



City of Fayetteville

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

Meeting Agenda - Final City Council Work Session

Monday, August 1, 2022

5:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

4.01 Fayetteville Market House Re Purposing Update

Attachments: [Repurposing Recommendations - 0822 \(YN mods\)](#)

4.02 New PWC Electric Rates/Riders

Attachments: [FY23 Electric Rates Presentation to Council](#)

4.03 Transit Development Plan Update

Attachments: [FAST_ExecutiveSummary_070722 - Council](#)
[FAST TDP Council PPT DRAFT v3](#)

4.04 Camping on Public and Private Property Ordinance Chapter 17

Attachments: [Camping on Public and Private Property Ordinance](#)
[Camping Ordinance and Homeless Initiatives - August 1, 2022](#)

4.05 Parks and Recreation Project Report Card

Attachments: [Report Card - 8-1-2022 - Final](#)

4.06 Home Occupations Standards - Proposed City Code Changes Chapter 30-4.D.3.i

Attachments: [Home Occupations - Proposed City Code Changes - 08-01-2022 Work Session](#)
[Fayetteville - Proposed Home Occupation Standards - Edits Shown](#)
[Fayetteville - Proposed Home Occupation Standards](#)
[Fayetteville - Current Home Occupation Standards](#)
[CCAM March 7 2022 - Home Occupations](#)
[Peer City Comparison - Home Occupation Standards - August 2021](#)
[Asheville](#)
[Cary](#)
[Charlotte](#)
[Durham](#)
[Greensboro](#)
[Hickory](#)
[Raleigh](#)
[Wilmington](#)
[Winston Salem](#)
[Gastonia](#)

4.07 City Council Request to increase the mailing notification for land use cases

Attachments: [Notification.pptx](#)

4.08 City Council Member Agenda Item Request - Construction of a Basketball Court in District 6

Attachments: [CM Davis - Basketball Court - 080122](#)

4.09 City Council Member Agenda Item Request - Retirement for Council Member - Council Member Haire

Attachments: [CM Haire - Retirement for Council Members](#)

4.010 City Council Member Agenda Item Request - Stormwater Assistance - Council Member Kinston

Attachments: [CM Kinston - Stormwater Assistance 080122](#)
[Photos.pdf](#)

4.011 City Council Member Agenda Item Request - Market House Mural - Council Member Kinston

Attachments: [CM Kinston - Market House Mural 080122](#)

4.012 City Council Member Agenda Item Request -City Council Assignments to Committees/Liaisons - Council Member Kinston

Attachments: [CM Kinston - Assignment to Council Committees](#)

4.013 City Council Member Agenda Item Request - City Council Policy and Procedures Review - Council Member Kinston

Attachments: [CM Kinston - Council Policy and Procedures 080122](#)

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 at yamilenazar@fayettevillenc.gov, 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.

COUNCIL WORK SESSION WILL BE AIRED

August 1, 2022 @ 5:00 p.m.

Cable Channel 7 and streamed "LIVE" at FayTV.net



City of Fayetteville

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

City Council Action Memo

File Number: 22-2849

Agenda Date: 8/1/2022

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: Jay Toland, Assistant City Manager

FROM: Yamile Nazar, Director
Diversity Equity & Inclusion
Human Relations Department

DATE: August 1, 2022 - Council Work Session

RE: Fayetteville Market House Repurposing Update

COUNCIL DISTRICT(S): All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

Information is presented to the Council involving suggested options for the repurposing of the Fayetteville Market House.

Background:

At the request by City Council on March 28, 2022, the Fayetteville-Cumberland Human Relations Commission was directed to collect further community input on ways to repurpose the Market House. The Commission held three in-person public input events, and attended various affinity group meetings in order to promote the survey and have these groups to share the survey link with their entire membership. The affinity groups include, but are not limited to, NAACP, Ministerial Alliance, Millennial Commission, various community watch meetings, and Divine 9.

If strategically repurposed, the historic Market House has the potential to make a significant contribution to local and regional African-American history, positive community race and human relations, residents' quality of life, as well as municipal tourism and the regional economy.

Issues/Analysis:

Top recommendations from residents throughout the City of Fayetteville:

Top Four Responses in Order

Education / History

- Compile and publish true and accurate information about the history of the Market House utilizing the research of reputable historians and sociologists.
- Change the language of the Market House plaque to reflect the involuntary nature of the enslaved.
- Provide history using multiple media options (written and digital) and in formats that are accessible to those with sight and hearing limitations.

Artistic Displays

- Market House: Commission local artisans to create temporary exhibits that depict the history of the Market House and Fayetteville, with a prioritization on Black history.
- Market House: Commission local artisans to create temporary exhibits that depict the history of the Market House and Fayetteville, with a prioritization on Black history.

Marketing / Communication

- Regularly publish communication that provides the community with updates on progress related to repurposing.
- Encourage continued community contribution by releasing “casting calls” for local artisans to develop artistic displays and, when possible, allow the community to informally vote on creative options.

Budget Impact:

Unknown at this time.

Options:

Select options from the USDOJ City SPIRIT and community input recommendations for repurposing the Market House (recommended).

Do not approve the proposed repurposing options provided in the USDOJ City SPIRIT and community input recommendations.

Recommended Action:

City staff recommend that repurposing options that can begin implementation be considered. This action is consistent with the intent and spirit of the Human Relations ordinance which provides guidance to the Human Relations Commission and City Staff in support of its efforts aligned with Goal 4 which promotes Fayetteville as a desirable place to live, work and recreate.

Attachments:

Repurposing Recommendation - PowerPoint Presentation

Repurposing the Market House

Fayetteville-Cumberland Human Relations Commission

- Semone Pemberton, Chairwoman
- Milette Harris, Vice-Chairwoman



- **Introduction**

- **History**

- Task (April 2021 – Date)
- Partnership with Department of Justice (DOJ) Community Relations
- Two City SPIRIT events
 - October 11, 2021
 - January 25, 2022
- Results presented March 28, 2022



- **Additional Community Input**

- Created online voting survey
 - Available to entire community.
 - Over 500 survey respondents.
 - Survey remained available until June 1, 2022.
- Conducted face-to-face community input sessions
 - Three live voting sessions.
 - Multiple face-to-face community input sessions.
- Marketing
 - Staff announcements around the city
 - Social media
 - Television
 - Online new outlets
 - City website



- **Ad Hoc Committee**

- Committee Composition
- Objective
- Recommendations
 - **Education (true and accurate):** Change plaque at the Market House
 - **Education Hub:** Provide information in different formats (i.e., QR codes, ADA compliant methods, written, etc.)
 - **Artistic Display:** Use the four corners of Market Square to display rotating art exhibits by local artisans.

Questions?





City of Fayetteville

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

City Council Action Memo

File Number: 22-2843

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.02

TO: Mayor and Members of City Council

THRU: Elaina L. Ball, CEO/General Manager
Fayetteville Public Works Commission

FROM: Fayetteville Public Works Commission

DATE: August 1, 2022

RE:
New PWC Electric Rates/Riders

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:
Quality Built Environment

Executive Summary:
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Background:
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Issues/Analysis:
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Budget Impact:
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Options:

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Recommended Action:

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Attachments:

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NEW PWC ELECTRIC RATES/RIDERS CITY COUNCIL WORK SESSION AUGUST 1, 2022

ELAINA L. BALL – CEO/GM

- ▶ **Key Drivers** - Conservation, Economic Development, Customer Satisfaction
- ▶ **Base Rates**
 - PWC continues with the objective of maintaining current base rates through FY 2024
- ▶ **New Rates/Riders**
 - New rate design for Whole Home/Whole Small Business EV rates effective February 2023
 - New Renewable Energy Buy Back rider effective February 2023
 - New Economic Development rider effective September 2022
- ▶ **Updated Rates**
 - Changes in demand qualification and energy rate for Medium Power CP – (optional) September 2022, (required) September 2023
- ▶ **Services Regulations/Charges**
 - Fee reductions for Connections/Reconnections

Residential Service - Whole Home (Electric Vehicles)

Single Phase Facility Charge	\$30.00
Three Phase Facility Charge	\$35.00
On-Peak Energy per kWh	\$0.13270
Off-Peak Energy per kWh	\$0.08473
Super Off-Peak Energy per kWh	\$0.04810

- ▶ Basic facility charge increase (\$10), extension of Super Off- Peak energy period
- ▶ Super off-peak is 9:00 PM to 5:00 AM
- ▶ Target effective: February 2023

Small Power Service - Whole Business (Electric Vehicles)

Single Phase Facility Charge	\$45.00
Three Phase Facility Charge	\$60.00
On-Peak Energy per kWh	\$0.13742
Off-Peak Energy per kWh	\$0.08935
Super Off-Peak Energy per kWh	\$0.04810

- ▶ Basic facility charge increase (\$15), extension of Super Off-Peak energy period
- ▶ Super Off-Peak is 9:00 PM to 5:00 AM
- ▶ Target effective: February 2023

Customer Service Charges

Customer Service Charges	Current	Proposed
Initial Connection Fee	\$22	\$20
Initial Connection Fee After Hours	\$65	\$20
Reconnect Fee	\$30	\$20
Reconnect Fee After Hours	\$60	\$20
Disconnection Attempt Fee	\$22	Remove
Meter Testing Fee – Electric	\$50	\$25
Meter Testing Fee – Water	\$85	\$40

Reviewed internal effort and benchmarked utility practices

Economic Development

- ▶ Effective September 2022
- ▶ Requirements
 - New load: 1,000 kW
 - Expansion: 750 kW
 - FTE and/or capital investment requirements
 - Minimum load factor: 40%
 - Utility Purchase Agreement, repayment provisions
- ▶ Energy Discount
 - kWh percentage based
 - Five-year declining annual credit

Renewable Energy Buy Back

- ▶ Effective February 2023
- ▶ Requirements
 - Residential and Small Power Service
 - Follows applicable rate schedule
 - 10 kW or less Solar Generation Facility
- ▶ Customer Credit
 - Weighted average credit
 - Calendar year based (0.06348 per kWh for CY 2022)
 - Credit cannot exceed monthly energy charge
 - No carry-forward of credit



NEW PWC ELECTRIC RATES/RIDERS AUGUST 1, 2022

ELAINA L. BALL – CEO/GM

Appendix

► **Cost of Service Study Assumptions**

- Use of current base rates
- Drawdown of electric rate stabilization fund
- Contingency and capital expenditure plans
- Maintain >120 days cash on hand for Electric
- Maintain > 2.5 debt service coverage

► **Cost of Service Study Results**

- Cost of service results = \$201.3M
- Prior study = \$201.6M
- ~0.1% difference from 2 years ago
- Reviewed inter and intra customer class cost of service results

► **Recommendation – No base rate increase**

Medium Power Service – Coincident Peak

- ▶ Conservation/Demand Management
- ▶ Balancing change with PWC resources

- ▶ Effective September 2022 (optional enrollment)
 - Lowering minimum kW threshold from 200 to 150
 - Energy charge reduced from \$0.04545 to \$0.03925

- ▶ Effective September 2023 (required enrollment)

Economic Development Benchmarking

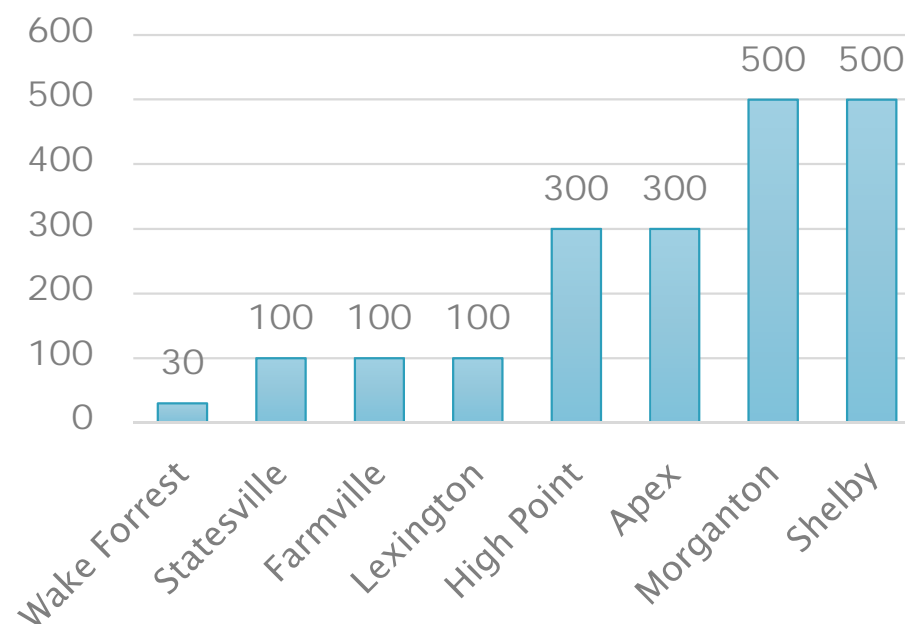
- ▶ Consultant benchmarked regional and national Investor Owned Utilities (IOUs) and municipally owned utilities and reviewed cost of service analysis
- ▶ Most utilities surveyed:
 - Incentive periods range 3-10 years, with 5 being most common
 - Declining discount structure most common
 - Eligibility criteria - Load, FTEs, and/or investment are common
- ▶ Analysis
 - Reviewed cost of service for Large Power Service
 - Compared potential ED credit design to LPS and other ED credits offered in region
- ▶ Recommendation
 - kWh percentage based
 - Five-year declining annual credit

- ▶ **Consultant reviewed Buy All Sell All tariff and found:**
 - Calculation is administratively burdensome to apply to many small power producers
 - Cost of separate generation meter may be cost prohibitive
- ▶ **Recommendation**
 - Adopt small producer policy (mainly focused on rooftop solar) that applies bi-directional metering
 - Simplify calculation of credit
 - Maintain Buy All Sell All tariff for larger power producers

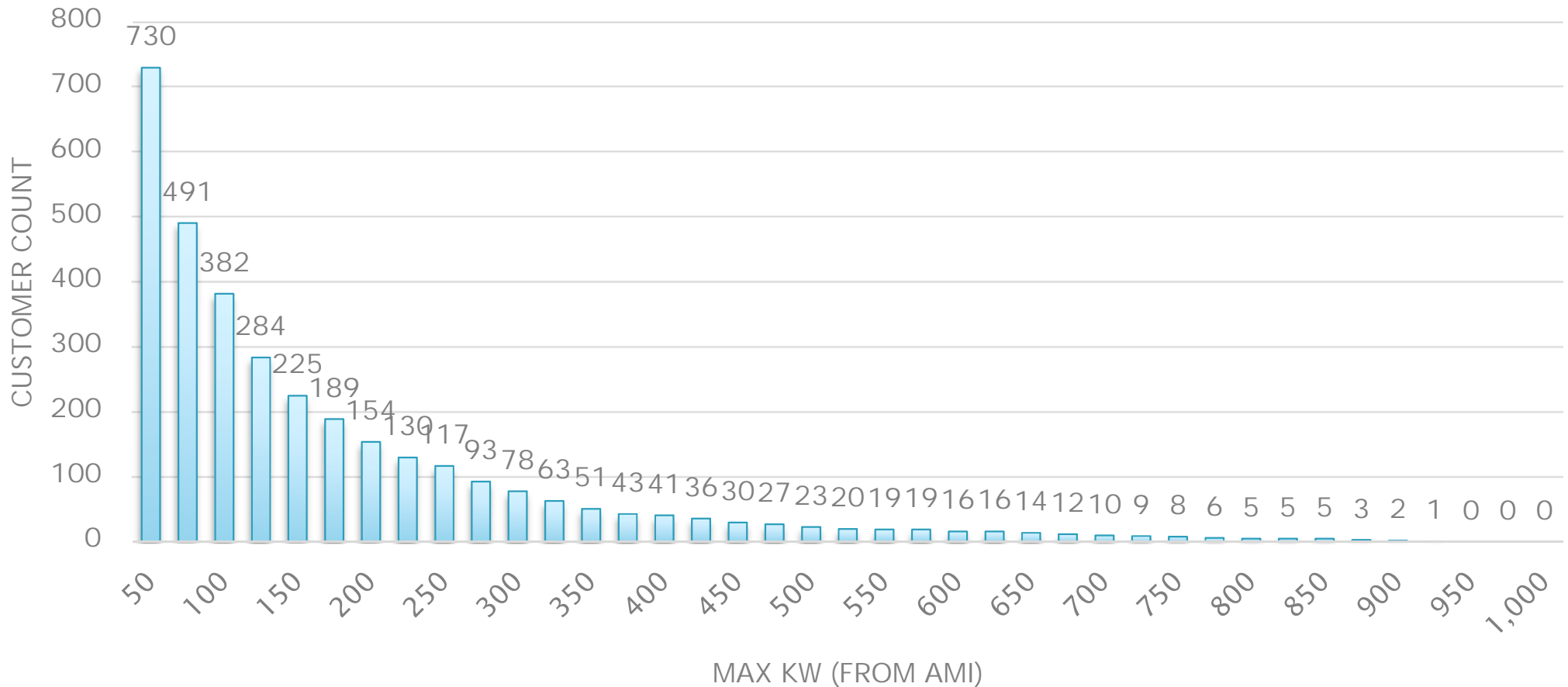
Coincident Peak Rate Benchmarking

- ▶ Coincident peak options starting availability is relatively broad in NC (30-500kW)
- ▶ Many areas providing complex rate options to 50kW or higher customers

Size at Which CP Rate is Available (kW)



MPS Customers with Demands Greater than Indicated Value





City of Fayetteville

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City Council Action Memo

File Number: 22-2718

Agenda Date: 8/1/2022

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: Telly C. Whitfield, Ph.D., Assistant City Manager

FROM: Tyffany Neal, Assistant Transit Director
Randy Hume, Transit Director

DATE: August 1, 2022

RE:

Transit Development Plan Update

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Objective 4.1: To develop and maintain public transportation investments with high quality transit and airport services

Executive Summary:

The Transit Development Plan (TDP) is the business development plan FAST will utilize over the next decade and beyond as a guide for improving services, infrastructure, technology, plans and policies. This update was delayed due to the COVID-19 pandemic and the impact it has had on the FAST system.

Over the past year, FAST has worked with the planning consulting firm VHB to update its 2014 TDP. Throughout the yearlong process, FAST engaged the general public through listening sessions and a survey, local stakeholders through a Project Advisory Committee (PAC) and the Fayetteville Area Committee on Transit (FACT). In addition to external customers the planning process also included meetings with FAST's frontline employees to ensure the Fayetteville community had an opportunity to be heard as the plan's recommendations were created. The TDP recommendations are divided into 3 phases:

REBUILD, IMPROVE and EXPAND. The Executive Summary attached provides the details of each phase.

Once Council has reviewed the plan, staff is requesting Council's consensus to move the plan forward for approval action at the August 8, 2022 regular City Council meeting.

Background:

Transit planning plays a fundamental role in a state, region or community's vision for its future. It includes a comprehensive consideration of possible strategies; an evaluation process that encompasses diverse viewpoints; the collaborative participation of relevant transit-related agencies and organizations; and open, timely and meaningful public involvement.

The current Transit Development Plan (TDP) was adopted by the City Council in May 2014 and has guided staff in implementing transit related improvements since that time. As much has changed since May 2014, the objective of this 2022 Transit Development Plan update is to delve into how recent improvements and changes in both development patterns and demographics within the City of Fayetteville affect FAST's services. Some of those changes are:

- Transportation network companies (e.g., Uber and Lyft) began operating in Fayetteville just a couple months after the adoption of the last TDP;
- FAST's Transit Center opened in 2017 requiring several routes to be reconfigured to converge at the new location;
- COVID-19 has shifted transportation patterns.

FAST's plan consultant, VHB, used a cooperative and collaborative process designed to foster involvement by all users of the transit system including local businesses, community groups and the general public through a proactive public participation process. FAST and VHB worked with the Fayetteville Area Committee on Transit (FACT) and established a Project Advisory Committee (PAC) to guide the development of the plan's recommendation. Opportunities for engaging the general public and FAST's external customers included multiple listening sessions and a survey. The planning process also included meetings with FAST's frontline employees.

FAST's Transit Development Plan update shows its commitment to ensure its programs, policies and services are implemented equitably and is in line with FAST's vision to become a transit system of choice.

Issues/Analysis:

This update included a brief review of transit opportunities for the entire Fayetteville region that includes areas beyond the Fayetteville city limits. This would include services to surrounding communities such as Hope Mills and Spring Lake. FAST's ability to provide such services will be contingent upon FAST's ability to secure funding from new partners and their willingness to pay a fair share of the operating and capital costs associated with regionalization.

Budget Impact:

The TDP is a planning document that will guide FAST services throughout the next 10 years. The plan itself does not commit Council to a specific budget expenditure in any year.

Options:

Review the 2022 TDP Update and direct staff to move the plan forward for approval at the August 8, 2022, Council meeting; or
Provide direction to staff for changes to the recommended TDP.

Recommended Action:

Review the 2022 TDP Update and direct staff to move the plan forward for approval at the August 8, 2022, Council meeting

Attachments:

Transit Development Plan Update 2022
Executive Summary
Council Presentation (PowerPoint

CITY OF FAYETTEVILLE | JULY 2022

Transit Development Plan 2023–2032

What is a TDP?

A Transit Development Plan or TDP is a 10-year needs-based plan recommending improvements to transit services, infrastructure, technology, plans and policies.

TDP Approach



Data analysis



Listening



Discovery and
understanding

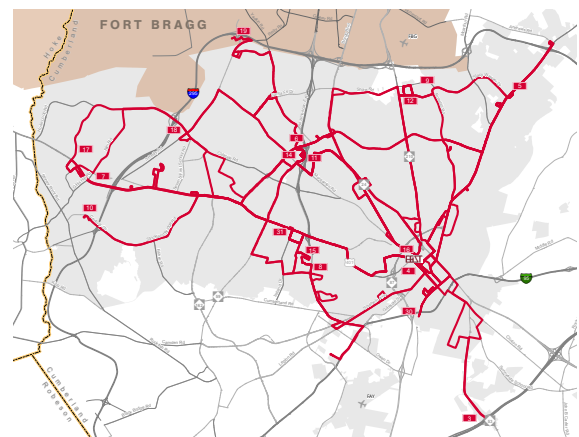


Documentation
and adoption

FAST Services Today

The Fayetteville Area System of Transit, commonly known as FAST, operates 18 weekday fixed routes (*shown at right*) as well as complementary paratransit service, known as FASTTrac!. In total, the two services provided almost 2 million trips in 2020. In recent years, FAST has made significant strides in improving bus stop amenities, including shelters and enhanced accessibility for individuals with disabilities. FAST has accomplished all of these improvements while still expending less per trip than its peers.

In 2017, FAST opened the FAST Transit Center, a state of the art facility, in downtown Fayetteville as its primary transfer location. FAST also connects numerous destinations, including downtown Fayetteville, Cross Creek Mall, Fort Bragg, multiple higher education facilities and medical facilities, among many other destinations.



FAST Service Area | 95 square miles

For more information on routes, visit
www.ridefast.net.

FAST Facts

Ridership

2019



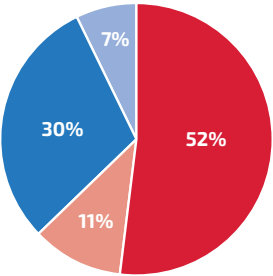
1,389,419 Fixed Route trips



63,423 FASTTrac! trips

Trip Purpose

- Work | School
- Medical
- Errands | Shopping | Recreation
- Other



Efficiency

FAST is efficient and effective in use of their resources.

FAST receives only 80% of the funding their peers do



But provides 98% compared to their peers in hours of bus service

Engagement

WHAT WE DID:

PUBLIC	STAKEHOLDER	STAFF	PUBLIC
2 Listening Sessions	3 Project Advisory Committee (PAC) Meetings	1 Transit Operator Conversations	1 Survey

WHAT WE HEARD:



TDP Recommendations



STEP 1 **REBUILD SERVICE** (2023–2024)

- » Maintain existing fixed route and FASTTrac! services
- » Restore nighttime service through a combination of core fixed routes and microtransit areas
- » Modernize shelters and improve ADA accessibility at bus stops
- » Increase service to Fort Bragg
- » Phase in replacement of diesel vehicles with electric vehicles
- » Ensure right mix of staff and competitive wages for future transit growth
- » Develop targeted marketing plan

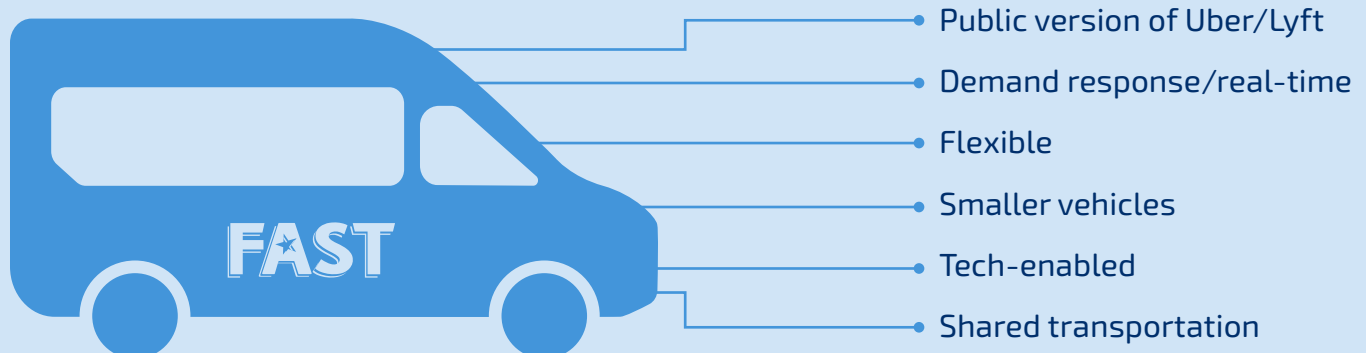
STEP 2 **IMPROVE SERVICE** (2025–2030)

- » Continue all improvements from Step 1
- » Strategically double frequency on targeted routes
- » Enhance transfer locations for fixed route and FASTTrac!
- » Add new maintenance facility
- » Educate and collaborate with developers to produce transit friendly developments
- » Update targeted marketing plan

STEP 3 **EXPAND SERVICE** (2031–2032)

- » Continue all improvements from Steps 1 and 2
- » Expand microtransit services*
- » Add service to Hope Mills and Spring Lake
- » Add service to Fayetteville Regional Airport

*What is Microtransit?



How would the City of Fayetteville benefit from transit?

- ✓ Reduces emissions
- ✓ Saves individuals money
- ✓ More attractive to younger generations
- ✓ Contributes to economic development
- ✓ Can help break the cycle of poverty



\$9,561

ANNUAL COST OF OWNING A CAR (2020)*

*American Automobile Association



\$480

ANNUAL COST OF RIDING FAST (2022)



19.3%

FAYETTEVILLE POVERTY RATE (2019)

FAST Helps Fulfill the City of Fayetteville's Goals

CITY OF FAYETTEVILLE

MISSION: To provide quality and sustainable public services for our community to thrive and businesses to grow.

GOAL 1: Safe and Secure Community

GOAL 2: Responsive City Government Supporting a Diverse and Viable Community

GOAL 3: City investment in Today and Tomorrow

GOAL 4: Desirable place to Live, Work, and Recreate

GOAL 5: Financially Sound City Providing Exemplary City Services

GOAL 6: Collaborative Citizen & Business Engagement

FAST

MISSION: To improve the quality of life by connecting Fayetteville's residents, workers, visitors, and places with a highly-valued safe, efficient, reliable and innovative transportation.

GOAL 1: Provide a safe and secure public transit system – both on buses and at bus stops – for the entire Fayetteville community

GOAL 2: Stimulate economic activity through business and community partnerships

GOAL 3: Strategically invest in sustainable transportation options

GOAL 4: Enhance quality of life through public transit to retain current customers (and attract new ones) by providing services that connects our communities

GOAL 5: Ensure cost-effective, efficient and responsible use of resources and aggressively pursue funding partnerships to minimize use of local resources

GOAL 6: Build strategic, collaborative partnerships by creating environments of community engagement

Tyffany L. Neal, MPA

Assistant Transit Director
TyffanyNeal@fayettevillenc.gov

Fayetteville Area System of Transit (FAST)
455 Grove Street | Fayetteville, NC 28301
www.FayettevilleNC.gov | www.ridefast.net



To access the full Transit Development Plan, scan the QR code to the left or visit www.fayettevillenc.gov/city-services/transit/about-fast/transit-development-plan.



