



## Legislation Text

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**TO:** Mayor and Members of City Council

**THRU:** Jay Reinstein, Assistant City Manager

**FROM:** Craig M. Harmon, AICP, CZO - Senior Planner  
Gerald Newton, AICP - Development Services Director

**DATE:** October 8, 2018

**RE:**  
Zoning Commission Annual Report to City Council

**COUNCIL DISTRICT(S):**  
All Districts

**Relationship To Strategic Plan:**

2024 Goals, Goal II: Diverse and Viable Economy.  
2024 Goals, Goal III: High Quality Built Environment.  
2024 Goals, Goal IV: Desirable Place to Live, Work and Recreate.  
2024 Goals, Goal VI: Citizen Engagement and Partnership.

**Executive Summary:**

This annual report for 2017-2018 provides highlights of the past year's Zoning Commission work, to include the number of cases brought before them. The attachment is a PowerPoint sharing projects that were rezoned and current pictures of activity.

**Background:**

The City of Fayetteville Zoning Commission is both a quasi-judicial and legislative body responsible for hearing cases related to Zoning issues, Special Use Permits (SUP), Variances and Appeals to Administrative Decisions. In doing this, the board is charged with upholding the purpose and intent of the Unified Development Ordinance (UDO) and any long-range plans of the City.

The Zoning Commission is comprised of five regular members and two (2) alternate members appointed by City Council for two-year, staggered terms. Regular meetings are held on the second Tuesday of each month at 6:30 pm in the Council Chambers.

**Issues/Analysis:**

Key Highlights of the Zoning Commission for FY 2017-2018 include the following:

- A total of 31 cases were presented.
- City Council final determination reflected the Commission's recommendations - 93%.
- The Commission followed Planning Staff's recommendations - 93%.
- Planning Staff's recommendations represented City Council's decisions - 100%.
- The Board of Adjustment was consolidated with the Zoning Commission in December 2015. There were four (4) cases heard by the Commission this past year. Two (2) were approved and two (2) were denied.

### Public Notification

The City has a legal requirement by General Statute to advertise Rezoning, SUP and Variance requests in the local newspaper. In addition, for Rezoning and SUPs, the City posts an information sign on the property and sends out notification letters to all property owners within 500-feet of the property to inform them of when the public hearing will be, which property is being considered and what kind of Rezoning or SUP is being requested. For Variances, the same steps are followed, except that notices are only sent to property owners within 300-feet of the subject property. A map is enclosed with the letter to show the exact location of the property. Again by General Statute, these notification letters and signs are sent at least 10 days prior to the Zoning Commission hearing.

### Zoning Commission Hearing

The case is heard at a public hearing before the Zoning Commission. Anyone wishing to speak at the hearing, including the applicant, must sign up to speak in advance with the City Planning staff or on the day of the hearing in the City Council Chamber prior to the beginning of the meeting. The City staff will present information relating to the property and surrounding area and the ordinance requirements that relate to the Rezoning, Variance or SUP requested. After opening and closing the public hearing, the Commission votes to either recommend approval or denial for SUPs, or to recommend approval or deny the zoning request. The Commission is a recommending body except that their denial of a zoning case is a final decision, unless the case is appealed to City Council. In the case of variances, the Commission has the final decision authority.

### Appeal Process

Appeals of a Zoning Commission decision must be filed with the Fayetteville City Clerk no more than 10 days from the time of the Zoning Commission meeting. All appeals of the Commission are heard by the City Council. The exception to these is with variances. These requests are heard in a quasi-judicial process and any appeal of a variance must be made to Superior Court.

### **Budget Impact:**

Projects that come before the Commission help bring new development and revenue to the City.

### **Options:**

To request additional information from staff or the Commission.

**Recommended Action:**

Motion to accept the report as presented.

**Attachments:**

None