

Proposed Ordinance Number: 25-O-11
Subject Matter: Amendments to UDO
Date of Public Hearing Before City Council: April 17, 2025
Date of Adoption: April 17, 2025
Date of Notice Published in Fayette County News: April 2, 2025

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 25-O-11

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) desires to amend the Unified Development Ordinance (UDO) as originally approved on May 4, 2023 (Ordinance #0-5-23), and as amended on July 6, 2023 (Ordinance #0-18-23), August 27, 2023 (Ordinance #0-25-23) June 6, 2024 (Ordinance #0-13-24), and March, 30, 2025 (Ordinance # 25-0-09 and Ordinance #25-0-10) for the purposes of amending certain sections of Chapter 100 Administrative Provisions and Chapter 200 Zoning and Land Use to establish hotels as a conditional use; to establish conditional use review criteria as they relate to hotels; to re-establish the administrative sign variance process; along with other housekeeping-related items as identified in Appendix “A” and attached herein.

The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The cover page of the UDO shall be modified to include “As amended on April 17, 2025” below the date of adoption, and the amended UDO shall supersede all previous versions of the document.

Chapters 100 and 200 of the UDO and their respective Table of Contents shall be amended to incorporate those items as identified in Exhibit "A" attached hereto and incorporated herein.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the rezoning application and a part of this ordinance.

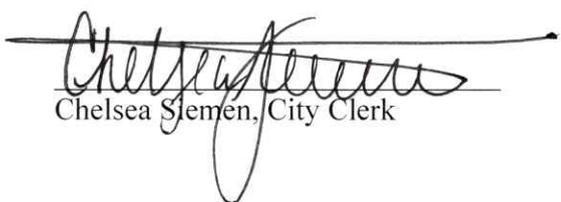
BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville ordinance.

SO RESOLVED, this 17th Day of April 2025.

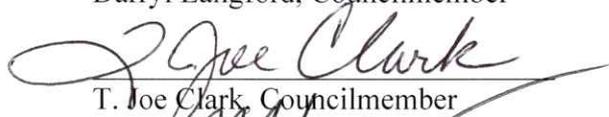

Edward J. Johnson, Jr., Mayor

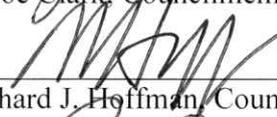

Scott Stacy, Mayor Pro Tem

Attest:


Chelsea Siemen, City Clerk

ABSENT
Darryl Langford, Councilmember


T. Joe Clark, Councilmember


Richard J. Hoffman, Councilmember

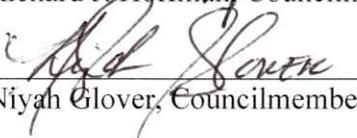

Niyah Glover, Councilmember

EXHIBIT "A"
AMENDMENTS TO UDO

- **ADD HOTEL AS A CONDITIONAL USE AND CHANGE FROM PERMITTED USE TO CONDITIONAL USE WITHIN OTHER ZONING DISTRICTS**
- **ADD CRITERIA FOR ADMINISTRATIVE SIGN VARIANCE FROM PREVIOUS CODE**
- **GENERAL HOUSEKEEPING ITEMS**

CHAPTER 100.	ADMINISTRATIVE PROVISIONS.
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ARTICLE 4. REVIEW PROCESS AND PROCEDURES.

DIVISION 1. GENERAL PROVISIONS.

Sec. 104.3. Decision-making responsibilities.

There are three basic categories of land use decision-making responsibilities associated with this UDO:

C. Administrative review.

Involves the application of the standards within this UDO to an application by a UDO Administrator. A public hearing is not required. An administrative approval typically occurs late in the development process. Examples include review and approval of conceptual and site development plans, preliminary plats, construction plans, final plats, building permits, certificates of occupancy, sign permits and requests for sign variances.

A summary of these review responsibilities is shown below:

Approval process	Ordinance reference	Review and approval authority		
		UDO Administrator	P&Z Commission	City Council
Legislative review				
Amendment to comprehensive plan	Sec. 104.13.A.	R	R-PH	D-PH
Amendment to future land use map	Sec. 104.13.A.	R	R-PH	D-PH
Amendment to text	Sec. 104.13.A.	R	R-PH	D-PH
Amendment to zoning map (rezoning)	Sec. 104.13.A.	R	R-PH	D-PH
Request for annexation	Sec. 104.13.A.	R	R-PH	D-PH
Limited use permit	Sec. 104.13.J.	R	R-PH	D-PH
Special use permit	Sec. 104.13.K.	R	R-PH	D-PH
Quasi-judicial review				
Appeal of an administrative decision	Sec. 104.18.B.1.	R		D-PH
Conditional use	Sec. 104.18.C.	R	D-PH	
Variance	Sec. 104.18.D.	R	D-PH	
Administrative review				
Administrative variance	Sec. 104.24.	D		
Building plan	Sec. 501.21.A	D		
Conceptual site plan	Sec. 407.17.	R	D	
Construction plans	Sec. 315.26.	D		
Demolition permit	Sec. 501.21.A.4.	D		
Preliminary plat	Sec. 315.25	R	D	
Sign variance	Sec. 104.27.7.	D		
Site development plan	Sec. 407.18.	D		

DIVISION 5. ADMINISTRATIVE REVIEW PROVISIONS.

