

FAYETTEVILLE CITY COUNCIL

SPECIAL MEETING MINUTES

JULY 14, 2008

5:30 P.M.

LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Robert A. Massey, Jr. (District 3)(arrived 6:10 p.m.); Darrell J. Haire (District 4)(arrived 6:35 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6)(arrived 5:45 p.m.); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)(arrived 5:40 p.m.)

Absent: Council Member Charles E. Evans (District 2)

Others Present: Dale E. Iman, City Manager

Karen Hilton, Assistant Planning Director

Jackie Tuckey, Communications Manager/Public Information Officer

Craig Richardson, Principal, Clarion Associates

Chad Meadows, Associate, Clarion Associates

Stephen G. Sizemore, Senior Associate, Clarion Associates

Candice H. White, City Clerk

Press

Mayor Chavonne called the special meeting to order at 5:35 p.m.

Craig Richardson, Principal with Clarion Associates, reviewed progress made to date on the draft Unified Development Ordinance (UDO) and stated work had been completed on Module 1, which would include sections related to the general provisions, administration, nonconformities, enforcement, and definitions. Mr. Richardson stated the Administrative Module 1. addressed the two key goals of increasing user-friendliness and streamlining procedural efficiencies. Mr. Richardson outlined the proposed structure of the UDO as follows:

30-1 General Provisions

30-2 Administration

30-3 Zoning Districts

30-4 Use Regulations

30-5 Development Standards

30-6 Subdivisions

30-7 Nonconformities

30-8 Enforcement

30-9 Definitions

Mr. Richardson then outlined the proposed article structure for Administrative Module I., Sections 30-1; 30-2; 30-7; 30-8; and 30-9. Mr. Richardson stated Section 30-1.B identified the city's authority to adopt the ordinance and Section 30.1.C established the purpose and intent. Mr. Richardson noted that Section 30-1.E was new and related to conformance with adopted plans.

In response to a question posed by Mayor Chavonne, Mr. Richardson stated the Municipal Influence Area (MIA) could be recognized within the UDO even though the city had no jurisdiction over the area.

Mr. Richardson briefly explained the transitional provisions contained Section 30-1.H and stated the Advisory Committee had requested greater specificity in this section. Mr. Richardson stated the addition of an official zoning map in Section 30-1.G would greatly assist in the administration of the code.

Mayor Chavonne asked Planning Department staff to brief City Council a few months before the effective date in order to discuss strategies or procedures to facilitate the transition.

Chad Meadows, Associate with Clarion Associates, provided an overview of Section 30-2.A regarding the identification of the review and decision-making bodies to include a summary table of responsibilities and organizational provisions for Planning and Zoning Commissions. Mr. Meadows noted Section 30-2.A would formally codify the Technical Review

Committee and clarify the Planning and Inspections Director's roles therein.

Mr. Meadows provided a brief outline of Section 30-2.B, which included common review procedures; completeness determination; pre-application conferences for some applications; consolidation for public notifications; summary table for public notifications; procedures for standard and quasi-judicial hearings; clarification of deferral and withdrawal procedures; and expiration provisions. Karen Hilton, Assistant Planning Director, provided clarification regarding the overlap between the city and the county as it relates to the airport district. Mr. Meadows stated the Advisory Committee had suggested that other city departments be included in the Technical Review Committee.

Mr. Meadows stated neighborhood meetings were a new addition under Section 30-2.B.6 and further stated the Advisory Committee had suggested that clarification regarding the criteria for these meetings be included. A brief discussion ensued.

Mr. Meadows stated Section 30-2.B.17 established a set of consolidated common procedures for all development applications, and procedures for regular and quasi-judicial public hearings were set out in Section 30-2.B.13 and 14. Mr. Meadows further stated the standards and requirements for development applications would be consistent throughout and served to ground the application process. With regard to Section 30-2.B.15, Mr. Meadows stated the Advisory Committee strongly recommended training of review board members.

Mr. Meadows continued with a brief outline of Section 30-2.C regarding the consolidation of individual procedures into one section; process flow charts; planned development procedures; conditional rezonings; new major and minor site plans; exempt subdivision procedures; conditional use permits to special use permits; and a new tree removal permit. Mr. Meadows stated Section 30-2.C.7 would streamline special use permits and bring clear codification. Mr. Meadows further stated as a means to deal with infill development, zero-lot line development in single-family districts would be required to obtain a special use permit. Mr. Meadows stated administrative adjustment procedures in Section 30-2.C.16 were new, would allow flexibility in the basic standards, and would provide clear objective standards for staff to use to handle different site plans.

Mr. Meadows concluded with a brief overview of Section 30-7 regarding the establishment of rules for each type of nonconformity; recognition of owner's investments while balancing public objectives; allowance for nonconformities to continue "as is"; clarification for the expansion or redevelopment of structures on nonconforming lots; provisions to address nonconforming site features; and relocations of nonconforming sign provisions.

Mr. Richardson provided an abbreviated outline of Section 30-8 regarding enforcement and changes therein, which included procedures to ensure compliance and correction of violations; encouragement of voluntary correction; the provision of a "toolbox" of remedies that could be tailored to circumstances; clarification of what constitutes a violation; clarification of who is responsible for violations; procedures for investigating and correcting violations; and the establishment of a range of penalties and remedies.

In closing, Clarion Associates urged Council Members to send any comments or questions about Module 1 to Karen Hilton, Assistant Planning Director. Clarion Associates emphasized that as new draft material is reviewed, it is common to revisit portions of previously reviewed materials. It was noted that the next module would include a draft of the zoning districts and development standards, which are scheduled for public review in October.

There being no further business, the meeting adjourned at 6:40 p.m.