

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

—◆—
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

May 16, 2017
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. **P17-07.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2302. AREA-SPECIFIC STANDARDS, A. MUNICIPAL INFLUENCE AREAS; AND APPENDIXES EXHIBIT 4, OFFICIAL MUNICIPAL INFLUENCE AREA AND SEWER SERVICE AREA MAP, AND EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E). **DEFERRED UNTIL JULY 18, 2017**
 - B. **P17-18.** REZONING OF .29+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3216 NORTH MAIN STREET, SUBMITTED BY CHARLOTTE MCKENZIE (OWNER) AND D. ERIC NOBLES (AGENT). (HOPE MILLS) **DEFERRED UNTIL JUNE 20, 2017**
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF APRIL 18, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENTS

- C. **P17-19.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV, SIGNS, IN ITS ENTIRETY. (HOPE MILLS)

VIII. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- D. **P17-17.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.

CONDITIONAL ZONING CASE

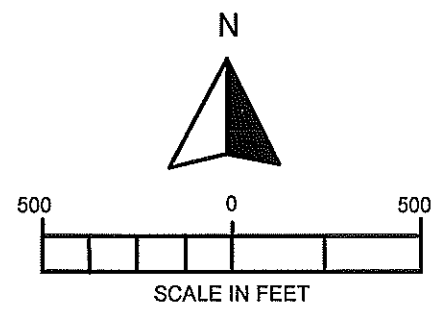
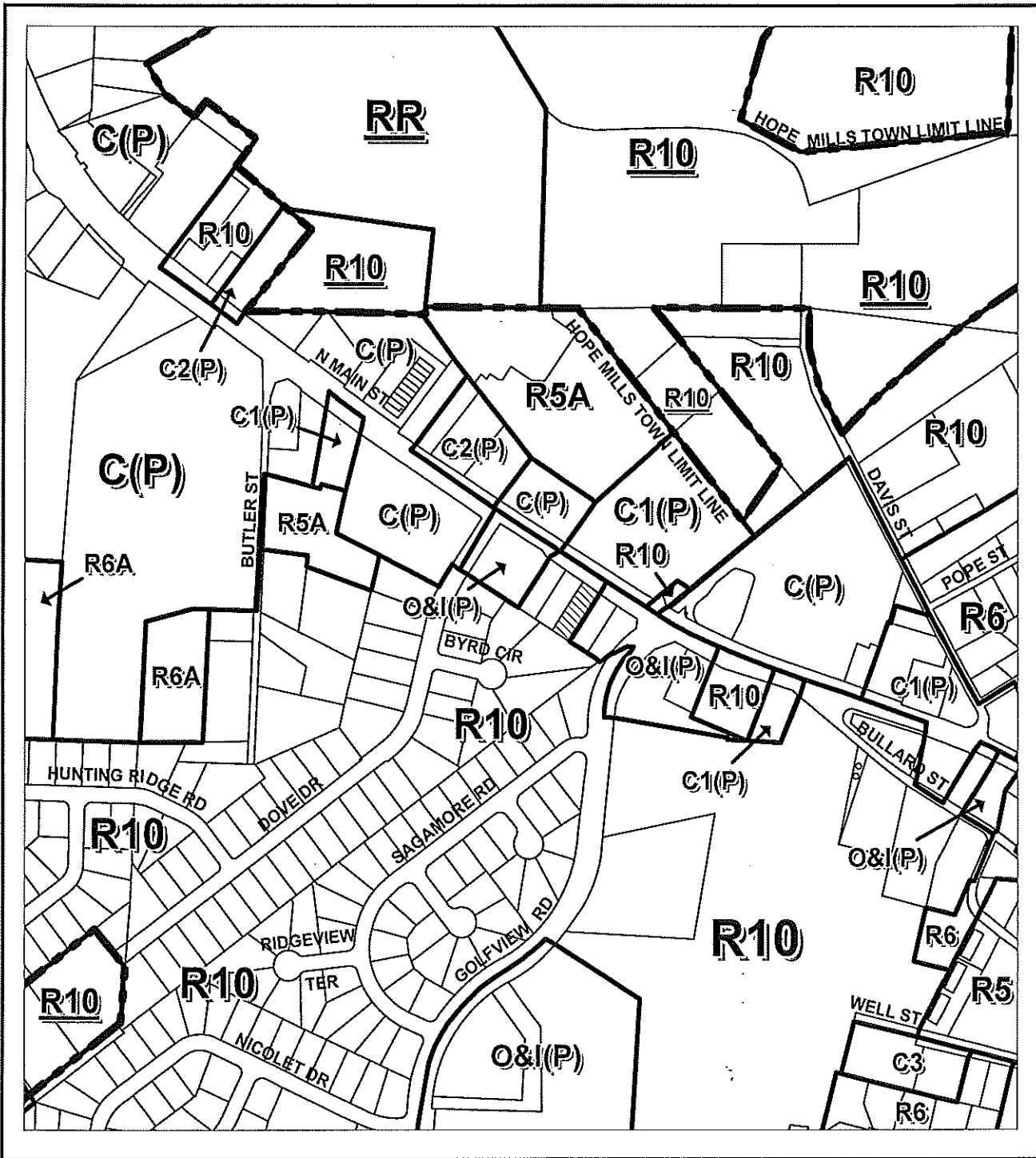
- E. P17-12. REZONING OF 8.03+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF THROWER ROAD, WEST OF NC HWY 87 S; SUBMITTED BY VANCE TYSON (OWNER) AND TIM EVANS (AGENT).

IX. DISCUSSION

DIRECTOR'S UPDATE

- HOPE MILLS MUNICIPAL INFLUENCE AREA

X. ADJOURNMENT



PIN: 0414-27-6009

REQUESTED REZONING R10 TO C2(P)

ACREAGE: 0.29 AC.+/-		HEARING NO: P17-18	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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Patricia Hall,
Town of Hope Mills

May 9, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the May 16, 2017 Board Meeting

P17-19. REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV, SIGNS, IN ITS ENTIRETY. (HOPE MILLS)

1st MOTION

The Planning and Inspections Staff recommends approval of the attached Hope Mills zoning ordinance text amendment which, if approved, would enable the town to enforce sign regulations that are consistent with the image the town is seeking to project in their commercial areas. Additionally, this amendment was prepared and submitted by the Town of Hope Mills.

2nd MOTION

The staff also recommends the board find that approval of the amendment to the town's zoning ordinance is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 9: Compatible Commercial Development & Services* and *Policy Area 10: Attractive Community Appearance & Image*. The proposed amendment is also generally consistent with the Southwest Cumberland Land Use Plan in that one of the adopted goals and objectives of the plan strives to enhance community appearance and reduce sign clutter along major thoroughfares.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest based on the foregoing information and that by ensuring sign regulations are up to date will ensure the small town character will not be affected.

Attachments: P17-19 Hope Mills Zoning Ordinance Text Amendment

P17-19
Proposed Hope Mills Zoning Ordinance Text Amendment
(Article XIV, Signs)

Case P17-19: Revision and amendment to the Hope Mills Zoning Ordinance amending Article XIV, Signs, in its entirety. (Hope Mills)

AMEND Article XIV, Signs as indicated below:

ARTICLE XIV
SIGNS

Sec. 102A-1401. Purpose.

The purpose of this article is to minimize any detrimental effects of signs on adjacent land uses, and to ensure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated, or maintained shall be in accordance with the provisions of this article. Where there is conflict between the provisions of this article and the provisions for signs elsewhere within the Town's Code of Ordinances, the more restrictive standard shall apply.