AUGUST 1, 2022

Transit Development Plan City Council





Today's Agenda

Transit Development Plan

The Plan

FAST Facts

Recommendations

Finance Plan



Transit Development Plan

What is a Transit Development Plan?

10-year vision

Future-oriented

Community built

Budgetary
guidance

System-wide
improvements





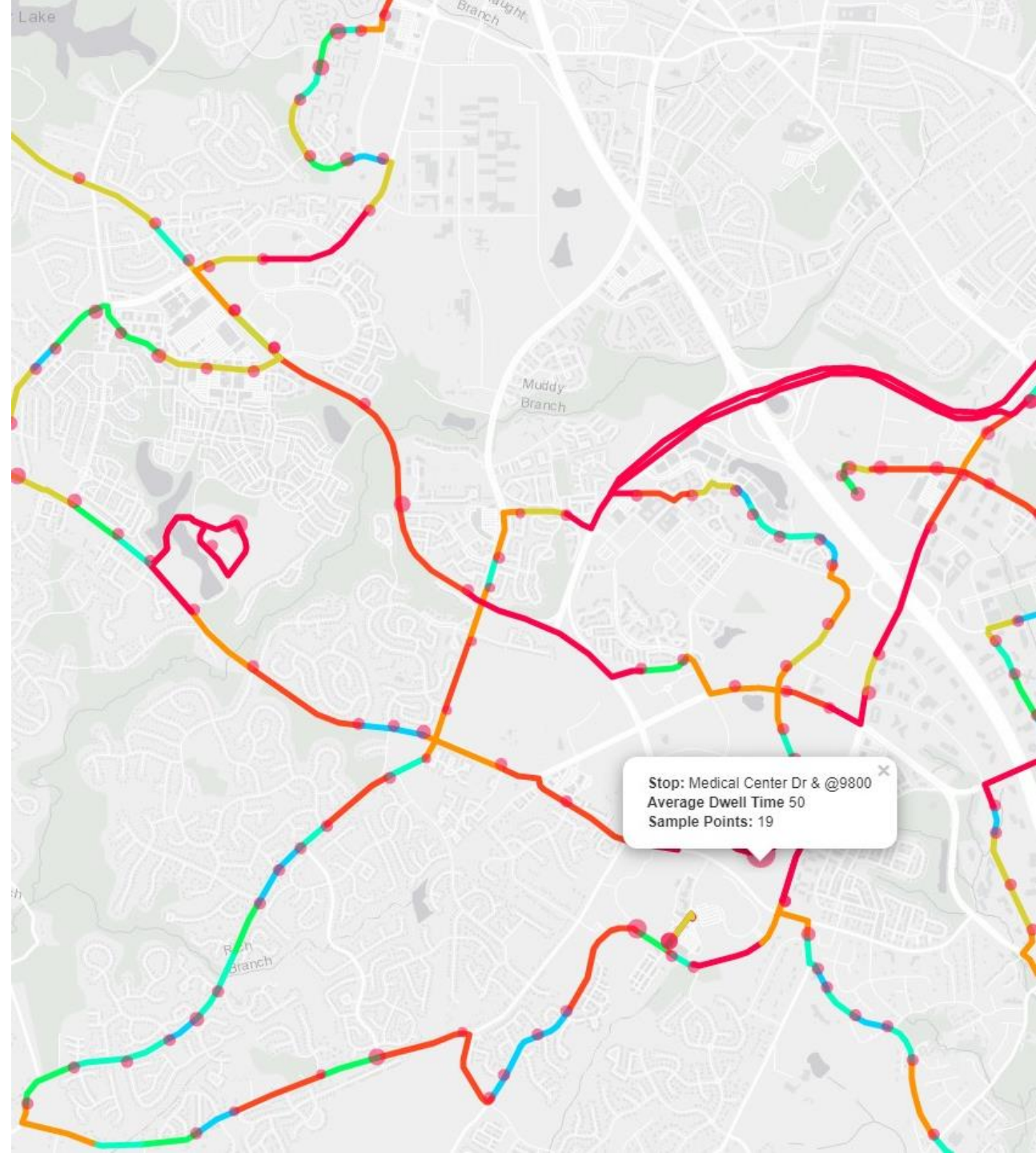
The Plan

STEP 1
**Rebuild
Service**

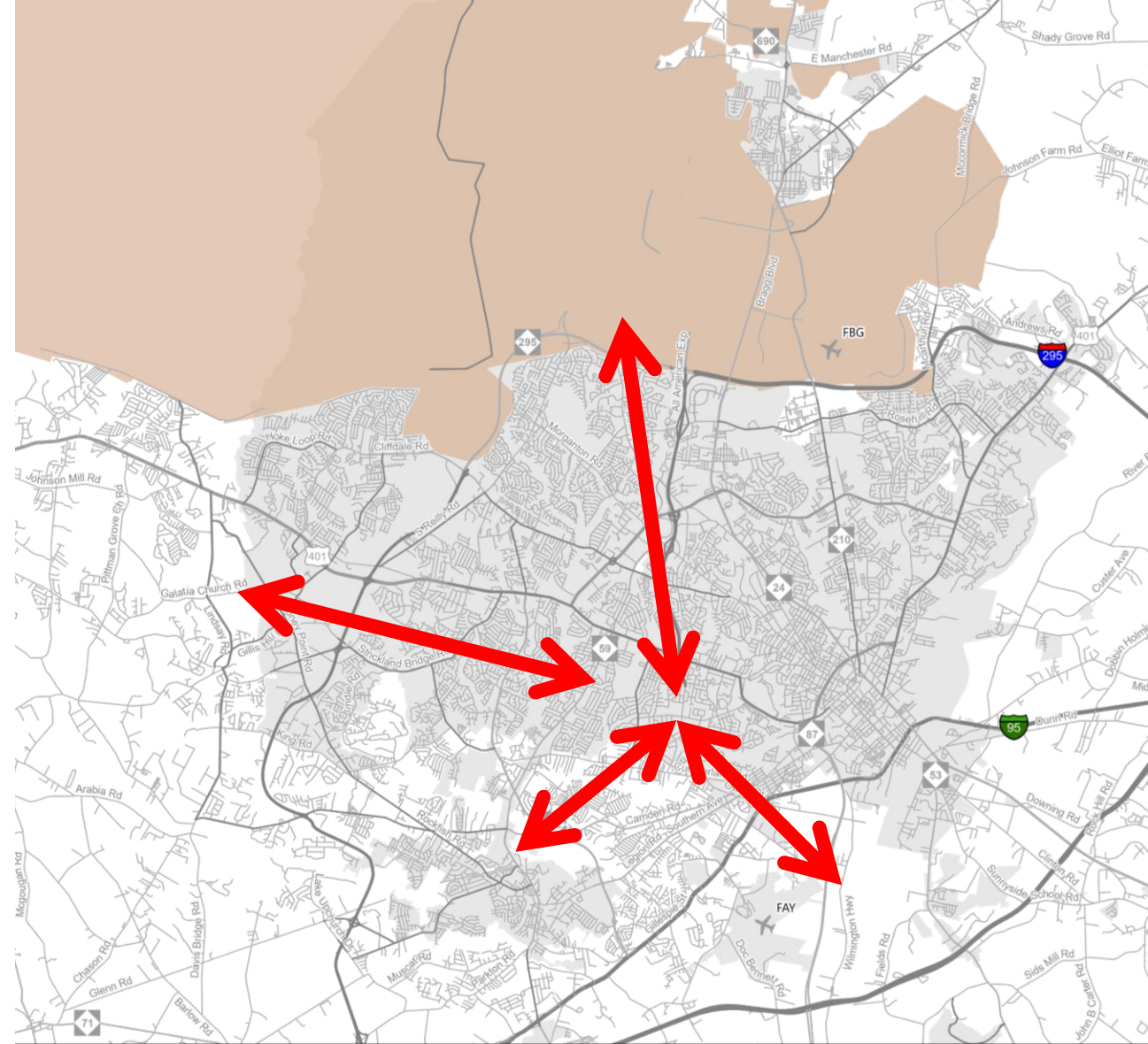


STEP 2

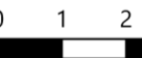
Improve Service



STEP 3 Expand Service



- ✈ Airport
- Ft. Bragg
- ▭ County Boundary



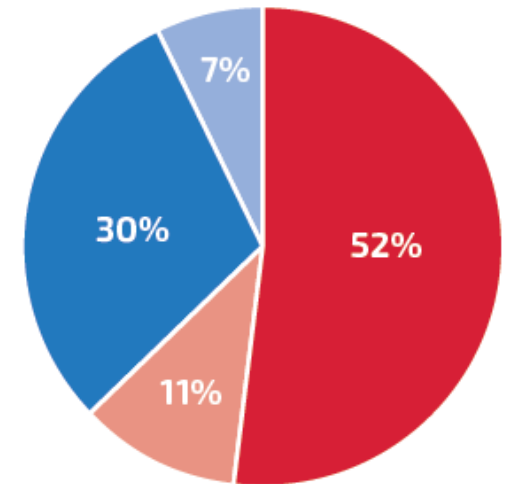
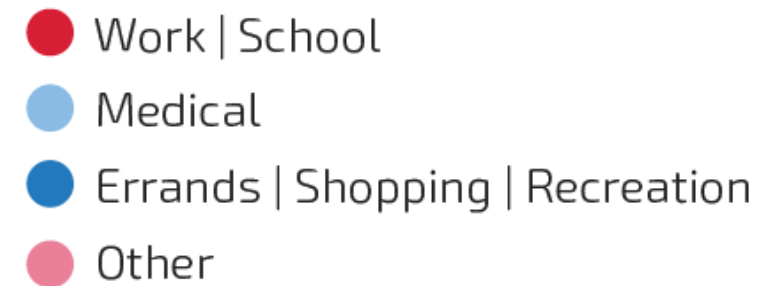


FAST Facts

Key Facts

- FAST wants to serve all Fayetteville residents, commuters, and visitors
- 2020 Pandemic highlighted essential nature of FAST services
- >50% of FAST riders are going to work or school
- FAST continues its efforts to recruit and retain employees
- FAST secured competitive federal grants for electric vehicles and a cashless fare system
- Fares have not increased since 2013

Trip Purpose

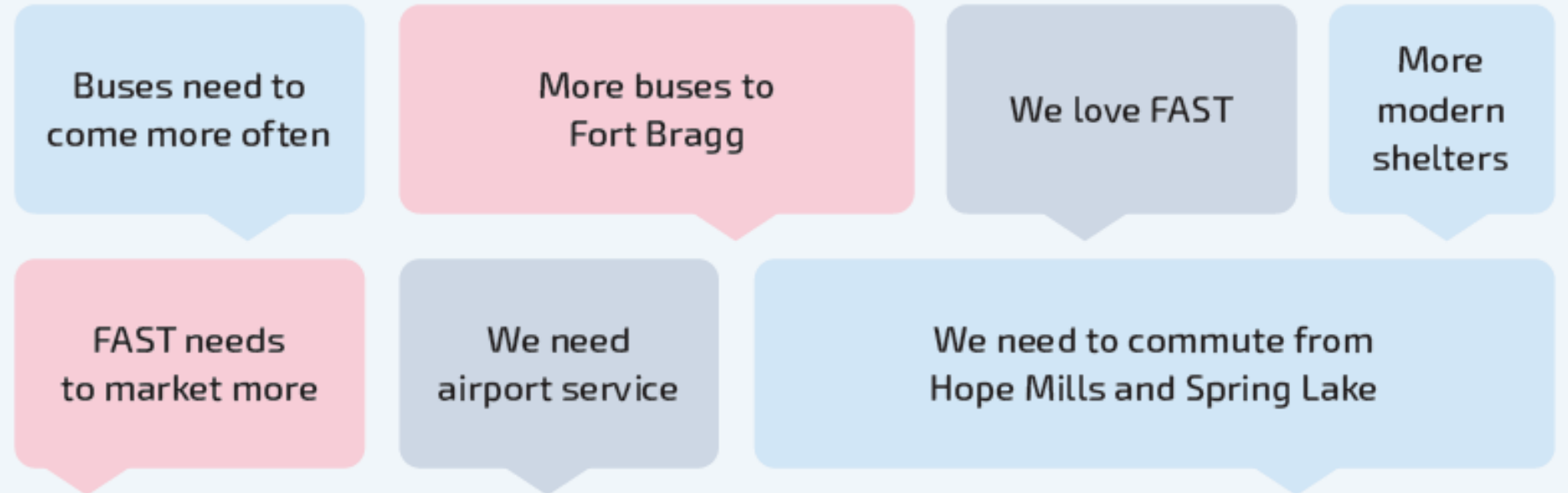


Key Input

WHAT WE DID:

 PUBLIC	 STAKEHOLDER	 STAFF	 PUBLIC
2 Listening Sessions	3 Project Advisory Committee (PAC) Meetings	1 Transit Operator Conversations	1 Survey

WHAT WE HEARD:





Recommendations

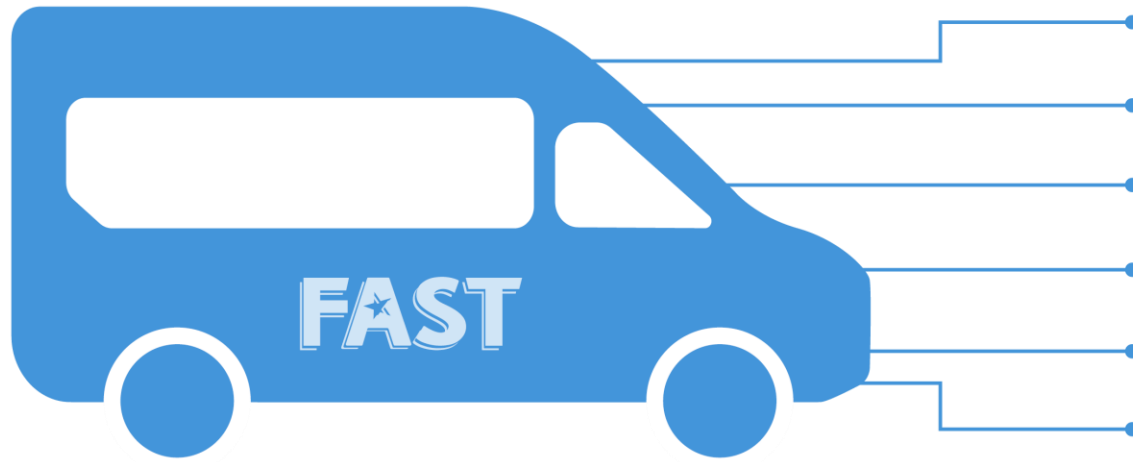
Step 1 | Rebuild Service

- Return nighttime service
- Increase service to Fort Bragg
- Review staffing levels and compensation
- Prepare marketing plan



Nighttime Service

What is Microtransit?

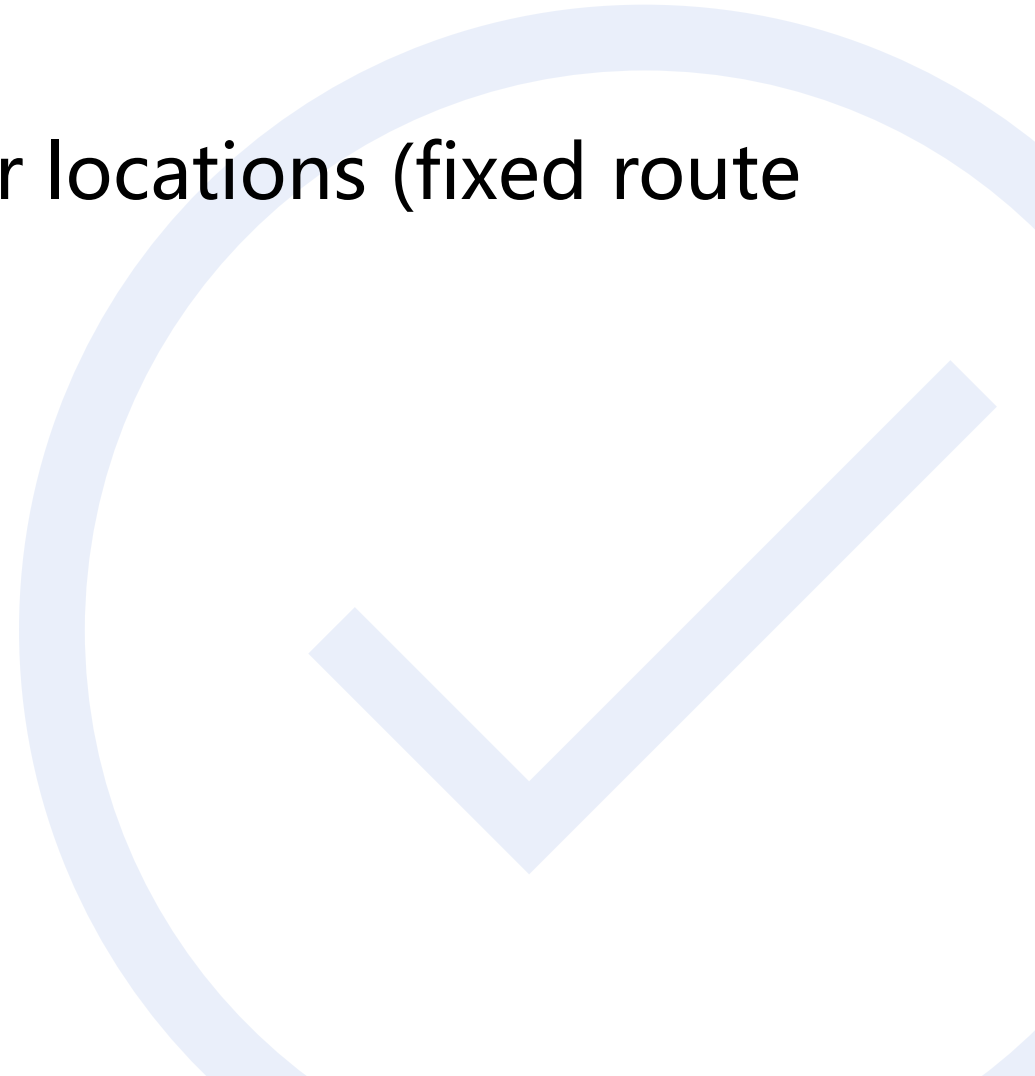


- » Public version of Uber/Lyft
- » Demand response/real-time
- » Flexible
- » Smaller vehicles
- » Tech-enabled
- » Shared transportation



Step 2 | Improve Service

- Increase frequency
- Modernizing and enhancing transfer locations (fixed route and FAST *Trac!*)
- Recruit & educate developers
- Expand marketing plan



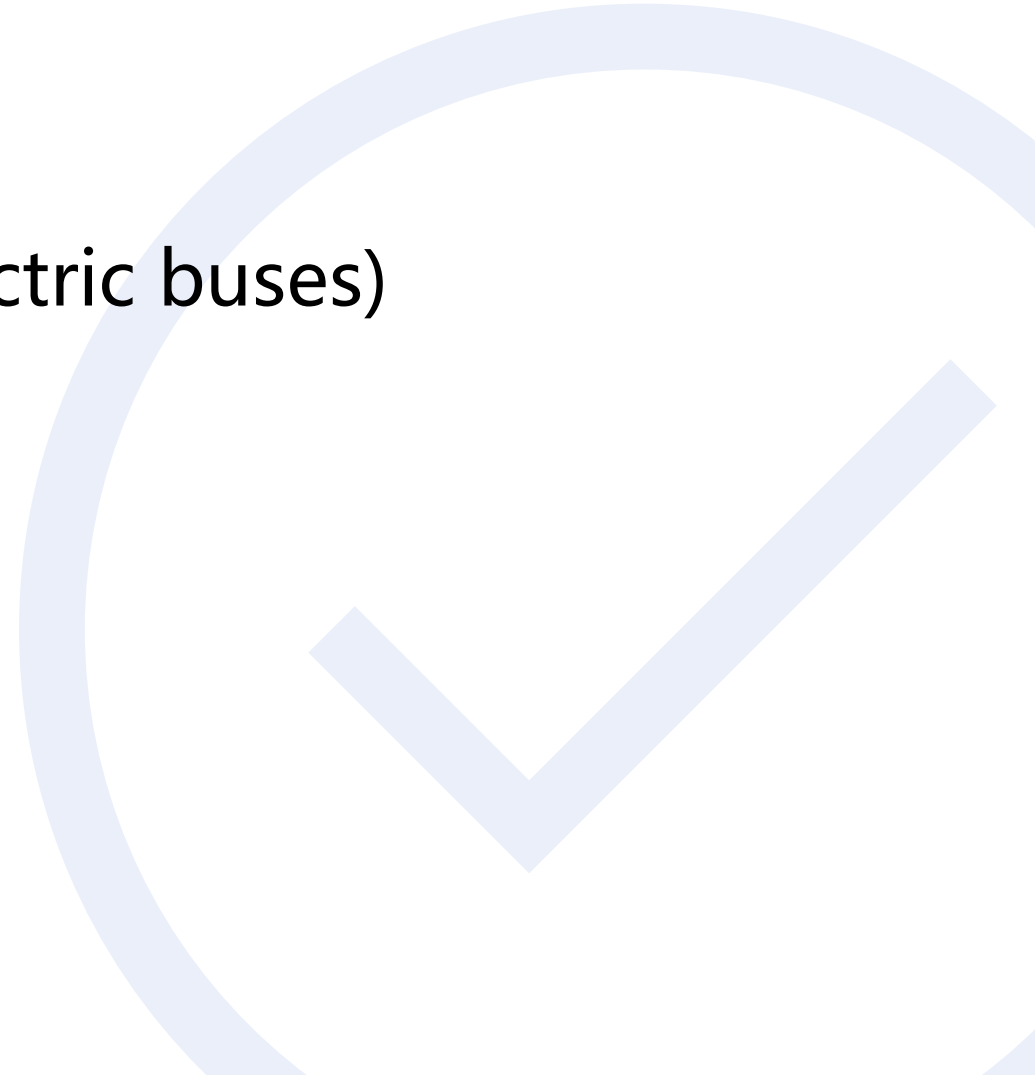
Step 3 | Expand Service

- Go regional with service to Hope Mills & Spring Lake
- Expand to Fayetteville Regional Airport



Continuous Improvement

- Investment in shelters
- Investment in ADA improvements
- Vehicle replacement (phasing in electric buses)
- Institute good repair principles



Timeline





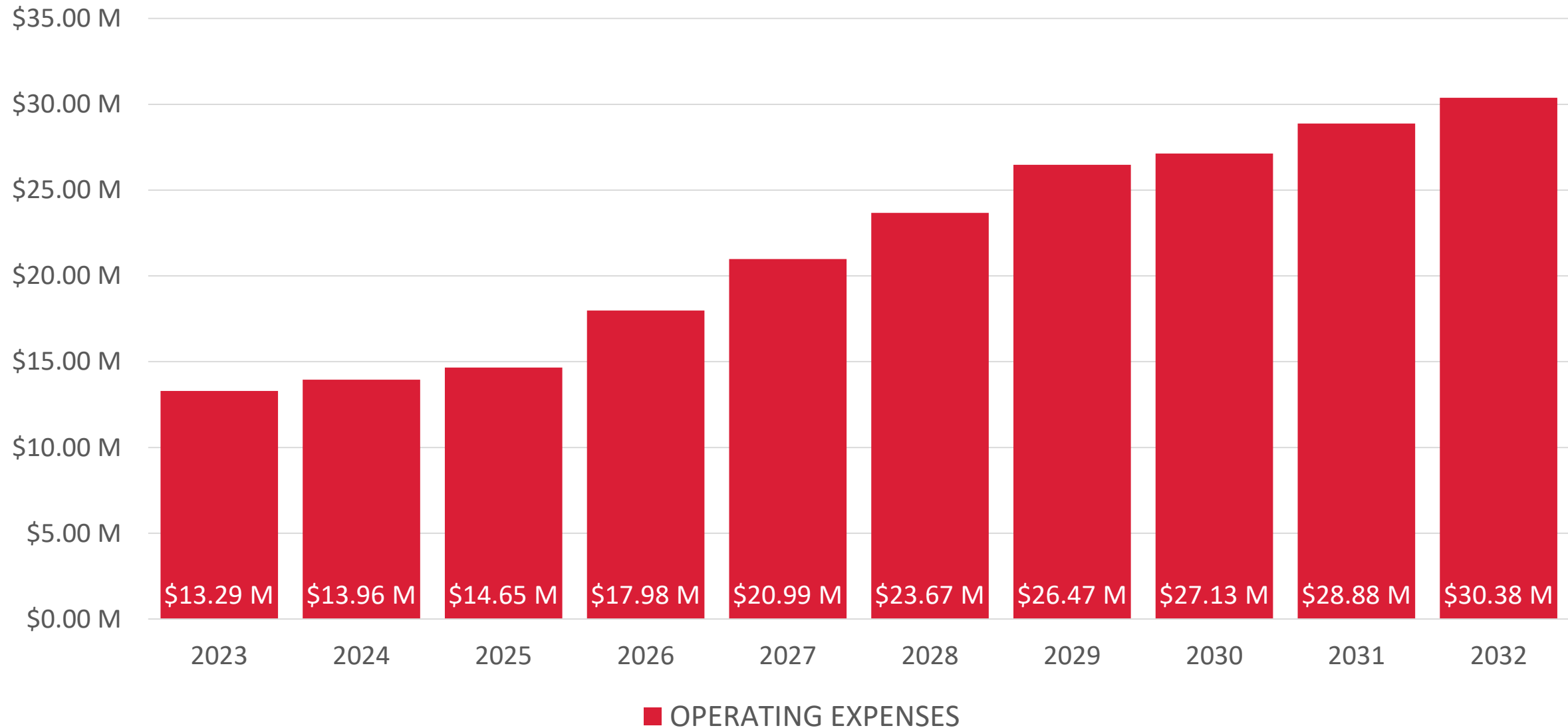
Finance Plan

Finance Plan

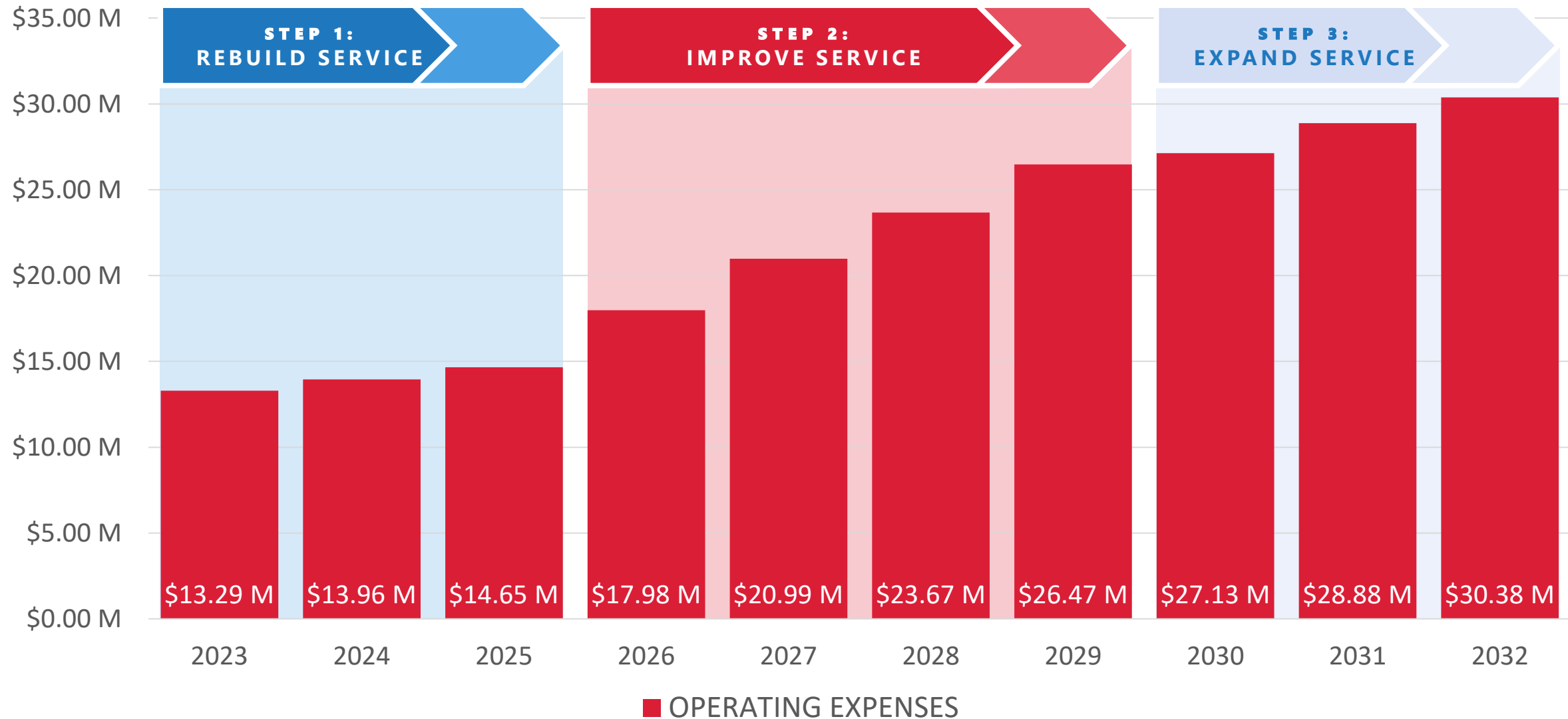
- Big picture
- 10-year plan
- Planning-level projections
- Not a budget
- City Council approval of TDP does NOT commit any funds



