

City Council



TA24-009

November 4, 2024



Proposed Changes:

- **Use Table Adjustments:** Modify permissible uses and categories.
- **Special Use Permits (SUPs):** Revise regulations and requirements.

Purpose:

- **Streamline Development Process:**
 - Simplify application and approval procedures.
 - Reduce delays and improve efficiency.
 - Provide clearer guidelines for property owners.
- **Encourage Development Diversity:**
 - Support a variety of residential, commercial, and industrial development.
 - Promote innovative and flexible land use options.
 - Enhance community growth and stability.

- Varying Approaches to SUPs in NC:
- Raleigh: SUP process with Planning Director review, public notice, and Board of Adjustment quasi-judicial hearing based on eight standards
- Charlotte: Uses 'Prescribed Conditions' instead of SUPs, aligning with additional standards in Fayetteville's UDO
- Wilmington: Issues or denies SUPs through city council or board of adjustment resolutions, requires neighborhood meeting and completeness review
- Cumberland County: Board of Adjustment handles special use permit requests

- SUP Trends:
 - The majority of SUP applications approved (72.2%)
 - Few denied (11.1%) due to specific issues
 - High approval rate for uses like transitional housing and telecom towers
- Consider Reclassification:
 - Explore reclassifying high-approval uses as permitted by right
 - Simplify the development process and reduce the administrative burden
- Historical Context:
 - Zoning Commission/Board of Adjustment previously held duties for SUP approval in Fayetteville.

- Fayetteville (115)
- Winston Salem (58)
- Durham (45)
- Cumberland County (28)
- Raleigh (22)
- Wilmington (14)

- In the past 5 years, the City Council has seen the following SUP applications
 - Single Family Attached **(10)**
 - Two to Four Family **(9)**
 - Wrecker Service **(4)**
 - Telecommunications and Utilities **(3)**
 - Self-Service Storage **(2)**
 - Auto Repair/Paint and Body **(2)**
 - Separation Standards **(2)**
 - Outdoor Storage and Display **(1)**
 - Crematory **(1)**
 - Halfway House **(1)**
 - New construction of individual retail space larger than 2500 square feet in floor area in NC **(1)**
 - Legal nonconforming use expansion in CTO **(1)**
 - Warehouse Distribution **(1)**
 - Child Care Center **(1)**
 - Kennels **(1)**
 - School **(1)**

Category	Current	Moved to Permitted (%)	Moved to Not Permitted (%)	Stay the Same (%)
Agriculture	5	40.00 (2)	60.00 (3)	0.00
Residential	30	30.00 (9)	23.33 (7)	46.67(14)
Public/Institutional	131	37.40 (49)	13.74 (18)	48.85 (64)
Commercial	86	37.21 (32)	30.23 (26)	32.56 (28)
Industrial	44	6.82 (3)	20.45 (9)	72.73 (32)
Total	296	32.09 (95)	21.28 (63)	46.62 (138)