Sec. 102A-1402. Sign definitions.

For purposes of interpreting this article, the following words and terms are herein defined:

(a) *Attached sign*: A sign connected to or painted on a wall and including signs connected to or otherwise displayed on or through a façade window. The following are not attached signs: wall identification signs and commemorative plaques not more than two square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

(b) *Billboard*: A sign which directs attention to a business, industry, profession, commodity, service, or entertainment not conducted, sold, produced, or offered upon the premises upon which such sign is located.

(c) *Bulletin board*: A sign used to announce meetings, programs, occupants, purposes, operating hours, and other such information on the premises of churches, schools, auditoriums, libraries, recreation areas, and other such non-residential uses

permitted in residential districts and on the premises of uses when located within the O&I(P) district.

(d) *Business sign*: A sign that directs attention to a business, industry, profession, commodity, service, or entertainment sold, produced, or offered upon the premises where such sign is located or to which it is attached.

(e) *Flashing sign*: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this article, any moving, illuminated sign shall be considered a "flashing sign." Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching, provided the message remains displayed for a minimum of eight seconds.

(f) *Freestanding sign*: Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains. For purposes of this article, this definition shall not include "billboard" which is defined above.

(g) *Governmental sign*: Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(h) *Ground sign*: A freestanding sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.

(i) *Identification sign*: A sign used to display only the name, address, crest or trademark of the business, individual, family, organization or enterprise occupying the premises; the profession of the occupant, the name of the building on which the sign is displayed, or the name of the owner(s) or developer(s). A directory sign is an identification sign with information on multiple occupants.

(j) *Informational sign*: Any on-premises sign containing no other commercial message, copy, announcement or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying restrooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction and prices.

(k) *Mechanical/Digital sign*: Any sign with changeable copy and the message changes in increments of at least eight seconds shall be allowed as a "sign" under the provisions of this article.

(l) *Obscene matter*: Any item with a context of a sexual nature depicting, describing or related to anatomical areas and sexual activities.

(m) *Pole sign*: A freestanding sign that is mounted on a pole or other support and does not meet the definition of "ground sign" above.

(n) *Portable sign*: Any sign not permanently attached to the ground or to a building or other structure and which, because of its relatively light-weight is meant to be transported from place to place. Such sign may or may not have changeable copy, may or may not be wired for lighting and may or may not have wheels. "Sandwich boards, banners, and flag signs" are considered as portable signs.

(o) *Public information sign*: A sign usually erected on public property or right-of-way and maintained by a public agency that provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs and directional signs.

(p) *Roof sign*: A sign displayed on and above the eaves of a building.

(q) *Sandwich Boards*: Temporary business ground signs constructed in a manner as to form a tent like shape used to display menus, daily specials, and similar messages for a business.

(r)

(r) *Sign*: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service, or entertainment, which are visible from any public way and used to attract attention. The word sign does not include official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic, or informational structures required by or authorized by law, or by Federal, State or local authority.

(s) *Sign area*: The area of a sign mounted on a board or within a frame or box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area does not include support structures unless the coloration, lighting, etc. is designed to attract attention.

(t) *Sign height*: The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within this ordinance. In the case of a sign not adjoining a street or highway, the "height of a sign" is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

(u) *Special information sign*: A device used to give direction, without elaboration or advertising to a business or public use not located on the same premises as such use.

Sec. 102A-1403. Exempt signs.

The following signs are exempt from regulation under this ordinance, except that lighted signs require an electrical permit:

- (a) Governmental signs;
- (b) Lights and decorations with no commercial message temporarily displayed on traditionally-accepted civic, patriotic or religious holidays;
- (c) Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such buildings or structures;
- (d) Signs affixed to motor vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer;
- (e) Signs affixed to windows of vehicles displaying information on the terms of sale for such vehicles;
- (f) Signs not legible from a public or private street;
- (g) Flags of the governmental jurisdictions of the United States of America or the State of North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Town Board of Commissioners, subject to U.S. Congressional protocol; and
- (h) Public information signs.
- (i) Historical Signs. Signs that provide information on the historical timeline or past use of a particular building or structure. Such signs must be approved by the Town of Hope Mills Historic Preservation Commission and would not count against the allowable maximum square footage for wall signs.

Sec. 102A-1404. Signs permitted in any district.

The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zoning district.

(a) *Temporary real estate sales sign.* For the purpose of advertising a specific lot, building, or premises for sale, lease, or rent, temporary real estate sale signs, are permitted not exceeding eight square feet in area and provided only one such sign shall be displayed for each street abutting the lot, building or premise and set back at least five feet from any property line.

(b) *Temporary off-site real estate directional sign.* For the purpose of giving direction to property offered for sale, lease or rent that is located on a dead end street or cul-de-sac, a temporary directional real estate sign not exceeding two square feet in area is permitted after the real estate agent or property owner selling, leasing or renting his property obtains a permit for posting such sign. Only one double-faced directional real estate sign shall be permitted at the nearest intersection of the dead end street or cul-de-sac with a through street and such sign shall be set back at least five feet from the street right-of-way. The permit shall specify the address of the real estate offered for sale, lease or rent and shall expire 30 days after the date the permit is issued. A permit may be renewed for an additional 30 days at the discretion of the Chief Building Inspector provided that the renewal request is received by the Chief Building Inspector prior to the expiration of the initial permit and that the permit shall be renewed only once. Failure to obtain a permit prior to posting a directional real estate sign or failure to remove such sign as specified on the permit may be grounds for the denial of a permit or future permits under this provision. Signs permitted under this provision shall be subject to all other applicable provisions of this ordinance.

(c) *Temporary signs advertising real estate subdivisions.* For the purpose of advertising real estate subdivisions for which a plat has been officially approved and recorded, one sign is permitted at each main entrance to the development named on the sign, such sign not to exceed 32 square feet in area.

(d) *Temporary signs pertaining to construction.* For the purpose of identifying the firm or company involved in construction taking place on the lot, temporary signs are permitted for the duration of such construction, limited to one sign for each firm, company, or use, not exceeding 20 square feet for each sign and set back at least five feet from any property line.

(e) *Traffic control signs.* Signs which only regulate traffic on private property are permitted.

(f) *Transportation facilities signs.* For the purpose of identifying public transportation facilities, signs are permitted provided that such signs shall not contain advertising or related messages.

(g) *Special information signs.* For the purpose of giving directions and information, on-site signs pertaining to special uses where not otherwise permitted, and off-premises signs may be approved by the Board of Adjustment subject to a special use permit specifying the size, location, lighting, materials to be used, design, and display in

accordance with Section 102A-1706. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the Board of Adjustment may judge to be beneficial to the total community.

(h) *Temporary political signs.* Temporary signs for political campaigns may be permitted in any district subject to the following conditions:

(1) No political campaign sign shall exceed 32 square feet in area and no freestanding sign shall exceed eight feet in height.

(2) Except for municipal campaign signs, no political campaign sign shall be erected for more than 75 days prior to the nomination, election or referendum which they purport to advertise. No municipal campaign sign shall be erected for more than 30 days prior to these same events.

(3) All political campaign signs shall be removed within seven days after the nomination, election or referendum.

(4) Nothing in this provision shall be construed to authorize the posting of political campaign signs upon trees, utility poles, traffic-control or street name signposts, lights or devices, or in any place or manner prohibited by the provisions of Section 102A-1408 or other provision of this ordinance.