Sec. 104.23. Administrative review.

Specifically, review responsibilities are shown in the following table:

Approval process	Ordinance reference	Review and approval authority			
		UDO Administrator	City Engineer	Building Official	Fire Marshal
Sign Variance	Sec. 104.24.7.	A			

Sec. 104.24. Administrative variances.

A. Power to grant administrative variances.

The UDO Administrator shall have the authority to grant administrative variances (except for density and use variances) from the development standards as established in the UDO where, in their opinion, the intent of the UDO can be achieved, and equal performance including reasonable accommodations as defined at Sec. 104.18.24.I. herein obtained by granting an administrative variance.

B. Limitations on administrative variances.

The authority to grant administrative variances shall be limited to the following:

1. Setbacks.

A reduction of up to 10% of the numeric standard for a minimum building setback. Such reduction shall not alleviate minimum building separation requirements identified in the Building Code.

2. Lot coverage.

An increase of up to 10% beyond the numeric standard for lot coverage.

3. Building height.

Up to but not exceeding ten feet, provided that no increase in the height for a sign or fence may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district. Said increase shall be limited to parapet walls or screening for roof-mounted mechanical equipment.

4. Landscape buffer.

A reduction in width by no more than 50 percent where the future land use map recommends a more compatible land use on the neighboring property than that for which said property is actually zoned, or in other situations where the intent of the required buffer can be equally or otherwise achieved. Reduction of a buffer required as a condition of a rezoning or of a grant of a conditional use shall be not permitted.

5. Sidewalk.

An elimination and/or reduction of width of a required sidewalk pursuant to the following conditions:

- a. The cost of the sidewalk installation exceeds 25% of the total project cost due to project scope as well as site factors, including, but not limited to, stormwater infrastructure, topography, and existing utilities;
- b. In order to provide compatibility with existing conditions on adjacent properties;
- c. In order to preserve existing trees and landscape materials in the landscape and sidewalk zone;
- d. In order to provide continuity with planned public improvements; and
- e. Lack of existing sidewalks in the general vicinity.

6. Demarcation of parking spaces.

- a. Parking spaces may be left unmarked provided all of the following conditions are present:
 - (1) The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy;
 - (2) The parking lots must be designed in relation to the internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay; and
 - (3) Approval for the elimination of the striping has been obtained by the applicant in writing from the City Engineer.
- b. The applicant shall demonstrate, and the UDO Administrator shall find that all of the following criteria are present when approving a request for an adjustment:
 - (1) There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
 - (2) The modification is the minimum amount necessary to meet the objectives identified above; and
 - (3) The requested adjustment will not contravene the public interests or negatively impact adjoining properties.

7. Sign variance.

- a. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of extreme and unusual hardship, not self-imposed, and upon a finding by the UDO Administrator that the following conditions exist:
 - (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
 - (2) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar properties in the city;
 - (3) Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the city;
 - (4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.
 - (5) The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning districts involved;
 - (6) The cause for the need for the variance is not created by the applicant, the owner, lessor, or successor in ownership or occupancy;
 - (7) Signs may be displaced upon the vertical surface of a canopy only by a variance, upon the applicant reducing the number or square footage of ground or wall signs authorized by this chapter for the lot in question, so as to reasonably set-off for the additional signs.
- b. All requests for such variances shall be in written form and filed with the UDO Administrator within 10 days of receiving a denied sign application. The UDO Administrator shall make a decision on a complete application within 30 days of the UDO Administrator's receipt of the application and shall email the decision to the applicant at the email address shown on the application. The writing shall state the basis of the decision. An applicant dissatisfied with the UDO Administrator's decision shall appeal to the city council pursuant to the appeal procedure at subsection 104.18.B.1.
- c. No change may be made in the location, shape, color, height, size, copy or text of any sign subject to a variance unless the sign is brought into compliance with the provisions of this chapter and a sign permit is granted.
- d. A change in the owner, lessor, lessee, or user of property served by a sign subject to a variance shall negate the variance, and the sign shall be removed or brought into compliance with the provisions of this chapter and a new sign permit granted.
- e. A sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason.
- f. When a sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the sign shall not be re-established:
 - (1) If the value of the sign as damaged is 50 percent or less of the value of the signs prior to the damage; or
 - (2) If the estimated cost of repairing the above ground portion of the sign is more than the value of the sign in its damaged condition.
 - (3) Value shall be established by the UDO Administrator or his/her designee and shall be based upon the value of the sign's materials above ground with no allowance for the intrinsic value of the sign or the value of the right to have a sign at that location.

C. Application procedures.

1. Application form and documentation.

Refer to Sec. 104.8.B. of this UDO.

2. Standards and factors governing review of administrative variance applications

The basis for approval or denial of a request for an administrative variance shall be whether the requested changes:

- a. Meet, or fail to meet, the requirements of the UDO;
- b. Are consistent, or inconsistent, with applicable design guidelines;
- c. Are consistent, or inconsistent, with the intents or purposes of this UDO; or
- d. Would result in a development that is architecturally appropriate.

If the application is denied, the reasons for denial shall be provided in writing along with a notice that the applicant may file an appeal to the Mayor and City Council as identified herein.

CHAPTER 200. ZONING AND LAND USE.

ARTICLE 2. RESIDENTIAL DISTRICTS.

DIVISION 3. SCHEDULE OF USES.

Sec. 202.14. Permitted uses.

Group living														
Assisted living/ memory care facility													C	207.41.
Community living arrangement	C	C			C	C							C	207.42.
Narcotic treatment center													C	207.43.

ARTICLE 3. MIXED USE DISTRICTS.

DIVISION 3. SCHEDULE OF USES.

Sec. 203.12. Permitted uses.

Schedule of land uses: Downtown Mixed Use District										
Use	DMU-HC	DMU-MUC	DMU-GC	DMU-MUN	DMU-BC	DMU-TR	DMU-NR	DMU-OS	See Section	
Accommodations, hospitality and entertainment										
Bed and breakfast	C	C	C	C	C	C	C			207.27.
Commercial indoor recreation facility	P	P	P	P	P					
Event center	P	P	P	P	P					
Hotel	C	C	C	C						207.29
Maker space	P	P	P	P	P	P	P			
Microbrewery	P	P	P		P					
Restaurant	P	P	P	P	P					
Short-term rental	C	C	C	C	C	C	C			207.28.
Tap house/ brewpub/wine bar	P	P	P	P	P	P	P			
Theater	P	P	P	P						

Group living														
Adult day center				C		C								207.40.
Assisted living/memory care facility				C										207.41.
Community living arrangement						C	C	C						207.42.
Narcotic treatment center				C										207.43.
Personal care home						C	C	C						207.44.
Skilled nursing facility				C										207.45.

ARTICLE 4. COMMERCIAL AND BUSINESS DISTRICTS.

DIVISION 3. SCHEDULE OF USES.

Schedule of land uses: Commercial and Business Districts					
Use	NC	C-4	PO	BP	See Section
Accommodations, hospitality and entertainment					
Banquet or meeting hall	P	P			
Commercial indoor recreation facility		P			
Hotel	C	C	C	C	207.29.
Microbrewery	P	P			
Restaurant	P	P	P	P	
Restaurant with a drive-thru	P+	P+			207.10.
Tap house/brewpub/wine bar	P	P			
Theater	P	P			

Schedule of land uses: Commercial and Business Districts					
Use	NC	C-4	PO	BP	See Section
Group living					
Adult day center	C		C		207.40.
Assisted living/memory care facility	C		C		207.41.
Community living arrangement	C		C		207.42.
Narcotic treatment center	C		C		207.43.
Skilled nursing facility	C		C		207.45.

ARTICLE 6. GENERAL USE PROVISIONS.

DIVISION 4. CONDITIONAL USES.

ACCOMMODATIONS AND HOSPITALITY.

Sec. 207.29. Hotels.

Hotels are only permitted within the zoning districts identified in this UDO subject to the following criteria:

1. Unless a part of a larger, mixed use development the minimum lot size for a freestanding hotel shall be no less than two (2) acres.
2. Primary access to each guest room shall be provided through an interior lobby of no less than 1,000 SF.
3. The interior lobby shall be staffed and/or on-site management shall be provided 24-hours per day.
4. Access to each guest room shall be through an interior hallway, with no direct access to the exterior of the building unless it is required by fire safety regulations.
5. Each hotel shall provide a fitness or recreational center (400 SF min.).
6. Each hotel shall provide an enclosed meeting or conference space (1,000 SF min.) on the premises or a dedicated business center.
7. Each hotel shall provide for continental style dining or a sit-down restaurant for guests of the facility.
8. Unless otherwise approved by City Council, guest rooms shall contain no equipment for food preparation other than a microwave, mini-refrigerator, sink and/or coffee maker. Mounted stoves and/or cooktops, ovens, ranges or other cooking appliances typically found within a residential kitchen shall not be located within a guestroom.
9. At a minimum, each guest room shall be protected with an alarm system and a sprinkler system meeting the requirements of the Life Safety Code.
10. No outdoor storage or permanent parking of equipment or vehicles shall be permitted.
11. Parking of inoperable vehicles and vehicles backed into parking spaces with the license plate not visible from the parking lot drive aisle shall be prohibited.
12. No permanent business license shall be issued for the conduct of any business from any guestroom of the facility.
13. No facility under this section may be converted to or used as an apartment or condominium.