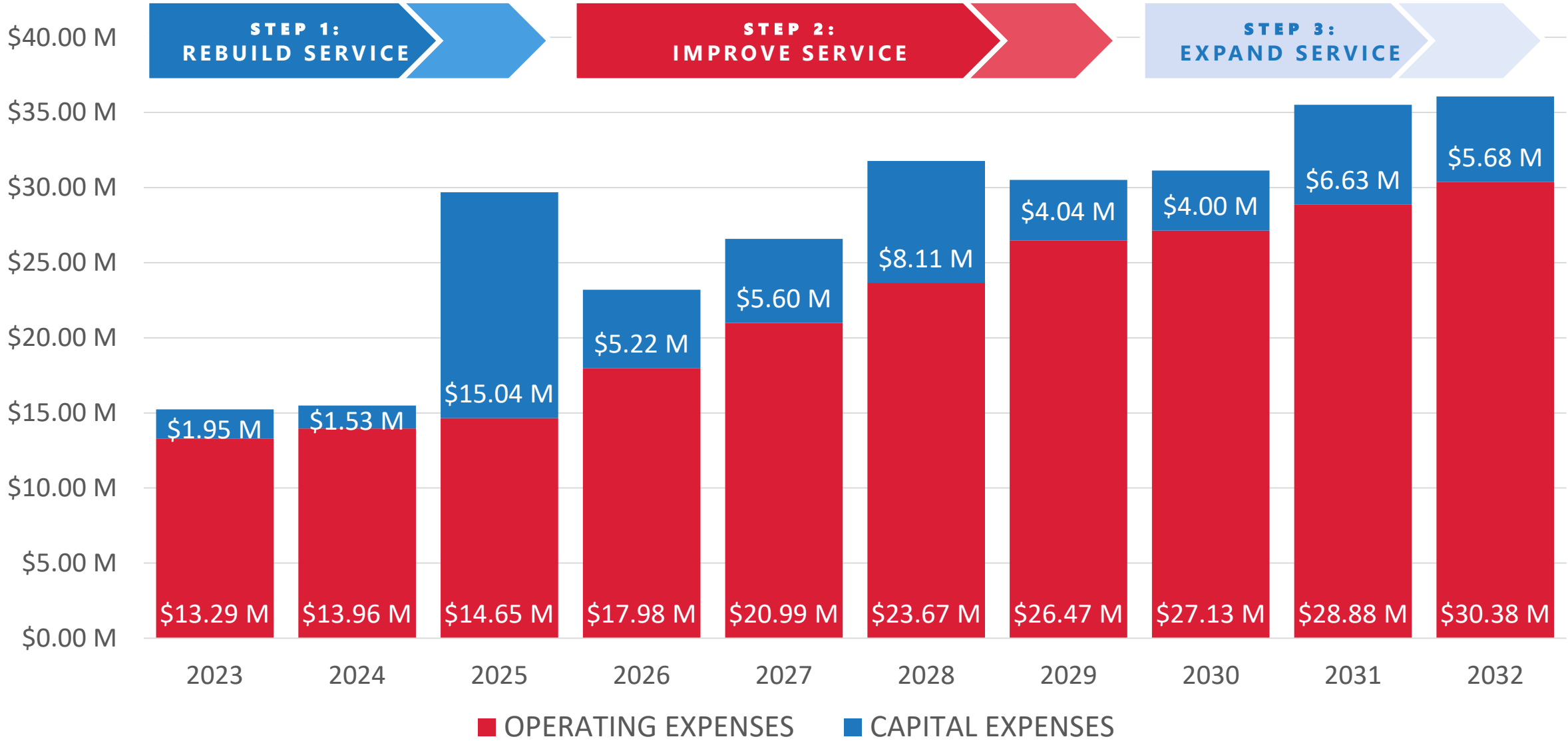
Finance Plan | Operating Expenses



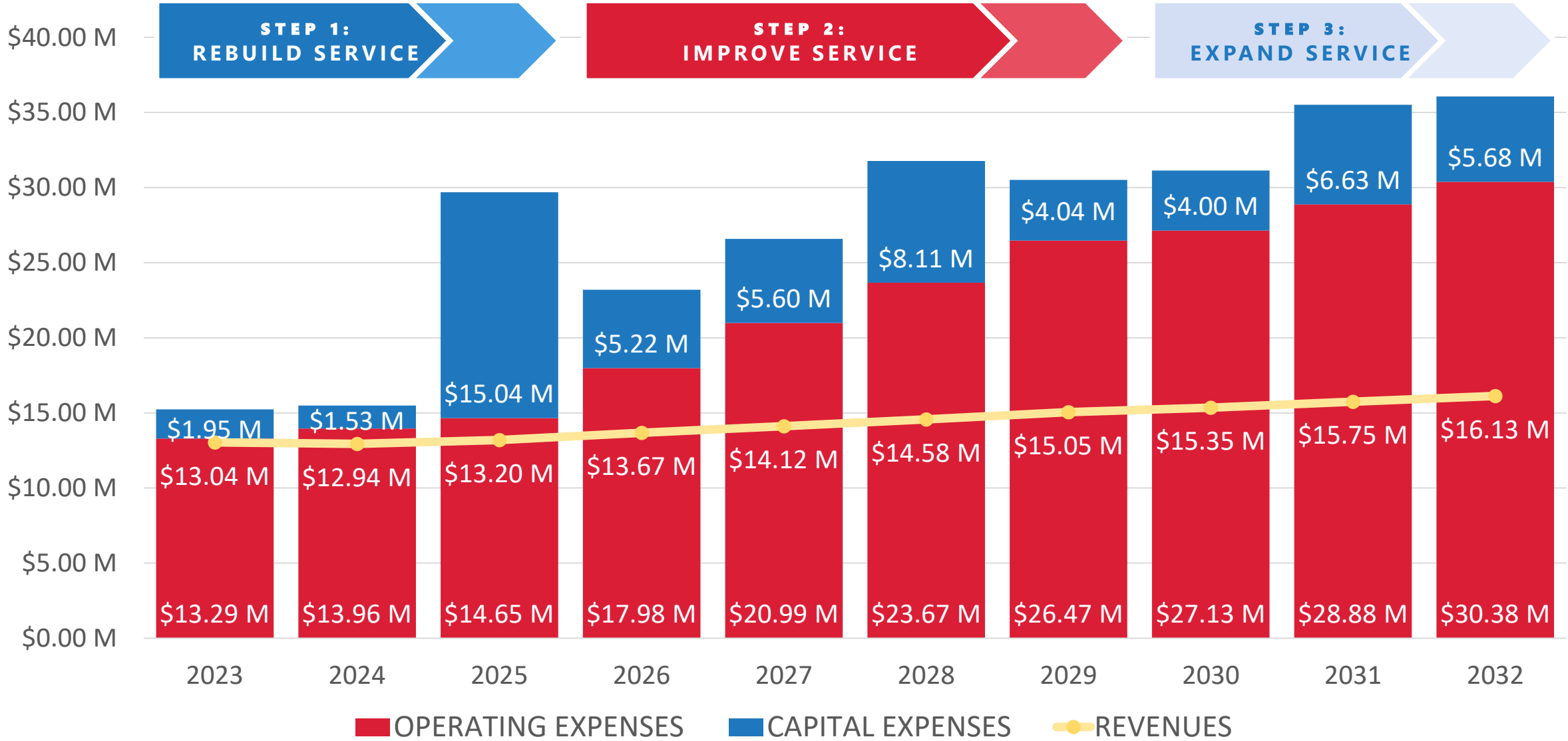
Finance Plan



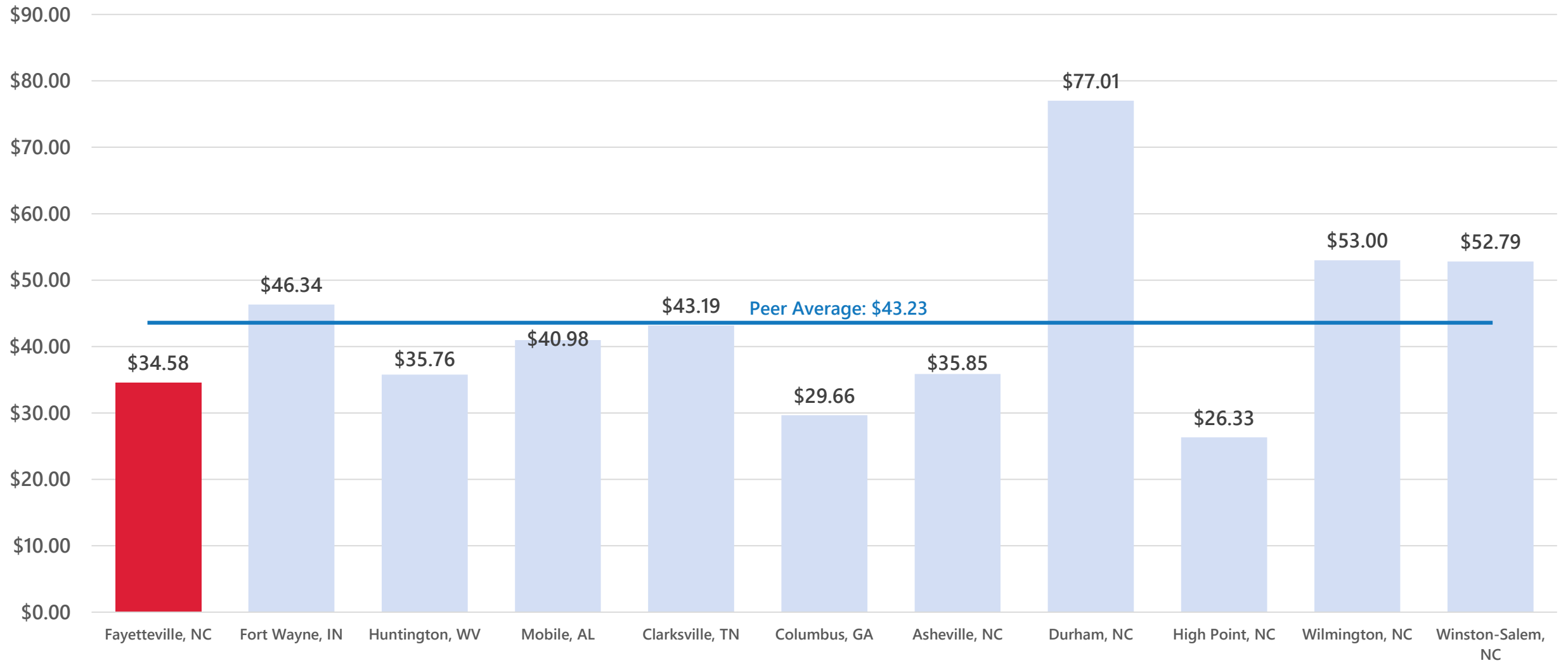
Finance Plan



Finance Plan



Transit Funding per Capita





Thank you!

CONTACT

Tyffany Neal

910.433.1221

TyffanyNeal@FayettevilleNC.
gov





City of Fayetteville

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

City Council Action Memo

File Number: 22-2853

Agenda Date: 8/1/2022

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: Doug Hewett, City Manager

FROM: Brook Redding, Special Project Manager
Lisa Harper, Assistant City Attorney

DATE: August 1, 2022

RE:

Camping on Public and Private Property Ordinance Chapter 17

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

- Goal I: Safe and Secure Community
- Goal II: Responsive City Government supporting a diverse and viable economy
- Goal III: City Investment in Today and Tomorrow
- Goal IV: Desirable place to live, work and recreate
- Goal V: Financially sound City providing exemplary City services
- Goal VI: Collaborate citizen and business engagement

Executive Summary:

The City of Fayetteville has developed a comprehensive strategy to address the risks associated with homeless encampments. In May 2022, Council was presented with options and solutions to address high-risk encampments. City Council directed staff to return in August 2022 to discuss the public camping ordinance recommendations. Additionally, Council directed staff to discuss and refine the suggestions with the Fayetteville/Cumberland County Continuum of Care on Homelessness. Staff is returning with the ordinance options, and an update to the multiple lines of effort in the strategies developed to address high-risk homeless encampments.

Background:

In April 2021, the City Manager directed city staff to establish a Homeless Encampment Task Force (TF). The TF was charged with conducting research and analysis to create policy and protocol recommendations for addressing homeless encampments in the city. The TF established a six-phased approach to generate feasible and suitable solutions when addressing homeless encampments. The first two phases have been completed, with phase three currently underway. Pending Councils' actions, phase four will begin once the milestones of phase three are complete. The phases are as follows:

- Phase One - Conduct Research and Generate Findings
- Phase Two - Identify best practices, Conduct small group research of methods, and create recommendations based on best practices
- Phase Three - Present Findings for Ordinance and Ordinance Adoptions, and revise protocol with community stakeholders
- Phase Four - Pilot program
- Phase Five - After Action Review of Pilot, Implement Changes, Report to Council
- Phase Six - Implement the final program protocol, Adopt the policy

Issues/Analysis:

The staff previously presented Council with several findings and recommendations from the Homeless Encampment Task Force's work. A significant component of the TF recommendations was the need for policy to address camping on public and private property. The current camping ordinance only prohibits overnight camping at parks and cemeteries. It leaves other public venues open and does not prohibit camping on private property or other city-owned property.

The Camping on Public and Private Property ordinance recommendation enhances the current camping ordinance in several ways. They are as follows:

- It adds/expands definitions of the different types of camping and activities
- Public Property
 - When overnight shelter is available; Prohibits camping on all city-owned property, including city-owned rights-of-way
 - Encampments deemed High-Risk to the public health and safety will be posted no trespass, removed, and cleaned
 - Prohibits sleeping in vehicles on public property between 10:00 p.m. and 5:00 a.m.
 - Prohibits the construction of tents or the laying down of bedding material from 8:00 a.m. to sunset and requires that any structure that is permissibly erected must be taken down and put away from 8:00 a.m. to sunset on public property
- Private Property
 - Prohibits camping on private property without the owner's written consent
 - Limits the number of consecutive days allowed on private property with owners' written consent
 - Prohibits sleeping in vehicles on private property without owners' written consent

- Allows special permitting to allow camping in connection with a special event

In addition to the ordinance recommendations, staff conducted an iterative review of the Impact Reduction Program (IRP) with the Continuum of Care (COC). The IRP provides the protocol for engaging unsheltered individuals in the City, specifically when health and safety concerns are identified. The IRP uses a comprehensive risk assessment matrix to assess the risk of an encampment and measure its impact on the health and safety of the public and the occupants residing within the camp. Additionally, the IRP follows three Guiding Principles:

1. People experiencing homelessness have the same civil rights as housed residents
2. All unsheltered individuals, like all City residents, will be treated with dignity and respect
3. All relocations of unsheltered individuals collaborate with appropriate partners and include resource offerings whenever possible

The COC board and members, along with city staff, discussed and deliberated on the components and processes of the IRP. City staff and COC members met multiple times virtually, and in person, which led to several revised parts of the original program recommendations. However, these revisions did not change the overarching structure and process of the original program.

The review process created numerous benefits that have helped strengthen and codify the relationship between the City and the COC, in addition to bringing new ideas and solutions into the environment. With the revisions finalized, the staff is poised to begin planning the implementation of a Pilot Impact Reduction Program. This program would work by, with, and through the COC to address the high-risk encampments identified around the city.

Budget Impact:

None at this time

Options:

Option #1 - Council directs staff to bring the ordinance forward as presented and initiate planning to Pilot the Impact Reduction Program.

Option #2 - Council directs staff to bring the selected ordinance revisions forward for adoption and initiate planning to Pilot the Impact Reduction Program.

Recommended Action:

Council directs staff to bring the ordinance forward as presented for adoption and initiate planning to Pilot the Impact Reduction Program.

Attachments:

Camping on Public and Private Property Ordinance.pdf

Camping Ordinance and Homeless Initiatives - August 1, 2022.pptx

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, OF
THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA**

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

Section 1. Section 17-2, Reserved, is amended by deleting the same in its entirety and substituting with the following:

Sec. 17-2. Camping on Public and Private Property

- a. *Purpose.* The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard, which adversely affects neighborhoods and commercial spaces. Camping on private property without the owner's consent, without proper sanitary measures, and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this section is to maintain streets, parks, and other public and private areas within the city in a clean, sanitary, and accessible condition and to protect the health, safety, and public welfare of the community while recognizing that subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

- b. *Definitions.* As used in this section:

Available Overnight Shelter means a public or private shelter with available overnight space, open to an individual or family unit experiencing homelessness at no charge.

Camp or Camping means sleeping, making preparations to sleep (including lying down or the laying down of bedding for the purpose of sleeping), and/or storing personal belongings; the placement of tents, huts, tarps; parking of a motor vehicle, motor home or trailer, or mooring of a vessel or any other type of structure for living accommodation purposes. Camping as defined in this section is deemed a public nuisance, and the city may summarily remove a temporary shelter, bedding, or personal belongings.

Camp Facilities include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, or temporary shelter.

Establish means setting up or moving equipment, supplies, or materials onto public or private property to “camp” or operate camp facilities.

Maintain means keeping or permitting equipment, supplies, or materials to remain on public or private property to camp or operate camp facilities.

Operate means participating or assisting in establishing or maintaining a camp or camp facility.

Ordinary High-Water Mark means the average level of the water attained in annual seasonal flow.

Park or Park Facilities means any areas set aside for recreational uses, areas conserved for their scenic interest, playgrounds, beaches, recreation centers, golf courses, and any other areas owned or operated by the City of Fayetteville and which are intended for active or passive recreational purposes. The word “park” shall also include any parking lot adjacent to any park, any buildings, equipment, plants, or other facilities located in any park, and any landscaped public area and/or right-of-way.

Private Property means all privately-owned property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land.

Public Property means all city-owned property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land, and parks.

Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

Trail Facility means any Class 1 trail, bicycle or multi-use trail, or natural trail that is owned, maintained, or operated by the city, including any area or access point adjoining the trail which the city owns or maintains an easement.

Unattended Property means no person is present with the personal property that asserts or claims ownership over the personal property. Conversely, the property is considered “attended” if a person is present with the personal property and the person claims ownership over the personal property.

Vehicle for the purpose of this chapter shall be defined by N.C.G.S. § 20-4.01 as it now exists or may hereafter be amended.

c. *Unlawful Camping on Public Property.* It shall be unlawful for any person to camp on public property as follows:

1. When an overnight shelter is available, it is unlawful to camp upon any city-owned property, including, without limitation, streets, sidewalks, parking lots, parking structures, easements, open spaces, parks, cemeteries, real property within or below one hundred feet (100') above the ordinary high water marker of any lake, waterway, river, stream, pond, or reservoir, or corporation yards.
2. Any encampment on publicly-owned property within the city that is deemed a high risk to the public's health and safety will be posted "No Trespass", removed, and cleaned.
3. When an overnight shelter is available, it is unlawful for any person to sleep between 10:00 p.m. and 5:00 a.m. in any vehicle parked on any city-owned street, alleyway, parking area, or any privately-owned parking area used for the parking of customers of any business enterprise without the written consent of the owner of such business enterprise.
4. No person shall erect, configure, or construct a tent or the laying down of any bedding material from 8:00 a.m. to sunset. Any tent or bedding used for camping purposes that is permissibly erected in accordance with the time frame above must be taken down, folded, deconstructed, or put away between 8:00 a.m. to sunset on any city-owned property.

d. *Unlawful Camping on Private Property.* It shall be unlawful for any person to camp on private property as follows:

1. It is unlawful to camp upon private property within the city unless:
 - a. The persons are camping upon their own land; or
 - b. The persons are camping with the written consent of the landowner provided that such written consent is in their possession at the time and is shown upon demand of any peace officer.
2. Camping on private property shall not be for more than seven (7) consecutive days without an interruption of a consecutive three (3) months of non-camping days. For purposes of this section, camping for any portion of a day shall count as a full camping day.

- e. *City Manager Permit.* The city manager may, as provided in section 30-4.E.7 of chapter 30, issue a temporary permit to allow camping on city-owned or private property in connection with a special event.
- f. *Enforcement.* Any sworn law enforcement officer shall have the authority to enforce this section.
 - 1. *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both.
 - 2. *Severability.* If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

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


ADOPTED this the _____ day of _____, 2022.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk



Camping Ordinance & Homeless Encampment Initiatives

August 1, 2022



Agenda & Purpose

- City Staff Opening Remarks
- Agenda & Purpose
- Background
- Homeless Encampment Initiatives
- Public Property Camping
- Private Property Camping
- Questions & Discussion

To present City Council with proposed ordinance recommendations for Camping on Public and Private Property.



2022

May

- Presentation to City Council on Task Force findings and recommendations.
- Council directed staff to further develop the Impact Reduction Program with the Continuum of Care
- Council took no action and directed staff to return in August 2022

June

- Meeting with COC Board – initial discussion of IRP concepts
- Meeting with COC Board – Q&A of IRP Manual
- Meeting with COC Board – Revisions of IRP Manual

July

- Meeting with COC Members – Q&A of IRP Manual
- Staff finalized IRP Manual for Pilot Program

Homeless Encampment Initiatives



Camping Ordinance

Current Ordinance

Definition – A place where tents, huts, or other temporary shelters are set up

What it does –

- Prohibits overnight camping at parks and cemeteries
- Leaves other venues open
- Does not prohibit camping on private property or other city owned property

Proposed Ordinance



Public Property

Least Limiting

Camping on public property is prohibited when:

- There is available overnight shelter
- It presents a public health and safety risk regardless of shelter availability

This provides the basis for the Impact Reduction Program Protocol

Moderately Limiting

Camping or Sleeping in a vehicle on public property is prohibited when:

- There is available overnight shelter
- It presents a public health and safety risk regardless of shelter availability
- Sleeping in a vehicle is prohibited between 10:00 p.m. and 5:00 a.m. on all public property

Most Limiting

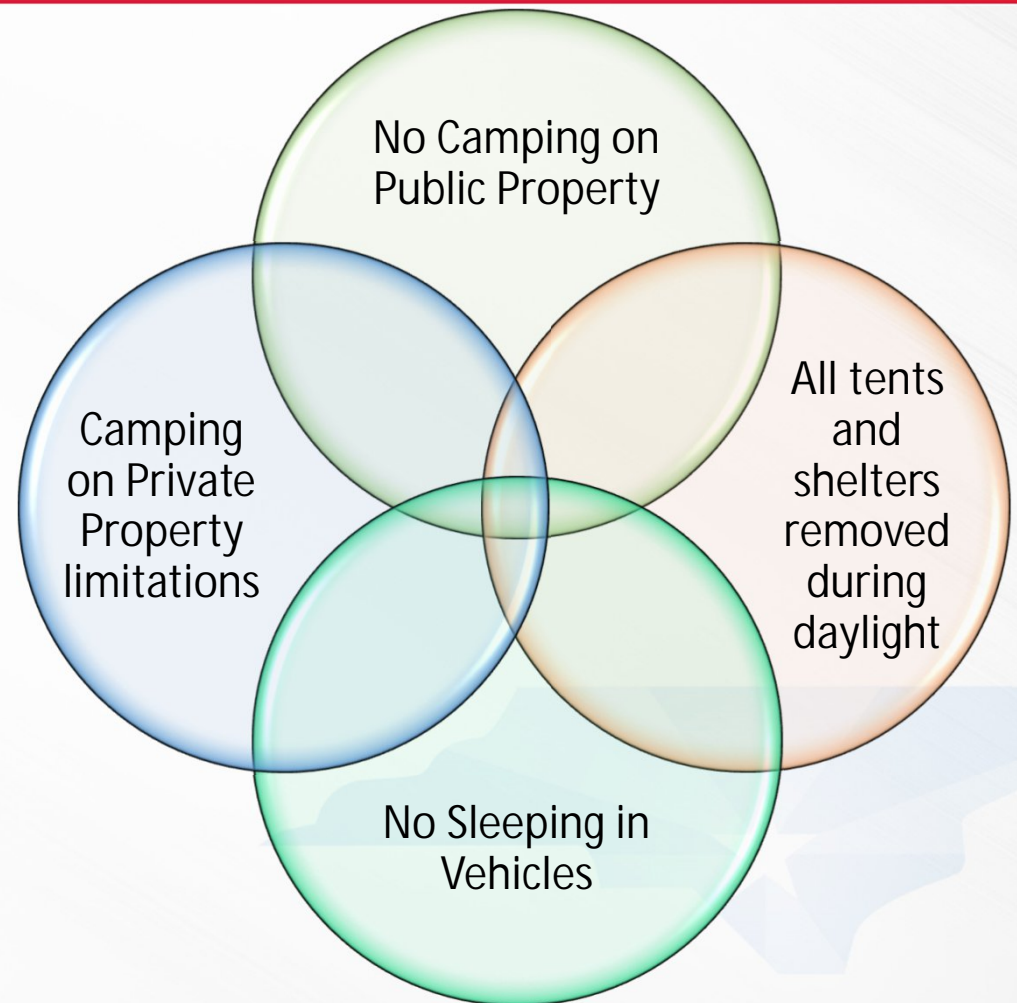
Camping or Sleeping in a vehicle on public property is prohibited when:

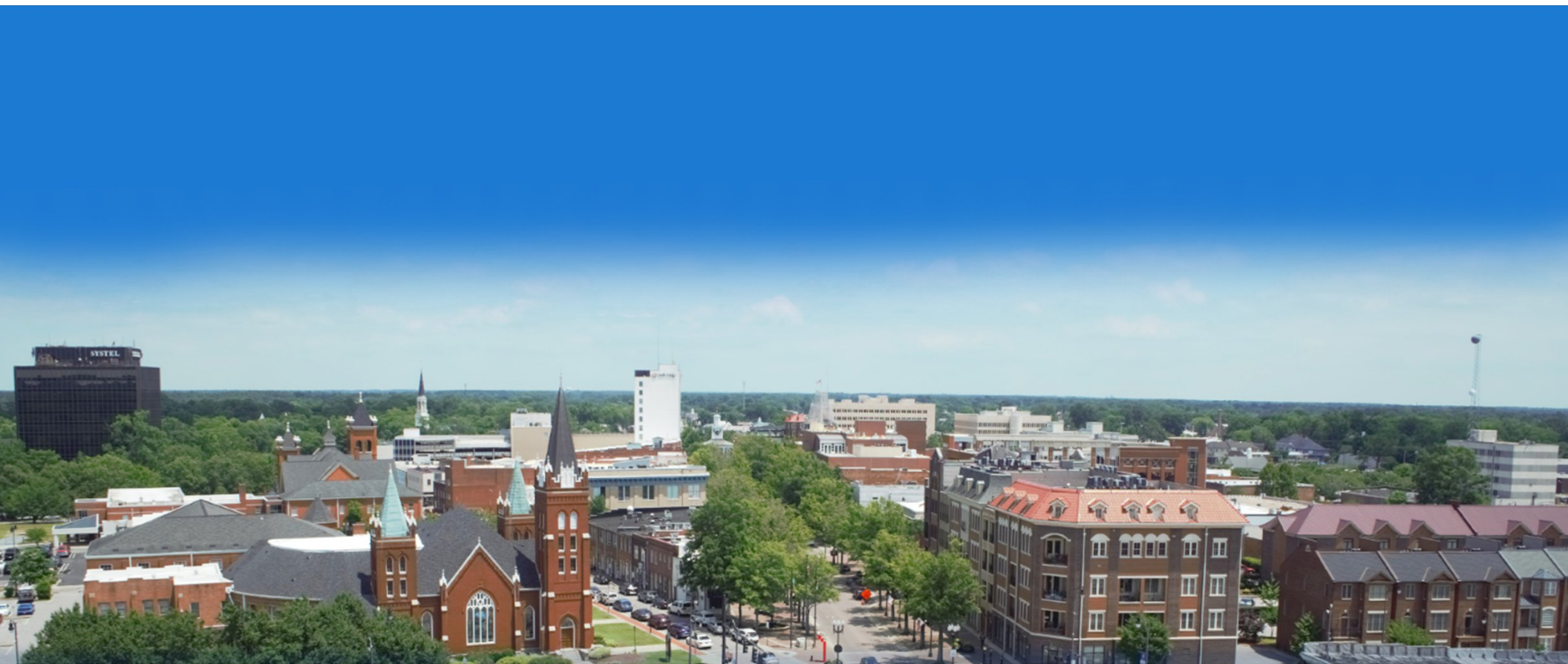
- There is available overnight shelter
- It presents a public health and safety risk regardless of shelter availability
- Sleeping in a vehicle is prohibited between 10:00 p.m. and 5:00 a.m. on all public property
- Erecting/Constructing a tent or laying down of bedding is prohibited between 8:00 a.m. and Sunset

Private Property

Camping on private property is prohibited unless:

- The persons camping upon their own land
- The persons camping with the written consent of the landowner
- The persons camping no more than Seven (7) consecutive days without an interruption of three (3) months of non-camping days





FayettevilleNC.gov



Peer City Comparisons Camping Ordinance

City	Public Property – prohibits camping and sleeping	Private Property	Penalty
Asheville	Yes – includes streets, ROW, sidewalks	---	Class C Misdemeanor pursuant to NCGS § 14-4
Charlotte	Yes – includes streets, ROW, sidewalks	Charlotte City Council are discussing bringing penalties back under their current ordinance	Class C Misdemeanor pursuant to NCGS § 14-4
Raleigh	Yes – includes streets, ROW, sidewalks	---	Class C Misdemeanor pursuant to NCGS § 14-4
Wilmington	Yes – <u>only parks and cemeteries</u>	---	Class C Misdemeanor pursuant to NCGS § 14-4
Winston-Salem	Yes – includes streets, ROW, sidewalks	Yes – requires owner permission	Class C Misdemeanor pursuant to NCGS § 14-4
Fayetteville	Yes – <u>only parks and cemeteries</u>	---	---



Impact Reduction Program - Process

- After assessed as a RISK
- Strategic Concept
- Highlight guiding principles
- HIGHLIGHT the interagency, governmental, nonprofit coordination's and efforts to execute the displacement of an encampment
- Emphasize the decision being made based on RISK to the health and safety of public
- Short and to the point
- Pros and Cons to the approach
- *IRP only apply to public property



Recommended Option #1

Council accept report and direct staff to bring drafted ordinance forward for discussion

Option #2

Council accepts report and provides alternate direction to staff regarding the ordinance recommendation



Five point note card

1. The City is not trying to clear all homeless encampments.
2. When an encampment is assessed as High Risk to the public's health and safety, the city will respond in a humane and civil way to engage, assist, remove, and clean the area using a Trauma Informed Decision Making Process.