(5) Political campaign signs shall not be erected on Town owned or other public property except as authorized by sub-section (6) below.

(6) Political campaign signs erected on Election Day at officially designated polling places other than those polling places designated as "One Stop Voting" polling places are permitted for a period not to exceed 24 hours provided the signs are located in accordance with regulations of the Board of Elections. For the "One Stop Voting" polling places, campaign signs are permitted during the entire voting period and shall be removed within 24 hours of the close of the election for which the sign purports to advertise.

(7) All political campaign signs shall be located no closer than 15 feet from edge of pavement of any right-of-way.

(i) *Temporary sign; failure to comply.* If the Chief Building Inspector shall find that any temporary sign as authorized by this section, is in violation of this section, the Chief Building Inspector, or the inspector's designee, shall give written notice of such violation to the owner of the sign. If, upon receipt of same notice, the owner of such sign fails to remove or alter the sign so as to comply with the required standards within ten days of said notice, such sign may be removed by the Chief Building Inspector, or the inspector's designee, at the expense of the owner of the sign. The Chief Building

Inspector may cause any sign or other advertising structure which creates an immediate risk of peril to persons or property to be promptly removed.

(j) *Special gate signs.* A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this ordinance or Chapter 86, estate, farm, or other residential entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this provision, if such a special gate sign is utilized no other main entrance identification sign is permitted.

(k) *Temporary banners.* Temporary banners and flag signs may be permitted in any district subject to the following conditions:

(1) Signs are directly tied to the advertising of the grand opening of a new business or development.

(2) Signs are permitted for a period not exceeding one week.

(l) *Sandwich board signs.* Signs permitted only within the Trade Street Business District subject to the following conditions:

(1) Signs are only permitted in front of business to inform the general public of key information tied to the operation of the business.

(2) Signs are only permitted during business hours.

Sec. 102A-1405. General site and sign specifications.

(a) *Zoning permit required.* No sign requiring a permit shall hereafter be erected or attached to, suspended from or supported on a structure nor shall any existing sign be enlarged, replaced, or relocated until a zoning permit has been issued by the Chief Building Inspector.

(b) *Measurement of sign area.* The measurable area of the sign mounted on a board or within a frame box shall be the area of the board, frame or box. The measurable area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter is the measurable sign area. Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced or "V" type sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any "V" type sign with a "V" angle of greater than 45

degrees shall be subject to measurement of sign area on both sides. Sign area does not include support structures unless the coloration, lighting, etc. is designed to attract attention.

(c) *Freestanding sign location – all districts (excluding billboards).* Freestanding signs shall be set back from the existing road right-of-way (normally the front property line) or proposed future road right-of-way, whichever is the greater distance, according to the tables below. Freestanding signs shall be set back from all other property lines a minimum distance of five feet. In no instance shall a sign between the heights of three and 15 feet be permitted within 20 feet of the right-of-way line at the intersection of two streets. Freestanding signs may be placed on the same or separate support structures.

(1) *Ground signs.* Maximum height is 30 feet unless otherwise allowed in *Section 102A-1407 (billboards)*. The following table establishes the minimum setback requirements for ground signs provided that all other requirements of this article are complied with:

Sign Height	Minimum Setback from R/W/ Line
0-5 feet	5 feet
Greater than 5 feet and up to 15 feet	10 feet
15 feet to 30 feet	15 feet

(2) *Pole signs.* Pole signs, in addition to all other requirements of this article, shall be setback a minimum of five feet from the existing or proposed right-of-way line provided that no portion of the sign projects any closer than two feet, measured in horizontal distance, from the proposed or existing right-of-way line. Also, pole signs shall maintain a minimum clearance of nine feet over any pedestrian areas and 14 feet over any vehicular paths. Pole signs shall not exceed a maximum sign height of 30 feet.

(d) *Maintenance and appearance.* All signs together with braces, guys, and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint, or other surface deterioration.

(e) *Signs facing residential districts.* Illuminated signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

(f) *On-site interference.* The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas including aisle ways and access driveways.

(g) *Unsafe and unlawful signs.* If the Chief Building Inspector shall find that any sign is unsafe or is a menace to the public or has been constructed, erected or is being maintained in violation of this ordinance, the inspector shall give written notice of such violation to the owner of the sign or the owner of the property where the sign is located.

If the owner of the sign, or the property owner, fails to remove or alter the structure so as to comply with the required standards within 30 days after such notice, such sign may be removed or altered to comply by the inspector at the expense of the owner of the sign or the property owner. The Chief Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be promptly removed by the sign owner or the property owner.

(h) *Cessation of purpose and removal.* Any sign now or hereafter existing which no longer advertises any bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land or structure upon which such sign may be found. Such sign shall be removed within 30 days after written notification from the Chief Building Inspector except that temporary activities sign posting shall be removed by the permittee within seven days following the date of termination of such events. Upon failure to comply with any notice within the time specified the zoning inspector is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the sign or the property owner of the land on which the sign is located.

(i) *Signs permitted in conjunction with legal nonconforming uses.* Any legal nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the most restrictive with regard to sign size.

Sec. 102A-1406. Signs permitted by district.

In addition to the aforementioned signs the following are also permitted:

(a) *Residential and conservancy districts.*

(1) *Dwelling identification sign.* One identification sign not exceeding two square feet in area is permitted for each residential dwelling unit. For one- and two-family dwelling units identification signs shall be at least five feet from any street or property line. For multi-family dwelling units, identification signs shall be mounted flat to the main wall of the building. Identification signs may be illuminated but non-flashing and motionless.

(2) *Large scale residential development signs.* A permanent sign is permitted as an integral part of an entrance structure which identifies a subdivision, group development or other special development, estate, farm or other residential entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet in area. Such signs may be lighted, but non-flashing and motionless and located according to the criteria in Section 102A-1405, but not less than five feet from any street right-of-way line.

(3) *Agricultural product signs.* In the zoning districts that allow agriculture or rural farm use, signs advertising agricultural products produced on the premises are permitted, provided there are no more than two such signs, each of which shall not exceed 12 square feet in area. In any instance where the products sold are seasonal or temporary, such signs shall be removed within 30 days of cessation of the activity advertised. This section shall not apply to any property exempt under the bona fide farm provisions of Section 102A-109.

(4) *Institutional, commercial and industrial signs located in residential and conservancy districts.* Any institutional, commercial or industrial use, which is a permitted, special or conditional use in a residential or conservancy district, may erect and maintain signs as follows:

a. One freestanding sign not to exceed 100 square feet in area shall be permitted. If more than one principal use is conducted on the same site, or in the same building, each additional principal use shall be permitted one freestanding sign not to exceed 50 square feet in area.

b. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

c. Attached signs for all principal uses on the site shall not exceed 50 square feet in area. If there is more than one principal use, the property owner will determine the allocation of attached sign area.

(b) *Professional, commercial and industrial districts.*

(1) Signs for uses permitted in the O&I(P) district shall be regulated as follows:

a. One freestanding sign not to exceed 50 square feet in area will be allowed per building. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

b. One attached sign not to exceed 20 square feet in area will be allowed per building. Attached signs may be placed on any side of the building.

(2) *C1(P) planned local business district.* Signs in the C1(P) district shall be regulated as follows:

a. One freestanding sign not exceeding 100 square feet in area is allowed for sites with a maximum of five occupants. Sites with more than five occupants may have an additional 10 square feet maximum area for each occupant over five, with a total maximum freestanding sign area not to exceed 200 square feet. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

b. One attached sign per occupant is allowed. Attached signs shall not exceed one square foot in area for each front foot of structure the occupant occupies. Attached signs may be placed on any side of the building.