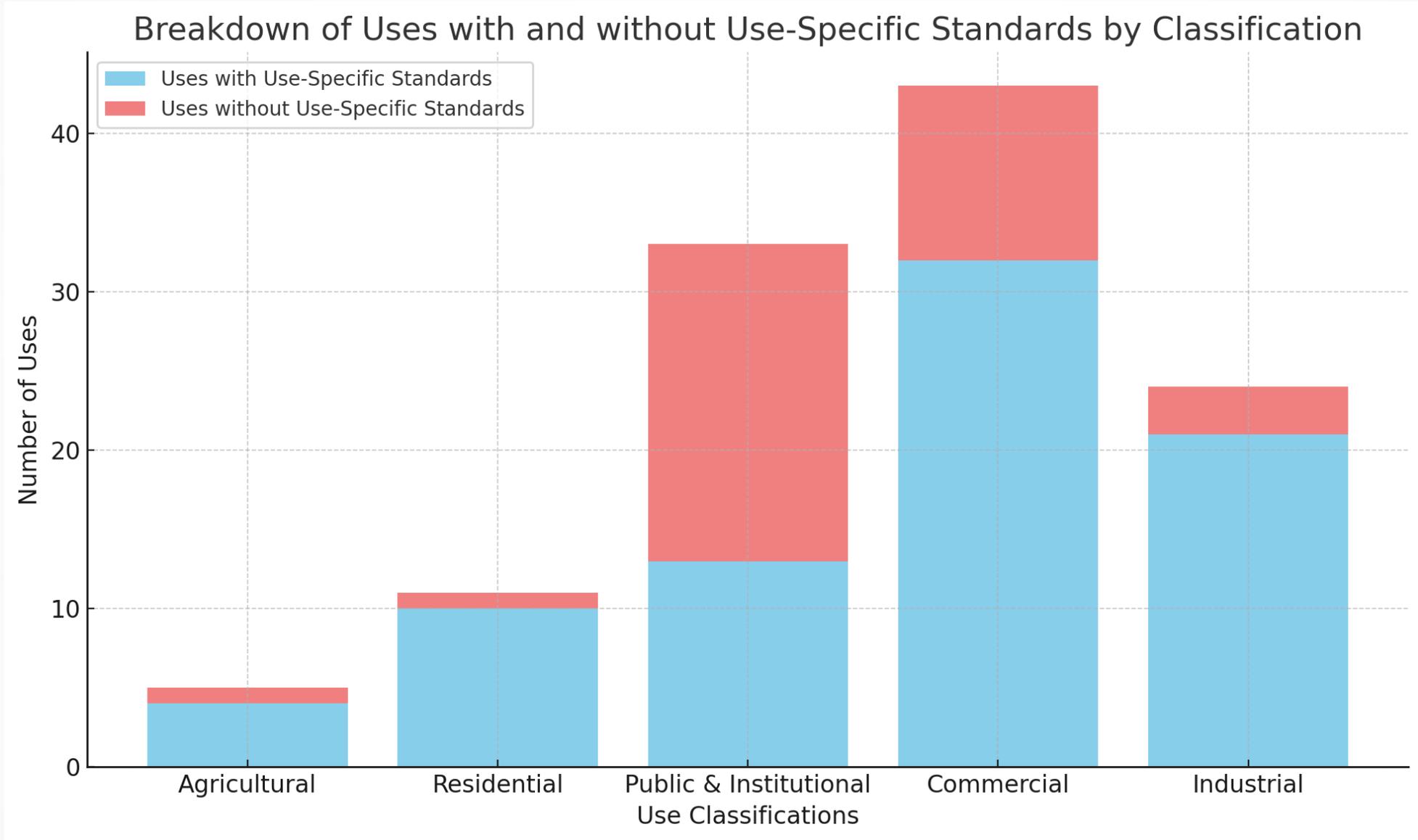
The current distribution of Special Use Permits (SUPs) across various categories totals 296, with 5 in Agriculture, 30 in Residential, 131 in Public/Institutional, 86 in Commercial, and 44 in Industrial. Proposed changes include moving 95 SUPs to permitted use (32.09% reduction), 63 to not permitted use (21.28% reduction), and leaving 138 unchanged (46.62%). The total percent reduction in SUPs is 53.38%.

Numbers in parentheses = number of use types represented by the percentage

Impact Level	Use Type	Details
Low	Agriculture, Government Facilities, Community & Educational Facilities, Places of Worship, Healthcare Facilities, Transportation & Utilities, Certain Commercial Uses	Minimal negative impacts; support local supply chains; essential services; compatible with various zoning districts when designed properly
Moderate	Therapeutic Homes, Cultural Facilities, Adult Day Care Centers, Child Care Centers, Specialty Commercial Uses, Other Retail Sales	Require more scrutiny due to potential impacts on traffic, parking, noise, or aesthetics; planning and mitigation needed
Moderate to High	Multi-Family Dwellings, Single-Family Attached Dwellings, Two-to-Four-Family Dwellings	Impacts on traffic, parking, infrastructure, and neighborhood character vary; careful consideration of size, location, and project design needed

This breakdown highlights which classifications have the most Special Use Permits with Use-Specific Standards and notes the exceptions for each category.