Small Group Meetings with CMs

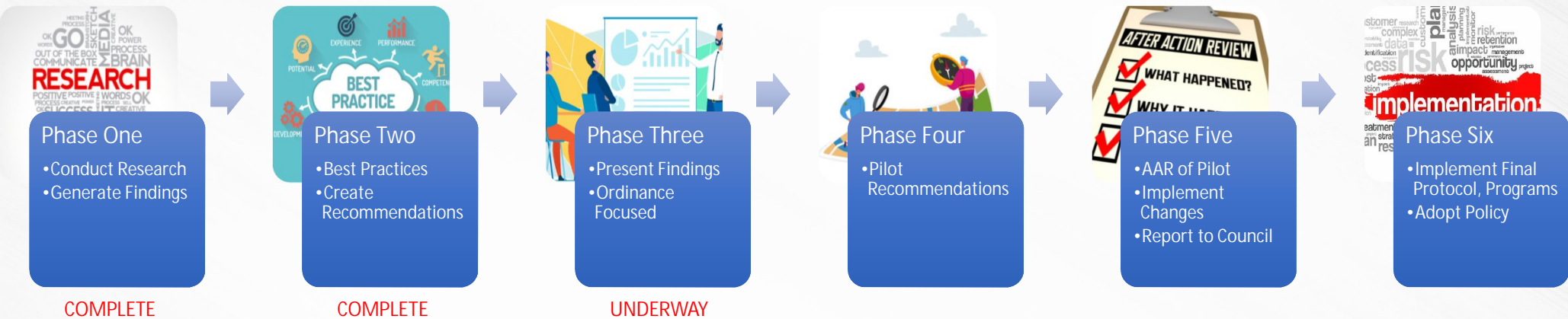
Small Group way ahead from the CM - NOTES

1. Float small group meeting idea
2. Conduct small group meetings – next week
3. Solicit a full ordinance or just a heads up discussion at the work session

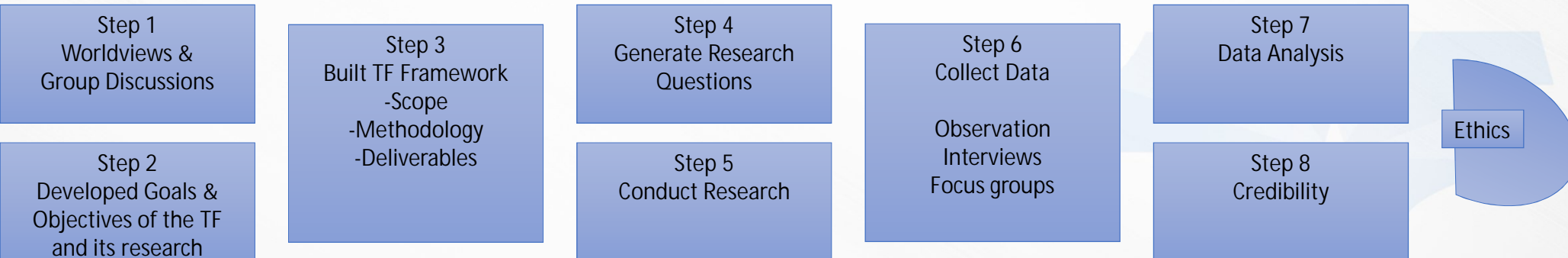


BROOK

Task Force Phases

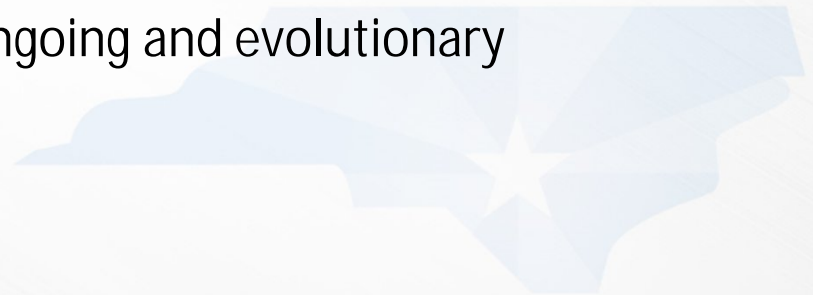


TF Research Model



Task Force Research

1. Criteria – list out the task force minimum criteria – pull from charter and original research
2. Comparison to other cities – main method of dealing with encampments
 - Cities by name –
 - pros and cons – these were in the west – we want to emphasize that we looked NC
 - best practices
 - current practices
3. Techniques and tactics – small group research into task force discussion
4. Note the research, method, and work are an ongoing and evolutionary process – it is not static





City of Fayetteville

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

City Council Action Memo

File Number: 22-2842

Agenda Date: 8/1/2022

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: Douglas J. Hewett, ICMA-CM, City Manager
Adam Lindsay, Assistant City Manager

FROM: Michael Gibson, Parks, Recreation and Maintenance Director
Rob Stone, PE, Construction Management Director

DATE: August 1, 2022

RE:
Parks and Recreation Bond Projects Report Card

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work, and Recreate

Executive Summary:

City Council will be provided the status of the nine significant Parks and Recreation Bond Projects currently underway, including the Bill Crisp Senior Center, Senior Center East, McArthur Road Sports Complex, the Mazarick Tennis Center, D. Gilmore Therapeutic Center, Mable C. Smith Park, Dr. Martin Luther King Jr. Park, and Cape Fear River Park. Three of the projects include beneficial partnerships with other entities to make the most of available funding. The status of the proposed Glenville Lake Trail Project providing access from Murchison Road, around Glenville Lake, to Mazarick Park, will also be discussed.

Background:

In March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation. To date, eight substantial projects have been completed totaling over \$3 million. The completed projects include multiple splash pads, renovations to several

parks, the Rowan Street Skateboard Park, and Jordan Soccer Complex improvements. The major projects currently in progress include the Bill Crisp Senior Center, Senior Center East, McArthur Road Sports Complex, the Tennis Center, D. Gilmore Therapeutic Center, Mable C. Smith Park, Dr. Martin Luther King Jr. Park, and Cape Fear River Park. All eight of the remaining bond projects are in the process of design, bidding, or construction. Also, a new project has been proposed which will construct a trail providing access around Glenville Lake from Murchison Road to Mazarick Park.

Issues/Analysis:

The major bond projects currently in progress include Bill Crisp Senior Center, Senior Center East, McArthur Road Sports Complex, the Tennis Center, D. Gilmore Therapeutic Center, Mable C. Smith Park, Dr. Martin Luther King Jr. Park, and Cape Fear River Park. From time to time, these projects will come before the council for guidance related to project concept approval, contracts, project updates, bid awards, public bid results, and lease agreements with partnering entities. Also included in the report is the proposed trail around Glenville Lake providing access to Mazarick Park from Murchison Road. The City has experienced significant construction cost increases and supply chain disruptions in the last year, which have resulted in schedule and budget adjustments as they continue to move forward.

Budget Impact:

For the significant projects under design and/or construction, the current budgets are as follows:

Planned Use	Bond Proceeds	Other Funding	Total Projected	
Senior Center East	\$6,197,900	\$ 27,900	\$6,225,800	
Bill Crisp Senior Center	\$8,300,338		\$8,300,338	
McArthur Sports Fields	\$3,677,663		\$3,677,663	
Jordan Soccer Complex	\$1,835,241		\$1,835,241	
Mazarick Tennis Center	\$6,000,000		\$6,000,000	
D. Gilmore Therapeutic Center	\$ 300,000	\$ 575,000	\$ 875,000	
Mable C. Smith Park	\$ 756,660		\$ 756,660	
Dr. Martin Luther King Jr. Park	\$ 100,000	\$7,500,000		TBD
Cape Fear River Park	\$2,380,815			TBD
Glenville Lake Trail		\$ 3,000		TBD

Options:

Accept this Parks and Recreation Project report or give further direction.

Recommended Action:

Staff recommends accepting the Parks and Recreation Project report.

Attachments:

Type here



Parks & Recreation Project Report Card

August 1, 2022



Agenda

Introduction and Overview

Introduction
Background
Completed Projects

Bond Projects

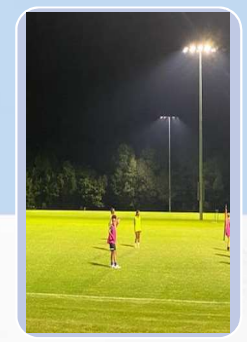
Senior Center East
Bill Crisp Senior Center
McArthur Road Sports Complex
Jordan Soccer Complex
Tennis Center
D. Gilmore T. Center
Mable C. Smith Park Expansion
Cape Fear River Park

Park Projects

MLK Jr. Park
Glenville Lake Trail



Completed Projects



Existing Park
Improvements
Massey Hill
Park



Existing Park
Improvements
Seabrook Park



Gilmore
Therapeutic
Recreation
Center Splash
Pad



Kiwanis
Recreation
Center Splash
Pad



Myers
Recreation
Center Splash
Pad



Massey Hill
Recreation
Center Splash
Pad



Skateboard
Park

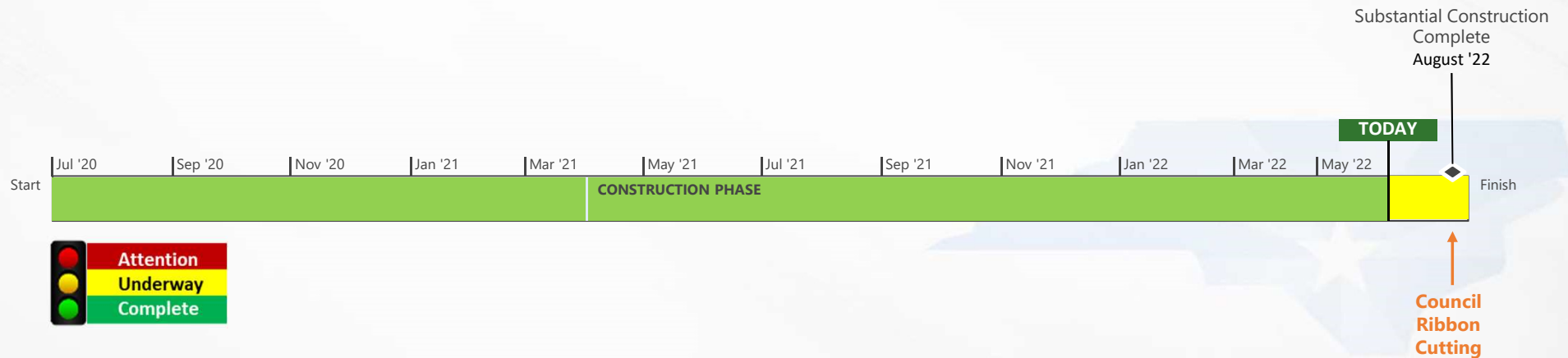


Jordan Soccer
Complex



Bill Crisp Senior Center

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
August 3, 2017	Ribbon Cutting	\$8,300,338	\$ 6,946,600	\$243,200	Award of Construction Contract	Contractor has requested time extension due to supply chain issues



*Approved Budget derives from Council direction.

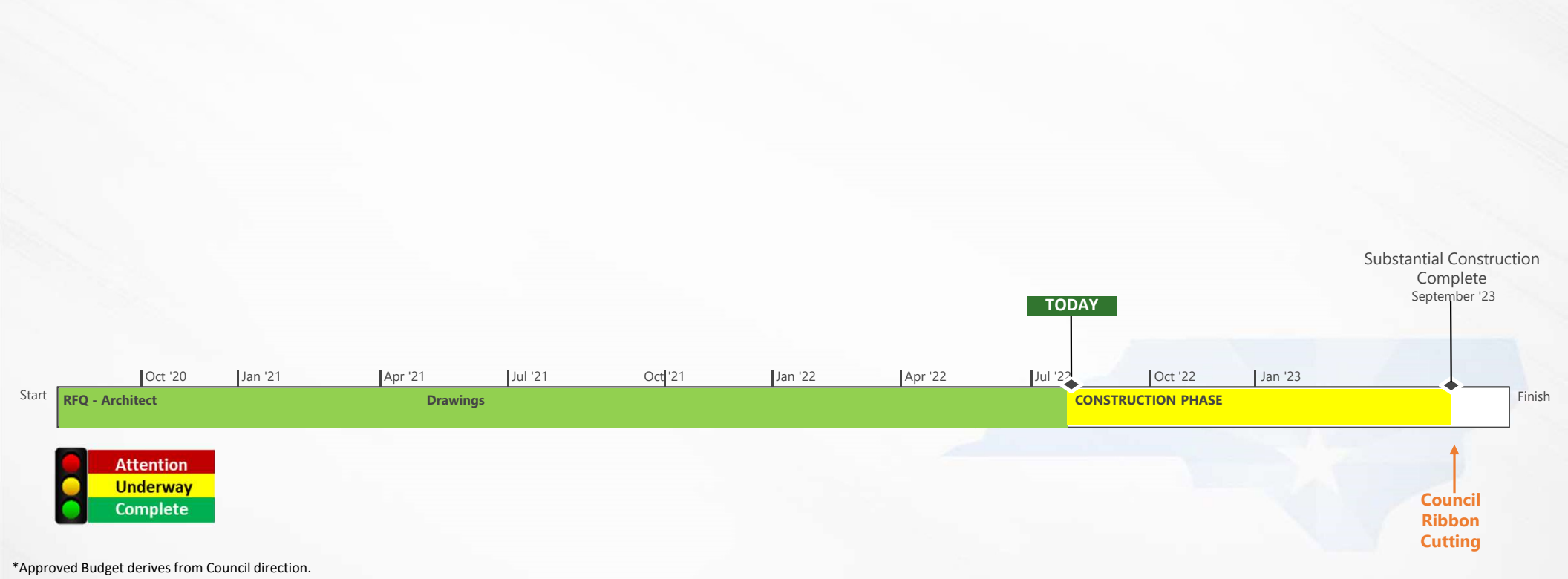
Bill Crisp Senior Center





Senior Center East

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
March 26, 2019		\$ 9,197,900	\$ 908,350	\$ 8,175,100	Groundbreaking / Notice to proceed Construction	



Senior Center East



SELECTED SOUTH ELEVATION

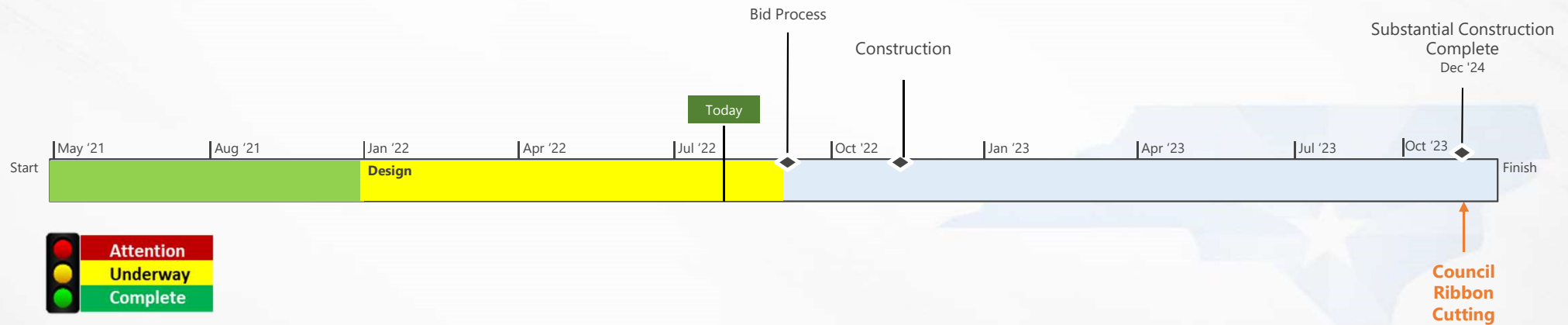


SELECTED EAST ELEVATION



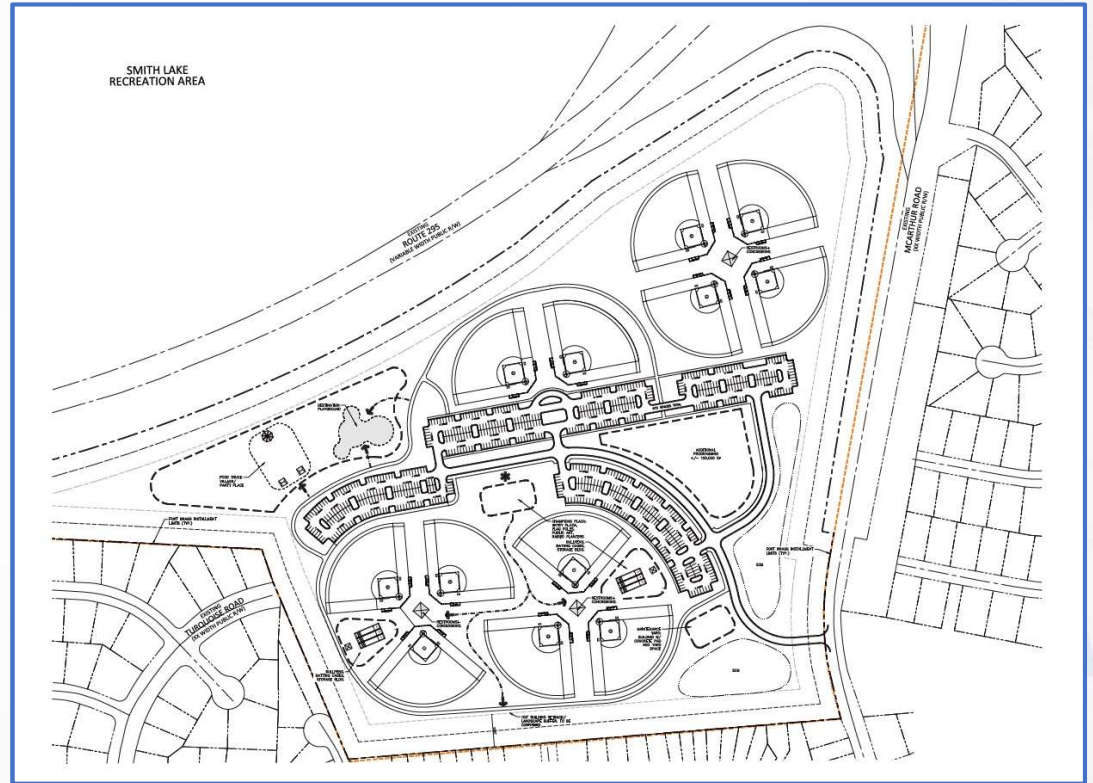
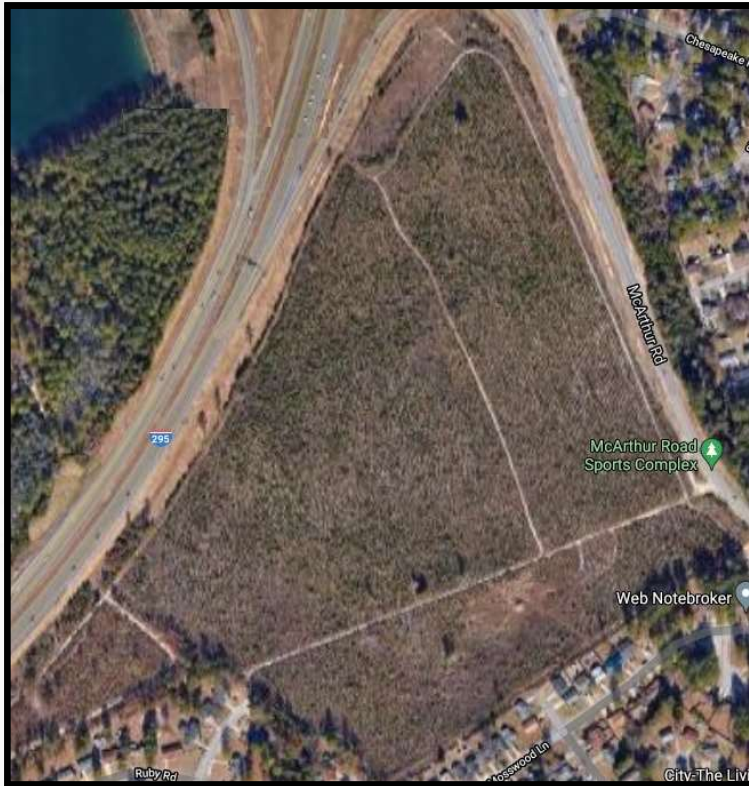
McArthur Road Sports Complex

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
May 2021 MOA Signed	Awarding Construction Contract	\$3,677,663	\$242,520	\$ 3,041,900	Site Designer Selected	Fort Bragg has approved lease



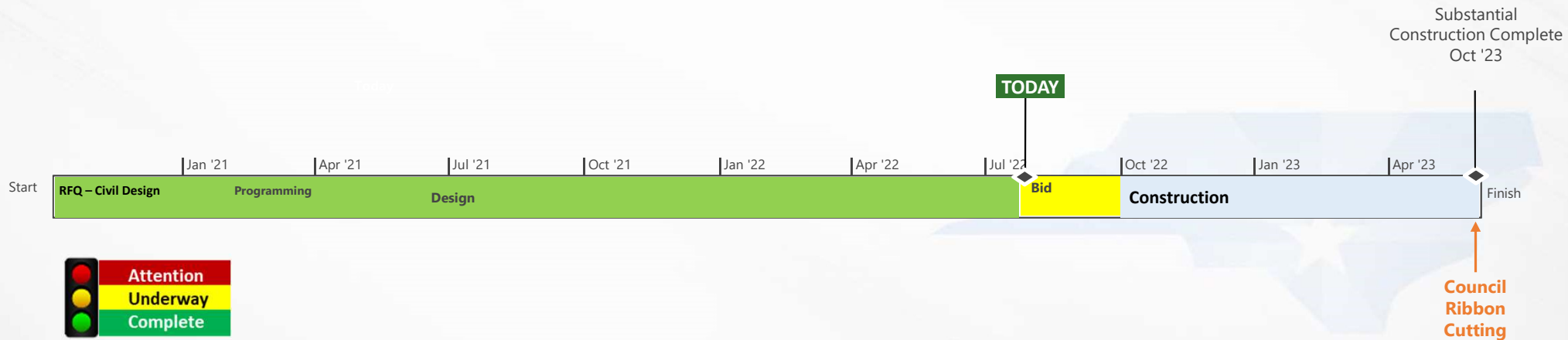
*Approved Budget derives from Council direction.

McArthur Road Sports Complex



Tennis Center

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
March 1, 2020	Approve Building Construction Contract	\$ 6,000,000	\$ 727,247	\$ 5,159,600	Negotiating with Building Contractor	Pre-Construction Site meeting on July 25, 2022



*Approved Budget derives from Council direction.

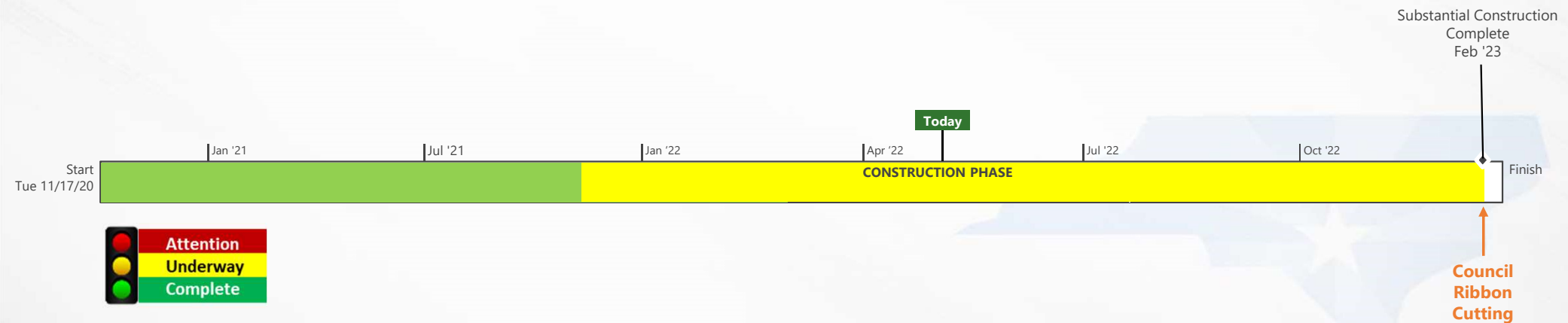
Tennis Center



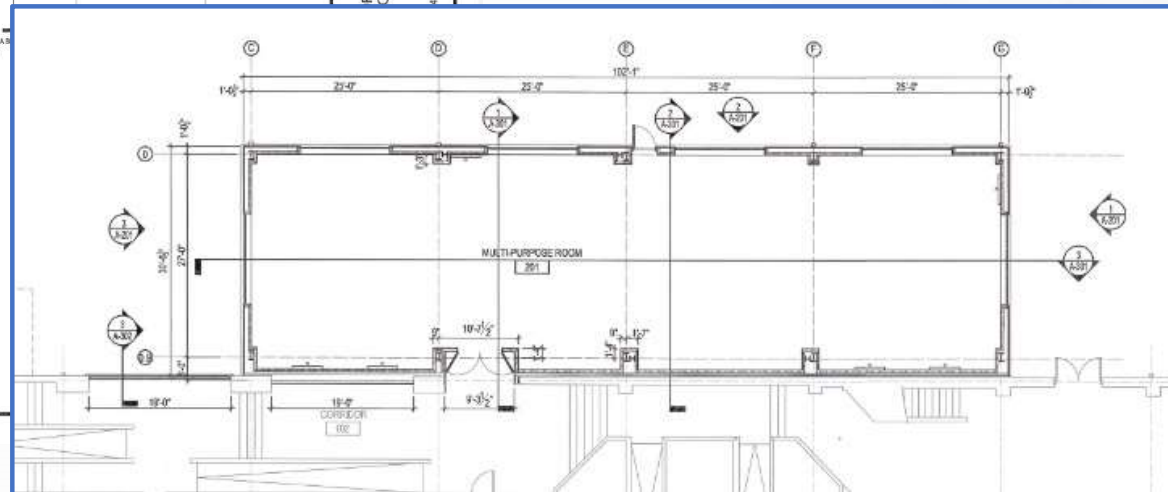


Dorothy Gilmore Recreation Center

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
November 17, 2020	None Currently	\$875,000	\$181,352	\$46,277	Construction Contract Awarded	Building delivery ETA May 2022

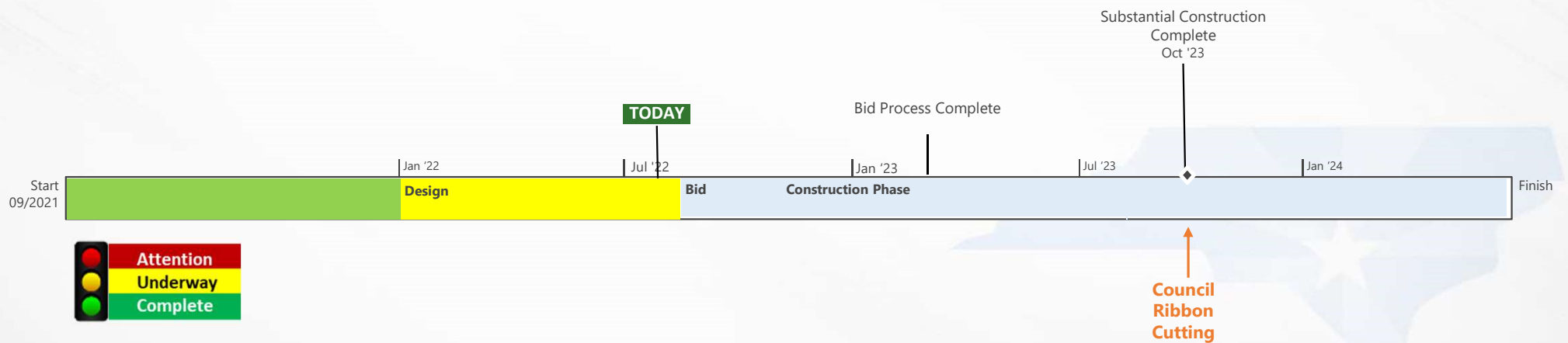


*Approved Budget derives from Council direction.