(3) *C2(P) planned retail and service district and C(P) planned commercial district.* Except for billboards (off-premises) signs which are regulated by Section 102A-1407, signs in the C2(P) and C(P) districts shall be regulated as follows:

a. Sites with no more than two occupants may have one freestanding sign. This sign shall have a maximum size of 100 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding signs. Each sign shall have a maximum size of 100 square feet in area. Sites with more than ten occupants may have two freestanding signs, each with a maximum size of 100 square feet in area; or one freestanding sign with a maximum size of 200 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding sign area for each occupant over ten, with a total maximum freestanding sign area not to exceed 400 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies. In the event a strip shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

c. Detached business signs with no height limitation are allowed when located within 1,500 feet of an interstate (I-95) and when said signs are in excess of 100 feet in height these signs shall not be limited in area when located within 1,500 feet of an interstate (I-95) exit ramp, measured at the ramp's outer intersection with a town or state road.

(4) *M1(P) planned light industrial district.* Signs in the M1(P) district shall follow the same dimensional and setback criteria as for signs being located in the C(P) planned commercial district.

(5) M(P) planned industrial district. Except for billboards (off-premises signs) which are regulated by Section 102A-1407, signs in the M(P) district shall be regulated as follows:

a. One freestanding sign is allowed at each main entrance to the site. The total entrance signage shall not exceed a maximum sign area of 500 square feet with each individual entrance sign not exceeding a maximum sign area of 300 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Freestanding signs shall be located in accordance with the criteria found in Section 120A-1405.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

Sec. 102A-1407. Billboards (off-premises signs).

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

(a) *General provisions.*

(1) Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares;

(2) Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;

(3) Billboards shall not exceed a sign height of 35 feet;

(4) All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) planned commercial district, upon approval of a special use permit (Section 102A-1706), and M(P) planned industrial district, upon approval of the site plan (Article XV) as a permitted use, provided that the dimensional criteria outlined below is complied with; and

(5) All Federal, State, and other local regulations shall be complied with.

(b) *Dimensional criteria by district.*

(1) *C(P) planned commercial districts.* Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

(2) *M(P) planned industrial district.* Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from a property line, not a of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

Sec. 102A-1408. Signs prohibited.

Erection or maintenance of signs having any of the following characteristics is prohibited:

(a) *Signs not to constitute traffic hazards.* No sign or advertising structure shall be erected or maintained at the intersection of any street or road so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal or device; or that makes use of the words "stop," "look," "drive-in," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. In any case, signs shall be prohibited within 20 feet of a street intersection measured to the intersection of the two nearest street lines.

(b) *Signs erected on public streets.*

(1) No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend into any public street.

(2) This section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

(3) This section shall not apply to large scale residential signs approved by the Board of Commissioners pursuant to this subsection.

a. The Board of Commissioners may, but is not required to, approve the location of up to two such signs per subdivision entrance, provided that the Board makes the following findings of fact:

1. The primary or final plat for the subdivision in which the sign(s) will be located was approved prior to the effective date of this ordinance;

2. The sign(s) will be located upon a public right-of-way median(s) that is owned, maintained or otherwise controlled by the Town;

3. The sign(s) will comply with the requirements of Sec. 102A-1406(a)(2);

4. The propose sign location(s) is [are] outside the line of sight for vehicles on the road; and

5. The proposed sign location(s) will not otherwise impair the safety of the general travelling public.

b. Signs approved pursuant to this subsection shall comply, to the extent reasonably possible, with all setback requirements for public rights-of-way and other applicable setbacks.

c. Unless other arrangements are made by the Board of Commissioners, any sign approved pursuant to this subdivision shall be maintained in good condition by the person, persons, or entity requesting the sign, or their successors or assigns. The town may at any time, with or without notice, remove signs approved pursuant to this subdivision that are not adequately maintained or are allowed to deteriorate.

c. *Object or device attached to items for sale.* Any object or device made of any material that is displayed, affixed, attached, in any manner on items that are intended for sale, including, but not limited to, banners, official or unofficial flags, pennants, balloons, and streamers.

d. *Obstruction of ingress or egress of building.* No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

e. *Obscene matter prohibited.* No sign shall be erected or maintained which bears or contains statements, words or pictures of an obscene character.

f. *Signs on private property; consent required.* No sign may be erected by any person on the private property of another person without first obtaining the verbal or written consent of such owner.

g. *Portable signs.* Portable signs as defined in Section 102A-1402. Prohibited unless otherwise allowed in Section 102A-1404.

h. *Flashing signs.* Flashing signs as defined in Section 102A-1402.

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

DEFERRED FROM APRIL 18, 2017 MEETING

April 11, 2017

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Land Use Codes Committee
(Mr. Carl Manning, Moderator)

SUBJECT: Recommendation for the April 18, 2017 Board Meeting

P17-17. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.

1st MOTION

The Codes Committee recommends the board find that the attached text amendment is consistent with the 2030 Growth Vision Plan and all other applicable detailed area plans throughout the County since this amendment, if approved, will ensure the County Zoning Ordinance provisions related to Board of Adjustment matters are consistent with the 2013 State Legislature amendments to the statutes regulating local Boards of Adjustment.

The committee recommends the board further find that approval of the text amendment is reasonable and in the public interest which has been established by the General Assembly's ratification of the amended regulations coupled with the fact that certain standards within the statute have been relaxed particularly those related to variances.

2nd MOTION

In addition to the above information, the Codes Committee recommends approval of the text amendment and that the Commissioners direct the staff to re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all amendments consolidated within the text based on the following:

1. The proposed amendment will afford property owners a lower threshold to meet when a variance is necessary for justifiable use of their property; and
2. Reprinting with merging previously approved amendments into the County Zoning Ordinance will ensure ease of use for citizens, development professionals, and County staff.

Attachment: P17-17 Text Amendment

P17-17
Proposed County Zoning Ordinance Text Amendment
(Article XVI, Board of Adjustment)

P17-17. Revision and Amendment to the Cumberland County Zoning Ordinance, Article XVI, Board of Adjustment; and requesting permission to Reprint the Zoning Ordinance inserting all text amendments approved since June 20, 2005 as listed.

AMEND Article XVI, Board of Adjustment as indicated below:

ARTICLE XVI
BOARD OF ADJUSTMENT

SECTION 1601. ESTABLISHMENT.

The Board of Commissioners, pursuant to N.C. GEN. STAT. ~~§153A-340~~ ~~153A-345~~, does establish a Board of Adjustment. Such board shall consist of at least five members appointed by the Commissioners, with membership providing for a means of proportional representation of the County's territorial jurisdiction. The appointments shall be for staggered terms. Subsequent or new reappointments shall be for three-year terms; all appointments to fill vacancies shall be for the unexpired term. The Commissioners shall also appoint five alternate members at large to serve in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of any regular member absent from the meeting.

SECTION 1602. PROCEEDINGS.

The Board shall elect a Chairperson ~~Chairman~~ and Vice-Chairperson ~~Vice-Chairman~~ from among its members. The Director shall assign a staff member to fill the Secretary and Clerk positions. Meetings of the board shall be held at the call of the Chairperson ~~Chairman~~ and at such other times as the board may determine. The Chairperson ~~Chairman~~ or any member acting as chair and the Secretary to the Board are authorized ~~is authorized in his official capacity~~ to administer oaths. The Chairperson may and compel the attendance of witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. The Vice-Chairperson or any ~~Any~~ member of the board while temporarily acting as Chairperson ~~Chairman~~ has and can

exercise like authority. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every motion or question, or if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and official action.

