

City Council



Special Use Permit Peer Review and Recommendations

February 5, 2024



- Proposal: Amend the Unified Development Ordinance Use Table for Special Use Permits
- Goal: Evaluate existing SUP requirements, analyze past City Council decisions, compare with peer cities, and recommend amendments for modern urban planning while considering Fayetteville's specific needs.
- Purpose of SUPs: Regulate specific land uses requiring extra scrutiny due to potential community impacts.

- The Special Use Permit serves as zoning's solution to the challenge of accommodating uses that may or may not align well with certain districts, depending on their specific location and/or design. It provides flexibility by allowing potentially acceptable land uses, contingent on a thorough review to ensure that the use aligns with city or county policies.
- The current Development Ordinance contains provisions for Special Use Permits (SUPs) to regulate certain land uses that require an additional level of scrutiny due to their potential impacts on the community.
- These SUPs are intended to strike a balance between facilitating development and safeguarding the character of the city's neighborhoods.

- 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)**
 - ~~Electric Fence **(1)**~~ **(Preempted by the State)**

Retain SUP Requirement

- Two to Four Family
- Wrecker Service
- Auto Repair/Paint and Body Uses
- Separation Standards
- Community Reintegration Centers (Formerly Halfway House)
- New Construction of Individual Retail Space Larger Than 2500 Square Feet in Floor Area in NC
- Legal Nonconforming Use Expansion in the CTO
- Indoor and Outdoor Kennels
- Major Utilities

Remove SUP Requirement

- Single Family Attached
- Freestanding Telecommunications Towers
- Self-Service Storage
- Outdoor Storage
- Crematory
- Warehouse Distribution
- Child Care Centers

Options:

- Grant authorization to proceed with staff recommendations and initiate the development of a text amendment for subsequent submission to the Planning Commission.
- Authorize staff to explore alternative recommendations presented by the City Council. Simultaneously, instruct staff to formulate a text amendment for presentation to the Planning Commission.
- Direct the proposal to be returned to staff for a comprehensive review and potential incorporation of suggested recommendations. This assessment may include adjustments to the list of uses requiring a Special Use Permit.
- Choose to uphold the current protocol by opting not to take any action. This decision maintains the status quo in the handling of Special Use Permits and associated usage requirements by the City Council.



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