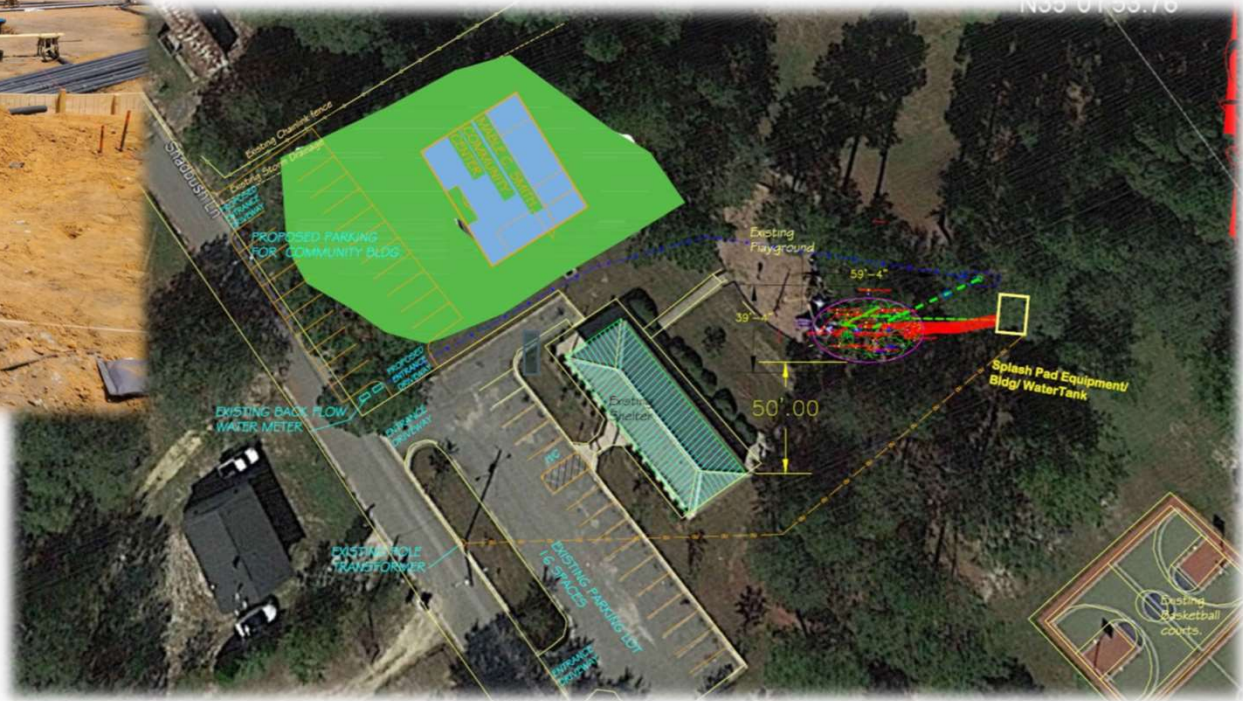
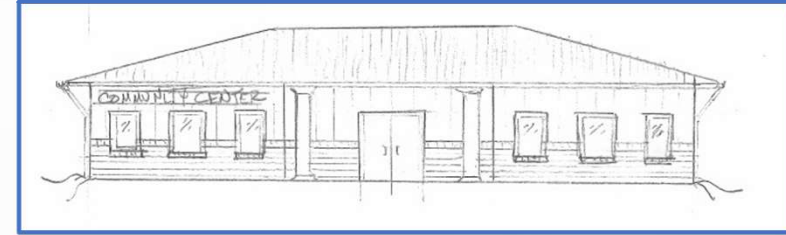


Mable C. Smith Park

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
September 2021	Approval of Construction Contract August 2022	\$ 1,300,000	\$ 342,860	\$ 606,860	Approved Schematic Design	Splash Pad construction under way



*Approved Budget derives from Council direction.



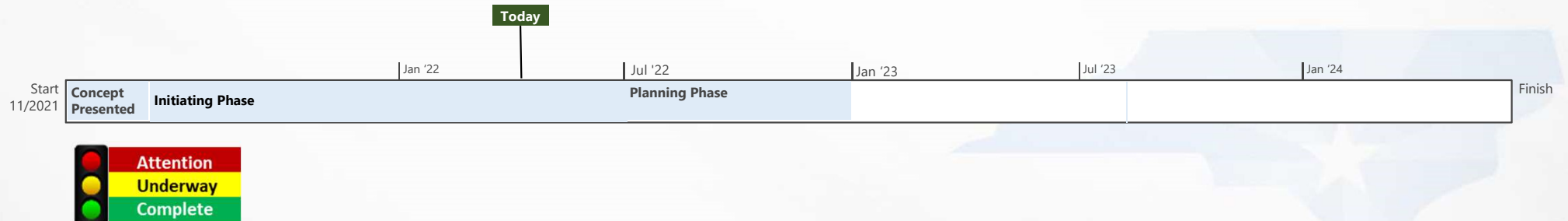


Dr. Martin Luther King Jr. Park

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
November 2021		*100,000	\$ 15,000	\$85,000		A comprehensive survey of existing conditions is underway

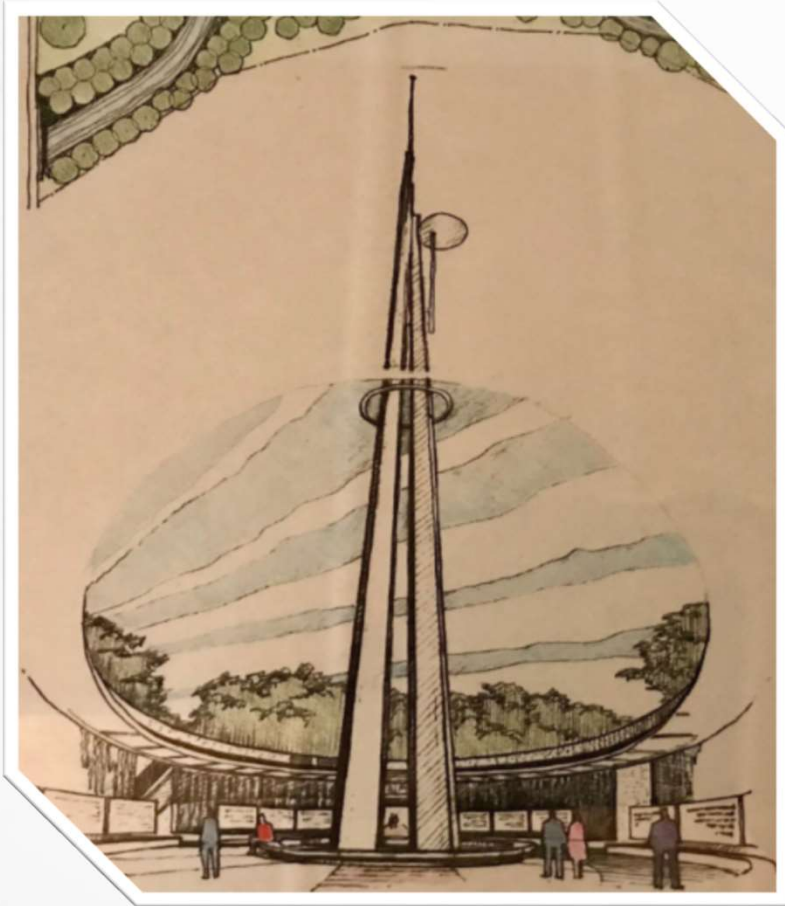
Project Initiation

- Working with the MLK committee to secure funding
- Identifying project requirements



*Approved Budget derives from Council direction.

Dr. Martin Luther King Jr. Park



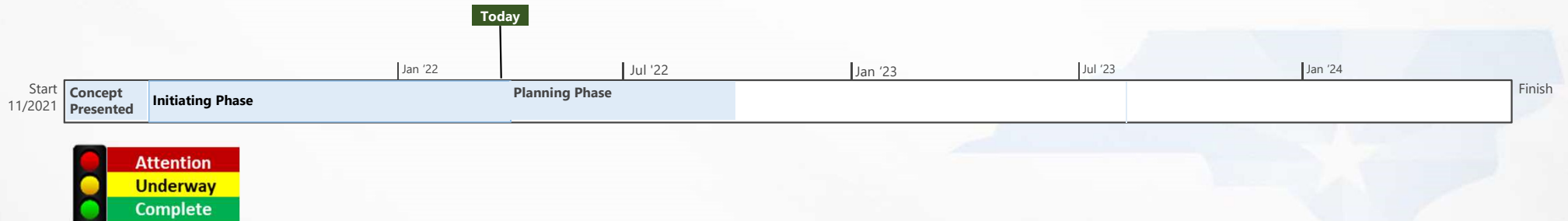


Cape Fear River Park

Start Date	Next Council Action	*Approved Budget	Expenditures as of July 25, 2022	Unencumbered Remaining	Last task completed	Notes
November 2021	Review upcoming Design Options	*2,380,815	\$ 35,300	\$2,345,515	Architect presented design concepts to city staff	Three Design Options coming to Council in September

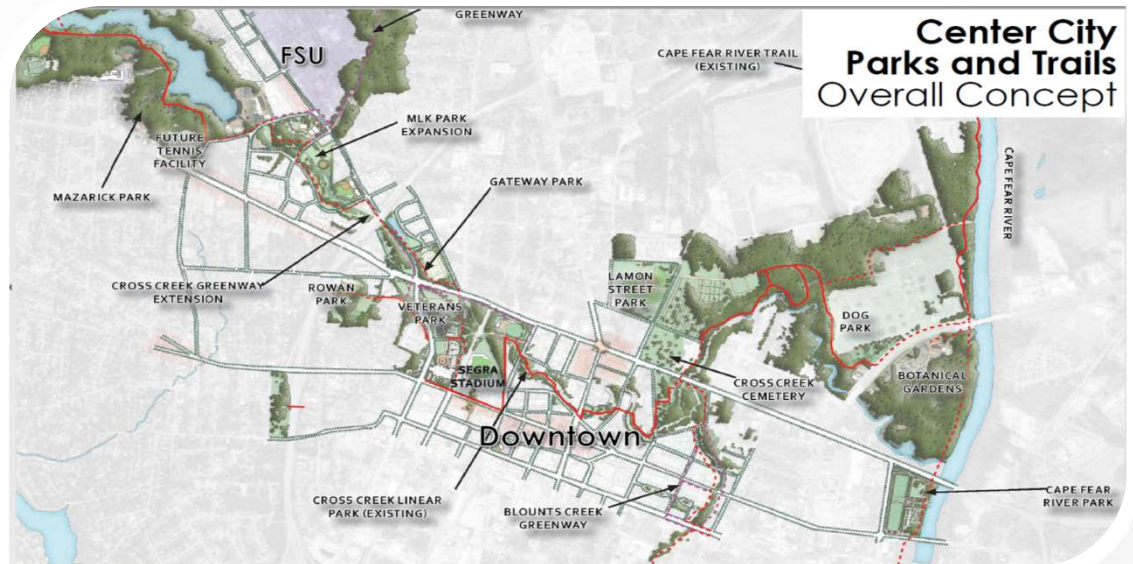
Project Initiation

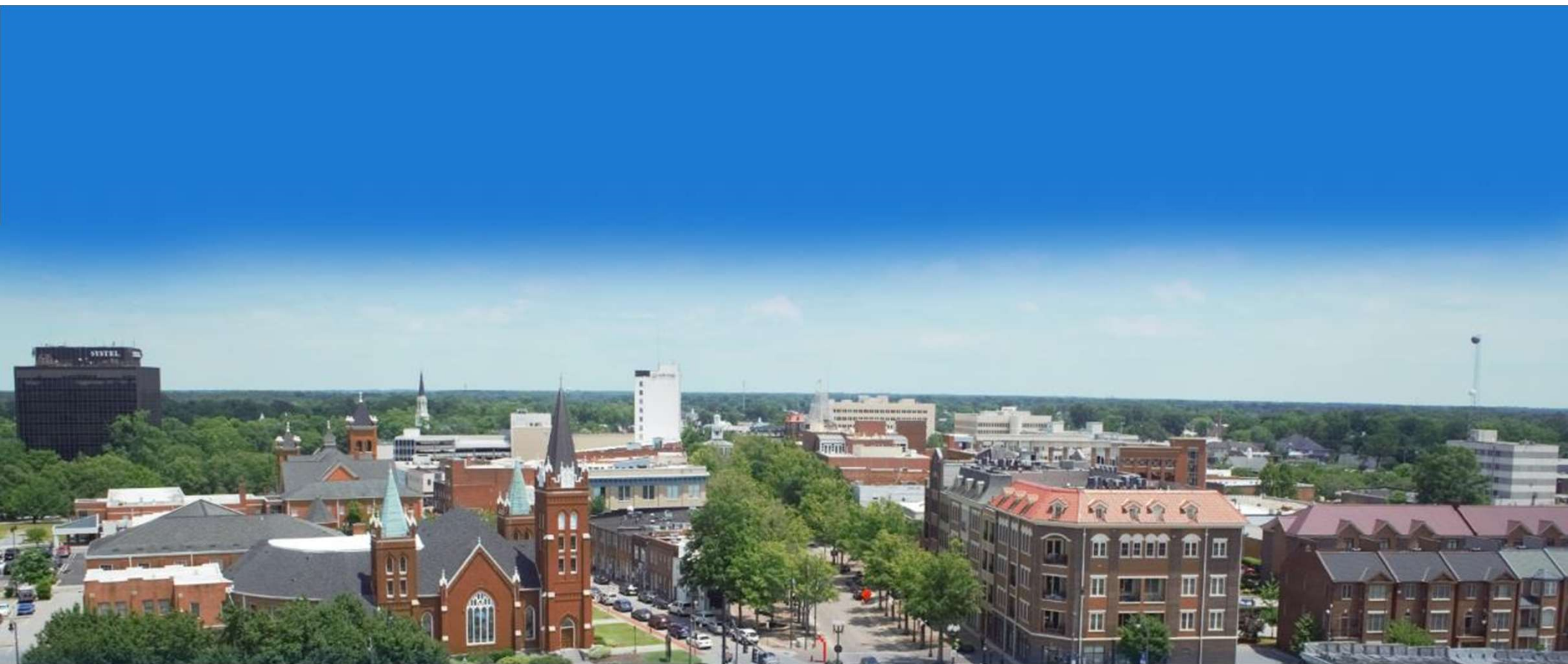
- Negotiating with Engineering Firm and working on the design for how the park would look and connect with other park infrastructure



*Approved Budget derives from Council direction.

Glenville Lake Trail





FayettevilleNC.gov



City of Fayetteville

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

City Council Action Memo

File Number: 22-2841

Agenda Date: 8/1/2022

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: Telly C. Whitfield, Ph.D. - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
David Steinmetz, - Development Services Assistant Director

FROM: James Rutherford - Housing & Code Enforcement Division Manager

DATE: August 1, 2022

RE:

Home Occupations Standards - Proposed City Code Changes Chapter 30-4.D.3.i

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 2 - Responsive City Government Supporting a Diverse and Viable Economy

Objectives 2.1 - To ensure a diverse City tax base

Objective 2.3 - To leverage partnerships for job creation and retention, with a focus on the local and regional workforce to increase per capita income.

Objective 2.4- To sustain a favorable development climate to encourage business growth

Goal 3 - City Investment in Today and Tomorrow

Objective 3.4 - To revitalize neighborhoods with effective code enforcement and violation abatement.

Executive Summary:

After review of Peer City Home Occupations standards, City Council directed staff to provide changes to the city code as it relates to the operation of businesses in residential developments. The requested adjustments were made and placed on the City Council Work Session for further discussion and policy direction.

Background:

At the September 7, 2021 City Council Work Session, City Council directed the staff to research and bring back findings to the City Council as an Administrative Report. The item was placed on the agenda for the November 1, 2021 City Council work session for review however, City Council postponed the item.

City Council heard the report in the March 7, 2022 work session and after discussion directed staff to come back with proposed changes to the Home Occupations standards. The requested adjustments were made and placed on the City Council Work Session of May 2, 2022. As the presentation began, the City Council asked that it be pushed back until August for consideration of how to proceed. The material is the same as was in that May 2, 2022 City Council packet.

Issues/Analysis:

The consensus of the City Council was for staff to develop text amendments that would address three standards not currently in the City's Home Occupations code. Requested changes included:

- 1-Add limitations on the maximum number of customers permitted to be present at any time.
- 2-Add limitations on the maximum number of customer vehicles that may be parked at the Home Occupation's location at any time.
- 3-Add limitations on the hours of operation.

Budget Impact:

No direct impacts to budget have been identified.

Options:

Option 1- City Council moves to accept the proposed code text amendments, directs staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council.

Option 2- City Council moves to modify the proposed code text amendments, directs staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council.

Option 3- City Council moves to take no action and continue enforcement of current Home Occupation standards.

Option 4- City Council moves to table the action for more discussion on the position and policies.

Recommended Action:

Option 1- City Council moves to accept the proposed code text amendments, directs staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council.

Attachments:

- Home Occupation Power Point presentation
- Home Occupation Code Text current version
- Home Occupation Code Text with changes marked
- Home Occupation Code Text with changes
- CCAM from March 7, 2022 City Council Work Session
- Home Occupation Standards - Peer City Comparison Chart
- Home Occupation Code Text for the cities of:
 - Asheville
 - Cary
 - Charlotte
 - Durham
 - Gastonia
 - Greensboro
 - Hickory
 - Raleigh
 - Wilmington
 - Winston-Salem

Home Occupations – Proposed City Code Changes Chapter 30-4.D.3.i

August 1, 2022





City Council Request from March 7, 2022 Work Session Request

- City Council asked that the Home Occupations Standards in the City Code be revised and that three new standards be added to Chapter 30-4.D.3.i
- Requested changes-
 - 1-Add limitations on the maximum number of customers permitted to be present at any time.
 - 2-Add limitations on the maximum number of customer vehicles that may be parked at the Home Occupation's location at any time.
 - 3-Add limitations on the hours of operation.



Add limitations on the maximum number of customers permitted to be present at any time

- 5 of 11 peer cities have limitations on the number of students or customers.
 - **Durham**- Tutoring or instructional services shall have no more than five students at one time.
 - **Gastonia**- Instruction in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).
 - **Greensboro**- Instructions in music, dancing, art, or similar subjects may have up to 5 students at a time.
 - **Raleigh**- No specialty service such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than 5 persons. No more than 5 customers are permitted on the premises at any one time.
 - **Winston-Salem**- Lodging, or boarding and lodging, of not more than three (3) residents, where the owner is an occupant of the property. All lodging or boarding of residents under the home occupation provisions must be registered with the Director of Inspections when established.
- Fayetteville (Proposed)- A maximum of ___?___patrons, clients or customers of the home occupations are permitted to be present at any one time.
[maximum of six would be proposed]

Add limitations on the maximum number of customer vehicles that may be parked at the Home Occupation's location at any time

- Only 1 of 11 peer cities with this type of limitation
 - **Charlotte**- The number of vehicles used by clients or business related visitors to any home occupation shall be limited to two (2) at any given time.
- Fayetteville (Proposed)- A maximum of ___?___ customer vehicles are permitted to be present at any one time.
[maximum of three would be proposed]



Add limitations on the hours of operation

- Only 2 of 11 peer cities with this type of limitation
 - **Charlotte**- Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 a.m. to 8:00 p.m.
 - **Gastonia**- Hours of operation shall be anywhere from 7:00 a.m. to 9:00 p.m. only.
- Fayetteville (Proposed)- Customers visiting, conducting business or receiving services at the location of the home occupations may do so only between the hours of ___?___am and ___?___pm.
[8am thru 8pm would be proposed]



- **Current #1-** The business or service is located within the dwelling or an associated accessory building which may include an accessory dwelling unit, and does not exceed 20 percent of the heated floor area of the principal structure or 600 square feet, whichever is less. **In no instance shall more than one home occupation use be conducted on a single lot.**
- **-Proposed #1-** All activities related to the businesses or services are conducted inside the principle structure or an associated accessory structure which may include an accessory dwelling unit.
- **-Proposed #2-** Area used for the businesses or services is limited to 20 percent of the principal structure's total living area as listed in the Cumberland County Tax Administration's records up to a maximum of 600 square feet

- **Current #2-** The principal person or persons providing the business or service resides in the dwelling on the premises.
- **-Proposed #3-** The principal person or persons providing the businesses or services must reside in the dwelling on the premises.



- **Current #3-** The home occupation employs no more than one person on the premises who does not reside on the premises.
- **Proposed #4-** The home occupations employ no more than one person on the premises who does not reside on the premises.



- **Current #4-** The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- **Proposed #5-** The home occupations causes no **temporary or permanent** changes in the external appearance of the existing dwelling and structures on the property.



- **Current #5-** All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation. In no instance shall any vehicle with a gross vehicle weight rating exceeding 10,000 pounds be parked, stored, or otherwise maintained at the site of a home occupation.
- **Proposed #6-** All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles associated with the home occupations. Vehicles located on the premises must conform with the Parking Standards for Residential Development found in Article 30-5.A.5 of the city code.

- **Current #6-** Home occupations shall not result in regular and on-going vehicular traffic to the home where located.
- **Proposed –** This standard removed as “regular” and “on-going” are subjective standards. Vehicle parking and number of vehicles permitted to be present at any time are addressed in proposed standards 6, 7 and 8.



- **Current #7-** There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
- **Proposed #7-** Off-street parking that complies with Article 30-5.A.5 of the city code shall be provided and must be utilized for all patrons of, employees of and vehicles associated with the home occupations. The number of off-street parking spaces utilized for the home occupations must be provided and maintained in addition to the space or spaces required in Article 30-5.A.4.b of the city code for the dwelling itself

- **Current #8-** Except as may be provided for in Table 30-5.L.6, there are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building..
- **Proposed #10-** As specified in Table 30-5.L.6, only one sign with a maximum size of two square feet may be displayed for the home occupations.



- **Current #9-** The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
- **Proposed #11-** The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupations.
- **Current #10-** Wholesale or retail sales of goods do not occur on the premises.
- **Proposed #12-** Wholesale or retail sales of goods do not occur on the premises.
- **No Changes**



- **Current #11-** The home occupation does not create **traffic or parking congestion**, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- **Proposed #14-** The home occupation does not create , noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

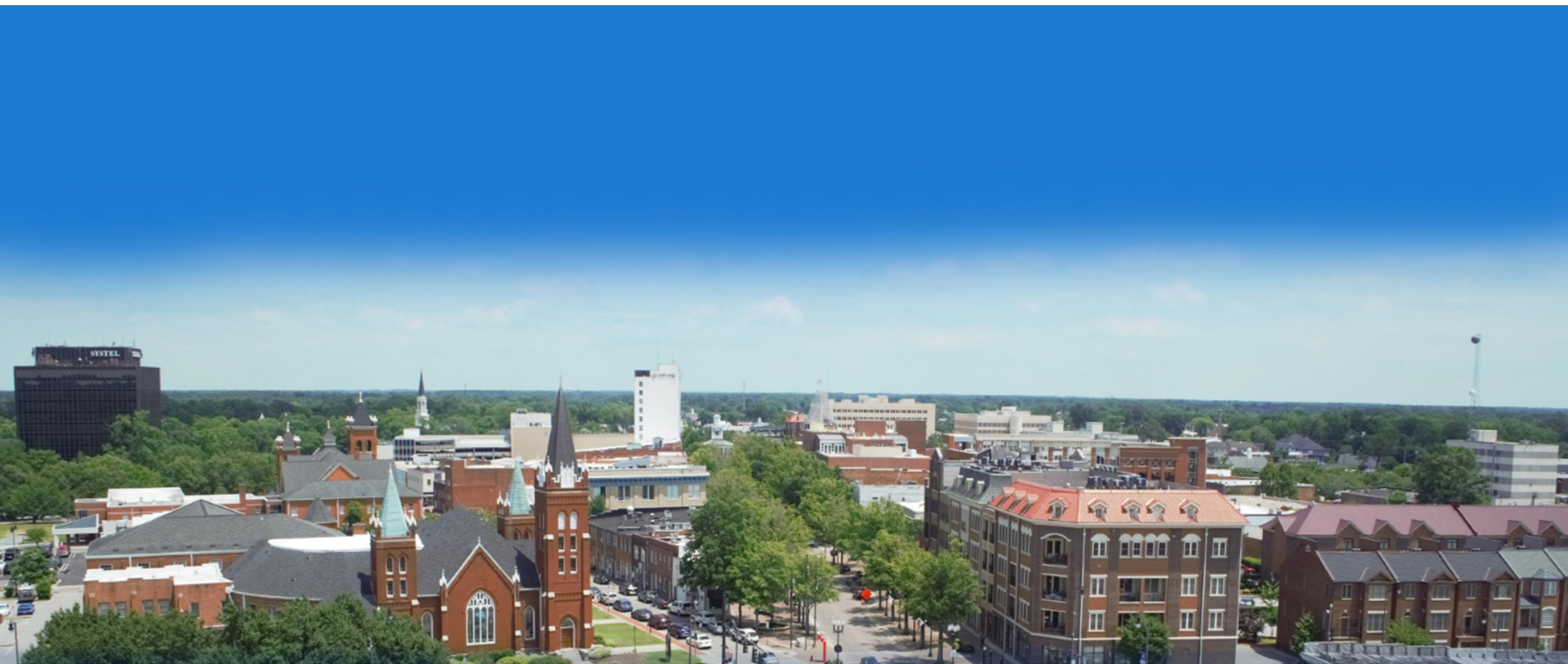
- Proposed #8- A maximum of ___?___ customer vehicles are permitted to be present at any one time. [maximum of three would be proposed]
- Proposed #9- A maximum of ___?___patrons, clients or customers of the home occupations are permitted to be present at any one time. [maximum of six would be proposed]
- Proposed #13- Customers visiting, conducting business or receiving services at the location of the home occupations may do so only between the hours of ___?___am and ___?___pm. [suggested 8am thru 8pm]
- New standards



- Option 1- City Council moves to accept the proposed code text amendments, directs staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council.
- Option 2- City Council moves to modify the proposed code text amendments, directs staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council.
- Option 3- City Council moves to take no action and continue enforcement of current Home Occupation standards.
- Option 4- City Council moves to table the action for more discussion on the position and policies.