(Amd. 04-18-11)

SECTION 1603. POWERS AND DUTIES.

The Board of Adjustment ~~shall have the powers, authority and duty to~~ shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development:

A. Hear and decide special use permits, requests for variances, and appeals of decisions ~~Act in all matters~~ relating to the administrative review of any order, requirement, decision or determination made by the Director or other administrative official regarding enforcement of this ordinance or other ordinance that regulates land use or development. (see Section 1604 below)

(Amd. 01-19-10)

B. Vary or modify any of the regulations or provisions of this ordinance related to the construction or alteration of buildings or structures, dimensional requirements and minimum standards of individual uses except for specific location criteria for individual uses, in accordance with Section 1605, where there are unnecessary hardships in carrying out the strict letter of this ordinance, so that the spirit, purpose and intent of the ordinance shall be observed, public safety ~~is and welfare~~ secured and substantial justice achieved ~~done~~;

(Amd. 01-19-10)

C. May hear and decide special use permit applications ~~Grant permit exceptions, called "Special Uses," in the classes of cases or situations and~~ in accordance with ~~the principles, conditions, safeguards~~ standards and procedures specified in Section 1606;

(Amd. 01-19-10)

D. ~~Repealed. Interpret the official zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in administration of this ordinance;~~

E. Rule on matters concerning nonconforming uses as to their continuance or discontinuance, expansion, reconstruction and, in general, compliance with Sections 1003 and 1004;

F. Rule on matters related to the County's Water Supply Watershed Management and Protection Ordinance regarding High Density developments, appeal of the Watershed Review Officer's decision, and hear request for variance from the County Water Supply Watershed Management and Protection Ordinance;

(Amd. 01-19-10)

G. Hear and rule on appeals and variance requests from the County's Flood Damage Prevention Ordinance. ~~and~~

H. *Repealed.*
(Amd. 01-19-10)

SECTION 1604. APPEALS ADMINISTRATIVE REVIEW.

The Board of Adjustment shall hear and decide from decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development pursuant to all of the following: ~~Appeals may be taken to the Board of Adjustment by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of an administrative official charged with the enforcement or interpretation of this ordinance thought to be in error. Such appeals shall be filed with the Board of Adjustment by notice specifying the grounds for appeal. Appeal shall be filed within 30 calendar days from the date of the action being appealed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken, together with any additional written reports or documents, as the administrative official deems pertinent.~~

A. Any person who has standing under G.S. 160A-393(d) or the County may appeal a decision to the Board of Adjustment. The notice of appeal shall state the grounds for the appeal.

B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the subject property owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail;

C. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

D. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a

permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

E. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

F. Subject to the provisions of subdivision (E) of this sub-section, the board of adjustment shall hear and decide the appeal within a reasonable time.

G. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

~~The Board of Adjustment may after public hearing, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determinations as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.~~

(Amd. 01-19-10)

SECTION 1605. VARIANCE.

When unnecessary hardships would result from carrying out the strict letter of this ordinance, or other land use regulation or ordinance, The Board of Adjustment may authorize in specific cases such variances from the terms of this ordinance upon

~~request of a property owner or his authorized agent and may require any evidence necessary to make a determination of the case. Before the Board may grant any variance, the Board must find that all of the following conditions exist for an individual case the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:~~

~~A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district; difficult~~

~~B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located;~~

~~C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;~~

~~D. The requested variance is consistent with the spirit, purpose will be in harmony with the purpose and intent of the this ordinance, such that public safety is secured, and substantial justice is achieved; and will not be injurious to the neighborhood or to the general welfare;~~

~~E. The special circumstances are not the result of the actions of the applicant;~~

~~F. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure;~~

~~G. The variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries; and~~

~~H. The existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts does not constitute a reason for approval of the requested variance. In granting a variance, the Board may attach and the record shall reflect such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem~~

~~advisable. The record shall also state in detail any exceptional difficulty or unnecessary hardship upon which the request was based and which the Board finds to exist.~~

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. The Board of Adjustment is not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies ~~a~~ the variance request, the board ~~it~~ shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

(Amd. 02-19-08; Amd. 04-18-11)

SECTION 1606. SPECIAL USE PERMITS.

The Board of Adjustment shall hear and decide applications for special use permits. The various Special Uses set forth in the Use Matrix in Article IV, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and neighborhoods, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and procedures specified in the ordinance ~~and conditions as set forth in this section.~~ Reasonable and appropriate conditions may be imposed upon these permits.

A. Purpose. Permitting Special Uses adds flexibility to this ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses that would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

B. Procedure. Special Use Permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and a detailed site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. ~~The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, Pope Air Force Base, and Simmons Army Airfield of any application affecting the use of property located within five miles or less of the perimeter boundary of said bases in accordance with N.C. GEN. STAT. § 153A-323.~~

Developers are encouraged to discuss their Special Use plans with the Planning and Inspections Staff before submission. The staff shall assist the developer upon request by reviewing Special Use plans to ensure that the technical requirements of this ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the Special Use Permit requested. In granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;

2. The use meets all required conditions and specifications;

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.

(Amd. 02-19-08)

D. Final Disposition. In granting approval of a Special Use Permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest. In granting a Special Use Permit, the Board of Adjustment ~~may shall~~ give due consideration to one or all of the following:

1. The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood;

2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding area and neighborhood;

3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area;

4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels and weight-bearing limitations;

5. The added noise level created by activities associated with the proposed use;

6. The requirements for public services where the demands of the proposed use are in excess of the individual demands of the adjacent land uses, in terms of police and fire protection, and the presence of any potential or real fire hazards created by the proposed use;

7. Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel;

8. The impact of night lighting in terms of intensity, duration and frequency of use, as it impacts adjacent properties and in terms of presence in the neighborhood;

9. The impact of the landscaping of the proposed use, in terms of maintained landscaped areas, versus areas to remain in a natural state, as well as the openness of landscaped areas, versus the use of buffers and screens;

10. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas, in terms of noise transfer, water runoff and heat generation;

11. The availability of public facilities and utilities;

12. The harmony in scale, bulk, coverage, function and density of the proposed development and compliance with the development standards of the individual uses; and

13. The reasonableness of the request as compared to the purpose and intent of the most recent Land Use Plan, this ordinance, and adopted policies, for the physical development of the district, and protection of the environment.

(Amd. 02-19-08)

All such additional conditions [imposed on the permit by the Board of Adjustment](#) shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. The specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns. The applicant for the Special Use Permit is responsible for the recordation of the "Notice of Special Use Permit" with the Cumberland County Register of Deeds prior to application for any zoning permit.

If the Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same Special

Use Permit on the same property without a substantial material change concerning the property and the application.

E. Expiration of Permits. Any Special Use granted becomes null and void if not exercised within the time specified in such approval, or if no date is specified, within one calendar year from the date of such approval if the permit has not been recorded with the County Register of Deeds. Furthermore, once the Certificate of Occupancy has been issued for a Special Use and then the Special Use ceases to exist for a time period of one calendar year or more, a re-submittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards (*Amd. 08-18-08*)

F. Modifications to Plans. The Board of Adjustment shall review any change, enlargement or alteration in site plans submitted as a part of a Special Use application, and new conditions may be imposed where findings require. The Planning and Inspections Staff may approve minor modifications of the approved plans in the same manner as authorized in Section 506 for Conditional Zoning districts, provided that the changes do not materially alter the original plan as approved, and the intent and objectives of the original approval are not deviated from. (*Amd. 02-19-08; Amd. 04-18-11*)

G. Noncompliance. If for any reason any condition imposed pursuant to this section is found to be illegal or invalid, the Special Use Permit shall be null and void and of no effect, and the Planning and Inspections Staff shall institute proceedings for the case to be reheard by the Board of Adjustment.

