGEMENT AND OPTION A,B,C	~\$874K FY20, ~\$555K FY21

Consensus Needed



'What is the 'Core Responsibility' for CoF's Stormwater Maintenance?



Limited to Public RoW
and/or off RoW?



How do we Address our Underfunded Core Needs: O&M and Capital?



Next Steps: Ordinance Amendments in August, Staff is Seeking Council's Preference on Process

Supplementing Core



Direction Needed: Drainage Assistance Program Management and Option A, B, C



Next Steps: Program Specifics



Staff is Seeking Council Preference on Process – Administratively, SWAB, Other



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Fayetteville
North Carolina

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Stormwater Operating Fund Five Year Financial Model
Program Management plus Options A, B and C

			Actuals FY18 Modified Accrual	Adopted Budget FY19	FY19 Year-End Projection	Projected FY20	Projected FY21	Projected FY22	Projected FY23	Projected FY24
Revenues	Mo Fee	Ann Fee								
Total Storm Water Fees	\$6	\$ 72	7,832,102	11,061,170	11,132,450	11,193,190	11,260,349	11,327,911	11,395,879	11,464,255
			1.23%	0.22%	0.68%	0.55%	0.60%	0.60%	0.60%	0.60%
Penalties & Interest			21,206	18,440	21,210	21,210	21,337	21,465	21,594	21,724
Intergovernmental - State			122,011	123,522	123,522	123,522	120,500	120,500	120,500	120,500
Other Income			51,390	4,000	2,555	5,500	-	-	-	-
Other Income - Hurricane Matthew/Florence			33,450	50,000	53,816					
Investment Income			26,386	6,970	15,170	18,800	23,836	14,330	3,396	-
Total Revenue			8,086,545	11,264,102	11,348,723	11,362,222	11,426,023	11,484,206	11,541,369	11,606,479
Expenditures										
Operating										
Stormwater Operations			2,931,879	3,561,308	3,249,262	3,903,191	4,001,155	4,121,190	4,244,826	4,372,171
Street Sweeping Operations			783,799	895,954	820,068	919,462	928,562	956,419	985,112	1,014,665
Privately Owned Dams Evaluation			141,514	-	-					
Hurricane Related Expenditures (FY18 Capital below)			58,113	50,000	53,836					
Off RoW Program (7 positions, operating and materials costs)						451,362	454,982	468,631	482,690	497,171
Total Operating Costs			3,915,305	4,507,262	4,123,166	5,274,015	5,384,699	5,546,240	5,712,628	5,884,007
Income Available for Debt Service			4,171,240	6,756,840	7,225,557	6,088,207	6,041,324	5,937,966	5,828,741	5,722,472
Total Debt Service			913,085	917,081	917,081	921,094	919,400	916,201	922,297	916,651
Net Income before Capital Expenditures			3,258,155	5,839,759	6,308,476	5,167,113	5,121,924	5,021,765	4,906,444	4,805,821
Capital										
Off RoW Program (One vehicle)			-	-	-	23,000	-	-	-	-
Off RoW Spot Repair Funding Enhancements			-	-	-	400,000	100,000	100,000	100,000	100,000
Vehicles/Equipment			440,000	51,000	51,000	205,750	57,938	155,500	44,000	135,000
Street Sweeping -Vehicles/Equip			285,000	250,000	250,000	328,250	873,938	272,000	-	272,000
Automated Truck Wash										109,282
Alexander Street Facility Renovations						172,500				
Stormwater Components of Street Projects						111,373	332,960			105,660
Stormwater Drainage Improvements			3,130,451	4,413,989	4,413,989	4,361,394	5,223,200	5,215,000	5,293,560	3,900,000
Total Capital			3,855,451	4,714,989	4,714,989	5,602,267	6,588,036	5,742,500	5,437,560	4,621,942
Total Expenditures			8,683,841.00	10,139,332	9,755,236	11,797,376	12,892,135	12,204,941	12,072,485	11,422,600
Revenue Over (Under) Expenditures			(597,296)	1,124,770	1,593,487	(435,154)	(1,466,112)	(720,735)	(531,116)	183,879
Beginning Available Fund Balance				1,007,722	1,007,722	2,601,209	2,166,055	699,943	(20,792)	(551,909)
Ending Available Fund Balance			1,007,722	2,132,492	2,601,209	2,166,055	699,943	(20,792)	(551,909)	(368,030)
Revenues from a \$0.25 increase in monthly fee						466,383	469,181	471,996	474,828	477,677
Revised Fund Balance Projection						2,632,438	1,635,507	1,386,768	1,330,479	1,992,035

Stormwater Operating Fund Five Year Financial Model
Program Management plus Options B and C

			Actuals FY18 Modified Accrual	Adopted Budget FY19	FY19 Year-End Projection	Projected FY20	Projected FY21	Projected FY22	Projected FY23	Projected FY24
Revenues	Mo Fee	Ann Fee								
Total Storm Water Fees	\$6	\$ 72	7,832,102	11,061,170	11,132,450	11,193,190	11,260,349	11,327,911	11,395,879	11,464,255
			1.23%	0.22%	0.68%	0.55%	0.60%	0.60%	0.60%	0.60%
Penalties & Interest			21,206	18,440	21,210	21,210	21,337	21,465	21,594	21,724
Intergovernmental - State			122,011	123,522	123,522	123,522	120,500	120,500	120,500	120,500
Other Income			51,390	4,000	2,555	5,500	-	-	-	-
Other Income - Hurricane Matthew/Florence			33,450	50,000	53,816					
Investment Income			26,386	6,970	15,170	18,800	25,252	18,617	10,650	7,476
Total Revenue			8,086,545	11,264,102	11,348,723	11,362,222	11,427,438	11,488,493	11,548,623	11,613,955
Expenditures										
Operating										
Stormwater Operations			2,931,879	3,561,308	3,249,262	3,903,191	4,001,155	4,121,190	4,244,826	4,372,171
Street Sweeping Operations			783,799	895,954	820,068	919,462	928,562	956,419	985,112	1,014,665
Privately Owned Dams Evaluation			141,514	-	-					
Hurricane Related Expenditures (FY18 Capital below)			58,113	50,000	53,836					
Off RoW Program (2 positions and minor operating costs)						168,197	165,392	170,354	175,465	180,729
Total Operating Costs			3,915,305	4,507,262	4,123,166	4,990,850	5,095,109	5,247,963	5,405,403	5,567,565
Income Available for Debt Service			4,171,240	6,756,840	7,225,557	6,371,372	6,332,329	6,240,530	6,143,221	6,046,390
Total Debt Service			913,085	917,081	917,081	921,094	919,400	916,201	922,297	916,651
Net Income before Capital Expenditures			3,258,155	5,839,759	6,308,476	5,450,278	5,412,929	5,324,329	5,220,924	5,129,739
Capital										
Off RoW Program (One vehicle)			-	-	-	23,000	-	-	-	-
Off RoW Spot Repair Funding Enhancements			-	-	-	400,000	100,000	100,000	100,000	100,000
Vehicles/Equipment			440,000	51,000	51,000	205,750	57,938	155,500	44,000	135,000
Street Sweeping -Vehicles/Equip			285,000	250,000	250,000	328,250	873,938	272,000	-	272,000
Automated Truck Wash										109,282
Alexander Street Facility Renovations						172,500				
Stormwater Components of Street Projects						111,373	332,960			105,660
Stormwater Drainage Improvements			3,130,451	4,413,989	4,413,989	4,361,394	5,223,200	5,215,000	5,293,560	3,900,000
Total Capital			3,855,451	4,714,989	4,714,989	5,602,267	6,588,036	5,742,500	5,437,560	4,621,942
Total Expenditures			8,683,841.00	10,139,332	9,755,236	11,514,211	12,602,545	11,906,664	11,765,260	11,106,158
Revenue Over (Under) Expenditures			(597,296)	1,124,770	1,593,487	(151,989)	(1,175,107)	(418,171)	(216,636)	507,797
Beginning Available Fund Balance				1,007,722	1,007,722	2,601,209	2,449,220	1,274,113	855,942	639,306
Ending Available Fund Balance			1,007,722	2,132,492	2,601,209	2,449,220	1,274,113	855,942	639,306	1,147,103
Revenues from a \$0.25 increase in monthly fee						466,383	469,181	471,996	474,828	477,677
Revised Fund Balance Projection						2,915,603	2,209,677	2,263,502	2,521,694	3,507,168

City of Fayetteville

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City Council Action Memo

File Number: 19-812

Agenda Date: 6/3/2019

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.04

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager, ICMA-CM

FROM: Cynthia Blot, Economic & Community Development Director

DATE: June 3, 2019

RE:

Economic & Community Development New Programs Proposal

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Desirable Place to Live, Work and Recreate.

Executive Summary:

This item is for information purposes and discussion concerning new Economic & Community Development programs utilizing General Fund dollars. Staff is seeking consensus regarding which program should move forward for implementation using identified funding.

Background:

At the February 2019 retreat City Council discussed expanding Economic & Community Development efforts outside of CDBG program restrictions.

A follow-up presentation was made on April 1, 2019. At that time City Council prioritized several potential programs, requesting a more detailed analysis of implementation potential.

Staff has prepared a presentation of two program options for City Council to discuss.

Issues/Analysis:

Provide Guidance to the Economic & Community Development Department about proposed new programs.

Budget Impact:

\$500,000 in one time funds has been included in the proposed FY20 budget that Council will consider on June 10.

Options:

- Direct staff to pursue the “Good Neighbors” housing program as the priority for FY20.
- Direct staff to pursue the “Commercial Corridor Improvement Program” as the priority for FY20
- Direct staff to pursue both programs
- Request that staff provide additional information or investigate additional options

Recommended Action:

Staff recommends pursuing the “Commercial Corridor Improvement Program” as the priority for FY20

Attachments:

Potential New Programs PowerPoint



Economic & Community Development

Potential New Programs

City of
Fayetteville
North Carolina





Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

- Create options for expanded assistance to the citizens of Fayetteville. Allocation: \$500,000
- Provide Options to Council
- Determine Targeted Areas
- Funding



Choice Neighborhoods Initiative: CNI

- The CNI program leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with a comprehensive approach to community and housing transformation.
- Grant Writer/Consultant \$ 85,000 (secured)



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Housing Programs

Good Neighbor Next Door

- Law Enforcement
- Teachers
- Firefighter/Emergency Medical Technicians

Homes must be located in Revitalization Areas
as determined by City Council



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Good Neighbor Next Door

- Forgivable loan up to \$50,000
- Outreach
- Seek Foundations to leverage funding.

Year	Loan	
	\$ 50,000	\$ 50,000
1	\$ (10,000)	\$ 40,000
2	\$ (10,000)	\$ 30,000
3	\$ (10,000)	\$ 20,000
4	\$ (10,000)	\$ 10,000
5	\$ (10,000)	\$ -

Eligible Incomes up to 140% Median



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Good Neighbor Next Door

• Staff commitment 1 FTE-GNND Administrator	\$ 85,000
• Administrative Costs	\$ 10,000
• Development/Implementation 60-90 days Delivery funds	\$405,000
Approx. 6-10 homeowners assisted	<hr/> \$ 500,000



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Economic Development Programs

To create an economic development revolving loan fund and grant program to provide short-term capital in support of the City of Fayetteville's Small Local Businesses located in targeted commercial corridors (TBD by City Council).



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Economic Development Programs

- **Commercial Corridor Improvement Program**

The Commercial Corridor Improvement Program will support revitalization efforts in the City's Targeted Commercial Corridors by stimulating private investment in high-quality improvements.

- *Murchison Road

- *Eastern Blvd

- *Bragg Blvd



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Economic Development Programs

- Commercial Exterior Improvement Grant
- Business Development Loan Program



Increase Opportunities for Homeownership and Business Growth/Entrepreneurship

Economic Development Programs

• Staff 1 FTE-Business Outreach Specialist	\$ 75,000
• Administrative Costs	\$ 10,000
• Development/Implementation 45-90 days Delivery funds	\$415,000
	<hr/>
Approx. 5-30 businesses assisted	\$ 500,000



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City Council Action Memo

File Number: 19-838

Agenda Date: 6/3/2019

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.05

TO: Mayor and Members of City Council

THRU: Karen M. McDonald, City Attorney

FROM: Lisa Y. Harper, Assistant City Attorney

DATE: June 3, 2019

RE:

Discussion on Anti-Camping and Anti-Sleeping Ordinance

COUNCIL DISTRICT(S):

All Districts

Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate

Executive Summary:

The purpose of this agenda item is to present staff's research regarding anti-camping and anti-sleeping ordinances.

Background:

Council members have expressed an interest in adopting an anti-camping and anti-sleeping ordinance. Our office surveyed several North Carolina cities and found related ordinances from five peer cities. Attached is a comparison chart showing how the cities of Charlotte, Wilmington, Winston Salem, Asheville and Raleigh have addressed this issue. The penalty under the majority of the ordinances cited is a misdemeanor under N.C.G.S. § 14-4.

Issues/Analysis:

There is a proposed bill moving through the legislature (Senate Bill 584, House Bill 1010) which would decriminalize the violation of municipal ordinances. If passed, the

enforcement of these types of ordinances may be adversely affected.

Budget Impact:

Unknown at this time.

Options:

1. Direct staff to move forward with drafting an anti-camping/anti-sleeping ordinance.
2. Do not direct staff to move forward with drafting an anti-camping/anti-sleeping ordinance.
3. Provide additional direction to staff.

Recommended Action:

Staff recommends that Council provide direction to staff as to Council's interest.

Attachments:

Comparison Chart

COMPARISON CHART WITH OTHER NORTH CAROLINA CITIES				
Charlotte	Wilmington	Winston-Salem	Asheville	Raleigh
<p>Camping and other activity prohibited on public property.</p> <p>(a) Definitions:</p> <p><i>Camp</i> or <i>camping</i> means the use of city property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on city property for living accommodation purposes.</p> <p><i>Temporary shelter</i> means tents, tarps, or any type of structure or cover that provides partial shelter from the elements.</p> <p>(b) It shall be unlawful for anyone to camp on any public property owned by the city including public rights-of-way and sidewalks.</p> <p>(c) Camping as defined in this section is deemed a public nuisance and the city may summarily remove a temporary shelter, bedding or</p>	<p>Off-street parking and/or storage of recreational vehicles.</p> <p>No recreational vehicles parked or stored on a residential lot shall be in such location for living, sleeping, housekeeping or business purposes.</p> <p>Certain conduct prohibited in city recreational facilities.</p> <p>Sleeping, camping or otherwise staying in any park overnight, unless by permit or as a part of a sponsored program; lying or sleeping on park benches or tables.</p> <p>Penalty:</p> <p>Misdemeanor penalty pursuant to G.S. 14-4.</p>	<p>The following acts are not permitted in or on the cemetery grounds:</p> <p>Picnicking, lunching, etc. Picnicking, lunching, camping, hunting, gathering berries, fruits or nuts, running, romping, playing, loitering, lounging, or lying full length or sitting on the ground.</p> <p>Sleeping on public property or property of another unlawful.</p> <p>Enforcement:</p> <p>Warning</p> <p>Penalty:</p> <p>Misdemeanor penalty pursuant to G.S. 14-4.</p>	<p>Sleeping on public property.</p> <p>It shall be unlawful for any person to sleep outdoors on any of the streets, sidewalks or public parks in such a way, or in such a manner, as to interfere with pedestrian or vehicular traffic, or permitted activities.</p> <p>Definitions:</p> <p><i>Camp</i> or <i>camping</i> means sleeping, making preparation to sleep (including the laying down of bedding for the purpose of sleeping), and associated activities, including the storing of personal belongings, making any fire, remaining at or near any tent or other shelter, doing any digging or earth breaking or carrying on of cooking or other activities supportive of camping or living accommodation purposes.</p> <p><i>City property</i> means any property owned or controlled by the city, including but not limited to, parks, recreation facilities, streets, sidewalks, plazas,</p>	<p>Sleeping in parks prohibited.</p> <p>As long as the City or County operate a 24-hour a day emergency homeless shelter.</p> <p>Camp or stay overnight on any City park, greenway, street, or any City property without a permit from the Director of Parks and Recreation.</p> <p>No person can sleep, rest, or camp in prone position during day or night except by permit in certain named parks (primarily in downtown area).</p> <p>Penalty:</p> <p>No penalty cited.</p>

COMPARISON CHART WITH OTHER NORTH CAROLINA CITIES				
Charlotte	Wilmington	Winston-Salem	Asheville	Raleigh
<p>personal belongings.</p> <p>(d) It shall be unlawful to light or use a campfire or bonfire on public property except as may be specifically authorized by a permit.</p> <p>Behavior:</p> <p>No person in a park shall lie or sleep in a prone position on seats, tables, or benches.</p> <p>Penalty:</p> <p>No penalty cited.</p>			<p>yards, and building curtilage.</p> <p>No camping on city property.</p> <p>The use of city property for camping purposes, whether on a regular or intermittent basis, is prohibited. This prohibition is applicable regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.</p> <p>No tents or shelters on city property.</p> <p>Penalty:</p> <p>Misdemeanor penalty pursuant to G.S. 14-4.</p>	

City of Fayetteville

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City Council Action Memo

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Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.06

TO: Mayor and Members of City Council

THRU: Angel Wright-Lanier, Assistant City Manager

FROM: Randy Hume, Transit Director

DATE: June 3, 2019

RE:

Student Semester Pass - Mobile Ticketing Update

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate

Objective D: To develop and maintain public transportation investments with high quality transit and airport services

Executive Summary:

On April 8, 2019, City Council approved a new semester pass for Fayetteville State University, Fayetteville Technical Community College and Methodist University students beginning the fall 2019 semester. Transit staff has recommended selling this pass directly to students using mobile ticketing technology. This process allows students to use their mobile phone or device to purchase passes and then ride FAST buses (i.e., pay fare) without the need of a separate conventional bus pass.

Staff feels mobile ticketing will reach more students, increase pass sales/revenues and be the most effective means to ensure a successful roll out of the Student Semester Pass Program.

Companies offering transit mobile ticketing apps are generally compensated by charging a commission or transaction fee based on gross sales. Staff projects increased sales

achieved by the convenience and direct marketing of mobile pay along with savings related to producing, distributing and collecting revenues with conventional passes will more than offset the costs of the commissions.

The City's current fee schedule provides for the City to charge a \$3.50 convenience fee for internet payments. Transit staff recommends this fee be waived for ticket purchases made by mobile ticketing and seeking Council's direction.

Background:

City Council approved a new Student Semester Pass for students enrolled at Fayetteville State University (FSU), Fayetteville Technical Community College (FTCC) and Methodist University (MU). Staff has been working with these three colleges on the logistics for promoting, distributing and selling the new passes. Staff has also investigated opportunities to be able to promote, sell and allow students to use FAST transit services via digital means. In transit this concept is called "Mobile Ticketing". Transit staff recommends mobile ticketing as the best method to introduce and manage its semester pass program.

There are numerous advantages to mobile ticketing over use of a conventional printed bus pass. First and foremost, a mobile ticket is the best method to reach our target audience - millennial/college students. Students desire the convenience on doing everything on their phone or mobile device at a moment's notice from wherever they maybe (dorm room, restaurant, library, etc.). Many no longer carry purses or wallets. One transit system using mobile ticketing in a college environment said "if they have to go someplace to make the purchase, they probably won't". FAST experienced that with our last FSU student program where a relatively small percentage of students would go to the student affairs office even to get a free pass.

Mobile ticketing also provides staff the fastest and most direct approach to market the pass. Students will get individual emails promoting the pass and giving them the opportunity to purchase the pass by phone. Most of these companies provide a unique eligibility code that protect the integrity of the program as well as helps us identify who (what school) is purchasing the pass. This eliminates the need to arrange for an on campus retail outlet on each campus, and the staff time required to distribute passes, collect revenues, prepare reports and then reconcile the revenues to tickets sold. These services along with the mobile app students will use are included in the commissions paid to the mobile ticketing company.

Mobile ticketing works well with our tight timeline to ensure the pass is available for use on buses on August 1. It also takes away the guess work of determining the quantity passes to print, eliminates problems of durability (5 month pass) and reduces opportunities for the duplication/counterfeiting of passes. The mobile apps provide security features such as movement and changing colors that prevent using a screenshot or video in place of a valid pass.

Mobile ticketing is being used in Charlotte and in a limited way in the Triad. Greensboro plans to start using this fall. Others in the southeast using mobile ticketing include:

Columbia, SC; Athens, GA; Jacksonville, FL; Gainesville, FL and Bluffton/Hilton Head, SC. There are numerous college towns across the country that have been using this approach.

There are new costs involved in that mobile ticketing companies charge a commission for their services. Our research so far indicates these commissions to be in the 10% range. Staff has requested quotes/proposals to better compare costs and the services provided within these commissions.

Issues/Analysis:

The current fee schedule provides that users of City services pay a \$3.50 per payment convenience fee for the privilege of making an internet payment. Transit staff is requesting this fee be waived for transit tickets purchased through mobile ticketing. That ensures students only have to pay the \$55.00 per semester rate established by City Council.

Budget Impact:

Commissions related to mobile ticketing will reduce the net revenues generated by each pass sold. Transit staff projects the increased volume of passes sold via using mobile tickets combined with savings related to the costs involved with providing conventional transit passes will more than offset the cost paid in commissions. Staff estimates a five percent (5%) increase in sales will result in greater net revenues.

Options:

Agree with the mobile ticketing approach and provide direction to staff to amend the fee schedule to waive the \$3.50 convenience fee for internet payments for transit tickets; or
Agree with the mobile ticketing approach with the internet convenience fee to be added to the cost of the ticket; or
Direct staff to abandon the mobile ticketing approach.

Recommended Action:

Agree with the mobile ticketing approach and provide direction to staff to amend the fee schedule to waive the \$3.50 convenience fee for internet payments for transit tickets

Attachments:

Presentation



Transit Mobile Ticketing

Student Semester Pass

City of
Fayetteville
North Carolina



Why Mobile Ticketing

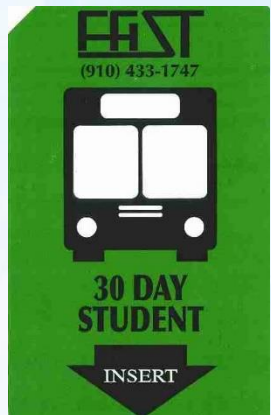
- Best method to reach target audience –Millennial/College Students
- Fastest roll-out
- Direct marketing – Email and phone app
- Durability of paper/card stock (5 months)
- Pass security
- Staff time and effort (distributing/collecting/reconciling)
- No need for 3rd party sales locations on campus
- Future for fare collection
- Program success – Increased ridership and revenue



How Process Works

1. Vendor provides mobile app (branded with FAST & school logo)
2. College sends list of emails (CVS file) to vendor
3. Vendor emails all eligible students with signup instructions
4. Students download app
5. Students create transit pass account with vendor
6. Student purchases pass
7. Vendor confirms email and provides pass to student
8. Vendor deposits revenue directly to City bank account
9. Student visually presents pass to bus operator to board

Costs & Revenues



- Mobile Ticketing - Commissions
 - Includes App, marketing, credit card fees,
 - Management reports
- Conventional Passes
 - Printing/Encoding ticket stock
 - Unused/wasted ticket stock
 - Distributing/Replenishing/Collecting
 - Credit card fees
 - Transaction fees - 3rd party sales outlets
- Internet Payments – \$3.50 convenience fee
 - Request to waive for transit ticket sales



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City Council Action Memo

File Number: 18-704

Agenda Date: 6/3/2019

Version: 2

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.07

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Gerald Newton, AICP - Director, Development Services Department
Taurus Freeman, Planning and Zoning Division Manager

FROM: David Nash, AICP, Senior Planner
David Steinmetz, Chief Zoning Administrator

DATE: June 3, 2019

RE:

Consideration of Options for Regulating Short-Term Rentals

..end

COUNCIL DISTRICT(S):

All

..b

Relationship To Strategic Plan:

Goal 1: Safe & Secure Community; Goal 2: Diverse & Viable Local Economy; Goal 3: High Quality Built Environment; Goal 4: Desirable Place to Live, Work & Recreate.

Executive Summary:

Development Services has been tasked with developing some options for regulating short-term rentals (STRs). This memo provides definitions of STRs, the size of the STR market in Fayetteville and information on how other cities in North Carolina are regulating STRs. If the City Council is interested in regulating STRs, this memo concludes with several possible options for regulating STRs in Fayetteville. At this point in the process, no action by City Council is expected. Staff is merely seeking direction from City Council.

Background:

The short-term rental (STR) market is part of the "sharing economy." It refers to a new kind of visitor accommodation which is offered from a residential unit and which is publicized through an online booking site. Traditionally, visitors to a community have been accommodated in facilities such as hotels or motels, boarding or rooming houses, tourist homes, or rooming or boarding houses. The STR market has emerged as web-based booking sites such as Airbnb, VRBO, Homeaway and FlipKey have made it possible for owners of residential units to offer a new kind of visitor accommodation.

Communities across the nation and in North Carolina have been considering the fundamental question of whether to regulate this new kind of visitor accommodation. If communities decide to regulate, then they must decide how to regulate this new accommodation.

Two Types - There are two basic types of STR accommodations (Badgett, 2018). The first involves a homeowner or permanent resident (i.e., a host) who rents individual rooms within the residence for overnight lodging. This is sometimes referred to as home-sharing or a "homestay." The second involves an owner (or host) who rents an entire house. This is sometimes referred to as a "whole-house" STR. In some situations, whole-house properties are mainly used as vacation rentals. In other situations, the host rents his/her primary residence only when he/she will be absent temporarily.

Issues/Analysis:

How Large Is the STR Market in Fayetteville? Three sources of data can help answer this question. The first two were found in December 2018, while the third is more recent.

Report from AirDNA - On December 5, 2018, the University of North Carolina (UNC) School of Government provided a link to a Fayetteville report from AirDNA (Badgett, 2018a).

AirDNA is Airbnb's data analytics site; it supposedly pulls rental statistics from Airbnb and VRBO. The Fayetteville report shows that there are 192 active rentals in the Fayetteville area. The report includes a map showing the location of each rental. The map illustrates rentals that are outside the City. In terms of Rental Types, there are 87 "entire home" rentals (45 percent of the total) and 105 "private room" rentals (55-percent of the total). The report shows that the number of STRs has grown by 95-percent annually since 2013.

Below is a link to the report from AirDNA:

<<https://www.airdna.co/vacation-rental-data/app/us/north-carolina/fayetteville/overview>>

Queries on the Airbnb Site - On December 4, 2018, prior to receiving the information above, staff tried to determine how large the STR market in Fayetteville is by submitting a series of 12 queries on the Airbnb site. Staff specified that a rental is desired in "Fayetteville, NC" for a one-week period during the first week of each month in 2019. Staff specified that the rental would be needed for 2 adults and no children.

Results of the Queries-Chart 1 below shows the results of the queries. In terms of total rentals available, for the first five months of 2019 (January through May), over 150 total rentals are available. The maximum number occurs in February, when 191 rentals are available. For June through December 2019, the total rentals are closer to 100. In terms of the types of STR accommodations available, the Airbnb site provides two categories: entire home versus private room. In almost every month, the number of private rooms available exceeds the number of entire places available; however, the numbers are very similar in some months.

Limitations of the Two Sources of Data - Both sources of data have a geographic limitation, in that the report and query both refer to "Fayetteville, NC," but this is really referring to the overall Fayetteville area, not just the area within the Fayetteville City limits. A possible limitation of the AirDNA data is that it is based on data from both Airbnb and VRBO.

Uses of the Two Sources of Data - The AirDNA report shows 192 rentals. The February 2019 data shown in Chart 1 shows a total of 191 rentals. The totals from these two sources can perhaps provide a baseline which can be used as regulations are considered. Also, since both sources of data show that the number of private rooms available is similar to the number of entire places available, this suggests that regulations are needed for both types of STRs.

Article in CityView Magazine-The May/June 2019 issue of CityView Magazine serves as a third and more updated source of information. This issue included an article by Crissy Neville entitled, "Airbnb is thriving in Fayetteville's neighborhoods." According to this article, Fayetteville has over 100 listings on Airbnb.

How Is the City of Fayetteville Currently Regulating STRs? The City's Code Enforcement Division currently responds to complaints when they are received. The division reports that it has received several complaints about STRs during the past few months. The City does not have anything specific in its UDO regarding short-term rentals.

How Are Other Cities in North Carolina Regulating STRs? According to a blog post from the School of Government, (Badgett, 2018), most cities in North Carolina have not taken any regulatory action to date. Here is a summary of how several cities in North Carolina are regulating STRs.

Asheville - Asheville regulates both types of STRs: whole-house and individual rooms. The city began regulating STRs when it discovered that the demand for STRs in residential neighborhoods was contributing to an affordable housing crisis.

Regulation of Whole-House STRs-Asheville used a zoning approach regarding whole-house situations. The City restricted the rental of whole-houses to zones where "lodging facilities" (such as hotels and motels) were allowed. This meant that a homeowner or permanent resident (i.e., a host) could not rent out his or her entire home in an area zoned as residential. This ban has been controversial, but as of February 2018, it was still in place (Badgett, 2018). In the Table of Permitted Uses in the Asheville Zoning Ordinance, a whole-house STR is apparently listed as a "Short-Term Vacation Rental." It is permitted by right subject to special standards in the Resort zoning district. The Resort district is where hotels and motels are permitted by right.

Regulation of Individual Room STR's- Asheville also regulates the rental of individual rooms in a residence. The City refers to this kind of home-sharing as "homestays." According to Badgett (2018), "A homestay allows the host to rent individual rooms within his/her residence for overnight lodging for a term not to exceed thirty days. A homestay host must apply for a permit, pay an annual \$208 registration fee, make the property available to inspection, and agree not to rent more than two bedrooms in the dwelling unit simultaneously. Hosts must also remain on-site during the homestay, (i.e. no overnight travel allowed)." In the Table of Permitted Uses in the Asheville Zoning Ordinance, this type of SRT is listed as "Homestays." It is permitted by right subject to special standards in most residential districts.

How Are Violations Treated? According to Badgett (2018), "Hosts who violate the whole-house or homestay regulations are subject to a \$500 per night fine. The city now uses an independent company to identify violators."

Is There a Guide Available to Homeowners about These Regulations? Yes. The Asheville Citizen-Times published a useful flow-chart type of guide on January 18, 2018. Below is a link to the article:

<<https://www.citizen-times.com/story/news/local/2018/01/18/guide-ashevilles-short-term-vacation-rental-rules-can-you-rent-your-space/1035531001/>>

Raleigh - When this information was originally compiled in December 2018, Raleigh already prohibited the renting of STRs in residential neighborhoods. Raleigh was also considering new regulations. While the new regulations were being developed, hosts were being allowed to operate (Badgett, 2018). Here is an article (and video) about the new regulations, posted on November 30, 2018:

<<http://abc11.com/business/proposed-changes-to-raleighs-rental-rules-could-affect-companies-like-airbnb/4800663/>>

According to an updated story, posted on May 21, Raleigh has recently adopted new rules regarding the number of guests and rooms that Airbnb guests can have. Here is a link to that story:

<<https://www.wraltechwire.com/2019/05/22/number-of-airbnb-guests-soars-taxes-hit-24m-as-raleigh-cracks-down/>>

Wilmington - When this information was originally compiled in December 2018, Wilmington had decided to allow home-sharing (the rental of individual rooms) and had adopted an ordinance to that effect. It was to go into effect in March. The city council was still working to adopt a whole-house ordinance (Badgett, 2018a). On February 5, 2019, the city council gave the thumbs-up to allow whole house STRs in the city's residential and historic zones. However, two quantitative restrictions were included: a 400 foot separation requirement between uses, and a 2 percent cap on the number of properties that would be permitted in the zones. (Badgett, 2018b).

Blowing Rock - The Town of Blowing Rock defines STRs as the rental (or lease) of a residential dwelling unit (either attached or detached) for less than 28 consecutive days. STRs are limited to business districts and O&I zoning districts. The Town doesn't allow STRs in their downtown (Badgett, 2018 and 2018a).

Beach Communities - Most beach towns in North Carolina have not adopted regulations regarding STRs. This is probably because they do not see a need for additional regulation or because other ordinances already regulate this area. The economy of beach towns are based on tourism, so these towns generally welcome STRs (Badgett, 2018).

Budget Impact:

Not known at this time. If certain options are adopted, there might be additional costs for enforcement.

Options:

The fundamental question is whether to regulate this new type of visitor accommodation. Staff has developed three possible options for consideration. The following table shows three possible options. Other options could be developed.

To use this table, please read down through the rows in the column on the far left side. For each relevant row in the table, information is filled in. If no information is relevant in a cell, the cell is greyed out.

Under Option 1, both types of STRs (whole-house and individual room) would be regulated. Option 1 represents the most amount of new regulation.

Under Option 2, whole-house STRs would be regulated, but individual room STRs would not be regulated. Option 2 represents a moderate amount of new regulation.

Under Option 3, individual room STRs would be regulated, but whole-house STRs would not be regulated. Option 3 represents the least amount of new regulation.

An option of no new regulation for either type of STR is not shown in the table. This would represent a do-nothing option, i.e., a continuation of the status-quo.

Recommended Action:

The City Council should first determine if this is an item the Council wants to address or allow continual market factors sort this issue because of the challenges of understanding how the Short-term Rental market operates and not fully knowing the variety of interests.

The data on the STR market in Fayetteville shows that both types of STRs are present; this suggests that both types need to be regulated. Out of the three options shown above, Option 1 proposes that both types be regulated. Staff recommends that Option 1 be considered for further study if the City Council determines this is an issue to examine.

However, if City Council prefers to not regulate both types of STRs, then Option 2 proposes that only whole-house STRs be regulated, and Option 3 proposes that only Individual Room STRs be regulated. Other options could be developed, based on direction from City Council.

Attachments:

None

Sources Consulted:

Badgett, Rebecca. 2018. Coates' Canons Blog: "The Airbnb Gold Rush: What's a City to Do?" UNC School of Government. Posted February 15, 2018.

Badgett, Rebecca. 2018a. Email to David Nash. Subject: Re: STRs in North Carolina. Received on December 5, 2018.

Badgett, Rebecca. 2018b. Coates' Canons Blog: "Short-Term Rentals and Regulatory Approaches." UNC School of Government. Posted February 27, 2019.

Neville, Crissy. "Airbnb is thriving in Fayetteville's neighborhoods." CityView Magazine. May/June 2019. Pages 22-28.

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