



Ordinance Review Committee Meeting
March 18, 2026; 3:30 PM
Jordan Annex

Committee Chair: Council Member Berna

Committee Members: Council Member Jones, Council Member Wiederkehr, Council Member Turk

Staff: City Attorney Kit Williams, Senior Assistant City Attorney Blake Pennington,
Assistant City Attorney Hannah Hungate

- 1. Call to Order**
- 2. Approval of Minutes from February 23, 2026**
- 3. Unfinished Business**
 - None
- 4. New Business**
 - Potential Changes to Water and Wastewater Damage Claim Ordinance
- 5. Announcements**
- 6. Adjourn**



MINUTES
Ordinance Review Committee Meeting
Monday, February 23, 2026
City Hall Room 101

1. The Ordinance Review Committee met in person in City Hall Room 101. Council Members Berna, Wiederkehr, and Turk were present.
2. New Business:

Election of New Chair

Councilmember Wiederkehr moved to elect Scott Berna as Chair of the Ordinance Review Committee for 2026. Councilmember Turk seconded. **The motion passed 3-0.**

Approval of Minutes

Councilmember Turk moved to approve the Ordinance Review Committee meeting minutes from August 18, 2025, September 23, 2025, and November 19, 2025. Council member Wiederkehr seconded the motion. **The motion passed 3-0.**

Clarification of STR Cap

Jonathan Curth gave a presentation regarding the City's short-term rental (STR) cap. Fayetteville City Code §118.01 states that there is a city-wide Type 2 STR cap of 475 and that a conditional use permit (CUP) may not permit more Type 2 STRs than allowed by the density cap. Fayetteville City Code § 164.26(A) then notes that Type 2 STRs in mixed use zoning districts which are not in multi-family dwellings do not apply to the cap.

Jonathan explained that where Type 2 STRs in single, 2-, 3- and 4-family dwellings do not contribute to the cap include C-2, C-3, UT, UC, MSC, DC. This accounts for approximately 25 STRs. This is how the Planning Department has interpreted the cap.

Councilmember Wiederkehr asked if the density metrics apply to Type 2 STRs in these districts. Jonathan confirmed that they do and that there are Type 2 STR density standards for 2-, 3-, 4-family and multifamily structures. Councilmember Turk asked if she applied for a Type 2 STR in a single-family home in DG zoning if it would count towards the 475 cap. Jonathan answered that it would not but that it would still have to be under the 4%-in-500-foot metric and could not be within 100 feet of another. Jonathan later made a correction that the DG zoning district is not among those exempting Type 2 STRs from contributing to the cap.

Chair Berna expressed concern about dwellings on College Ave. in the UC-zoning district. Jonathan responded that if it was a conventional apartment, they would not be permitted to rent every unit as an STR, but if it was a condominium association, they could theoretically rent out each unit in the building as an STR.

Councilmember Turk asked if those on the waitlist are grandfathered in regarding frequency and concentration. Jonathan answered that the City does not require any fee to be on the waitlist. Individuals just add their name and wait to see if a license opens up. Because they don't have a license or CUP in place when the regulations changed, they don't have any sort of interest.

Chair Berna asked how they felt about STRs in UT. Jonathan answered that, from his perspective, it was still too soon to tell. At this point it is not a problem, and UC only allows single-family homes as a conditional use, so that may reduce the potential for STRs in the district.

The Committee proposed the following language for a future Code revision:

Amendment to Fayetteville City Code § 118.01(16):

“Except as identified in § 164.26(A), a city-wide density cap of four hundred seventy-five (475) dwelling units may be Type 2 short-term rentals.”

City Attorney Kit Williams explained that the Planning Department's current interpretation is correct and that no further amendment is necessary to clarify it. However, one may be done simply for future clarification. The Committee elected to wait and see if any other issues pop up that require clarification in the Code before taking the proposed change to City Council.

3. There being no other business for the Committee to consider, Chair Berna adjourned the meeting at 4:58 p.m.