Compliance with all the conditions of a Special Use Permit is an essential element of the Special Use Permit's continued validity and effectiveness. If the Coordinator shall determine that a permittee has failed to comply with a condition of an approved Special Use Permit, he shall so notify the permittee or the permittee's successor in interest and shall place the matter on the Board of Adjustment's agenda for the Board's decision whether or not to revoke the Special Use Permit. Such hearing shall be on reasonable written notice to the permittee or the permittee's successor in interest and shall be a quasi-judicial proceeding according to quasi-judicial procedures. The decision of the Board of Adjustment shall be a final decision, and a decision to revoke the Special Use Permit may be appealed to the Superior Court of Cumberland County within 30 days after the permittee or the permittee's successor in interest has been served with written notice of the Board of Adjustment's decision. Service by personal delivery, electronic mail or certified mail, return receipt requested, of a certified copy of the Board of Adjustment's approved minutes for its meeting at which such decision is made, may constitute written notice and service of the Board of Adjustment's decision hereunder. (*Amd. 04-18-11*)

H. Appeals of Special Use Permit Decisions. No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit except through the Cumberland County Superior Court in the same manner as set forth in this article for appeal of any Board of Adjustment decision.

SECTION 1607 HEARINGS

A. The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the board. A quasi-judicial is effective upon filing the written decision with the Clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The Clerk to the board shall certify that proper notice has been made. ~~Any variance or Special Use Permit application considered by the Board of Adjustment requires a quasi-judicial hearing. All other applications considered by the board shall be considered in the manner in which the governing regulation establishes. The board shall fix a reasonable time for hearing and give public notice as well as due notice to the parties in interest. Each quasi-judicial hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, the right to question witnesses, avoiding ex parte contact and bias and matching up evidence to findings of fact. At the hearing, any person or party may appear in person or by agent or attorney. The board shall take action on all matters within a reasonable time after the termination of the proceedings.~~

(Amd. 08-18-08; Amd. 07-26-13)

The Secretary to the Board of Adjustment ~~Planning and Inspections Staff~~ shall ensure also notify the Commanders of Fort Bragg, Pope Army Airfield ~~Air Force Base~~, and Simmons Army Airfield are notified of any application affecting the use of property located within five miles or less of the perimeter boundary of said bases in accordance with N.C. GEN. STAT. § 153A-323.

SECTION 1608. REQUIRED VOTE.

A. The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this ordinance and to decide in favor of an applicant on any matter, except relating to Special Use Permits, which the board is required to pass, including granting variances from the provisions of this ordinance. Decisions for issuance of a Special Use Permit shall be made by the majority vote of the board members present at the meeting in which the request is heard. grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this sub-section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of

the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(Amd. 02-19-08; Amd. 04-18-11)

B. A member of the board exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

SECTION 1609. REVERSAL/REVOCAION OF DECISION.

After a hearing has been held and approval granted, the Board of Adjustment may reverse or revoke any decision notice to the property owner and affected applicant if not the owner ~~without a public hearing~~ upon finding that:

- A. The approval was obtained by fraud;
- B. The use for which such approval was granted is not being executed;
- C. The use for which such approval was granted has ceased to exist or has been suspended for one calendar year or more;
- D. The permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval;
- E. The permit granted is in violation of an ordinance or statute; or
- F. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

SECTION 1610. APPEAL OF FINAL DECISION.

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to N.C. GEN. STAT. § 160A-393. A petition for review shall be filed with the Clerk of Superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision A of this sub-section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

~~Any decision of the Board of Adjustment is subject to review by the Superior Court by proceedings in the nature of certiorari. The aggrieved party shall file a "Notice of Intent to Appeal" with the Planning and Inspections Department on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof and delivery is made to every aggrieved party, whichever is later. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within of 30 calendar days after the decision of the Board is made final. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail, return receipt requested.~~
(Amd. 01-19-10; Amd. 04-18-11)

State Statute References: N.C. GEN. STAT. §153A-345.1 and §160A-388

AUTHORIZE the County Planning and Inspections' staff to REPRINT the Cumberland County Zoning Ordinance in its entirety, including all text amendments to the zoning ordinance adopted on or after June 20, 2005 and as listed below:

(See next page of zoning text amendment listing.)

Cumberland County Zoning Ordinance Book

ZONING CASE #	BRIEF DESCRIPTION OF AMENDMENT	BOC ADOPTION DATES	BOC MEETING MINUTES PAGE NUMBERS
P15-25	SOLAR FARMS	5/18/2015	pg. 12-13
P15-16	DISTILLERIES	4/20/2015	pg. 8-9
P14-38	VOCATIONAL SCHOOLS	8/18/2014	pg. 26-30
P14-17	CTOD AND BILLBOARDS	4/22/2014	pg. 12-14
P12-61	KENNEL OPERATIONS	10/15/2012	pg. 28
P12-41	MANUFACTURED HOME CLASSES	8/20/2012	pg. 12-13
			pg. 9-12 (8/20/2012)
P12-33	INTERNET CAFÉ/VIDEO GAMING	10/15/2012	pg. 17-28
P12-32	RIPARIAN BUFFER & SCREENING BUFFER	6/18/2012	pg. 27-29
P11-20	FIRING RANGE, OUTDOOR	6/17/2013	PG. 24-34
P11-10	ZONING ORDINANCE ANNUAL REVISION	4/18/2011	pg. 14-15
P09-56	ZONING ORDINANCE ANNUAL REVISION	1/19/2010	pg. 8-9
P09-20	RELIGIOUS WORSHIP ACTIVITY AND BUFFER REQUIREMENTS	6/15/2009	pg. 8
P09-05	CONVENIENCE CONTAINERS & RECYCLING FACILITY	3/16/2009	pg. 7
P08-44	KENNEL AMENDMENT	9/15/2008	pg. 7-8
P08-39	AIRPORT OVERLAY DISTRICT	9/15/2008	pg. 6-7
P08-26	SPECIAL USE PERMITS, EXPIRATIONS AND HEARINGS	8/18/2008	pg. 10
P08-05	ZONING ORDINANCE ANNUAL REVISION	2/19/2008	pg. 11
P06-80	ZONING ORDINANCE ANNUAL REVISION	11/20/2006	pg. 6
P06-33	MIXED-USE & MIXED USE BUILDING	8/21/2006	pg. 3
P06-06	R20 & R20A RESIDENTIAL DISTRICTS	2/21/2006	pg. 6-7

REQUEST
A1 TO R40/CZ FOR 8 LOT SUBDIVISION

APPLICANT/PROPERTY OWNER
VANCE TYSON (OWNER)/ TIM EVANS (AGENT)