- **Agricultural Use Classification:**
 - 4 out of 5 uses have Use-Specific Standards (80%)
 - **Exception:** All Other Agriculture
- **Residential Use Classification:**
 - 10 out of 11 uses have Use-Specific Standards (91%)
 - **Exception:** Fraternity or Sorority House
- **Public and Institutional Classification:**
 - 13 out of 33 uses have Use-Specific Standards. (39%)
 - **Exceptions:** Community Center, Cultural Facility, Library, Museum, Youth Club Facility, Adult Day Care Center, Government Maintenance Storage or Distribution Facility, Government Office, Post Office, Medical or Dental Clinic, Assisted Living Facility, Club or Lodge, Nursing Home, Psychiatric Treatment Facility, Public Golf Course, Fire or EMS Facility, Police Station, Airport, Passenger Terminal/Surface Transportation, and Minor Utilities.
- **Commercial Use Classification:**
 - 32 out of 43 uses have Use-Specific Standards. (74%)
 - **Exceptions:** Private Golf Course, Athletic Field and Clubhouse, Golf Driving Range, Other Outdoor Commercial Recreation, Entertainment Establishment, Crematory, Financial Institution without Drive-Thru Service, Funeral Home, Other Retail Sales Establishments, Truck Stop, and Taxicab Service.
- **Industrial Classification:**
 - 21 out of 24 uses have Use-Specific Standards. (88%)
 - **Exceptions:** Building, Heating, Plumbing, or Electrical Contractor with outside storage, Light Manufacturing, Research and Technology Production.



Options:

- **Approve** staff recommendations and **direct** the development of a text amendment for submission to the Planning Commission.
- **Authorize** staff to explore alternative City Council recommendations and **begin drafting** a text amendment for Planning Commission review.
- **Refer** the proposal back to staff for a comprehensive review, including potential changes to the Special Use Permit list.
- **Take no action** and maintain the current number of use types requiring Special Use Permits.

Recommended Action:

- The Professional Planning Staff recommends option 2.



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Criteria	Requirement
Lot Area per Unit	Minimum 15,000 sq. ft. per unit
Lot Width	Minimum 100 ft.
Lot Coverage	Maximum 25%
Height	Maximum 35 ft.
Setbacks	
- Front and Corner Side	30 ft. or 55 ft. from the centerline of private streets
- Side	15 ft.
- Rear	35 ft.; 20 ft. where corner side setback is 30 ft. or more.

Criteria	Measurement
Property Size	60,000 sq. ft.
Lot Width	150 ft.
Lot Coverage	Up to 15,000 sq. ft. (25%)
Height	Up to 35 ft.
Setbacks	
- Front and Corner Side	30 ft. or 55 ft. from the centerline of private streets
- Side	15 ft.
- Rear	35 ft.; 20 ft. where corner side setback is 30 ft. or more.

Criteria	Requirement
Lot Area per Unit (sq. ft.)	SF Detached: 6,000 min. SF Attached and Two- to Four-Family: 5,000 min. All Other: 6,000 min.
Lot Width	Minimum 60 ft.
Lot Coverage	Maximum 40%
Height	Maximum 35 ft.
Setbacks	
- Front and Corner Side	25 ft. or 55 ft. from the centerline of private streets
- Side	10 ft.
- Rear	30 ft.; 15 ft. where corner side setback is 25 ft. or more.

Criteria	Measurement
Property Size	8,000 sq. ft.
Lot Width	70 ft.
Lot Coverage	Up to 3,200 sq. ft. (40%)
Height	35 ft.
Setbacks	
- Front and Corner Side	25 ft.
- Side	10 ft.
- Rear	30 ft.

Single Family Detached:
6,000 sf. Min. lot size.

6,000 sq. ft.
parcel

Duplex:
10,000 sf. Min. lot size.

10,000 sq. ft. parcel
66.67% larger



Single Family Detached:
10,000 sf. Min. lot size.

10,000 sq. ft. parcel

Duplex:
15,000 sf. Min. lot size.

15,000 sq. ft. parcel
50% larger



Single Family Detached:
15,000 sf. Min. lot size.

Duplex:
30,000 sf. Min. lot size.

15,000 sq. ft. parcel

30,000 sq. ft. parcel
100% larger

Single Family Detached:
6,000 sf. Min. lot size.

Quadplex:
20,000 sf. Min. lot size.

6,000 sq. ft.
parcel

20,000 sq. ft. parcel
233.33% larger

Single Family Detached:
10,000 sf. Min. lot size.

Quadplex:
30,000 sf. Min. lot size.



Single Family Detached:
15,000 sf. Min. lot size.

Quadplex:
60,000 sf. Min. lot size.

