

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO
AMEND VARIOUS SECTIONS OF THE CITY CODE CHAPTER 30, FOR
RECREATION USES IN THE BP DISTRICT(Section 1 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. Amend Section 30-4.A.2 Use Table, Recreation/Entertainment use category, and Footnote 4 for the BP District, to clarify that public recreation facilities are permitted within a PD development and associated supportive uses do not count against the limitation on certain other uses.

Section 1a. Make the following uses permitted ("P") in the BP Business Park district:

USE CATEGORY	USE TYPE	BP	ADDITIONAL REQUIREMENTS
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	P	30-4.C.4.h.1
	Golf course, private	/	
	Athletic field and clubhouse	P	
	Golf driving range	/	
	Swimming pool, private	/	30-4.C.4.h.
	Swimming pool, non-profit	P	30-4.C.4.h.2
	Tennis court	P	30-4.C.4.h.3
	Other commercial recreation, outdoor	/	

Section 1b. Add the footnote number “[4]” after BP in the heading in the Use Table.

Section 1c. Insert language as shown below to clarify that commercial support uses that are an integral part of a public development for recreational or park use does not count against the limitations.

[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

Explanation: Some consideration has been given to a recreational center or athletic facility in the established Military Business Park. This raised the need to clarify how such uses might impact the allowed area for uses outside the primary intended industrial, office and research / development businesses. The standards adopted for this specific development allow up to 25% of the area to be used for “supportive” uses (hotels and food service, for instance). This amendment makes it clear that a public park or a stadium or athletic fields, pool or tennis facilities do not count toward such allowances for supportive uses.

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