

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO
AMEND VARIOUS SECTIONS OF THE CITY CODE CHAPTER 30, TO MODIFY
EXPIRATION TERMS FOR CERTIFICATE OF APPROPRIATENESS (Section 4 of
draft ordinance hearing 5/22/2017)**

WHEREAS, the City of Fayetteville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on December 13, 2010, and is codified in Chapter 30 of the Fayetteville City Code (herein "Unified Development Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on July 25, 2011, and are on file and maintained in the offices of the Fayetteville Development Services Department (herein "Official Zoning Maps"); and

WHEREAS, the Fayetteville City Council held a public hearing on May 22, 2017, to consider amending certain provisions of the Unified Development Ordinance in Chapter 30-3.H Overlay Zoning Districts; and

WHEREAS, following the public hearing, the Fayetteville City Council determined that the proposed amendment is in the interest of the public health, safety and welfare; it is supported by adopted plans; and it is consistent with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE THAT:

Be it ordained by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and as subsequently amended, be amended as follows:

**Section 1. Modify Section 30-2.C.8 Certificate of Appropriateness, subsection
d. Procedure, to allow one year with up to six months extension
upon request, as shown below.**

30-2.C.8.d Certificate of Appropriateness - Procedure

7. *Expiration*

- a. The Historic Resources Commission may prescribe a time limit within which either the activity or the building permit for the development authorized by the Certificate of Appropriateness shall be secured. Failure to establish the activity or obtain the building permit shall void the Certificate of Appropriateness.
- b. If a Building Permit is required, the Certificate of Appropriateness shall automatically expire if the Building Permit is not issued within six months after

the date of issuance of the Certificate of Appropriateness. Unless otherwise specified in the Certificate of Appropriateness, the Certificate of Appropriateness shall automatically expire within one year after the date of issuance if the activity or building permit authorized by the Certificate is not secured.

- c. In cases where a maximum time frame for development is established as a condition of approval, the Certificate of Appropriateness shall expire upon the lapse of the allowable time frame

8. *Extension*

Upon written request submitted at least 30 days before expiration of the time period provided in accordance with Section [30-2.C.8.d.7](#) above, and upon a showing of good cause, the city manager may grant one extension not to exceed six months. Failure to submit a written request for an extension within the time limits established by this section shall result in the expiration of the Certificate of Appropriateness.

Explanation: This change to allow a full year to implement the actions approved under the Certificate of Appropriateness would match the duration allowed under another quasi-judicial process, the Special Use Permit (SUP). The opportunity to request a six-month extension would also be the same as that afforded under the SUP.

Section 2. The City Clerk is hereby authorized to revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the material terms of this Development Ordinance.

Section 3. 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 of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

Adopted this the 26 day of June, 2017.

City of Fayetteville, NC

Nat Robertson, Mayor

ATTEST:

Pamela J. Megill, City Clerk