

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING ARTICLE 30-4, USE STANDARDS, 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. Subsection a., Day Care, of Subsection 30-4.C.3., Public and Institutional Uses,
is amended by deleting the same in its entirety and substituting with the following:

a. Day Care

1. Child Care Centers (Non-Residential) in Any District

Child Care Centers (non-residential) including pre-schools, shall be licensed as a child care center by the State and comply with all State regulations for child care centers. Child care centers in any district except the DT Downtown District shall meet the following standards. Child care centers located in the DT zoning district are exempt from the following standards except as specifically noted below.

a. Separation

Child care centers shall be located at least 500 linear feet from the following uses:

1. Adult entertainment;
2. Bar, nightclub, or cocktail use.

b. Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up

The parking areas and vehicular circulation for the child care center shall be designed to:

1. Enhance the safety of children as they arrive at and leave the facility;
and
2. Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center. Child care centers in the UC zoning district shall be exempt from this requirement when operated in conjunction with the college/university.
3. In the DT-1 and DT-2 Districts, the City Manager must approve a designated drop-off and pick-up area that, based the maximum capacity of the center as licensed by the State, mitigates traffic congestion and provides for access to the child care center in such a manner that children do not have to cross vehicular travel ways to enter or exit the center.

c. *Accessory Uses*

If allowed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use.

d. *Outdoor Play Areas*

1. Outdoor play areas shall be provided, and shall:
 - A. Be located to the side or rear yard areas;
 - B. Be completely enclosed by a fence that is at least four feet in height;
 - C. Be safely segregated from parking, loading, or service areas; and
2. Outdoor play areas adjacent to a residential lot shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

e. *Capacity Information*

Applications or site plans associated with a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area.

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