

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Article 30-2, Administration, is amended by amending Section 30-2.B.14.a.,

Evidentiary Hearing Procedure (Quasi-Judicial Decision), as follows:

30-2.B.14. Evidentiary Hearing Procedures (Quasi-Judicial Decisions)

All public hearings on development applications designated in Table 30-2.B.11, Required Public Hearings as evidentiary hearings (E), shall comply with the procedures set forth in this subsection as authorized and required by North Carolina Gen. Stat. § 160D-406. Boards shall follow evidentiary hearing procedures when determining any quasi-judicial decision.

a. Burden of Proof

The burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. ~~The burden is not on the City or other parties to show that the standards have not been met by the applicant.~~ of demonstrating that an application should be denied for failing to comply with applicable review and approval standards of this Ordinance is on the parties urging denial of the application, which shall be demonstrated by competent, material, and substantial evidence.

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