- Option 1- City Council moves to accept the proposed code text amendments, directs staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council





FayettevilleNC.gov

Durham

5.4.4 Home Occupations



[Home occupations](#) shall be allowed within any residential use subject to the following regulations:

A. General

The following requirements shall apply to all [home occupations](#):

1. No display of goods, products or services shall be visible off site.
2. Only handmade items, foodstuffs, and crafts made on the premises can be offered directly for sale. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. Catalog and electronic business orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and shipped from the premises to fulfill catalog or electronic business orders.
3. Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the [home occupation](#) is located.
4. [Vehicles](#) used primarily as passenger vehicles shall be permitted in connection with the [home occupation](#). Only one commercially licensed vehicle shall be allowed, except in the [RS-20](#) and [RR](#) districts, where up to two [heavy equipment](#) vehicles can be permitted. All heavy equipment vehicles associated with a home occupation permit shall be screened from view from adjoining properties and the public [right of way](#).
5. No equipment or process shall be used in connection with the [home occupation](#) that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site.
6. No [hazardous materials](#) can be manufactured, stored, processed or disposed of on the premises.
7. The [home occupation](#) shall be clearly incidental to the [primary use](#) as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the [floor area](#) of the livable portion of the dwelling.
8. An [accessory structure](#) or an [accessory dwelling](#) can be used for all or a portion of the [floor area](#) of the [home occupation](#) but the combined total square footage devoted to the home occupation shall not exceed the limits described in paragraph A.7 above.
9. Internal alterations or construction modifications not customary in dwellings and exterior modifications to the dwelling to accommodate the [home occupation](#) shall be prohibited except to meet the accessibility requirements of the [Americans with Disabilities Act](#).

Commentary: Use of an [accessory structure](#) for a [home occupation](#) may require modification of the [structure](#) to meet the habitable space requirements of the [Building](#) Code. If outside employees are

associated with the home occupation, modifications to an accessory structure or [accessory dwelling](#) may also be required to comply with the [Americans with Disabilities Act](#).

10. Tutoring or instructional services shall have no more than five students at one time.

B. Rural Home Occupations

The following requirements shall apply to all [home occupations](#) located on properties zoned Residential Rural District ([RR](#)) containing at least 10 contiguous acres in addition to the provisions of paragraph A. above:

1. In addition to [persons](#) residing on the premises, up to three nonresident employees can be engaged in the [home occupation](#).
2. If a [home occupation](#) is located within an [accessory structure](#) or dwelling, the accessory structure or dwelling shall not be located closer to the front property line than the closest side of the primary dwelling to the front property line; nor closer to the side property line than the closest side of the dwelling to the side property line or 100 feet, whichever is a lesser distance, and not closer than 75 feet to the rear property line.
3. The [home occupation](#) can include outdoor uses or activities. Any areas used for outdoor activities shall be at least 250 feet from any property line and shall also be closer to the principal dwelling on the site than to any dwelling on an adjoining site.
4. Any [home occupations](#) utilizing these provisions shall be required to cease operations if the [parcel](#) size is reduced to less than 10 acres.

C. Other Home Occupations

In all districts other than [RR](#), or in RR-zoned properties less than 10 acres, the following standards apply in addition to the standards of paragraph A above:

1. Only [persons](#) residing on the premises and up to one nonresident employee can be engaged in the [home occupation](#).
2. No outside storage use or activity (except parking, required recreation areas for [day care homes](#), and for instructional services that require an outdoor facility such as a swimming pool for swim classes) shall be associated with the [home occupation](#).

Article 8. District Use Requirements

30-8-11 Accessory Uses and Structures

30-8-11.5 Home Occupations (including renting of rooms)

A. Maximum Area

The area devoted to the [home occupation](#) may not occupy more than 30% of the [gross floor area](#) of the [dwelling](#).

Commentary: A 1,333 square foot primary dwelling is needed to accommodate a home occupation of 400 square feet. (30% of 1,333 = 400 square feet); 2,000 square feet of floor area would be needed to accommodate a 600 square foot home occupation area.

B. Outdoor Storage

[Outdoor storage](#) of items related to the home occupation is prohibited.

C. Operation

1. No display of goods, products or services may be visible off site.
2. Unless located in the TN district, a home occupation must be conducted entirely within the residence. In the TN district, [Artisans and Crafts](#) home occupations may use a garage or another enclosed [accessory structure](#). The home occupation must be clearly incidental and secondary to the residential use of the dwelling and may not change the outward appearance of the residence.
3. Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist offices, architects, accountants, child day care homes, food catering, and handicrafting.
4. Only handmade items, foodstuffs, and crafts made on the premises may be offered for sale on the premises.
5. Resale of goods or products for retail or wholesale sales is allowed when the goods or products are received and shipped from the premises to fulfill catalog, electronic, or internet business orders. No goods, products, or commodities brought into the dwelling unit for purposes of resale may be sold to persons coming on the premises.
6. Except in the TN District or in child day care homes in any district, persons who are not occupants of the dwelling may not:
 - a. work at or on the site of the dwelling;
 - b. report to work at or near the dwelling;
 - c. go by the dwelling to pick up orders, supplies, or other items related to the home occupation;

- d. report to the dwelling for pay;
 - e. associate with the dwelling in any manner that could be interpreted as part of a normal employer/employee relationship.
- 7. Instructions in music, dancing, art, or similar subjects may have up to 5 students at a time.
- 8. Activities may not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the immediate neighborhood.
- 9. Use or storage of any explosive or hazardous material in conjunction with the home occupation is prohibited.

D. Number of Vehicles

- 1. One commercial vehicle up to 30 feet in length may be kept on-site in conjunction with the [home occupation](#).
- 2. A second commercial vehicle up to 30 feet in length may be kept on-site when located behind the front building line of the principal structure and within a covered attached or detached structure that is fully screened from adjacent residential uses.
- 3. When there are two vehicles kept on-site, only one of the two vehicles can be a truck that exceeds 20 feet in length, a bus or other non-automobile vehicle.
- 4. All commercial vehicles must display a current license plate.

E. Parking

Notwithstanding the Nonconformity Regulations of [Article 2](#), parking areas and drives for residences containing home occupations must meet the provisions of Sec. 30-11-11.

F. Signage

Signage associated with home occupations is limited to one attached sign mounted flat to the front wall of the building that does not exceed 4 square feet in area and 6 feet in height above ground level. Only external illumination is allowed.

6.3.3 Home Occupations

General. A home occupation is an accessory use of a residential dwelling unit that constitutes, in whole or in part, the livelihood of a person living in the dwelling unit. Home occupations shall be subject to the following limitations:

- The principal person providing the business or service resides in the dwelling on the premises.
 - The home occupation employs no more than one (1) person who does not reside on the premises.
 - The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
 - Any commercial or off-road vehicles used in connection with the home occupation are located entirely within an enclosed building.
 - All storage of goods, equipment, or vehicles associated with the home occupation must be located entirely within enclosed buildings.
 - There shall be no advertising devices or other signs of the home occupation visible from outside the dwelling or accessory building.
- City of Hickory Land Development Code (June 1, 2021) 117
- The use shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district.
 - No additional parking areas, other than driveways, shall be located in the front setback.
 - The business or service is located within the dwelling or an associated accessory building, and does not exceed twenty-five (25) percent of the combined floor area of the structures or two hundred fifty (250) square feet, whichever is less.
 - The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
 - If the home occupation is associated with food preparation or catering, the applicant must show proof of compliance with all County environmental and health regulations and NC State Building Code regulations.
 - Repair of automobiles is not permitted as a home occupation.

Raleigh

CHAPTER 6. USE REGULATIONS | Article 6.7. Accessory Uses & Structures

Sec. 6.7.3. Additional Standards for Specific Accessory Uses

D. Home Occupation

An occupation that provides a service or product that is conducted wholly within a residential dwelling in a Residential District.

1. No nonresident employees are allowed. Clients, customers, patients and visitors are not allowed to visit the premises.
2. No display of goods, products, or services shall be visible from outside the dwelling.
3. The home occupation shall not exceed 25% of the livable portion of the dwelling.
4. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the principal dwelling unit or a fully-enclosed accessory structure only.
5. There must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
6. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
7. Only 1 vehicle used in connection with the home occupation shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs., as listed on the vehicle registration form, and no advertising or reference to the home occupation may be displayed on the vehicle in any manner.
8. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

E. Live-Work

An occupation that provides a service or product that is conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to

visit.

1. In a Residential District, a special use permit issued in accordance with Sec. 10.2.9. is required for a live-work unit.
2. A minimum of 1 individual must occupy the live-work unit as their primary place of residence.
3. The live-work unit may employ no more than 2 individuals not living on the premises at any one time.
4. Work space within the unit may be used as an office, studio, gallery, beauty/hair salon, or for production involving the use of hand tools and small-scale, light equipment.
5. Resale of items such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the live-work unit.
6. No specialty service such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than 5 persons.
7. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the live-work unit or a fully enclosed accessory structure only.
8. Except for permitted signage, there must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the work inside.
9. Signage is limited to 1 unlit wall or projecting sign no larger than 3 square feet in area, attached to the structure housing the live-work unit.
10. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
11. Only 1 vehicle used in connection with the live-work use shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs, as listed on the vehicle registration form, and no advertising or reference to the use may be

displayed on the vehicle in any manner.

12. No more than 5 customers are permitted on the premises at any one time.

13. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

14. One additional on-site parking space is required per live-work unit.

Wilmington

- **Sec. 18-279. - Home occupation.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Home occupations are permitted, provided:

(a)

Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation.

(b)

The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; up to twenty-five (25) percent of the floor area of the dwelling unit, but in no case more than four hundred (400) square feet, may be used in the conduct of the home occupation. This restriction does not apply to the bed and breakfast use (see subsection (k)(3) below).

(c)

There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two and one-fourth (2¼) square feet in area, nonilluminated and mounted flat against the wall of the principal building. (For bed and breakfast sign regulations, see subsection [18-577](#)(f) of this chapter.)

(d)

With the exception of bed and breakfast uses, no home occupation shall be conducted in any accessory building.

(e)

No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in any required yard. Vehicles used primarily as passenger vehicles including pickup trucks and step-type vans only shall be permitted in connection with the conduct of the customary home occupation. The home occupation shall not cause the elimination of required off-street parking. No more than two (2) vehicles owned by patrons of the home occupation business shall be parked on-site or off-site at any time. (For bed and breakfast regulations, see subsection (k) below.)

(f)

No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family housing unit, or outside the housing unit if conducted in other than a single-family housing unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes

fluctuations in line voltage off the premises. For bed and breakfast establishments, no cooking facilities are permitted in the individual guest rooms.

(g)

No display of products shall be visible from the street. The selling or manufacturing of merchandise, except baking, sewing and/or home crafts normally made in the home, is prohibited and therefore cannot be the function of the home occupation;

(h)

Except for bed and breakfast establishments, home occupations shall be limited to no more than five (5) patrons per day.

(i)

No entrance or exit way shall be specifically provided in the dwelling or on the premises for the conduct of the home occupation.

(j)

No more than one (1) home occupation shall be permitted within any single dwelling unit.

(k)

Bed and breakfast: In addition to the above applicable provisions, the following shall apply:

(1)

Bed and breakfast uses are permitted in the Historic District, Historic District-Mixed Use, Historic District Residential, R-7, Historic District Overlay - Residential, and R-5, Residential District [Hemenway Redevelopment Area only (defined as that area bounded by the CSX Railroad, Third Street, Princess Street, and North Thirteenth Street)] in principal structures containing two thousand five hundred (2,500) or more square feet of gross floor area or in accessory buildings which comply with the accessory buildings regulations of this article.

(2)

No permit shall be issued to a new bed and breakfast use if the issuance of a permit would result in the creation of more than one (1) bed and breakfast use within one (1) square block or within one (1) numerical block.

(3)

The use of the dwelling unit for the bed and breakfast home occupation shall be clearly incidental and subordinate to its use as a principal residence. The maximum number of guest rooms allowed is three (3). This maximum number of guest rooms shall apply whether the principal structure or an accessory structure is used for the bed and breakfast.

(4)

No off-street parking is required.

(5)

The use provisions of this section are not subject to variance by the board of adjustment.

(6)

Any bed and breakfast use made nonconforming by the amendments to [Article 15](#) and [section 18-279](#) adopted on November 7, 1995, shall be subject to the provisions of [Article 4](#), Division I, Nonconforming Situations, of this chapter to the extent of any nonconformity. The right to operate any bed and breakfast use, whether conforming or nonconforming, as a home occupation or special use shall be fully transferable with the property and shall furthermore run with the land, and such uses shall be legally permitted to operate in the future pursuant to the provisions under which they were operating or established as of November 7, 1995.

(Ord. No. O-2008-25, 4-8-08; Ord. No. O-2012-85, Exh. A, § 15, 12-4-12)

Winston Salem

Section 5.3 Accessory Uses and Structures

D. HOME OCCUPATION

1. PURPOSE

a. The intent of this section is to permit certain home occupations under reasonable safeguards, but not to encourage their development or expansion in violation of the regulations governing the residential

districts.

b. This section sets forth the special conditions home occupations must meet to insure compatibility with existing residential uses.

2. PERMITS

a. The Director of Inspections, in the issuance of a zoning permit for a home occupation, shall determine that all prescribed conditions are met.

Chapter 5 Use Standards

Section 5.3 Accessory Uses and Structures

WINSTON-SALEM/FORSYTH COUNTY UDO 5-109 LAST UPDATED: 7.1.21

Italics text: Applicable in Winston-Salem only Underlined text: Applicable in Forsyth County only

b. Such permit shall be revoked upon a finding that any home occupation established under this Ordinance fails at any time to meet the requirements prescribed herein.

i. ZONING PERMITS

Zoning permits may be issued by the Director of Inspections for the following service occupations:

1. The office or studio of an accountant, planner, architect, surveyor, artist, attorney, author, ceramist, clergyman, engineer, interior designer, landscape architect, musician, photographer, dentist, physician or other licensed medical practitioner, teacher of not more than three (3) pupils on the premises at any time, or practitioners in similar fields of service.

2. Other services such as dressmaking, home handicrafts, tailoring, millinery, nameplate making, home cooking, baking or preserving, and telephone or mail services.

3. Lodging, or boarding and lodging, of not more than three (3) residents, where the owner is an occupant of the property. All lodging or boarding of residents under the home occupation

provisions must be registered with the Director of Inspections when established.

ii. SPECIAL USE PERMITS

1. Special use permits may be issued by the Board of Adjustment in rural areas (GMAs 4 and 5) for construction contracting and motor vehicle repair provided such home occupations meet the characteristics of and the prescribed use conditions for home occupations.

2. A special use permit for such use shall be issued for a period of up to three (3) years in order to provide for automatic review by the Board of Adjustment.

3. CONDITIONS

The following conditions apply to home occupations.

a. INCIDENTAL AND SECONDARY USE

A home occupation shall be a clearly incidental and secondary use to the principal use as a residence by the person conducting the occupation.

b. NUMBER

i. Only one home occupation shall be permitted per principal dwelling unit.

ii. The home occupation may be operated only in the principal dwelling unit or in an accessory building, as permitted herein.

c. IMPACT

A home occupation shall not increase significantly traffic, noise, electrical interference, glare, dust, smoke,

or odors.

d. EXTERIOR

No exterior evidence of the presence of a home occupation shall be permitted except as hereinafter provided, nor shall the exterior character of the dwelling unit be changed.

e. PARKING

i. Off-street parking shall be provided in compliance with Section 6.1, Off-Street Parking and Loading.

ii. Any parking area in addition to what is provided on the site at the time of application for the home occupation which is required to meet the standards of Section 6.1, Off-Street Parking and Loading shall be

located to the rear or side of the principal dwelling unit.

f. DISPLAYS

There shall be no salesroom or display window.

g. SIGNS

i. No sign announcing the presence of a home occupation shall be permitted other than one occupancy sign not more than one hundred forty-four (144) square inches in area.

ii. Additionally, the use of neon or illuminated signs which are visible from the exterior of buildings containing home occupations, including signs inside buildings, shall be prohibited.

Chapter 5 Use Standards

Section 5.3 Accessory Uses and Structures

WINSTON-SALEM/FORSYTH COUNTY UDO 5-110 LAST UPDATED: 7.1.21

Italics text: Applicable in Winston-Salem only Underlined text: Applicable in Forsyth County only

h. EMPLOYEES

Only members of the family residing in the principal dwelling unit and not more than one other employee

may be employed in the operation of a home occupation.

i. FLOOR AREA

The floor area of the principal dwelling unit used for the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling unit, except where lodging is provided for resident guests.

j. BOARDING AND/OR LODGING

Boarding and/or lodging of not more than three (3) resident guests shall be permitted only within the principal dwelling unit.

k. OUTDOOR STORAGE - URBAN AREAS

i. Home occupations in urban areas (GMAs 1, 2 and 3) shall be conducted entirely within the principal dwelling unit.

ii. No outside storage is permitted for home occupations in urban areas.

l. OUTDOOR STORAGE - RURAL AREAS

i. Outdoor storage for home occupations occurring within the principal dwelling unit in rural areas

(GMAs 4 and 5) must be located on a zoning lot of three (3) acres or greater and is limited to one thousand

(1,000) square feet.

ii. Said outdoor storage shall be located behind the principal dwelling unit and shall be screened by an opaque fence or wall and gate at least six (6) feet in height.

m. ADDITIONAL REQUIREMENTS

i. Home occupations in rural areas (GMAs 4 and 5) shall be conducted either within the principal dwelling unit or within an accessory building located on the same zoning lot as the principal dwelling unit.

ii. Where an accessory building is used for a home occupation, the home occupation shall meet the following additional requirements:

1. LOT SIZE

Be located on a zoning lot of three (3) acres or greater;

2. SETBACKS

Be set back from adjacent property lines, private roads, and public rights-of-way one hundred (100) feet;

3. LOCATION

Be located behind the principal dwelling or two hundred (200) feet from any private road, public right-of-way, or property line;

4. BUFFERYARD

Have a type II bufferyard around the use;

5. PARKING AND STORAGE

5.01. Have no more than one thousand (1,000) square feet devoted to parking and outdoor storage including storage of motor vehicles awaiting repair at a motor vehicle repair home occupation.

5.02. Said outdoor parking and outdoor storage of materials shall be located behind the principal dwelling unit or accessory building and shall be screened by an opaque fence or wall and gate at least six (6) feet in height.

6. BUILDING AREA

Have no more than one thousand (1,000) square feet of building area devoted to the home occupation.

Chapter 5 Use Standards

Section 5.3 Accessory Uses and Structures

WINSTON-SALEM/FORSYTH COUNTY UDO 5-111 LAST UPDATED: 7.1.21

Italics text: Applicable in Winston-Salem only Underlined text: Applicable in Forsyth County only

7. OTHER REQUIREMENTS

Meet all other dimensional and height requirements for the zoning district in which the home occupation is located.

Gastonia

- **SECTION 5.9 - HOME OCCUPATION/ACCESSORY USE PERMIT**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

- **5.9.1 - PURPOSE**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

A home occupation or accessory use permit shall be required to ensure that a proposed home occupation or accessory use is developed in accordance with all applicable provisions of this Ordinance. Lists of permissible customary and home occupations are found in [Section 9.1](#) and [9.2](#).

- **5.9.2 - APPLICATION PROCEDURES**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

A.

An application for an accessory use or home occupation shall be filed with the Administrator on a form so prescribed by the City. The form shall be complete and accompanied by a fee, in accordance with the most recently adopted fee schedule approved by the governing board, in order to be reviewed by the Administrator.

B.

The Administrator shall endeavor to review the permit in an expeditious manner and will notify the applicant in writing if a decision on the permit cannot be rendered within twenty-one (21) days.

C.

Failure to adhere to an approved permit shall be deemed a violation of this Ordinance.

(Ord. No. 10-585, § 2, 8-17-10)

- **Chapter 9 - GENERAL PROVISIONS**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

- **SECTION 9.1 - CUSTOMARY HOME OCCUPATIONS**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

The following regulations shall apply to all "customary home occupations" irrespective of the underlying general zoning district.

A.

Customary home occupations may be established in any principal dwelling unit. Customary home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Customary home occupation requirements shown herein shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located.

B.

The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.

C.

No outside storage of materials or equipment shall be allowed in connection with the customary home occupation except as noted in this paragraph. Said requirement shall not be applicable to swimming instructions given in an outdoor swimming pool. For lawn and garden services, storage of equipment must be obscured from view from the public street and adjoining properties via a blind fence or by storing equipment in an accessory structure (no home occupation activity shall occur in such accessory structure).

D.

Use of the dwelling for the home occupation shall be limited to either twenty-five (25) percent of the gross floor area of the principal structure or seven hundred fifty (750) square feet, whichever is smaller.

E.

The operator of the customary home occupation must reside on the same lot as where the customary home occupation takes place. Only residents of the dwelling may engage in the customary home occupation with the following exception: one nonresident, engaging in work ancillary to the customary home occupation (e.g., a receptionist), may report to work at the dwelling. Otherwise, no other nonresidents shall be allowed to report to work at the dwelling to engage in the same or nearly the same customary home occupation.

F.

No products, goods, materials, or equipment associated with the customary home occupation shall be visible from any adjoining street or properties. All such products, goods, materials or equipment shall be stored within the residential dwelling unit or in an accessory structure per sub-section D above. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.

G.

No external alterations inconsistent with the residential use of the dwelling shall be permitted.

H.

Only vehicles used primarily as passenger vehicles (i.e., passenger automobiles, passenger vans and passenger pickup trucks) shall be permitted in connection with the conduct of the customary home occupation. No more than two (2) vehicles shall be used in conjunction with the customary home occupation. Parking in association with the customary home occupation shall only take place in the driveway or garage.

I.

Chemical, mechanical, or electrical equipment or any other activity associated with the customary home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling (with the exception of swimming pool lessons) shall be prohibited.

J.

Hours of operation shall be anywhere from 7:00 a.m. to 9:00 p.m. only.

K.

Instruction in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).

L.

Signs for customary home occupations shall be as followed:

1.

The sign shall be a ground sign or placed flush against the wall of the principal dwelling unit;

2.

The sign shall have a maximum area of four (4) square feet;

3.

No more than one sign per customary home occupation shall be allowed;

4.

The sign shall not be illuminated.

5.

If freestanding, the sign shall be a suspended sign.

M.

In no instance may an automobile repair shop, automobile body shop, fortuneteller, animal grooming establishment, tanning and nail salon, pest control service, small engine repair and services, retail sales operations, wholesale sales operation with on-site delivery and storage of goods, or a retail florist be conducted as a customary home occupation.

N.

Home occupations shall be limited to or be similar to the following uses: artist's fine arts studio; handmade artisan crafts such as pottery, jewelry, and quilting; barber/beauty shop, building specialty trades and contractor's office, cleaning and maintenance service office, computer and data processing service office, consultant's office, detective's office, doctor's and lawyers office limited to two (2) patients or clients at one time; dressmaking, sewing, tailoring and drapery maker; engineer, architect, drafter or surveyor office; floral service with no on-premise sales; food catering and preparation service for off-site consumption; furniture upholstery and interior antique restoration and repair; home electronics repair; instruction in the fine arts; insurance agent, interior decorator; Internet and mail order business with no on-site delivery, storage, or shipping of goods; locksmith; lawn and garden services; martial arts instructor; massage therapist; message and errand service; real estate agent; stock or security brokers; swimming pool service; tax preparation service; telephone answering service; offices for building contractors and building specialty trades; and writer or journalist.

O.

The Administrator shall have the authority to allow a customary home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with customary home occupations listed herein.

Fayetteville

☐ Home Occupations

~~A. h~~ Home occupations shall be permitted as an accessory use to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, vehicle parking or other impacts. Except for requirements and standards listed in Chapter 110 of the North Carolina General Statutes specific to licensed Child Care Facilities, Home occupations shall be subject to the following standards:

- ~~1. All~~ The activities related to the -businesses or services are conducted is located inside -within the principle structure dwelling or an associated accessory structure building which may include an accessory dwelling unit.
- ~~2. -Area used for the businesses or services is limited to and does not exceed~~ 20 percent of the principal structure's total living area as listed in the Cumberland County Tax Administration's records heated floor area of the principal structure up to a maximum of or 600 square feet, whichever is less.
- ~~1. In no instance shall more than one home occupation use be conducted on a single lot.~~
- ~~2-3.~~ The principal person or persons providing the businesseses or services must resides in the dwelling on the premises.
- ~~3-4.~~ The home occupations s employs no more than one person on the premises who does not reside on the premises.
- ~~4-5.~~ The home occupations s causes no temporary or permanent changess in the external appearance of the existing dwelling and structures on the property.
- ~~5-6.~~ All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles associated with the per home occupationss. In no instance shall any vehicle with a gross vehicle weight rating exceeding 10,000 pounds be parked, stored, or otherwise maintained at the site of a home occupation. Vehicles located on the premises must conform with the Parking Standards for Residential Development found in Article 30-5.A.5 of the city code.
- ~~6. Home occupations shall not result in regular and on-going vehicular traffic to the home where located.~~
- ~~7. There is sufficient o~~ff-street parking that complies with Article 30-5.A.5 of the city code shall be provided and must be utilized for allfor patrons of, employees of and vehicles associated with of the home occupations. -with tThe number of off-street parking spaces utilizedrequired for the home occupations must to be provided and maintained in addition to the space or spaces required in Article 30-5.A.4.b of the city code for the dwelling itself.
- ~~8. A maximum of ? customer vehicles are permitted to be present at any one time. [maximum of three would be proposed]~~

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~~7.9.~~ A maximum of ? patrons, clients or customers of the home occupations are permitted to be present at any one time. [maximum of six would be proposed]

~~8.10.~~ Except as may be provided for specified in Table 30-5.L.6, only one sign with a maximum size of two square feet may be displayed for the home occupation; there are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.

~~9.11.~~ The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupations.

~~12.~~ Wholesale or retail sales of goods do not occur on the premises.

~~10.13.~~ Customers visiting, conducting business or receiving services at the location of the home occupations may do so only between the hours of ? am and ? pm. [suggested 8am thru 8pm]

~~11.14.~~ The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

Home Occupation

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

Fayetteville

Home Occupations

Home occupations shall be permitted as an accessory use to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, vehicle parking or other impacts. Except for requirements and standards listed in Chapter 110 of the North Carolina General Statutes specific to licensed Child Care Facilities, Home occupations shall be subject to the following standards:

1. All activities related to the businesses or services are conducted inside the principle structure or an associated accessory structure which may include an accessory dwelling unit.
2. Area used for the businesses or services is limited to 20 percent of the principal structure's total living area as listed in the Cumberland County Tax Administration's records up to a maximum of 600 square feet.
3. The principal person or persons providing the businesses or services must reside in the dwelling on the premises.
4. The home occupations employ no more than one person on the premises who does not reside on the premises.
5. The home occupations causes no temporary or permanent changes in the external appearance of the existing dwelling and structures on the property.
6. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles associated with the home occupations. Vehicles located on the premises must conform with the Parking Standards for Residential Development found in Article 30-5.A.5 of the city code.
7. Off-street parking that complies with Article 30-5.A.5 of the city code shall be provided and must be utilized for all patrons of, employees of and vehicles associated with the home occupations. The number of off-street parking spaces utilized for the home occupations must be provided and maintained in addition to the space or spaces required in Article 30-5.A.4.b of the city code for the dwelling itself.
8. A maximum of ___?___ customer vehicles are permitted to be present at any one time. [maximum of three would be proposed]
9. A maximum of ___?___patrons, clients or customers of the home occupations are permitted to be present at any one time. [maximum of six would be proposed]
10. As specified in Table [30-5.L.6](#), only one sign with a maximum size of two square feet may be displayed for the home occupations.
11. The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupations.

12. Wholesale or retail sales of goods do not occur on the premises.
13. Customers visiting, conducting business or receiving services at the location of the home occupations may do so only between the hours of __?__am and __?__pm. [suggested 8am thru 8pm]
14. The home occupation does not create , noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

Home Occupation

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

Fayetteville

Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupations shall be subject to the following standards:

1. The business or service is located within the dwelling or an associated accessory building which may include an accessory dwelling unit, and does not exceed 20 percent of the heated floor area of the principal structure or 600 square feet, whichever is less. In no instance shall more than one home occupation use be conducted on a single lot.
2. The principal person or persons providing the business or service resides in the dwelling on the premises.
3. The home occupation employs no more than one person on the premises who does not reside on the premises.
4. The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
5. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation. In no instance shall any vehicle with a gross vehicle weight rating exceeding 10,000 pounds be parked, stored, or otherwise maintained at the site of a home occupation.
6. Home occupations shall not result in regular and on-going vehicular traffic to the home where located.
7. There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
8. Except as may be provided for in Table [30-5.L.6](#), there are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
9. The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
10. Wholesale or retail sales of goods do not occur on the premises.
11. The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

Home Occupation

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D. - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
David Steinmetz, CFM - Development Services Assistant Director

FROM: James Rutherford - Housing & Code Enforcement Division Manager

DATE: March 7, 2022

RE:
Home Occupations – City Code Review and Comparison to Peer Cities

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

2022-2026 Strategic Plan

Goal 2 – Responsive City Government Supporting a Diverse and Viable Economy

Objectives 2.1 – To ensure a diverse City tax base

Objective 2.3 - To leverage partnerships for job creation and retention, with a focus on the local and regional workforce to increase per capita income.

Objective 2.4- To sustain a favorable development climate to encourage business growth

Goal 3 - City Investment in Today and Tomorrow

Objective 3.4 – To revitalize neighborhoods with effective code enforcement and violation abatement.

Executive Summary:

City Council directed staff to conduct a review of the city code as it relates to the operation of businesses in residential developments. This has been done by looking at ten peer cities. The implied request was to determine if additional measures should be considered to regulate home occupations, and specifically not allowing gyms and personal training in residential neighborhoods.

The conclusions of peer cities is that we are aligned with all others in how we handle the specific item, have significant constraints in place that work in other communities, and the balance of great neighborhoods with encouraged home-occupations continues to be the goal of all communities (especially as a result of COVID impacts on job locations). The Council request was to research, not recommend, this issue. Any policy changes are citywide.

Commercial activities are conducted as an accessory use to the dwelling and they are listed in the use table as a Home Occupation. A review of the Fayetteville Code of Ordinances in comparison to ten North Carolina peer cities was conducted. Conclusions and options were generated from the review. Thirty variables were

examined. Fayetteville's standards for residential home occupations align with the majority of the ten peer North Carolina cities.

The research was compiled and first set to be reviewed at the November 1, 2021 City Council work session. The item was delayed by the City Council to a future date due to meeting time constraints. The item was pushed back until the March 7, 2022 City Council work session. At the request of Councilman Dawkins, a meeting was held on December 21, 2021 with Staff to look at the November CCAM, and cover areas of interest and concerns regarding home occupations specific to complaints received from citizens. This report covers the material of November's CCAM while noting points raised from the December 21, 2021 meeting.

Background:

At the September 7, 2021 City Council Work Session, City Council directed the staff to research and bring back findings to the City Council as an Administrative Report. The item was placed on the agenda for the November 1, 2021 City Council work session. City Council postponed the item to December 2021. This meets that directive and is designed for presentation, if requested.

The genesis of the issue came as conflicts arose over an allowable home occupation with some neighbors upset about impacts on the neighborhood with others using and wanting to support their neighbor. Fayetteville actively supports job creation, increasing per capita income, while balancing a favorable development climate to encourage business growth with ensuring people have great places to live. There are times these key items conflict. The Attorney's office, Manager's office, and Development Services met and determined that all standards of the current ordinance requirements were being met on this specific property. However, meeting the standards still created concerns over safety, noise, use of the public right-of-way, traffic, and hours of operation.

Because the specific case comes under the standards for many types of businesses or activities happening in non-business zoned areas, any change to one specific activity affects thousands of similarly allowable home occupations. The following outlines the specific "gyms in residential neighborhoods" and the larger request to research other NC city ordinances. Background of our existing regulations and existing standards for Home Occupations (working from home) are also provided.

Specific item of "gyms in residential neighborhoods."

Fayetteville is the home to thousands of home gyms and commercial gyms. Most home work outs are a combination of using the sidewalks, streets, parks for walking, jogging, biking, rucking; and, using all types of gym equipment in and on one's personal land and home. These activities are healthy practices for those involved and in creating positive, healthy neighborhoods. Doing any of these activities, any time of the day or night is evident everywhere and a mark of a vibrant community fabric. Neighbors spend time together, friends gather, and activities affecting others is expected.

However, if the activity becomes unruly, overly noisy, or otherwise generally offensive, North Carolina permits cities to use police powers "to govern men and things within the limits of its domain." Depending on perspectives, the same activity that neighbors and participants view as positive others view as negatives. Home gyms (and various games played on streets- like basketball, a typical home fitness activity) with noise and who

comes over occasionally is one of these balancing acts of when is it too much. When the activity is not for financial gain (a business) ordinances for noise and neighbor disputes are handled by the police as needed, if not by the neighbors themselves.

When the use of equipment and clients pay to use equipment or go to a house for professional services, the activities are then measured to what the use is and what services are paid for by clients. In the case of “gyms in residential neighborhoods,” a combination of reviews are made to determine if any defined nuisances or ordinances designed to promote the general safety and welfare of those in the city are happening. This is done by looking at allowable home occupations and then the standards that apply to all those uses.

Home personal trainers and home gyms are an increasingly popular business. Generally, the forced “work-from-home COVID impact” accelerated the desire and need for families and working adults to come up with ways to pay the bills. This is just one of countless ways people continue to find ways to make money outside of conventional jobs. It is not anything new, which is why communities in the United States have regulated home occupations under the general police powers afforded them.

How Fayetteville regulated Home Occupations.

Fayetteville has had some version of regulations in place for business operations in neighborhoods since 1961. The idea of encouraging a careful mix continues as the types of businesses that existed then to now could not have been imagined. The premise still holds from that of 60 years ago- encourage, protect, and create the proper blend.

Prior to the adoption of the Unified Development Ordinance in 2011, the Fayetteville City Code permitted Incidental Home Occupations in residential zoning districts with restrictions. One of the restrictions required that except for professional offices (doctors, lawyers, dentist, architects, and engineers) there could not be any contact with the public at the home. In-home childcare providers and hair cutting were also permitted with limitations. The ordinance did not allow staff that did not live in the home to come to the home business.

-Incidental home occupation requirements/standards prior to adoption of UDO

1. There can be no storage of products or items used with this business.
2. Only one commercial vehicle, not more than 5000 pounds can be used in connection with this home occupation.
3. No more than 15% of the total floor area of your home can be used for this office.
4. The property cannot be used as a staging area for employees to assemble.
5. There can be no contact with the general public.
6. A sign is permitted, 2 square feet or less on the residence.

-Current

When the UDO was adopted, the guidance was to push self-employed citizens to be able to work from home in an effort to “go green”. The thought was that working from

home would reduce traffic congestion and save gasoline by doing away with a commute. The current ordinance allows for one employee to work at the home business that does not reside in the home. The current ordinance also requires off street parking that is sufficient in number for the patrons of the home business.

Home Occupation requirements and standards since 2011

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupations shall be subject to the following standards:

1. The business or service is located within the dwelling or an associated accessory building which may include an accessory dwelling unit, and does not exceed 20 percent of the heated floor area of the principal structure or 600 square feet, whichever is less. In no instance shall more than one home occupation use be conducted on a single lot.
2. The principal person or persons providing the business or service resides in the dwelling on the premises.
3. The home occupation employs no more than one person on the premises who does not reside on the premises.
4. The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
5. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation. In no instance shall any vehicle with a gross vehicle weight rating exceeding 10,000 pounds be parked, stored, or otherwise maintained at the site of a home occupation.
6. Home occupations shall not result in regular and on-going vehicular traffic to the home where located.
7. There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
8. Except as may be provided for in Table 30-5.L.6, there are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
9. The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
10. Wholesale or retail sales of goods do not occur on the premises.
11. The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

-Home Occupation as defined in 30-9.D of the city code

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who

performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

-Where permitted as an accessory use

The current table of permitted accessory uses 30-4.D.2.E allows Home Occupations as an accessory use in the following residential zoning classifications: AR, SF6, SF10, SF15, MF5 and MH.

Issues/Analysis:

The combination of standards, types of home occupations, and regulations is typical for all communities to use. The lists always include the phrase “but not limited to” as new forms of businesses constantly happen. A review of newly formed C-Corps, LLCs, and businesses with home addresses attest to hundreds of home occupations being created every year to the thousands already in place in the city. There is no longer business licensing allowed by cities so the actual number of home occupations is not known.

To review Fayetteville’s handling of home occupations, ten other cities’ ordinances were reviewed. The findings are presented in a table and a short note on the thirty (30) variables. Fayetteville has the most restrictive square footage allowed and requiring off-street parking for the home occupations. There is no area where Fayetteville is less restrictive than the peer cities.

Standards from the following cities were collected for comparison:

- Fayetteville
- Asheville
- Cary
- Charlotte
- Durham
- Gastonia
- Greensboro
- Hickory
- Raleigh
- Wilmington
- Winston-Salem

Comparison of Fayetteville Home Occupation Standards to Consensus of Peer Cities

1-Permitted in all residential zonings

Fayetteville in line with consensus of allowing in residential zonings.

2-Special use permit required

Only required by one city.

3-Zoning Permit required

Required by several other cities. Requiring a Zoning Permit would allow Zoning and Code Enforcement to communicate standards to new businesses and to prevent the opening of businesses that will not conform to the code.

4-Number of occupations permitted

Most do not address but those that do only allow one.

5-Maximum percentage of dwelling to be used for Home Occupation

Fayetteville has the most restrictive square footage limit in terms of percentage. Enforcement of this standard is difficult, as it would require extended access into the interior of a dwelling being used for a Home Occupation.

6-Maximum square footage of dwelling to be used for Home Occupation

Fayetteville is mid-range of our peers with total square footage limits. Enforcement of this standard is difficult, as it would require extended access into the interior of a dwelling being used for a Home Occupation.

7-Use of accessory structures permitted

Fayetteville is more restrictive than most of our peers in not allowing any use of accessory structures as part of the Home Occupation.

8- Home Occupation operator must reside at location

Fayetteville in line with consensus.

9-Number of non-resident employees permitted

Fayetteville in line with consensus.

10-Hours of operation limited

Most of our peers do not address this standard. Since the business activity is internal to the dwelling, this standard is difficult to demonstrate and document.

11-Maximum number of customers per day

Only two cities have a standard. Difficult standard to monitor as it would require constant surveillance throughout the day.

12-Maximum number of customers at any one time

Several cap the max number of students but not customers. Difficult standard to monitor as it would require constant surveillance throughout the day.

13-Maximum number of vehicles permitted for clients or visitors

Only one city has this standard.

14-Change in external appearance prohibited

Fayetteville is in line with consensus.

15-Noise, Fumes, Vibrations, Glare, Electrical interference prohibited

Fayetteville is in line with consensus.

16-Retail or wholesale sale of goods from premises prohibited
Fayetteville is more restrictive than most of our peers and does not permit retail sales as part of the Home Occupation.

17-Goods can be shipped from location for internet or mail order
Most do not address.

18-Outdoor storage permitted
Fayetteville in line with consensus.

19-Outdoor display of goods or services permitted
Fayetteville in line with consensus.

20-Storage of explosive or hazardous material prohibited
Not a common standard. This topic is already addressed in the NC Building Code in the Use and Occupancy tables.

21-Signage permitted
Most allow including Fayetteville.

22-Maximum number of signs
Fayetteville in line with consensus.

23-Maximum size of signs (square feet)
Ranges from 1-4. Fayetteville in the middle at 2.

24-Vehicles permitted (associated with Home Occupation)
Most are 1 or 2. Fayetteville is 2.

25-Maximum number of commercial vehicles
Usually goes hand in hand with number of vehicles. Some require screening of heavy vehicles.

26-Size limitation on commercial vehicles
Half are limited. Some address length, GVW and vehicle type. One does not allow logos on the vehicles.

27-Commercial vehicle(s) must be parked in enclosed garage
Fayetteville in line with consensus.

28-Commercial vehicles must display current registration
Fayetteville in line with consensus.

29-Maximum number of additional off-street parking spaces
This limits how many spaces can be added to the residence. Adding spaces changes the exterior appearance. Fayetteville does not have a limit on added spaces other than limiting the vehicular use area maximum in the front yard setback.

30-Minimum number of additional off-street parking spaces

Most do not address. Fayetteville is only city to require space for all vehicles for the residence and spaces for every vehicle parked on the property that is part of the Home Occupation.

Budget Impact:

There is no direct budget impact by this report. However, there is an unknown impact on the city's economy if more stringent limitations of ways to conduct business are made (that are still legally defensible).

Options:

The City Council Directive was to research and bring back the findings to the Council. It is common practice to offer options. The below are presented as general categories of options. No options are presented to address potential fines, which was outside the scope of the directive.

Option 1- City Council moves to direct staff to develop a code text amendment to modify the definition of Home Occupations to prohibit specific home occupations such as: Gymnasiums, Personal Training, Fitness Instruction or Coaching, Strength and Agility Training, Cross-Fit Training, Sports Performance Training, Consultation & Instruction.

Option 2- City Council moves to direct staff to develop code text amendments to add new or change standards relating to Home Occupations. Changes could include limiting hours of operation, limiting number of customers per day, limiting the maximum number of customers permitted to be present at any one time, limiting number of customer vehicles permitted, reducing maximum allowable space to be used, requiring new home occupations to obtain zoning compliance permits and/or requiring specific home occupations to obtain a special use permit prior to operation.

Option 3- City Council moves to take no action and continue enforcement of current Home Occupation standards.

Option 4- City Council has more discussion on the position and policies regarding what constitutes acceptable businesses in residential areas.

Recommended Action:

After discussion, should the Council wish to pursue citywide ordinance changes, several city departments will work on the policy direction and bring points back to the City Council and/or run them through the Council's Planning Commission for work and recommendation as determined by the City Council.

No specific actions are recommended by Staff per the City Council request. The City Council directed Staff to provide research pertaining to commercially operated businesses in residential neighborhoods in order for options to be discussed.

Attachments:

- Home Occupation Standards - Peer City Comparison Chart
- Home Occupation Code Text for the cities of:
 - Asheville
 - Cary
 - Charlotte
 - Durham
 - Gastonia
 - Greensboro
 - Hickory
 - Raleigh
 - Wilmington
 - Winston-Salem

Peer City Comparison - Home Occupation Standards

Standard	Consensus	Fayetteville	Asheville	Cary	Charlotte	Durham	Gastonia	Greensboro	Hickory	Raleigh	Wilmington	Winston-Salem
Permitted in all residential zonings	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes
Special use permit required	only 1 of 11 required for live work	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Yes for Live Work	N/A	N/A
Permit required	6 of 11 require zoning permit	N/A	N/A	Yes	Yes	N/A	Yes	N/A	N/A	N/A	Yes	Yes
Number of occupations permitted	3 of 11 require only one HO	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	1
Max percentage of dwelling to be used for HO	25% and 30% are most common	20%	25%	N/A	25%	30%	25%	30%	25%	25%	25%	25%
Max square footage of dwelling to be used for HO	Varies from 250 - 1000	600	N/A	N/A	500	N/A	750	N/A	250	N/A	400	1000
Use of accessory structures permitted	Only 2 of 11 yes without limitations, 4 others allow in limited zonings or with additional standards	No	Yes	No	No	Yes	Only for storage	Only in 1 zoning	N/A	Yes for storage only	No except B&B	Yes with numerous standards
HO operator must reside at location	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	yes	Yes
Number of non-resident employees permitted	1 for most	1	1	1	0	1	1	Only in 1 zoning	1	0, N/A in Live Work	1	1
Hours of operation limited	only limited in 2	N/A	N/A	N/A	Yes	N/A	Yes	N/A	N/A	N/A	N/A	N/A
Max number of customers per day	only limited in 2	N/A	6	N/A	N/A	N/A	N/A	N/A	N/A	0, N/A in Live Work	N/A	N/A
Max number of customers at any one time	5 of 11 limit max number of (students or patients)	N/A	N/A	N/A	N/A	5 (students)	2 (students)	5 (students)	N/A	0, 5 in Live Work	N/A	3
Max number vehicles permitted for clients or visitors	1 of 11 has this standard	N/A	N/A	N/A	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Change in external appearance prohibited	10 of 11 prohibit	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes
Noise, Fumes, Vibrations, Glare, Electrical interference prohibited	all prohibit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Retail or wholesale sale of goods from premises prohibited	7 of 11 allow, most with restrictions on being handmade	No	Yes	Yes	N/A	Handmade only	Handmade or reconditio ned only	Handmade only	N/A	Yes, No for Live Work	Handmade only	N/A
Goods can be shipped from location for internet or mail order	3 of 11 allow, others do not address, none prohibit	N/A	N/A	N/A	N/A	Yes	Yes	N/A	N/A	Yes	N/A	N/A

Peer City Comparison - Home Occupation Standards

[illegible]

Peer City Comparison - Home Occupation Standards

Standard	Consensus	Fayetteville	Asheville	Cary	Charlotte	Durham	Gastonia	Greensboro	Hickory	Raleigh	Wilmington	Winston-Salem
Storage of explosive or hazardous material prohibited	Only prohibited by 1 of 11	N/A	N/A	N/A	N/A	N/A	N/A	Yes	N/A	N/A	N/A	N/A
Signage permitted	8 of 11 allow signs	Yes	Yes	N/A	Yes	N/A	Yes	Yes	No	N/A, Live Work = Yes	Yes	Yes
Max number of signs	8 of 11 have standards, 1 sign is most common	1	2	N/A	1	N/A	1	1	N/A	N/A, Live Work = 1	1	1
Max size of signs (square feet)	8 of 11 have standards, 4 sq/ft is most common	2	1	N/A	4	N/A	4	4	N/A	N/A, Live Work = 3	2.25	1
Vehicles permitted (associated with HO)	Most have standards with most at 1 or 2	2	1	2	1	No Limit	2	2	No Limit	1	No Limit	N/A
Max Number of commercial vehicles	7 of 11 have standards	2	1	0	1	1, 2 heavy vehicles in RR zone (must be screened from ROW)	N/A	2	N/A	N/A	No Limit	N/A
Size limitation on commercial vehicles	5 of 11 have limits on commercial vehicle size	10,000 gvw max	N/A	N/A	Light Commercial	N/A	N/A	30' max length, if 2 only 1 may exceed 20'	N/A	6,000 gvw max, no bus, truck, van, trailer, no logos	Passenger, trucks and step vans only	N/A
Commercial vehicle(s) must be parked in enclosed garage	2 of 11 have this standard	N/A	Yes	N/A	N/A	N/A	N/A	2nd vehicle if enclosed in structure	Yes	N/A	N/A	N/A
Commercial vehicles must display current registration	1 of 11 has this standard	N/A	N/A	N/A	N/A	N/A	N/A	Yes	N/A	N/A	N/A	N/A
Max number of additional off-street parking spaces	4 of 11 have standards	N/A	1	N/A	N/A	N/A	N/A	N/A	0	N/A	2	1,000 sq/ft of area, added spaces must be rear of dwelling

Peer City Comparison - Home Occupation Standards

Standard	Consensus	Fayetteville	Asheville	Cary	Charlotte	Durham	Gastonia	Greensboro	Hickory	Raleigh	Wilmington	Winston-Salem
Min number of additional off-street parking spaces	3 of 11 have standards	Enough for all customers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	N/A, 0 for B&B	2

Note: If not specifically permitted, prohibited or otherwise addressed by the code, the response is listed as N/A

Asheville

(38)

Home occupation.

a.

Use districts: all residential districts including Urban Residential.

b.

No display of goods, products, services, or other advertising shall be visible from outside of the dwelling, except that home occupations shall be allowed one attached sign which shall not exceed one square foot per face, with no more than two faces per sign, and such sign shall not be illuminated.

c.

Home occupations shall be operated by a resident of the dwelling. However, a maximum of one full-time equivalent non-resident of the dwelling may be employed as part of the home occupation.

d.

On-premises retail sales shall not be a component of the home occupation.

e.

A maximum of 25 percent of the gross floor area of the dwelling unit may be used for the home occupation. If the home occupation is housed in an accessory structure, the square footage of the accessory structure shall not exceed 25 percent of the square footage of the principal structure (home). Provided, however, that artist's studios and workshops that are separate structures shall adhere to the following size standards:

- Lot size less than 1 acre—structure maximum footprint 770 square feet
- Lot size 1 to 3 acres—structure maximum footprint 1,200 square feet
- Lot size more than 3 acres—no limit on structure size.
- Maximum height—20 feet.

f.

Only one vehicle principally used in connection with the home occupation shall be parked or stored on premises; provided, however, that the vehicle shall be parked in an enclosed garage.

g.

No equipment or process shall be used in connection with the home occupation that creates noise, vibrations, glare, fumes, odors, or electrical interference off-premises.

h.

In addition to required parking as stipulated in [section 7-11-2](#), one additional off-street parking space shall be provided for use in conjunction with the home occupation.

i.

The home occupation shall not materially increase the traffic that is found in its vicinity when the use is not in operation. Pursuant to this, a maximum of six individuals per day may visit the home occupation.

j.

Artist's studios and workshops developed as home occupations and located in an accessory structure shall meet the following setbacks:

- Front—setback for residential structures in the zoning district.
- Side and rear setback.
- Structure footprint less than 770 square feet—12-foot setback.
- Structure footprint 770 square feet to 1,200 square feet—20-foot setback.
- Structure footprint more than 1,200 square feet—25-foot setback.

Cary

5.3.4 Accessory Uses and Structures Allowed

New Ordinance Notice:

Publisher's Note: Section 5.3.4 has been amended by Ord. [2021-LDO-01](#), approved 6-24-2021, effective 6-25-2021.

(A) Accessory Dwelling Units

(6) Home Occupations

Home occupations shall be prohibited within an accessory dwelling unit.

(B) Utility Dwelling Units

(5) Home occupations shall be prohibited within a utility dwelling unit; and

(C) Home Occupations

A home occupation shall be permitted as accessory to a principal dwelling unit in accordance with the following:

(1) General Requirements

The following standards apply to all home occupation uses:

(a) Employees and Residency

(i) The principal person or persons providing the business or service resides in the dwelling on the premises.

(ii) The home occupation employs no more than one (1) person who does not reside on the premises.

(b) Neighborhood Compatibility

(i) The home occupation causes no change in the external appearance of the existing buildings and structures on the property.

(ii) There shall be no commercial vehicles, and no more than two (2) noncommercial vehicles associated with the home occupation.

(iii) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section [7.8](#) of this Ordinance.

(iv) No additional parking areas other than driveways shall be located in the required front setback.

(v) [Reserved]

(vi) The property contains no outdoor display or storage of goods or services that are associated with the home occupation.

(vii) Wholesale or retail sales of goods do not occur on the premises.

(viii) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

Charlotte

- **Section 12.408. - Customary home occupations.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Applicability and exceptions: The following uses are not considered to be customary home occupations, and are exempt from this section:

(i)

Home offices with incidental storage (example is telecommuting from home). Incidental storage shall not exceed fifty (50) square feet in area.

(ii)

Residents whose job location is elsewhere, can bring work-related vehicles home, however, the commercial vehicles regulations of [section 12.218](#) shall apply.

A customary home occupation shall be permitted as an accessory to any dwelling unit in accordance with the following requirements:

(1)

The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

(2)

Use of the dwelling for all customary home occupations must be limited to twenty-five (25) percent of the total floor area of the principal building, or five hundred (500) square feet, whichever is less. Areas used for storage of materials shall be included in determining the percentage of the structure devoted to the customary home occupation. Incidental storage of fifty (50) square feet, or less, shall not count toward determining the percentage devoted to the customary home occupation. If a portion of a room is being used, the entire room will be measured, not just the portion.

Home occupation permits issued prior to the effective date of this section shall be grandfathered. However, any subsequent home occupation permit issued at the same address must be in conformance with these standards.

(3)

No accessory building or outside storage may be used in connection with the home occupation.

(4)

No chemical, mechanical, electrical, construction, paint, landscaping equipment and materials/supplies that are not normally a part of domestic or household equipment may be used or stored, with two (2) exceptions:

(a)

Medical, dental, and office equipment used for professional purposes may be used.

(b)

A single trailer with a cargo area/work platform shall not exceed a length of fourteen (14) feet (not including step bumpers less than eighteen (18) inches in length or the moving hitch or tongue), attached to a vehicle at all time-used in the customary home occupation may be stored on the premise overnight, but no construction or industrial equipment can be stored on the trailer.

(5)

Machinery that causes noises, vibration, glare, fumes, odors, dust, detectable at the property line is prohibited. Machinery that causes electrical interference with radio or television reception is also prohibited.

(6)

No internal or external alterations inconsistent with the residential use of the building will be permitted. There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling.

(7)

Only residents of the dwelling may be engaged in work activities at the residence. If the customary home occupation has other employees, those employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.

(8)

No display of products shall be visible from the street.

(9)

The number of vehicles used by clients or business related visitors to any home occupation shall be limited to two (2) at any given time.

(10)

Vehicles used in connection with the conduct of the customary home occupation shall comply with the requirements of [section 12.218](#), "Commercial vehicle parking in residential areas."

Section 12.218. - Commercial vehicle parking in residential areas.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(1)

All residential districts.

(a)

One (1) light or medium commercial vehicle may be parked overnight at a residence or customary home occupation.

(b)

A medium commercial vehicle must be parked on a clearly delineated driveway of the residence. Medium commercial vehicles may not be parked overnight on public streets.

(c)

Large commercial vehicles are prohibited from parking in all residential districts, except as permitted in subsection [12.218](#)(4).

(11)

Signs are permitted in accordance with Section 13.7.B.

B. Accessory Use Sign Signs for accessory uses are permitted in all zoning districts as follows: 1. Signs shall be constructed as wall signs. Only one sign is permitted. 2. Signs are limited to four square feet in area. 3. Illumination of signs for accessory uses is prohibited.

(12)

Clients or business related visitors shall be by appointment only.

(13)

Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 a.m. to 8:00 p.m.

Permitted customary home occupations include, but are not limited to: home based businesses such as offices for professionals such as architects, brokers, counselors, clergy, dentists, doctors, cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, landscape and or building contractors, landscape design, surveyors, cleaning services, alterations, certified massage therapists, retail sales of goods by appointment only, manufacturer's representatives, travel agents, telecommuting, gift baskets, instructional services (such as teaching music, dance, art, tutoring), home craft businesses (such as artists, quilters, sculptors, musicians, dressmakers, milliners, weavers, lapidary, jewelry making, photographers, and furniture making), and other similar uses.

Home baked goods with no products sold directly from the house, and subject other applicable regulations including Building Code and Mecklenburg County Health Department regulations.

Prohibited customary home occupations include, but are not limited to: caterers, food vendors, equipment and vehicle repair shops, appliance repair shops, small mechanical repair shops, barber shops, beauty shops, kennels, commercial bakeries, veterinarian clinics, funeral homes, commercial cabinetry shop, welding, trucking, adult oriented businesses, warehousing, on-site vehicular sales, and other similar uses.

(Ord. No. 2402, § 3, 10-20-2003; Ord. No. 3545, § 1, 3-19-2007; [Ord. No. 9670](#), § 1.G.2.a, 10-21-2019)

Cross reference— Signs, ch. 13.



City of Fayetteville

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

City Council Action Memo

File Number: 22-2840

Agenda Date: 8/1/2022

Version: 1

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: Telly C. Whitfield, Ph.D. - Assistant City Manager

FROM: Dr. Gerald Newton, AICP - Development Services Director

DATE: August 1, 2022

RE:

City Council Request to increase the mailing notification for land use cases

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

FY22 Strategic Plan, Goals and Goal Objectives

Goal 6: Collaborative Citizen and Business Engagement

Strategic Objective 6.2: To ensure trust and confidence in City government through transparency and high quality customer service

Strategic Objective 6.3: To inform and educate about local government by enhancing public outreach and increasing community dialogue, collaboration and empowerment.

Executive Summary:

The City is required by North Carolina General Statutes to notify adjoining property owners on certain land use items. We exceed those standards, and have both local ordinance requirements and a built in option to add to the first-class mailing area within the existing ordinance. This item is the professional recommendation in response to City Council's request to evaluate expanding the notifications from 500 feet to 1,000 feet from the parcel under review. Staff's recommendation is to leverage the flexibility within the existing City Ordinance to make the requested change as a new practice for annexations & related initial zoning, special use permits, variances, and all forms of rezonings.

Background:

In an effort to provide even more awareness of the various land use cases, the City Council requested a consideration of impacts be done to move from the current 500 foot radius from parcel notification to 1,000 feet. This is a fourfold land area increase with various increases in notifications from the current notification. While we use the perimeter of the parcel under review for the distance, for illustration, this example is the simple math of an area with a 500' or 1,000' radius. The minimum land area of property owners notified moves from 5.74 acres to around 23 acres. The related PowerPoint shares examples of how the notifications by first-class mail look and add to those made aware of the case under review. Details of the North Carolina General Statutes (NCGS) notification by mail is shown next.