PROPERTY ADDRESS/LOCATION
N SIDE OF THROWER RD, W OF NC HWY 87 S

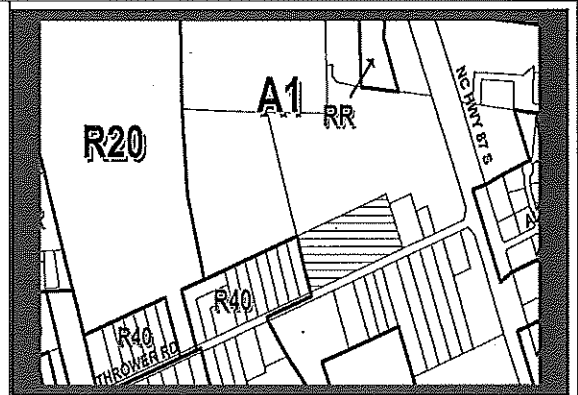
PROPERTY INFORMATION

Frontage & Location: 880'+/- on SR 2245 (Thrower Rd)
Depth: 400'+/-
Jurisdiction: County
Adjacent Property: Yes
Current Use: Vacant farmland
Initial Zoning: A1 – June 25, 1980 (Area 13)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Alderman Road Elementary: 750/667; Gray's Creek Middle: 1100/1066; Gray's Creek High: 1470/1448
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: Well/Septic
Soil Limitations: None

Notes:

1. Density
 A1 – 4 lots/units
 A1A – 8 lots/units
 R40 & R40A – 8 lots/ 9 units
2. Minimum Yard Setbacks:

<u>A1 & A1A</u>	<u>R40 & R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'
3. 60' proposed road shown between lots 8 and 9, with joint driveways serving remaining lots



SURROUNDNG LAND USE: Residential (including manufactured homes), woodland & farmland

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Rural South Central Land Use Plan: Farmland

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that while approval of the request for rezoning in Case No. P17-12 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "rural" at this location, it is in the public interest to request the developer to provide access for lots 8 and 9 off of the proposed road as well as joint driveways for the remaining lots, as supported by NCDOT. This area has seen a significant increase in single family development in recent years which makes it vitally important to reduce the amount of driveways directly off of Thrower Road. Although the request is not entirely consistent with the South Central Land Use Plan which calls for "farmland", the requested district follows the Plan's recommendation "to allow rezoning to one acre lots on tracts ten acres or less in the farmland area."

Should the developer agree with the above recommendation, the staff asks the board to further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-12 for R40 Residential/CZ Conditional Zoning for an 8 lot subdivision provided the driveway locations are adjusted based on the following:

- The district requested will allow for land uses and lot sizes that exist in the general area.

OTHER SUITABLE DISTRICTS: A1A

ATTACHMENTS:

SKETCH MAP

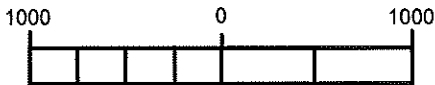
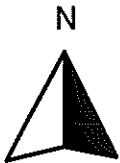
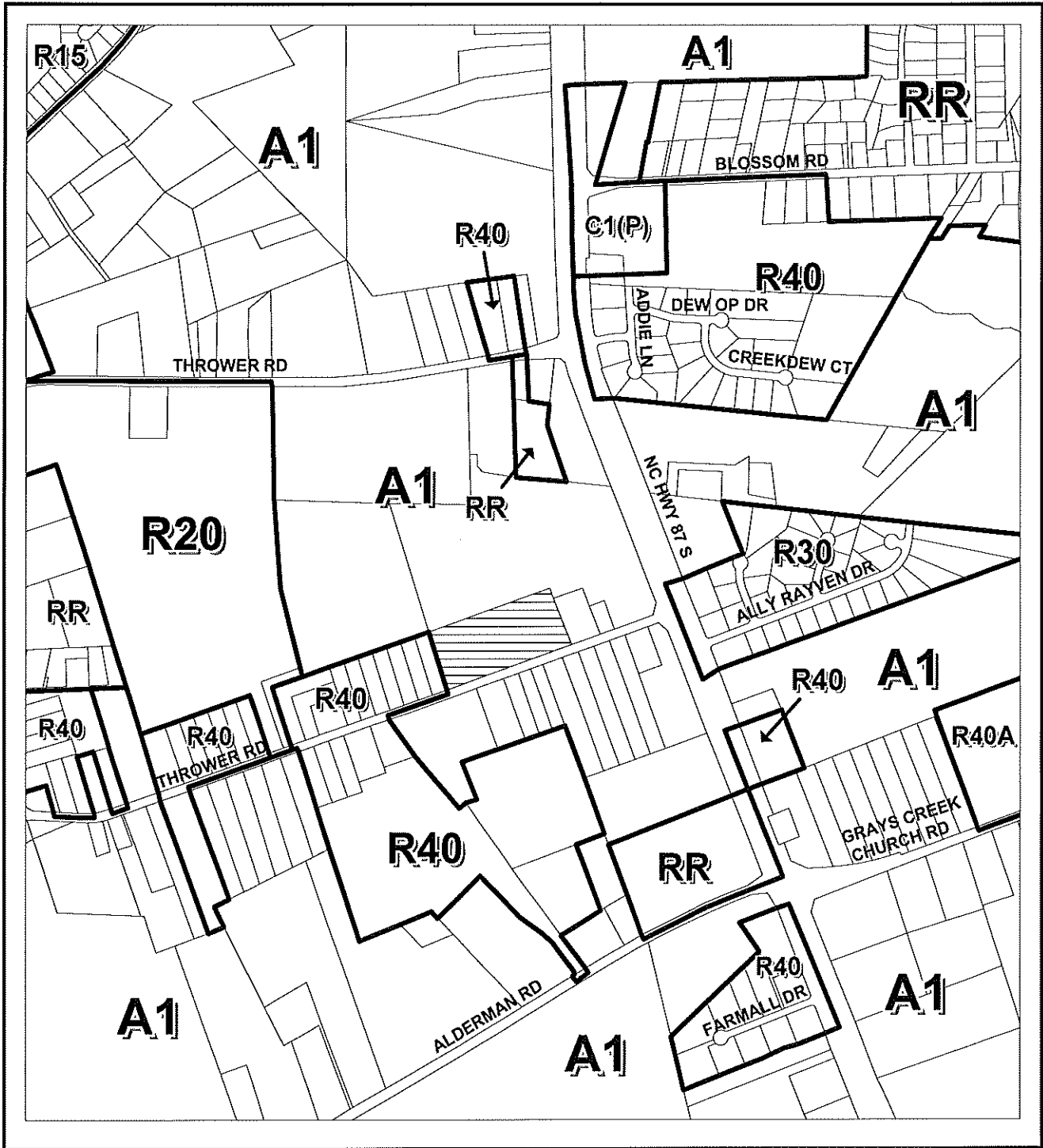
SITE PLAN

APPLICATION

ORDINANCE RELATED CONDITIONS

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



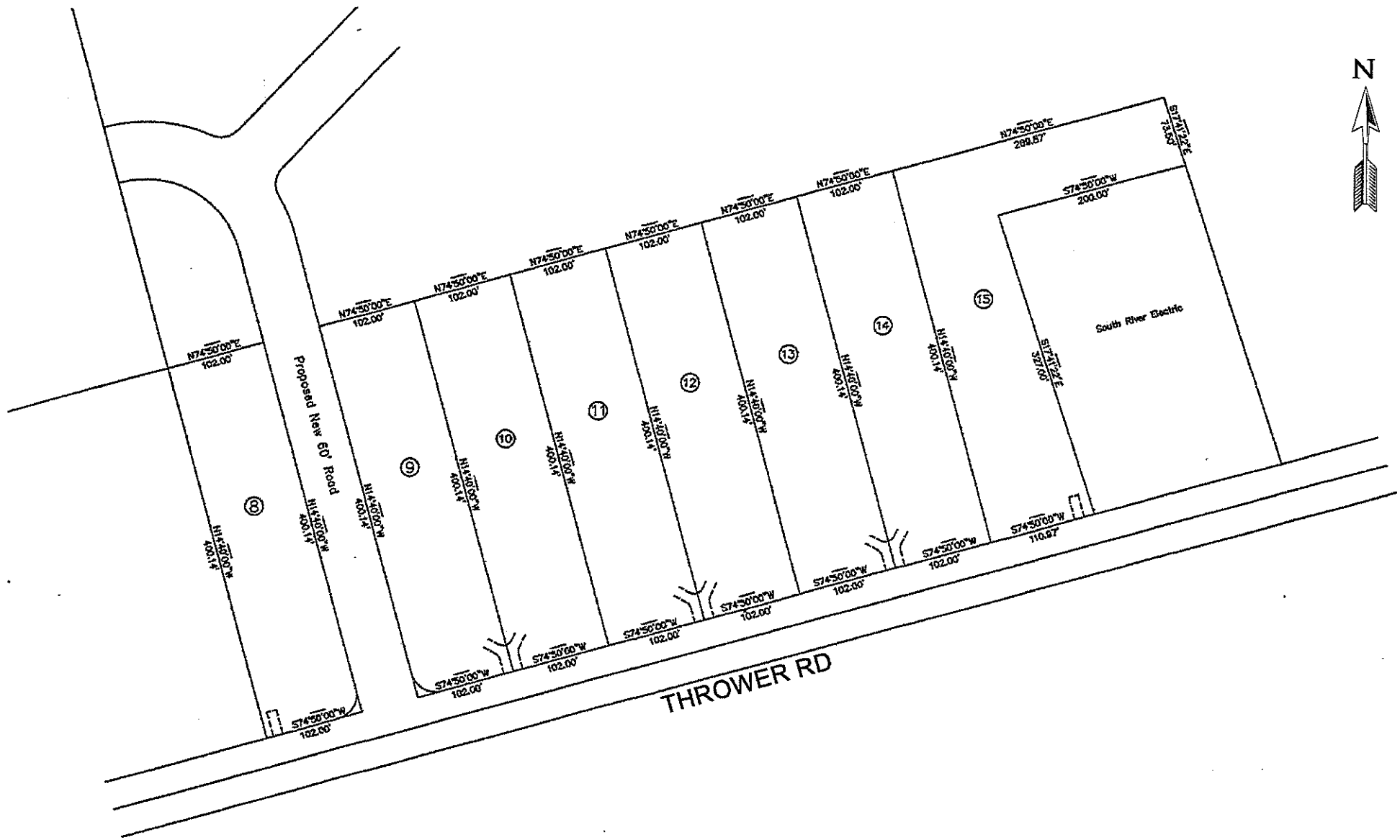
SCALE IN FEET

PORT OF PIN: 0442-20-4633

REQUESTED REZONING A1 TO R40/CZ

ACREAGE: 8.03 AC.+/-	HEARING NO: P17-12	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AM
5/2/17
5/10/17



R40 RESIDENTIAL / CZ CONDITIONAL ZONING
REQUEST: 8 LOT SUBDIVISION
CASE: P17-12 ACREAGE: 8.03 AC +/-
SCALE: NTS

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from A-1 to R-40/GZ
2. Address of Property to be Rezoned: N/A
3. Location of Property: Traverse Rd, close to Hwy 87
4. Parcel Identification Number (PIN #) of subject property: 0442-20-4633
(also known as Tax ID Number or Property Tax ID)
5. Acreage: Approx 6.0 Ch Frontage: 800^{ft} approx Depth: 400^{ft}
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10009, Page(s) 00887, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: farm
10. Proposed use(s) of the property: Single Family
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.)

4-lots (subdivision)

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

4.03

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

Setbacks ~~to~~ for R-40 dist

- B. Off-street parking and loading, Sec.1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

n/a

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

n/a

4. LANDSCAPE AND BUFFER REQUIREMENTS:

A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

n/a

B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

n/a

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

n/a

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

V Vance V. Tyson Jr.

NAME OF OWNER(S) (PRINT OR TYPE)

4925 Hwy 87 South

ADDRESS OF OWNER(S)

910-308-4057

HOME TELEPHONE #

WORK TELEPHONE #

Tim Evans / Longleaf Properties LLC

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

4239 Cameron Rd Fayetteville, NC 28306

ADDRESS OF AGENT, ATTORNEY, APPLICANT

tim@longleafproperties.com

E-MAIL

910-273-5016

HOME TELEPHONE #

WORK TELEPHONE #

V Vance V. Tyson Jr

SIGNATURE OF OWNER(S)

[Signature]

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

R40 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions
for
Eight Lot Residential Subdivision

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)

Note: There is a R20 development that is extending the Public Works Commission's (PWC) water recently approved to the northwest of the subject property. The owner of the subject property is strongly encouraged to consider contacting the PWC to ascertain the status of the previously approved development's utility installation and to consider extension and connection to the public water system for the subject property.

3. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.

8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District

Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Note: This condition does not apply to the proposed eight lots; however, prior to any future development of the parent tract of the subject property, the street must be constructed.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R40 zoning district must be complied with to include the contents of the application and site plan, as applicable.

10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.

Note: This condition applies to Lot 8 and Lot 9.

11. This conditional approval is not approval of any development entrance signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)

12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)

13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

14. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

15. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.

16. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads. Note: This condition applies to the "Proposed New 60' Road" upon construction of the road.

17. Turn lanes may be required by the NC Department of Transportation (NCDOT).

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

Plat-Related:

18. If any portion of the "Proposed New 60' Road" is to be included on the final plat, the street must reflect the approved street name. Contact Location Services for street name approval process.

19. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. . Note: This condition applies to the "Proposed New 60' Road" upon construction of the road.

20. "Thrower Road" must be labeled as "SR 2245 (Thrower Road)" on the final plat.
21. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$730.88 (\$91.36 per lot/8 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #3)
22. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
23. The developer is voluntarily restricting driveways for each individual lot. The NC Department of Transportation (NCDOT) must approve the joint driveways as well as individual driveway location. The joint driveway easements must be reflected on the final plat.
24. A 10' x 70' sight distance easement is required at the intersection of the "Proposed New 60' Road" with SR 2245 (Thrower Road) and must be reflected on the final plat.
25. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

26. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
28. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

Note: This condition applies to the construction of the "Proposed New 60' Road" only, not the conditional approval of the proposed eight lots.
29. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
30. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

31. If/Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

32. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision and Development Ordinance):

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

33. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision plat.”

34. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Note: This condition applies if the “Proposed New 60’ Road” is included on the final plat.

Other Relevant Conditions:

35. The applicant is advised to consult an expert on wetlands before proceeding with any development.
36. An internal street system most likely is required to serve any future divisions of the parent tract.
37. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
38. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
39. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.
40. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

Thank you for creating building lots in Cumberland County!

If you need clarification of any conditions, please contact Jaimie Melton at 910-678-7603 or Ed Byrne at 910-678-7609 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
Ground Water Issues:	Matt Rooney	678-7625	mrooney@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com

County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov
NCDOT (subdivision roads):	David Plummer	486-1496	rdplummer@ncdot.gov
Transportation Planning:	Michael Mandeville	678 7620	mmandeville@co.cumberland.nc.us
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov