

City Council



TA24-009

November 25, 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.

Category	Current	Moved to Permitted (%)	Moved to Not Permitted (%)	Stay the Same (%)
Agriculture	5	40.00	60.00	0.00
Residential	30	30.00	23.33	46.67
Public/Institutional	131	37.40	13.74	48.85
Commercial	86	37.21	30.23	32.56
Industrial	44	6.82	20.45	72.73
Total	296	32.09	21.28	46.62

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%.

- a) Revise Section 30-4.A.2. Use Table to Streamline the Development Process:
 - This revision includes reclassifying certain uses from requiring a special use permit to permitted or not permitted uses. (See attached “Revised Use Table”)

- b) Revise Section 30-4.C.2.a.1.b. (Live/Work Dwelling Units)
 - **Current:** In SF-6 (as a Special Use Permit) and MR-5 the residential portion of the building shall occupy over 50 percent of the gross floor area. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
 - **Revised:** In SF-6 (~~as a Special Use Permit~~) and MR-5 the residential portion of the building shall occupy over 50 percent of the gross floor area. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.

- c) Remove Section 30-4.C.4.b.5. (Animal Care Uses)
- **Current:** Any incinerators included as an accessory use to an animal shelter shall be permitted only in accordance with a Special Use Permit.
- d) Revise Section 30-4.C.4.i.2.b (Brewpubs)
- **Current:** Live entertainment shall not be permitted unless approved as a special event or through the special use permit process.
 - **Revised:** Live entertainment shall not be permitted unless approved as a special event ~~or through the special use permit process.~~

- e) Remove Section 30-4.C.4.i.2.b.2 (Brewpubs)
- **Current:** The review and decision shall meet the criteria of Art. 30-2.C.7 Special Use Permit. Applications must include floor plans and details indicating ingress/egress, seating and dance area, maximum occupancy(ies), and plans to manage trash/litter, loitering and security. An acoustical study may be required. Conditions to mitigate impacts on surrounding properties and public spaces or resources may include but are not limited to specifying days or hours of operation, sound levels, sound-proofing, management of queuing or parking, and other activities associated with the entertainment.
- f) Revise Section 30-4.C.4.i.8.a. (Grocery Store)
- **Current:** A grocery store over 2,500 square feet proposed within an NC Neighborhood Commercial District shall be subject to a Special Use Permit approval and the following standards:
 1. The store shall not exceed 25,000 square feet.
 2. The building shall be designed to appear as a series of small shops.
 3. The building shall be located proximate to the public right-of-way, to frame the edge of the lot.
 4. Parking shall be located to the interior side and rear of the building.
 5. Site design shall include a pedestrian pathway system on the perimeter and within its site to support neighborhood access from surrounding areas and transit stops on its periphery.
 - **Revised:** A grocery store over 2,500 square feet proposed within an NC Neighborhood Commercial District shall be subject to a ~~Special Use Permit Approval and~~ the following standards:
 1. The store shall not exceed ~~25,000~~ 15,000 square feet.
 2. The building shall be designed to appear as a series of small shops.
 3. The building shall be located proximate to the public right-of-way, to frame the edge of the lot.
 4. Parking shall be located to the interior side and rear of the building.
 5. Site design shall include a pedestrian pathway system on the perimeter and within its site to support neighborhood access from surrounding areas and transit stops on its periphery.

- g) Revise Section 30-4.C.4.i.9 (Personal Services Establishments)
- **Current:** Personal service establishments in the MR-5, OI, and NC zoning districts shall comply with the following standards and in the MR-5 district may be further limited as a condition of approval of a special use permit:
 - **Revised:** Personal service establishments in the MR-5, OI, and NC zoning districts shall comply with the following standards ~~and in the MR-5 district may be further limited as a condition of approval of a special use permit:~~
- h) Revise Section 30-4.C.5.c.2.f (Microbrewery, Microdistillery)
- **Current:** In the DT-1 and MU districts, live entertainment shall not be permitted except in accordance with the same standards and special use permit procedures provided for Brewpubs in Art. 30-4.C.4.i Use-Specific Standards - Retail Sales and Services.
 - **Revised:** In the DT-1 and MU districts, live entertainment shall not be permitted except in accordance with the same standards and ~~special use permit~~ procedures provided for Brewpubs in Art. 30-4.C.4.i Use-Specific Standards - Retail Sales and Services.

Options:

- City Council votes to approve all proposed text amendments (recommended);
- City Council votes to approve some or portions of the proposed text amendments;
- City Council votes to remand some or all proposed text amendments for further staff review and revisions, and approve the remaining amendments;
- City Council votes to deny some or all proposed text amendments.

Recommended Action:

- The Planning Commission and Professional Planning Staff recommend **Option 1: Approve all proposed text amendments.**



 **FAYETTEVILLE** ^N_C
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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.

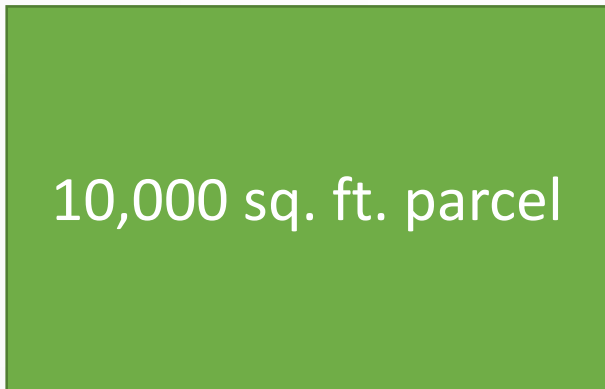
Quadplex:
20,000 sf. Min. lot size.

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.