North Carolina General Statutes 160D have various notification requirements for land use cases. NCGS 160D-602(a) addresses zoning map amendments and requires the property owner and abutting owners to receive first-class letters. NCGS 160D-602(b) provides an option of notice only through placement in the newspaper on large-scale zoning map amendments. NCGS 160D(c) requires notice on the property under consideration. NCGS 160D-406(b) addresses notification for Quasi-judicial procedures that are much the same as for zoning cases. It contains the standard of notifying abutting property owners and adds the local government puts in additional notifications within their development regulations. Property owner initiated annexations follow 160A-58.2 which requires a published notice at least 10 days before the date of the public hearing. 160A-58.55 (city initiated) addresses a series of notification requirements if the city goes after an area for annexation. These involuntary annexations are no longer used in Fayetteville.

We do, however, work to exceed these notifications when zoning cases and special use permits cases are to be heard and considered by the City Council. This is done several ways, the largest being mailings sent around the site under review. Rather than only notifying adjoining (or abutting as the statute term) property owners, we capture all property owners within 500 feet of the outside boundaries of the property under review.

The City also exceeds the notification standards through use of additional signage on the property, interactive Quick Response (QR) codes embedded in all first class notifications, and a variety of notifications in the local newspaper. We also provide notification to Ft. Bragg on development and zoning cases for review of potential impacts to their operations.

The types of items the City has determined to notify persons owning land in the area of the request are administrative, legislative, and quasi-judicial (most being Special Use Permits - heard as Evidentiary Hearings). Each holds varying degrees of standards and discretion when considering the case. More information is shared in the PowerPoint presentation, and mentioned in the next section.

Issues/Analysis:

The fact that the City already has ordinance language that provides for flexibility in notifications seems to make the request one that can be accomplished without any further ordinance changes.

Again, the City Council is the decision-making authority on these land use cases. Staff does have an immediate concern about the unintended impact of expanding the notification area causing a perceived heightened sense of influence by the residents on the land use decision. The concern that the property owners may misunderstand their level of influence on a decision is one that can be handled in the text of the letter itself.

Administrative approvals that include notifications are only for information and possible adjustments to development plans as agreed to by the developer. These are primarily approvals based on meeting existing codes of the city with no involvement with the City Council.

Legislative Hearings allow any and all input before the City Council takes action on the item in front of them. The decision to approve, deny, approve with agreed upon conditions tend to be measured against the alignment of the City Council approved future land use plan and map. The public's ability to "sway a decision" is a part of the process of these legislative hearings. There is a potential unintended impact of the additional property owners being notified wanting to speak at the hearings and not liking the 15 minute cap per side. This may need to become more flexible.

Quasi-judicial items notifications will allow persons interested to know and then attend the formal Evidentiary Hearings. The issue of understanding who has legal standing in those cases will continue to be handled as under current practices. In a general sense, "Legal standing" is a phrase tied to the court system of determining if the person(s) appealing the outcome have an actual injury or cause to appeal the case. There is an approach of only permitting those with standing to testify in quasi-judicial. In Fayetteville, a broader approach of inclusivity has occurred where speakers are allowed and the attorneys either object or note a challenge of being a qualified witness or not having an identified standing. By inviting property owners to the hearing, through a first-class letter from a set distance from the property under review, there may be an impression of establishing an impact (hence, a theorized defacto standing) that may not exist. No quasi-judicial case is the same so this issue potentially creates issues depending on the case under review. Whether 500' or 1,000' or any other distance beyond those parcels adjoining, this issue is the same of who has a legal standing to demonstrate harm if the case goes through. As such, the distance for quasi-judicial is expected to continue to be handled the same regardless of the distance of the notifications.

Because the statutes are enabling and prescriptive on some of the notifications, there is a high level of flexibility in notification requirements that exceed the state minimums and peers take advantage of that discretion. As an illustration, Cumberland County utilizes a flexible practice of 600' to 800' on rezonings within a town or municipal influence area (MIA) and between 1,100' and 1,300' in the balance of the unincorporated areas. Cumberland County also only notifies abutting property owners of variances. Our current

higher standard seems to work with only occasional concerns that would not be met if we decreased our notification radius for only abutting property owner notifications for any “non-rezoning” land use cases (i.e. Special Use Permits).

The above comparison information is included in the related Power Point attachment entitled “Property Owner Notification, Council Request, August 1, 2022”.

Budget Impact:

The current price of a first-class stamp is \$0.60. Envelopes and stationary are the additional hard costs. Soft cost impacts are staff time and can be captured. All notification numbers would be different with quick examples showing minimal additional hard costs of under \$40 to over \$250 per case. Staff time in responding to the notifications will increase but are already associated within personnel costs. The aggregated budget impact will vary based on the number of land use applications received during the fiscal year; however, the City of Fayetteville is very fortunate as we are in a growth period while other surrounding communities may not have the same volume or pace.

Options:

1. Continue the existing practice of 500 foot notification of letters for annexations, rezonings, initial zonings, Special Use Permits, conditional zoning.
2. Increase notification to 1,000 feet for all items requiring notification by utilizing the already existing option in the Code of Ordinances, Chapter 30-2.B.12.c.1.c (Public Notification, c. Mailed Notice, 1 *Recipients*, c.) that permits flexibility to provide expanded notice.
3. Change the City Ordinances’ text language to reflect a higher standard of first-class notification from the existing 500’ to 1,000’ for all cases requiring mailed notification per NCGS 160D-602 and 160D-406.
4. Separate the notification requirements to match the other jurisdictions in Cumberland County (only abutting property owners on SUPs, increased and variable on rest)

Recommended Action:

PROFESIONAL STAFF RECOMMENDS OPTION 2. City Council moves to increase notification to 1,000 feet for all items requiring notification by utilizing the already existing option in the Code of Ordinances, Chapter 30-2.B.12.c.1.c (Public Notification, c. Mailed Notice, 1 *Recipients*, c.) that permits flexibility to provide expanded notice.

The reason for the recommendation is to meet the City Council’s stated request to make more of the community aware of cases coming to the City Council for consideration. There is no guaranteed significant add to the community by doing this, but the costs are also controllable. This option also allows the change without further text amendments and can be adjusted later if there is no discernable increase in public input in the various hearings in front of the City Council.

Attachments:

Property Owner Notification, Council Request, August 1, 2022



Property owner notification Council Request

August 1, 2022

7/26/2022



- What the state requires.
 - NCGS 160D requires “Abutting” property owners be notified.
- What is the City of Fayetteville practice?
 - Past and current practice is to exceed the “abutting”
 - Current practice is First Class mail to property owners within 500 feet of perimeter of area under review.
 - We also include a QR Code in the letter that links to details of the project as found on the city website.



160D-602(a)

- State enabling requires land owner and abutting property owners (as shown on county tax abstracts) to be sent notice of the hearing.
- Abutting is across a street, railroad, or other transportation corridor
- Mailed "at least 10 but not more than 25 days" prior to the date of the hearing.

160D-602(b) [Large-scale zoning map amendments]

- State does not require any first-class mailing if
 - Greater than 50 properties
 - Owned by at least 50 different property owners
 - Local government uses expanded publishing notice (half-page newspaper advertisement)
 - And property owners outside of newspaper circulation still get first class letters

160D-602(C) Posted Notice

- Property under review to have a sign

7/26/2022

§ 160D-602. Notice of hearing on proposed zoning map amendments.

(a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the

NC General Statutes - Chapter 160D Article 6

1

zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

(b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail notice required under subsection (a) of this section is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

(c) Posted Notice. – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

(d) Repealed by Session Laws 2020-25, s. 13, effective June 19, 2020.

(e) Optional Communication Requirements. – When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners

Special Use Permits ("or any other quasi-judicial decision")

1. 160D-406(b) Notice to

- person or entity subject to the hearing.
- to owner of property if they did not initiate the hearing
- all land owners abutting the parcel of land
- "... any other persons entitled to receive notice as provided by the local development regulation.

2. All other the same as zoning map amendments.

3. Board may continue an evidentiary hearing without further advertising

§ 160D-406. Quasi-judicial procedure.

(a) Process Required. – Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.

(b) Notice of Hearing. – Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

What happens in the rest of the County, in practice?

Cumberland County, by practice – not ordinance, REZONINGS

When in a town or a MIA (municipal influence area) 600'-800'

When in the balance of the unincorporated areas 1,100'- 1,300'

Cumberland County, by practice – not ordinance, OTHER (variances)

Abutting property owners only



- First-class mail to owner, and all property owners within 500' of parcel(s) boundary.
- Sent to all regardless of if greater than 50 parcels and more than 50 owners.
- Letter included details of case, time and place of hearing, a Quick Response/"QR" code that links more details as found on website, phone number, and number for any impairment or English as second language barrier removals.
- Multiple signs on property, including QR code link.
- SAME Standard for ZONING and QUASI-JUDICIAL

- 30-2.B.12c Public Notification, Mailed Notice
- Notes that the City follows NCGS 160D-406, 160D-602
- Also sending notice to "Organizations and persons that have registered to receive notice in accordance with Section 30-2.B.12.f., Registration to Receive Notice by Mail.
- When a site plan or subdivision approved by the Technical Review Committee will result in a new street connection to an existing street or street stub (landowners within 500 linear feet of the street connection)
- The City may expand notice in some cases without invalidating the proceedings or notice
- Fort Bragg is notified on land use cases and subdivisions within five miles of their perimeter
- We also prepare an affidavit affirming the notice and content required were mailed.

On subdivisions and site plans, First-class mail notification when

- landowners within 500 linear feet of a new street connection to an existing street or street stub (30-2B.6) are to be notified by first class mail.
- Applicant is also required to post notice on the property beside each existing street or street stub – 10 days before the neighborhood meeting

Neighborhood meetings are required under any of the four types of applications:

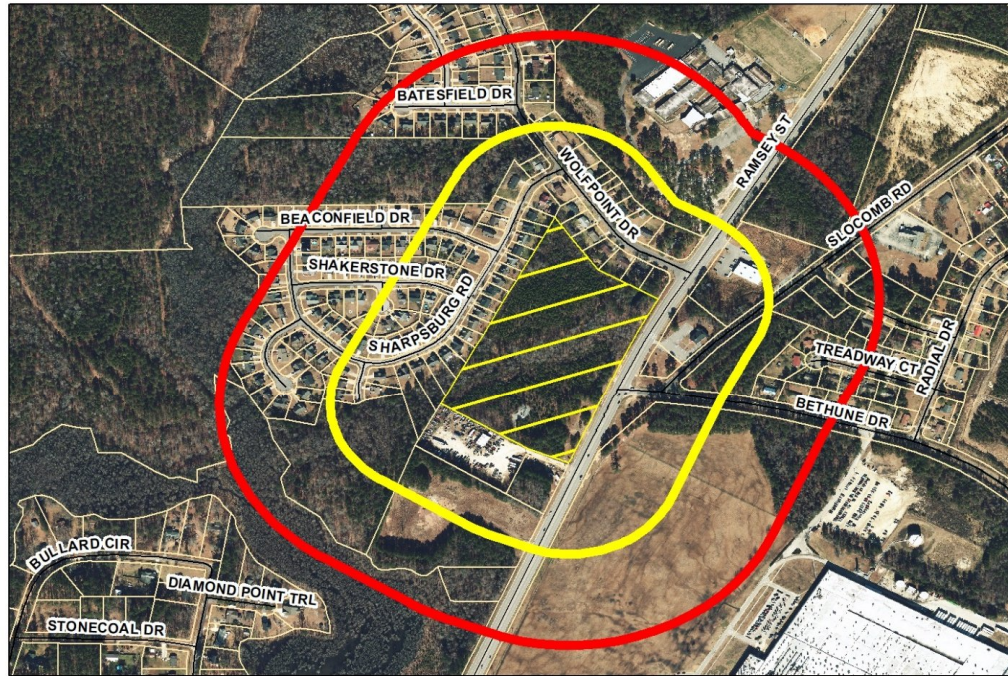
- Rezoning or Conditional Rezoning from CD to MR-5, OI, NC, LC, CC, MU, DT, BP, LI, or HI
- Conditional Rezoning proposed on 3 acres or less from residential or business to another more intense residential or business zoning district
- Planned Developments
- Site Plans or Subdivision Plans that result in a new street connection to an existing street or street stub serving an existing single-family residential neighborhood.

- What are the implications and impacts?
 - Legal- Issue of "standing"
 - If we send notification are we implying those sent are affected and have legal standing to appeal?
 - Technical- just the numbers of 500' to 1,000' (Area = π Radius Squared; four-fold increase of area)
 - Minimum of 500 foot notification is 5.7 acres
 - Minimum of 1,000 foot notification is 23 acres
 - Practical-
 - Opportunity for more community awareness
 - Higher costs of notifications (personnel preparing, answering, postage)

- Practical PROS and CONS-
 - + Opportunity for more community awareness & potential input (depending on type of action)
 - + Potential for additional "Crowd sourcing" options
 - Higher costs of notifications (personnel preparing, answering, postage)
 - Creating impression of anyone sent notice is an interested party and has legal standing to appeal
 - May create an expectation of community "denying" projects that are Administrative approval

- Need to further elaborate types and purposes of input and notifications
- Professional staff & Administrative approvals meeting standards
 - information only,
 - input and adjustments,
- Attend and be heard at Council meetings
 - Legislative Hearings,
 - Legislative Hearings and options for reasonable and related conditions agreed by property owner- stays with land, and
 - Quasi-Judicial (Evidentiary Hearings) where decision is matched to set standards and evidence presented at the official evidentiary hearing.

Annexation Notifications/Initial Zonings- AX22-08 Ramsey (82 to 164); AX22-05 Saddle Ridge (124 to 299)



Aerial Notification Map

7/26/2022

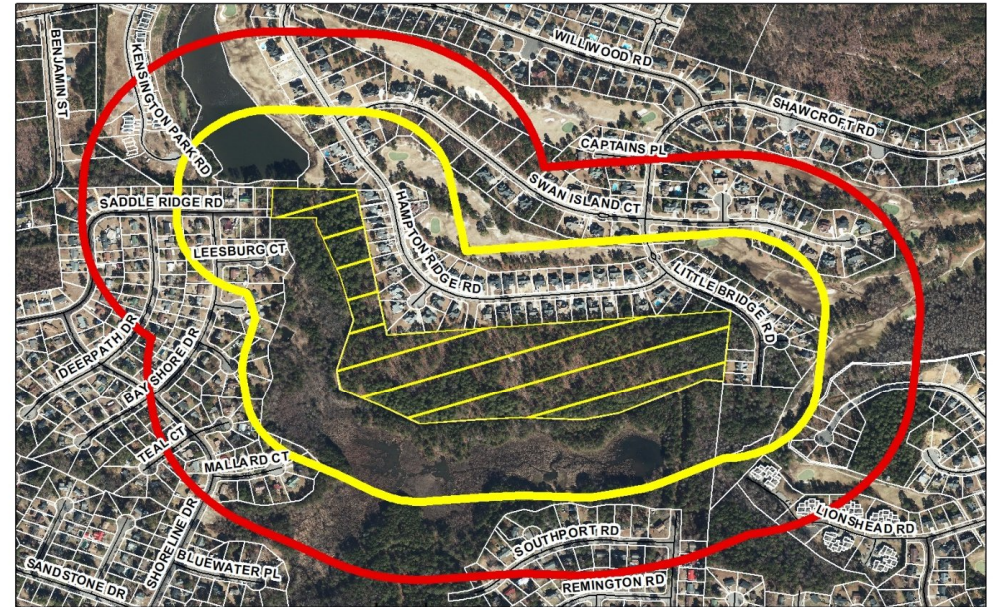
Owners within 500' - 82

Legend

-  1000' Notification Area
-  500' Notification Area



Letters are being sent to owners within the 500' but property is shown in the hatched pattern.



Aerial Notification Map

Owners within 500' - 124
Owners within 1000' - 299

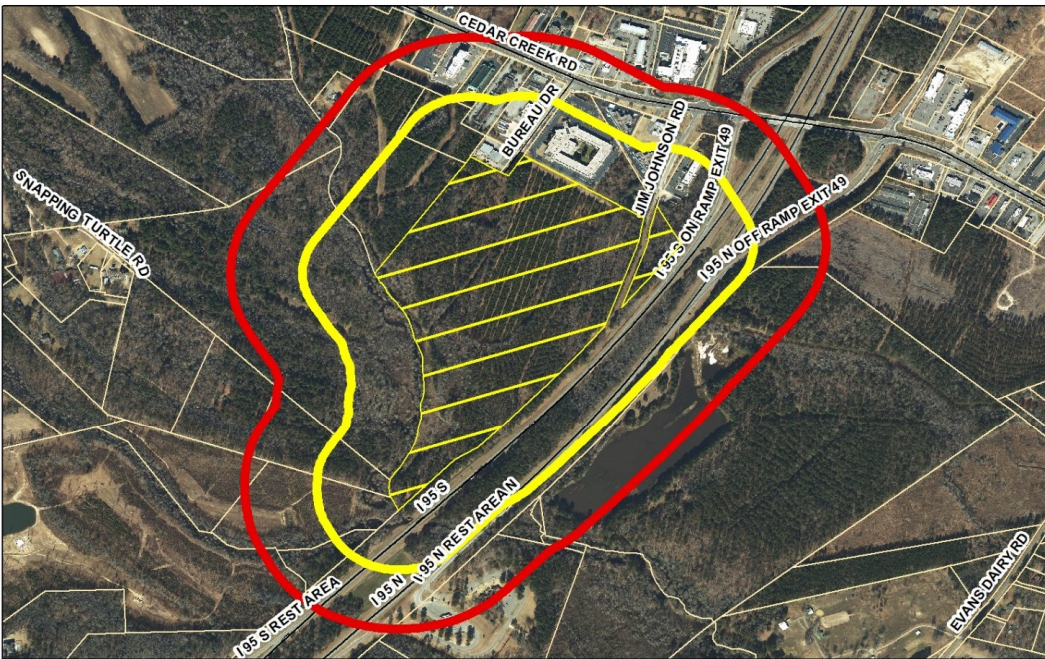
Legend

-  1000' Notification Area
-  500' Notification Area
-  Parcels
-  Parcels old



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Annexations AX22-06 Cedar Creek/Initial Zonings (15 to 36); AX22-07 Next Chapter (75 to 124)



Aerial Notification Map

Legend

- 1000' Notification Area
- 500' Notification Area
- Lots



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Owners within 500' - 15
Owners within 1000' - 36

7/26/2022



Aerial Notification Map

Legend

- 1000' Notification Area
- 500' Notification Area
- Lots



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Owners within 500' - 75
Owners within 1000' - 124

13

Example of a recent rezoning notification (500' was 130, 1,000' would have been 380).



Aerial Notification Map

Owners within 500' - 130
Owners within 1000' - 380
7/26/2022

Legend

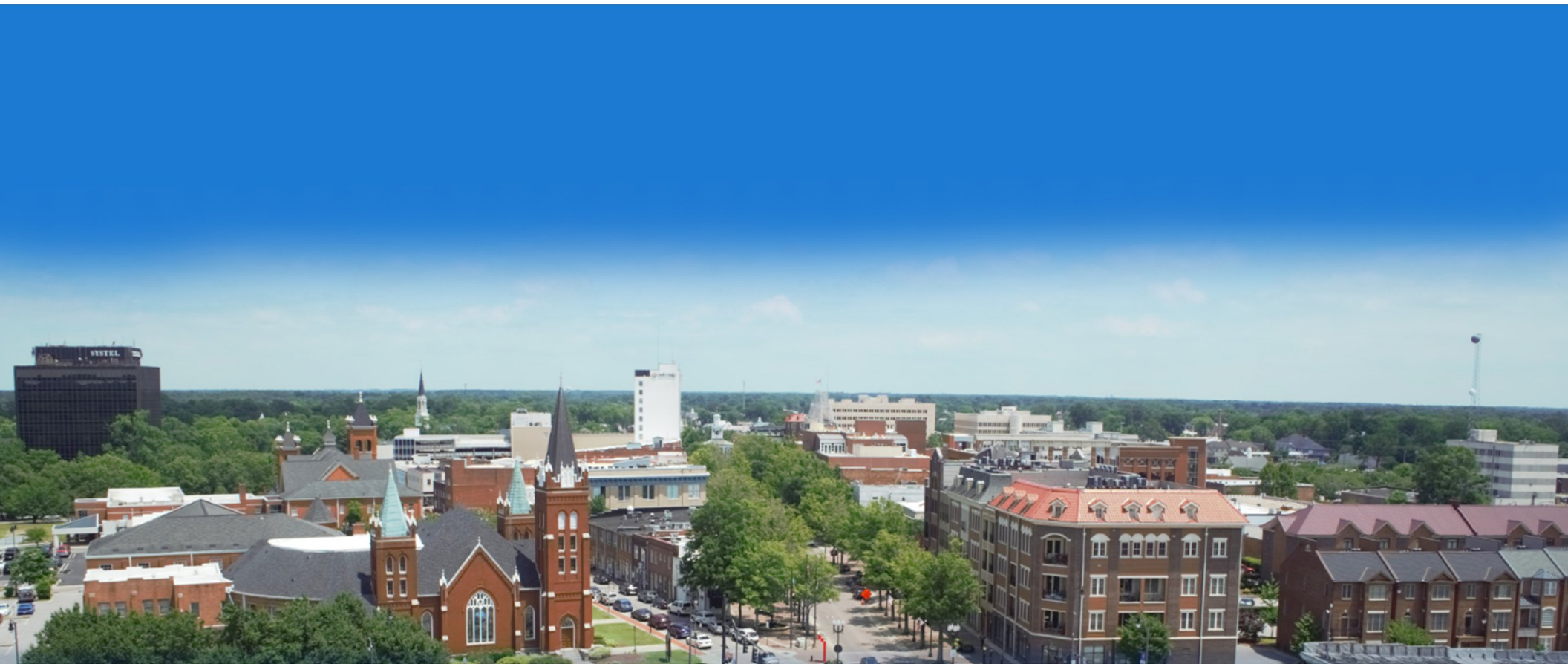
- 1000' Notification Area
- 500' Notification Area
- Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

1. Continue the existing practice of 500 foot notification of letters for annexations, rezonings, initial zonings, Special Use Permits, conditional zoning.
2. Increase notification to 1,000 feet for all items requiring notification by utilizing the already existing option in the Code of Ordinances, Chapter 30-2.B.12.c.1.c (Public Notification, c. Mailed Notice, 1 Recipients, c.) that permits flexibility to provide expanded notice.
3. Change the City Ordinances' text language to reflect a higher standard of first-class notification from the existing 500' to 1,000' for all cases requiring mailed notification per NCGS 160D-602 and 160D-406.
4. Separate the notification requirements to match the other jurisdictions in Cumberland County (only abutting property owners on SUPs, increased and variable on rest)

RECOMMENDATION: OPTION 2 and continue full notification up to 1,000' for all cases requiring first class mailings for items coming to the City Council





City of Fayetteville

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

City Council Action Memo

File Number: 22-2804

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.08

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Chris Davis, District 6

DATE: August 1, 2022

RE:

City Council Member Agenda Item Request - Construction of a Basketball Court
in District 6

COUNCIL DISTRICT(S):

6

Relationship To Strategic Plan:

Type here

Executive Summary:

Type here

Background:

Type here

Issues/Analysis:

Type here

Budget Impact:

Type here

Options:

Type here

Recommended Action:

Type here

Attachments:

Type here

City Council Agenda Item Request

Date of Request: 06/09/22 Requester: CM Davis

Agenda Item Title: Construction of Basketball Court IN D6

Estimated Cost: _____ Anticipated Funding Source: _____

City Department(s) Support Requested: Parks and Rec

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: ASAP

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?
Provide youth and citizens in and around D6 with basketball court amenities

What do you envision accomplishing with this agenda item request?

Goal IV - Desirable Place to Live, Work, and recreation

Additional Comments:

D6 continues to have fewer amenities than other districts.

Ask that council support the identification and installation of a viable location for outside basketball courts, as none exist in D6 presently.



City of Fayetteville

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

City Council Action Memo

File Number: 22-2846

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.09

TO: Mayor and Members of City Council

THRU:

FROM: Council Member D.J. Haire

DATE: August 1, 2022

RE:

City Council Member Agenda Item Request - Retirement for Council Member -
Council Member Haire

COUNCIL DISTRICT(S):

4

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

Council Member Agenda Item Request Form

City Council Agenda Item Request

Date of Request: _____ **Requester:** _____

Agenda Item Title: _____

Estimated Cost: _____ **Anticipated Funding Source:** _____

City Department(s) Support Requested: _____

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: _____

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

What do you envision accomplishing with this agenda item request?

Additional Comments:



City of Fayetteville

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

City Council Action Memo

File Number: 22-2847

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.010

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Yvonne Kinston

DATE: August 1, 2022

RE:

City Council Member Agenda Item Request - Stormwater Assistance - Council
Member Kinston

COUNCIL DISTRICT(S):

9

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request Form



City Council Agenda Item Request

Date of Request: July 25, 2022 Requester: CM Yvonne Y. Kinston

Agenda Item Title: Storm Water Ordinance on outfall area, headwall, easements assistance

Estimated Cost: Undetermined Anticipated Funding Source: Unknown

City Department(s) Support Requested: City Manager's Office, Storm Water Department

Estimated Staff Time Required: Unknown

Anticipated Date for Future Council Work Session Discussion: August 1, 2022

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?
FY 2021 Strategic Planning

What do you envision accomplishing with this agenda item request?

During Council's Discussion there were some concerns about assisting resident's with Storm Water issues/maintenance. Asking Council to have this discussion to send direction back to the Storm Water Department and Storm Water Committee

Additional Comments:































City of Fayetteville

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

City Council Action Memo

File Number: 22-2848

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.011

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Yvonne Kinston

DATE: August 1, 2022

RE:

City Council Member Agenda Item Request - Market House Mural - Council
Member Kinston

COUNCIL DISTRICT(S):

9

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request Form



City Council Agenda Item Request

Date of Request: July 25, 2022 Requester: CM Yvonne Y. Klnston

Agenda Item Title: Market House (Circle)

Estimated Cost: Undetermined Anticipated Funding Source: Unknown

City Department(s) Support Requested: City Manager Office

Estimated Staff Time Required: Unknown

Anticipated Date for Future Council Work Session Discussion: August 1, 2022

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

FY 2021 Strategic Plan
Goal 1: Safe and Secure Community
Goal 111: High Quality Built Environment
Goal IV: Desirable Place to Live, Work and Recreate

What do you envision accomplishing with this agenda item request?

With the timeframe of the mural around the Market House..I am request Council to review/discuss the current mural for recommendation of a permanent design and or update.

Additional Comments:



City of Fayetteville

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

City Council Action Memo

File Number: 22-2859

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.012

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Yvonne Kinston, District 9

DATE: August 1, 2022

RE:

City Council Member Agenda Item Request -City Council Assignments to
Committees/Liaisons - Council Member Kinston

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Member Agenda Item Request Form



City Council Agenda Item Request

Date of Request: March 25, 2022 Requester: CM Yvonne Y. Kinston

Agenda Item Title: Fayetteville City Council assignment

Estimated Cost: Unknown Anticipated Funding Source: Unknown

City Department(s) Support Requested: Fayetteville City Council , City Staff

Estimated Staff Time Required: Undetermined

Anticipated Date for Future Council Work Session Discussion: August 1, 2022

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

What do you envision accomplishing with this agenda item request?

I would like to have Fayetteville City Council to review the assignment of Memebbers to Commitee and or Liason for term limits to be align with policy.

Additional Comments:



City of Fayetteville

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

City Council Action Memo

File Number: 22-2861

Agenda Date: 8/1/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.013

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Yvonne Kinston, District 9

DATE: August 1, 2022

RE:

City Council Member Agenda Item Request - City Council Policy and Procedures
Review - Council Member Kinston

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Member Agenda Item Request Form



City Council Agenda Item Request

Date of Request: March 25, 2022 Requester: CM Yvonne Y. Kinston

Agenda Item Title: Policy and Procedures

Estimated Cost: Unknown Anticipated Funding Source: Unknown

City Department(s) Support Requested: Fayetteville City Council , City Staff

Estimated Staff Time Required: Undetermined

Anticipated Date for Future Council Work Session Discussion: August 1, 2022

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

Goal 1: Safe and Secure Community,
Goal 4: Desirable Place to Live, Work and Recreate

What do you envision accomplishing with this agenda item request?

I would like to have Fayetteville City Council to review Fayetteville City Council Member Policy and Procedures for any updates and changes that need to be reviewed and updated, changed.

Additional Comments: