

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

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

Vacant  
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

Stan Crumpler,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**TENTATIVE AGENDA**

October 16, 2018  
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS /WITHDRAWALS

**P18-35.** REZONING OF 21.56+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF LAZY ACRES STREET, EAST OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY JOHN LEE, FRED LEE, JR. AND JAMES LEE (OWNERS) & JAMES C. ROBINSON (AGENT). **APPLICANT REQUESTED DEFERRAL UNTIL 12/18/2018.**

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF AUGUST 21, 2017
- VII. JOINT PLANNING BOARD 2018 / 2019 DEADLINE / MEETING SCHEDULE
- VIII. PUBLIC HEARING CONSENT ITEMS

**TEXT AMENDMENT**

- A. **P18-40.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV SIGNS, SECTION 102A-1402. SIGN DEFINITIONS; SECTION 102A-1404. SIGNS PERMITTED IN ANY DISTRICT, SUB-SECTION H. TEMPORARY POLITICAL SIGNS & SUB-SECTION L. SANDWICH BOARD SIGNS; SECTION 102A-1405. GENERAL SITE AND SIGN SPECIFICATIONS, SUB-SECTION C. FREESTANDING SIGN LOCATION – ALL DISTRICTS (EXCLUDING BILLBOARDS), SUB-SECTION D. MAINTENANCE AND APPEARANCE & SUB-SECTION G. UNSAFE AND UNLAWFUL SIGNS; SECTION 102A-1406. SIGNS PERMITTED BY DISTRICT, SUB-SECTION A. RESIDENTIAL AND CONSERVANCY DISTRICTS & SUB-SECTION B. PROFESSIONAL, COMMERCIAL AND INDUSTRIAL DISTRICTS; SECTION 102A-1407. BILLBOARDS (OFF-PREMISES SIGNS), SUB-SECTION A. GENERAL PROVISIONS; AND SECTION 102A-1408. SIGNS PROHIBITED. (HOPE MILLS)

- B. **P18-41:** REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CHAPTER 42 BY REPLACING CONDITIONAL USE DISTRICT AND PERMIT WITH CONDITIONAL ZONING DISTRICT; AMENDING ARTICLE I. - IN GENERAL SEC. 42.8 DEFINITIONS. FOR *CONDITIONAL USE AND ZONING*; AMENDING ARTICLE II. - ZONING DISTRICTS SEC. 42.35 STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS. SUB-SECTIONS (11) – (14); AMENDING ARTICLE III. - PERMITTED, CONDITIONAL, AND SPECIAL USES SEC. 42-63.1 GENERAL. SUB-SECTION (A) AND (B), SEC. 42-63.2 USES BY RIGHT. SEC. 42-63.3 USE MATRIX. AND TABLE OF PERMITTED FOR THOSE LAND USES AND DISTRICTS AS RELATED TO BE ALLOWED WITHIN THE CONDITIONAL ZONING DISTRICT (CZ), SEC. 42.66 INDIVIDUAL USES. BY ADDING *DEVELOPMENT STANDARDS FOR INDIVIDUAL USES*; AMENDING ARTICLE VI. - CONDITIONAL USE DISTRICTS AND PERMITS SEC. 42-138, SEC. 42-139, SEC. 42-140 AND SEC. 42-141; AMENDING ARTICLE VIII. - LOT AND YARD REGULATIONS SEC. 42-192. – DISTRICT DIMENSIONAL PROVISIONS BY ADDING SUB-SECTIONS AND *SPECIAL DEVELOPMENTS*; AMENDING ARTICLE X. - OFF-STREET PARKING AND LOADING SEC. 42-260 SUB-SECTION (1); AMENDING ARTICLE XI. - SIGN REGULATIONS SEC. 42-293 SUB-SECTION (D); AMENDING ARTICLE XIII. - ADMINISTRATION AND ENFORCEMENT SEC. 42-362 SUB-SECTION (A), SEC. 42-367 SUB-SECTIONS (A) AND (C); CREATE NEW ARTICLE XIV. - LEGAL PROVISIONS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

#### CONDITIONAL ZONING CASE

- C. **P18-33.** REZONING OF 1.14+/- ACRES FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT, LOCATED AT 6569 ROCKFISH ROAD, SUBMITTED BY LAJOS GO CZAN (OWNER).

#### REZONING CASES

- D. **P18-34.** REZONING OF 1.28+/- ACRES FROM R6A RESIDENTIAL TO C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 940 LILLINGTON HWY; SUBMITTED BY KELLY BUCHANAN ON BEHALF OF BUCHANAN ROOFING & GUTTERING, INC. (OWNER). (SPRING LAKE)
- E. **P18-38.** INITIAL ZONING OF 2.08+/- ACRES C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF NC 59 (NORTH MAIN STREET), WEST OF SR 1115 (GOLFVIEW ROAD); SUBMITTED BY JOSEPH P. RIDDLE III ON BEHALF OF CARROLL RIDDLE, LLC (OWNER). (HOPE MILLS)
- F. **P18-39.** INITIAL ZONING OF 4.93+/- ACRES C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5435 CORPORATION DRIVE, SUBMITTED BY JERRY & JACQUELYN HALL (OWNERS). (HOPE MILLS)

#### IX. PUBLIC HEARING CONTESTED ITEMS

#### CONDITIONAL ZONING CASE

- G. **P18-36.** REZONING OF 2.68+/- ACRES FROM R6 RESIDENTIAL, O&I(P) OFFICE & INSTITUTIONAL, AND C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C1(P) PLANNED LOCAL BUSINESS DISTRICT/CZ CONDITIONAL ZONING FOR CONVENIENCE RETAIL WITH GASOLINE

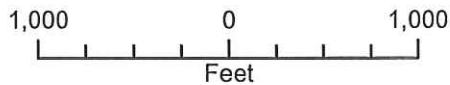
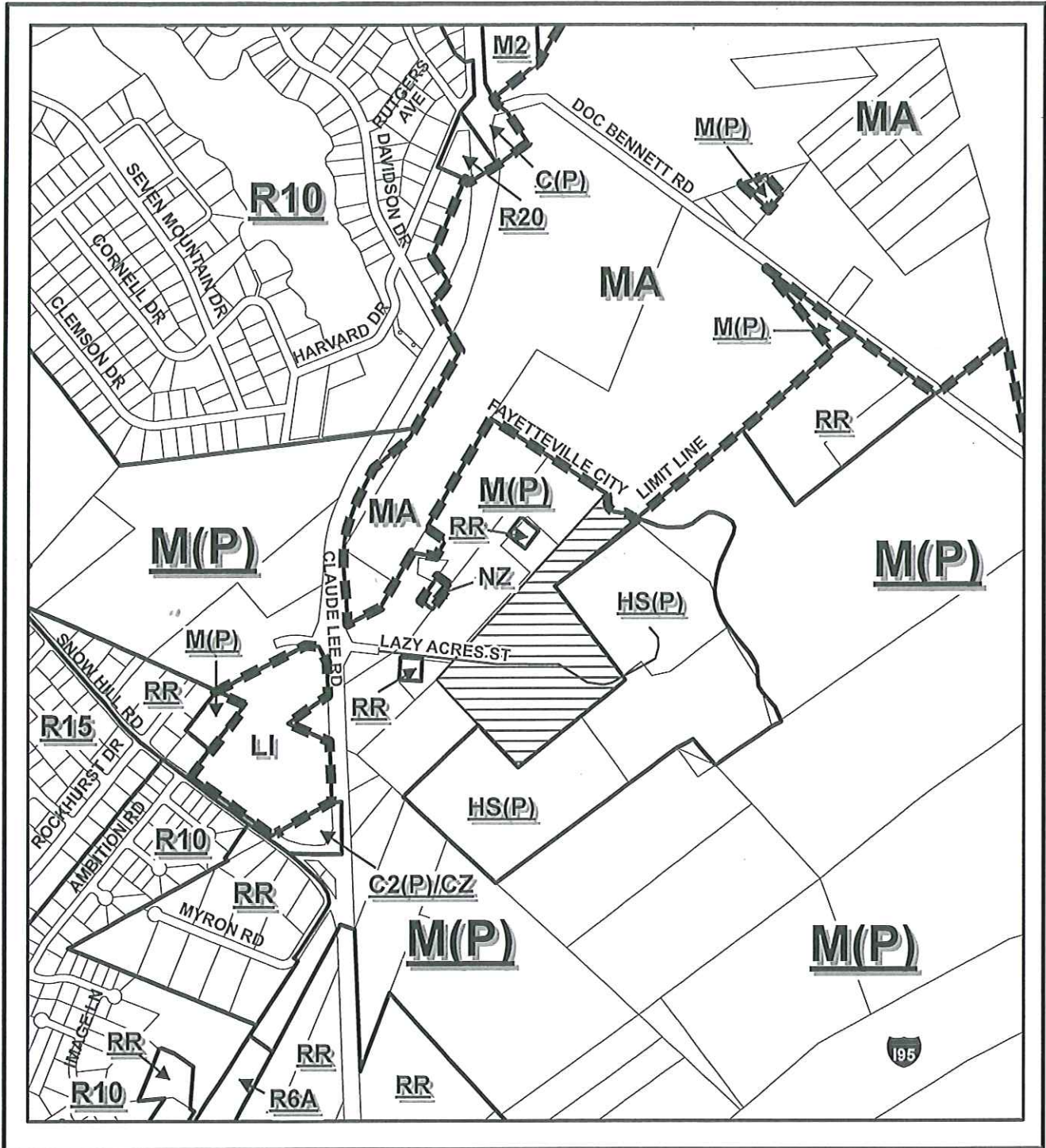
SALES & OTHER SPECIFIC REQUESTED ALLOWED USES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF SR 1112 (ROCKFISH ROAD) & BULLARD STREET, SOUTH OF NC 59 (NORTH MAIN STREET); SUBMITTED BY BARRY & MARY CLEMENTE, CARL EDWIN WEST, PAUL & PATSI D'ALPE, SOTERIA FRANGOS AND ANDY PRIOLO ON BEHALF OF CIRCLE K (OWNERS). (HOPE MILLS)

X. PUBLIC HEARING ITEM

H. EASTOVER AREA LAND USE PLAN

XI. DISCUSSION

XII. ADJOURNMENT



## REQUESTED REZONING M(P) TO C(P)

<b>ACREAGE: 21.56 AC. +/-</b>		<b>HEARING NO: P18-35</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

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

Vacant  
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

Stan Crumpler,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

October 9, 2018

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Recommendation for the October 16, 2018 Board Meeting

**P18-40.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV SIGNS, SECTION 102A-1402. SIGN DEFINITIONS; SECTION 102A-1404. SIGNS PERMITTED IN ANY DISTRICT, SUB-SECTION H. TEMPORARY POLITICAL SIGNS & SUB-SECTION L. SANDWICH BOARD SIGNS; SECTION 102A-1405. GENERAL SITE AND SIGN SPECIFICATIONS, SUB-SECTION C. FREESTANDING SIGN LOCATION – ALL DISTRICTS (EXCLUDING BILLBOARDS), SUB-SECTION D. MAINTENANCE AND APPEARANCE & SUB-SECTION G. UNSAFE AND UNLAWFUL SIGNS; SECTION 102A-1406. SIGNS PERMITTED BY DISTRICT, SUB-SECTION A. RESIDENTIAL AND CONSERVANCY DISTRICTS & SUB-SECTION B. PROFESSIONAL, COMMERCIAL AND INDUSTRIAL DISTRICTS; SECTION 102A-1407. BILLBOARDS (OFF-PREMISES SIGNS), SUB-SECTION A. GENERAL PROVISIONS; AND SECTION 102A-1408. SIGNS PROHIBITED. (HOPE MILLS)

**BACKGROUND:** Proposed major changes to Hope Mills Zoning Ordinance Article XIV:

1. Pole signs are removed from this section, limiting all new proposed freestanding signs to ground signs;
2. Ground sign height and minimum setbacks from right-of-way will now be determined by the zoning of the parcel on which the sign will be installed;
3. Sign maintenance and appearance standards are added to allow the removal of signs in disrepair or blocked from view by overgrown vegetation;
4. Maximum allowable sign area for freestanding signs is reduced in all districts;
5. Billboards will now only be allowed within 1,500 feet from the right-of-way of freeways;
6. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses are now listed under prohibited signs.

**RECOMMENDATION:** In Case P18-40, the Planning & Inspections staff recommends approval of the text amendment to the Hope Mills Zoning Ordinance finding it 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 (2014) in that one of the adopted goals and objectives of the plan strives to enhance community appearance and reduce sign clutter along major thoroughfares; and further find that approval of the amendment is reasonable and in the public interest because the amendment 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.

This proposed text amendment would not cause any changes to the Southwest Cumberland Land Use Plan map.

Attachment: P18-40 Hope Mills Text Amendment

## P18-40

**P18-40.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV SIGNS, SECTION 102A-1402. SIGN DEFINITIONS; SECTION 102A-1404. SIGNS PERMITTED IN ANY DISTRICT, SUB-SECTION H. TEMPORARY POLITICAL SIGNS & SUB-SECTION L. SANDWICH BOARD SIGNS; SECTION 102A-1405. GENERAL SITE AND SIGN SPECIFICATIONS, SUB-SECTION C. FREESTANDING SIGN LOCATION – ALL DISTRICTS (EXCLUDING BILLBOARDS), SUB-SECTION D. MAINTENANCE AND APPEARANCE & SUB-SECTION G. UNSAFE AND UNLAWFUL SIGNS; SECTION 102A-1406. SIGNS PERMITTED BY DISTRICT, SUB-SECTION A. RESIDENTIAL AND CONSERVANCY DISTRICTS & SUB-SECTION B. PROFESSIONAL, COMMERCIAL AND INDUSTRIAL DISTRICTS; SECTION 102A-1407. BILLBOARDS (OFF-PREMISES SIGNS), SUB-SECTION A. GENERAL PROVISIONS; AND SECTION 102A-1408. SIGNS PROHIBITED. (HOPE MILLS)

## 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 other-wise 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.~~

(~~m~~) *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.

(~~n~~) *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.

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

(~~p~~) *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.

(~~q~~)

(~~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.

(s) 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.

(t) *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 no sooner than 5pm on the day before the election ~~for a period not to~~

~~exceed 24 hours~~ provided the signs are located in accordance with regulations of the Board of Elections and must be removed within 24 hours of the closes of the election. Political Campaign signs at designated polling places are permitted to be erected no sooner than 5pm on the day before 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.* Sandwich board Ssigns are 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 u~~Unless otherwise allowed in *Section 102A-1407 (billboards),* ~~T~~the following table establishes the minimum setback and height requirements for ground signs provided that all other requirements of this article are complied with:

<del>Sign Height</del>	<del>Minimum Setback from RAW/ Line</del>
<del>0-5 feet</del>	<del>5 feet</del>
<del>Greater than 5 feet and up to 15 feet</del>	<del>10 feet</del>
<del>15 feet to 30 feet</del>	<del>15 feet</del>

<u>Zoning District</u>	<u>Sign Height</u>	<u>Minimum Setbacks from R/W</u>
Inst, Com, & Ind in Res & Cons	3ft	5ft
O&I(P)	4ft	5ft
C1(P)	5ft	10ft
C2(P) & C(P)	5ft	10ft
M1(P)	6ft	15ft
M(P)	6ft	15ft

~~(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. To ensure that all signs are maintained in an attractive and safe manner, the following requirements are proposed for all signs visible from any public or private street or right-of-way:

- (1) A sign shall not stand with bent or broken sign facing, with broken supports or more than 20 degrees vertical for a period not to exceed 5 consecutive days.
- (2) A sign shall not be obstructed by weeds or vegetation for more than 30 consecutive days (unless such vegetation is incorporated as a landscape element.
- (3) Disfigured, ripped, peeling, or cracked signs shall not be permitted for more than 30 consecutive days.
- (4) All signs tied to the same development (retail center/shopping center) shall be compatible with a unifying architectural theme of the buildings found on site.
- (5) Signs shall be uniform between the ground sign and wall signs.
- (6) All signs shall be constructed by a professional sign company.

(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. Once a sign has been removed by Town Staff as a result of the notification of violation of this ordinance, any additional illegal sign erected by the same business entity or person(s) shall be subject to civil penalties outlined in Section 102A-1804 of the Town of Hope Mills Zoning Ordinance.

(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 ~~400~~16 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~~8 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~~24 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 ~~400~~32 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~~50 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 ~~400~~32 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 ~~400~~50 square feet in area. Sites with more than ten occupants may have two freestanding signs, each with a maximum size of ~~400~~50 square feet in area; or one freestanding sign with a maximum size of ~~200~~75 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~~100 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed ~~400~~50 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~~100 square feet with each individual entrance sign not exceeding a maximum sign area of ~~300~~50 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed ~~100~~25 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;~~within 1,500 feet from the right-of-way of freeways.

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.

i. Any sign attached to or painted on utility poles, telephone poles, trees, parking meters, bridges, and overpasses are prohibited.

(This page intentionally left blank.)

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

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

Vacant  
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

Stan Crumpler,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

October 9, 2018

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Recommendation for the October 16, 2018 Board Meeting

**P18-41:** REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CHAPTER 42 BY REPLACING CONDITIONAL USE DISTRICT AND PERMIT WITH CONDITIONAL ZONING DISTRICT; AMENDING ARTICLE I. - IN GENERAL SEC. 42.8 DEFINITIONS. FOR *CONDITIONAL USE* AND *ZONING*; AMENDING ARTICLE II. - ZONING DISTRICTS SEC. 42.35 STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS. SUB-SECTIONS (11) – (14); AMENDING ARTICLE III. - PERMITTED, CONDITIONAL, AND SPECIAL USES SEC. 42-63.1 GENERAL. SUB-SECTION (A) AND (B), SEC. 42-63.2 USES BY RIGHT. SEC. 42-63.3 USE MATRIX. AND TABLE OF PERMITTED FOR THOSE LAND USES AND DISTRICTS AS RELATED TO BE ALLOWED WITHIN THE CONDITIONAL ZONING DISTRICT (CZ), SEC. 42.66 INDIVIDUAL USES. BY ADDING *DEVELOPMENT STANDARDS FOR INDIVIDUAL USES*; AMENDING ARTICLE VI. - CONDITIONAL USE DISTRICTS AND PERMITS SEC. 42-138, SEC. 42-139, SEC. 42-140 AND SEC. 42-141; AMENDING ARTICLE VIII. - LOT AND YARD REGULATIONS SEC. 42-192. – DISTRICT DIMENSIONAL PROVISIONS BY ADDING SUB-SECTIONS AND *SPECIAL DEVELOPMENTS*; AMENDING ARTICLE X. - OFF-STREET PARKING AND LOADING SEC. 42-260 SUB-SECTION (1); AMENDING ARTICLE XI. - SIGN REGULATIONS SEC. 42-293 SUB-SECTION (D); AMENDING ARTICLE XIII. - ADMINISTRATION AND ENFORCEMENT SEC. 42-362 SUB-SECTION (A), SEC. 42-367 SUB-SECTIONS (A) AND (C); CREATE NEW ARTICLE XIV. - LEGAL PROVISIONS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

**BACKGROUND:** Currently the town allows for Conditional Use District (CUD) and subsequent issuance of a Permit as a rezoning tool. This process is cumbersome for elected officials primarily by severely restricting elected officials interaction with their constituents regarding any application for a project submitted as a CUD. Because a hearing on a CUD application is required to be quasi-judicial, the elected officials can only consider factual relevant sworn testimony presented at the hearing on the application and ex parte communications (outside the hearing) are not allowed. A decision rendered on a CUD and Permit application is the two part motion which the Aldermen have used in the past.

The staff is proposing to convert this type of conditional rezoning process to Conditional Zoning (CZ). Conditional zoning is legislative, meaning that elected officials' consideration of a CZ application heard in the same manner as a standard rezoning application. The information in the application is virtually the same consisting of a specific zoning district requested and desired use(s) (voluntarily prohibiting all other uses allowed within the requested zoning district), along with the site plan for the proposed project and the ordinance related conditions. The staff will continue to work with the property owner/applicant prior to the hearing because CZ requires the owner(s)' agreement to conditions in the same manner as a CUD. The County Board of Commissioners adopted CZ in April 2011 for the unincorporated areas.

**RECOMMENDATION:** In Case P18-41, the Planning & Inspections staff recommends approval of the text amendment to the Spring Lake Zoning Ordinance finding it is consistent with the 2030 Growth Vision Plan (2009) stated goal and vision of "*Better, more quality-conscious development standards are applied consistently throughout the county, resulting in higher quality developments*" and the Spring Lake Area Land Use Plan (2003) goal of promoting citizen participation as an integral part of the planning process and related activities; and further find that approval of the amendment is reasonable and in the public interest because the amendment would simplify the hearing process for conditional zoning requests and will allow for consistency between the town and county's zoning regulations, easing the transition upon annexation into Spring Lake and initial zoning.

This proposed text amendment would not cause any changes to the Spring Lake Area Land Use Plan map.

Attachment: P18-41 Spring Lake Text Amendment

**P18-41  
Town of Spring Lake  
Zoning Chapter Text Amendment  
Conditional Zoning District**

REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CHAPTER 42 BY REPLACING CONDITIONAL USE DISTRICT AND PERMIT WITH CONDITIONAL ZONING DISTRICT; AMENDING ARTICLE I. - IN GENERAL SEC. 42.8 DEFINITIONS. FOR *CONDITIONAL USE AND ZONING*; AMENDING ARTICLE II. - ZONING DISTRICTS SEC. 42.35 STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS. SUB-SECTIONS (11) – (14); AMENDING ARTICLE III. - PERMITTED, CONDITIONAL, AND SPECIAL USES SEC. 42-63.1 GENERAL. SUB-SECTION (A) AND (B), SEC. 42-63.2 USES BY RIGHT. SEC. 42-63.3 USE MATRIX. AND TABLE OF PERMITTED FOR THOSE LAND USES AND DISTRICTS AS RELATED TO BE ALLOWED WITHIN THE CONDITIONAL ZONING DISTRICT (CZ), SEC. 42.66 INDIVIDUAL USES. BY ADDING *DEVELOPMENT STANDARDS FOR INDIVIDUAL USES*; AMENDING ARTICLE VI. - CONDITIONAL USE DISTRICTS AND PERMITS SEC. 42-138, SEC. 42-139, SEC. 42-140 AND SEC. 42-141; AMENDING ARTICLE VIII. - LOT AND YARD REGULATIONS SEC. 42-192. – DISTRICT DIMENSIONAL PROVISIONS BY ADDING SUB-SECTIONS AND *SPECIAL DEVELOPMENTS*; AMENDING ARTICLE X. - OFF-STREET PARKING AND LOADING SEC. 42-260 SUB-SECTION (1); AMENDING ARTICLE XI. - SIGN REGULATIONS SEC. 42-293 SUB-SECTION (D); AMENDING ARTICLE XIII. - ADMINISTRATION AND ENFORCEMENT SEC. 42-362 SUB-SECTION (A), SEC. 42-367 SUB-SECTIONS (A) AND (C); CREATE NEW ARTICLE XIV. - LEGAL PROVISIONS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

**CHAPTER 42  
ZONING**

**AMENDING ARTICLE I. - IN GENERAL SEC. 42.8 DEFINITIONS. FOR *CONDITIONAL USE AND ZONING*; as written and as indicated below:**

**ARTICLE I. – IN GENERAL**

**Sec. 42-8. - Definitions.**

*Conditional use* means a use or occupancy of a structure, or a use of land, permitted only upon the successful rezoning to a conditional zoning use district and ~~subsequent issuance of a conditional use permit and~~ made subject to the limitations and conditions specified therein.

*Zoning* means a police power measure, enacted by the board of aldermen pursuant to G.S. 160A-381, in which the town is divided into districts or zones within which permitted, conditional and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

**AMENDING ARTICLE II. - ZONING DISTRICTS SEC. 42.35 STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS. SUB-SECTIONS (11) – (14); as written and as indicated below:**



## ARTICLE II. – ZONING DISTRICTS

### Sec. 42-35. - Statement of district intent; purpose and zone characteristics.

- (11) *Companion District/Conditional Zoning Use District (CD/CZCUD)*. Each zoning district ordained by this chapter includes a companion conditional zoning use district (e.g., R15 has R15/CZCUD) where no uses are permitted by right. This district is designed for the development and use of the property subject to predetermined ordinance standards and rules imposed as part of the legislative decision creating the district and applying it to the particular property. ~~All uses in the companion conditional use districts also require a conditional use permit.~~ (See section 42-138.)
- (12) *Mixed Use Development/Conditional Zoning Use District (MXD/CZCUD)*. The purpose of this district is to encourage innovative development on a conditional zoning use basis by providing use flexibility while maintaining quality design standards tempered with proper controls regarding buffering, landscaping, open space designation, density and other ordinance site specific or relevant conditions. (See section 42-139.)
- (13) *Planned Neighborhood Development/Conditional Zoning Use District (PND/CZCUD)*. A district designed for the planned development of various residential densities concurrent with neighborhood-oriented uses in a single project. (See section 42-140.)
- (14) *Density Development/Conditional Zoning Use District (DD/CZCUD)*. The purpose of this district is to promote and encourage the preservation of open space within the town through permanent restriction of development on a percentage of a tract, buffering, and clustering of lots, while at the same time providing for the residential development of land. (See section 42-141.)

AMENDING ARTICLE III. - PERMITTED, CONDITIONAL, AND SPECIAL USES SEC. 42-63.1 GENERAL. SUBSECTION (A) AND (B), SEC. 42-63.2 USES BY RIGHT. SEC. 42-63.3 USE MATRIX. AND TABLE OF PERMITTED FOR THOSE LAND USES AND DISTRICTS AS RELATED TO BE ALLOWED WITHIN THE CONDITIONAL ZONING DISTRICT (CZ), SEC. 42.66 INDIVIDUAL USES. BY ADDING *DEVELOPMENT STANDARDS FOR INDIVIDUAL USES*; as written and as indicated below:

## ARTICLE III. – PERMITTED, CONDITIONAL AND SPECIAL USES

### Sec. 42-63.1. - General.

- (a) Within the various zoning districts, as established in section 42-35, and subject to the requirements of this chapter, no land, building, or structure shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any use other than the uses allowed by the various districts established herein. The use regulations for the various districts are intended to be permissive in nature. Some land uses may be allowed through conditional zoning use district ~~and permit or~~ by issuance of a special use only upon findings that certain conditions exist or should be applied, and is requested and agreed to by the property owner. The

establishment of these uses shall be allowed only after review through appropriate measures and approval of plans.

- (b) Permitted uses in the various districts are indicated in the appropriate column of the following matrix. Special uses, with board of adjustment approval and issuance of the permit, and some conditional ~~zoning use~~ districts, after board of aldermen approval and issuance of the permit, are also indicated in the matrix. All proposed non-residential uses, including changes in an existing use, require site plan review and approval by the board of aldermen and shall be in compliance with the standards of this ordinance and the town's subdivision regulations.

**Sec. 42-63.2. - Uses by right.**

All uses of property are allowed as a ~~uses~~ use by right shall be prohibited except those uses of by right except those uses of this ordinance specifies are permitted only with a special use permit or in a conditional zoning district. In the event, a use of property is proposed that is not addressed by the terms of this ordinance, the minimum ordinance standards for the use addressed by this ordinance that is most closely related to the land use impacts of the proposed use shall apply. In addition, the town manager may initiate a text amendment addressing such proposed use, provided that the drafting and adoption of said amendment will not cause delay in the permitting of the proposed use.

**Sec. 42-63.3. - Use matrix.**

The matrix on the following pages indicates uses permitted of right, with a ~~and~~ special uses-use permit as well as ~~and~~ some uses allowed only in a conditional zoning-use district.

Sec. 42-63.3 Use Matrix.

Spring Lake Zoning

P = Permitted use (Site plan approval by Board of Aldermen — Non-public hearing)

Z€ = Conditional **use zoning** district & ~~permit~~ (Approval by Board of Aldermen — Public hearing)

S = Special use permit (Approval by Board of Adjustment — Public hearing)

Land Uses	Zoning Classification													
	CD	RR	R-15 R-6	R-10	R-5 5A	R-6A	O & I	C-1	CB	HS(P)	C(P) 3	C-1	M-1	M(P) M-2
Day care facility	S	S	S		S	P	P	P	P	P	P		p <sup>3</sup>	p <sup>3</sup>
Quarry operations	Z€													Z€
Recreation or amusement enterprise outdoor (conducted outside a building & for profit, not otherwise listed & not regulated)	Z€	P	Z€		Z€	Z€	Z€	Z€	P	Z€	P		P	
Recreation/amusement public/private (not operated as a business for profit including but not limited to playgrounds, neighborhood center buildings, parks, museums, swimming pools & not otherwise listed)	Z€	Z€	Z€		Z€	Z€	Z€	Z€	P	Z€	Z€		Z€	Z€
School, private (not otherwise listed)							S	S	P	P	P			

**Sec. 42-66. - Individual uses.**

Development standards for individual uses. The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site-plan review and approval accordance with Article VII unless the use specifically requires approval of a special use permit or conditional zoning district. Those uses requiring approval as a special use permit (Article IV) or a conditional zoning district (Article VI) shall also be subject to these standards and any additional standards or conditions required by the approval.

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

- (a) All parking and loading areas shall comply with the minimum provisions established in this ordinance, Article X, Off-Street Parking and Loading;
- (b) Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 16, Town of Spring Lake Code of Ordinances, Article III, entitled: "Noise";
- (c) When any non-residential use is adjacent to property zoned for residential, a buffer shall be provided in accordance with Sec. 42-228;
- (d) Unless otherwise specified within these individual sections, all signage shall be in compliance with this ordinance (Article XI, Sign Regulations) for the specific district in which the subject property is located;
- (e) All new non-residential development shall comply with the landscaping provisions of Article XI; and
- (f) Compliance with all applicable Federal, State, and local regulations, including the town's subdivision ordinance, is mandatory.

**AMENDING ARTICLE VI. - CONDITIONAL USE DISTRICTS AND PERMITS SEC. 42-138, SEC. 42-139, SEC. 42-140 AND SEC. 42-141; as written and as indicated below:**

**ARTICLE VI. – COMPANION DISTRICTS - CONDITIONAL ~~USE ZONING~~ DISTRICTS ~~AND PERMITS~~**

**Sec. 42-138. - Companion District/~~Conditional Use Zoning~~ District.**

- (a) *Generally.* The conditional ~~use~~ zoning districts set forth herein are authorized by G.S. 160A-381, and are intended to modify the use to which the general zoning district is restricted. Generally, an applicant, by seeking to rezone property to a conditional ~~use~~ zoning district, will propose to restrict

P18-41 Conditional Zoning  
Spring Lake Zoning Text Amendment  
September 27, 2018

or eliminate permitted, conditional or special uses. Requests for conditional ~~use~~ zoning district rezoning shall be processed administratively in the same manner as for amendments to this chapter as established in section 42-363.

- (1) Conditional ~~use~~ zoning districts are floating districts that parallel general zoning districts. Conditional ~~use~~ zoning districts are identical to their corresponding general zoning districts in all respects except that a ~~conditional-use~~ permit is required as a prerequisite to any use (permitted, conditional or special) or development within them.
  - (2) Companion conditional ~~use~~ zoning districts are provided as a voluntary alternative method of petitioning the board of aldermen for a zoning map or classification change. The owner may submit conditions that restrict the uses that would otherwise be allowed in the zoning district and only those uses specifically requested in the application shall be considered.
- (b) *Restrictions on filing of applications.* A request for a conditional ~~use~~ zoning district rezoning shall be initiated only by an application [petition] signed by all current record owners of the property.
- (c) *Content of applications and conditions.* ~~A properly submitted application for a conditional use district incorporates a petition for rezoning and an application for a conditional use permit, which may be combined in one application.~~ The conditional ~~use~~ zoning district application shall provide the minimum information requirements set forth below; however, additional information may be required by the county planning staff, town staff, planning board or the board of aldermen, when requested, ~~and~~ if any of the aforementioned deem it necessary in order to be able to make a recommendation on, or decision regarding, ~~the application~~ a required finding. Such requests may include a requirement for a more detailed site plan, or one modified in accordance with additional or ~~revised~~ modified conditions and other performance criteria.
- (5) *Miscellaneous provisions.* The application ~~for a conditional use permit~~ may also set forth other conditions and performance criteria, such as days and hours of operation, numbers of employees, exterior lighting, and noise, odor and smoke emission controls or other environmental conditions, which might be proposed to make the use of the property compatible with surrounding areas and uses allowed therein.
  - (6) *Site plan requirement.* The application shall include a site plan drawn to the specifications of section 42-167. If the proposed uses involve development subject to chapter 36, the ~~required~~ required 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 chapter 36, the site plan shall be of sufficient detail to allow the county planning staff, town staff, the planning board, and the board of aldermen to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings to be placed on the site, the proposed number of stories, and the location and number of off-street parking and loading spaces. The site plan shall show proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers, landscaping and fences shall be included on the site plan.

- (d) *Action by the planning board.* The planning board may hold a public hearing during which the applicant may voluntarily make modifications to ~~the conditional use permit~~ request. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of alderman that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of alderman. ~~The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, avoiding ex parte contact and bias, and basing findings of fact on evidence in the record. Board members shall disclose on the record at the public hearing any site visit they may have made to the affected property or any incidental ex parte contact they may have had with an affected party.~~ The planning board shall review the request for a conditional zoning use district ~~and conditional use permit~~ rezoning and make a recommendation to the board of aldermen. When favorably recommending approval of the conditional zoning use district, the planning board shall issue a statement addressing the reasonableness of the proposed rezoning, in addition to addressing the request's consistency with the current land use plan. ~~In recommending the conditional use permit, the planning board shall find that:~~
- ~~(1) The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;~~
  - ~~(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 in general conformity with the town's most recent land use plan and adopted planning policies.~~
- (e) *Action by the board of aldermen.* The board of aldermen shall hold a public hearing to consider the conditional zoning use district rezoning and ~~conditional use permit~~. ~~The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, avoiding ex parte contact and bias, and basing findings of fact on evidence in the record. Board members shall disclose on the record at the public hearing any site visit they may have made to the affected property or any incidental ex parte contact they may have had with an affected party.~~ ~~The Board of Aldermen~~ shall review the application, recommendations from the planning board, suggested conditions, and other information presented at the public hearing. When adopting or rejecting any rezoning application, the board of alderman shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan for the area in which the subject property is located and any other officially adopted plan that is responsible and in the public interest. ~~If the Board of Aldermen approves the rezoning application, a statement analyzing the reasonableness of the proposed rezoning along with addressing the consistency of the request with the current land use plan shall be made a part of the record. Only upon approval of the conditional use district shall the Board of Aldermen consider approval of the conditional use permit.~~
- In approving the application, the board of aldermen, with the mutual agreement of the property owner(s), ~~by separate motion, shall approve the conditional use permit and~~ may attach such reasonable conditions as are as needed (1) to address the conformance of the development and use

of the site to Town ordinances and any officially adopted comprehensive or other plan for the area in which the subject property is located and (2) to address the impacts reasonably expected to be generated by the development or use of the site ~~requirements in addition to those specified in the planning board's recommendation, and shall find that the application meets the findings listed in subsections (d)(1) through (4) of this section. All conditions shall be stated in the permit and no condition shall be less restrictive than the standards of the parallel general use district.~~

The record shall reflect that the property owner(s) ~~applicant~~ voluntarily agrees to all conditions proposed ~~for approval of the conditional use permit.~~

- (f) *Modification to approved conditional zoning use districts ~~and permits~~.* All modifications, including changes in use and/or increase in density, to approved conditional zoning use districts ~~and permits~~, other than those listed below, shall be reviewed in the same manner as a new project. The following minor modifications to the approved conditional zoning use district permit may be approved by the town staff and the county planning staff ~~without~~ with the agreement of the town staff without requiring resubmission reconsideration by ~~to~~ the board of aldermen, provided no variance is required, the use does not change, and the intent and layout of the approved plan is generally followed, density is not increased, conditions of approval are not violated, and such changes do not cause a significant adverse impact:
- (g) *Time limit.* Once the conditional zoning use district rezoning ~~and conditional use permit are~~ is approved, all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved application permit and conditions. Since the intent of this type of district is to provide for workable alternative uses of property, it is intended that land will be zoned in accordance with firm plans to develop. Therefore, at the end of two years from the date of approval, the town board of aldermen or the planning board may examine progress made to determine if active efforts are proceeding. If the town board of aldermen determines that active efforts to develop are not proceeding, the board may institute proceedings to rezone the property to the ~~its~~ previous zoning classification.
- (h) *Failure to comply. Conditional Zoning Districts.* If for any reason any condition imposed as a part of conditional zoning district pursuant to this section is found to be illegal or invalid, or if the applicant should fail to accept any condition, the rezoning to a authorization of such conditional zoning district use permit shall be null and void and ~~of no effect, and~~ the zoning of the property at issue shall automatically remain in, or revert to, its previous zoning classification.

Compliance with all conditions of a conditional zoning district use permit is an essential element of the conditional zoning district's use permit's continuing continued validity and effectiveness. The town may use any all measures authorized by this section of the ordinance to enforce the conditions of a conditional zoning district. Moreover, if the property owner(s) fail to comply with all conditions of an approved ~~If the town's director of planning determines that a developer has failed to comply with a condition of an approved conditional use permit,~~ zoning district the town, in its discretion, may rezone the property to its prior zoning district in accordance with the requirements of this ordinance. ~~the director shall so notify the developer or the developer's successor in interest in writing and shall place the matter on the Board of Aldermen's agenda, after consideration by the planning board and upon issuance of its recommendation, for the Board of Aldermen's hearing and~~

~~decision whether or not to revoke the conditional use permit. Such hearing shall be on reasonable written notice to the developer or the developer's successor in interest and shall be a quasi-judicial proceeding according to quasi-judicial procedures. The decision of the Board of Aldermen shall be a final decision, and a decision to revoke the conditional use permit may be appealed to the superior court of the county within 30 days after the developer or the developer's successor in interest has been served with written notice of the Board of Aldermen's decision. Service by personal delivery or certified mail, return receipt requested, of a certified copy of the Board of Aldermen's approved minutes for its meeting at which such decision is made, shall constitute written notice and service of the Board of Aldermen's decision hereunder.~~

Conditional Use Permits. If for any reason any condition imposed pursuant to a conditional use permit is found to be illegal or invalid, or if the applicant should fail to accept any condition, the authorization of such conditional permit shall be null and void and of no effect, and the property shall remain in, or revert to, its previous zoning classification.

Compliance with all conditions of a conditional use permit is an essential element of the conditional use permits continued validity and effectiveness. If the County Planning Director or the Town Manager determines that a developer has failed to comply with a condition of an approved conditional use permit the Director and/or Manager shall so notify the developer or the developer's successor in interest in writing and shall place the matter on the board of alderman agenda, after consideration by the planning board and upon issuance of its recommendation, for the board of alderman hearing the decision whether or not to revoke the conditional use permit. Such hearing shall be on reasonable written notice to the proceeding according to quasi-judicial procedures. The decision of the board of alderman shall be a final decision, and a decision to revoke the conditional use permit may be appealed to the Superior Court of Cumberland County within 30 days after the developer or the developer's successor in interest has been served with written notice of the board of alderman's decision. Service by personal delivery or certified mail, return receipt requested, of a certified copy of the board of alderman's approved minutes for its meeting at which such decision is made, shall constitute written notice and service of the board of alderman's decision hereunder.

- (i) *Validation of existing conditional use ~~overlays~~ overlay and conditional use districts and permits.* Nothing in this ~~ordinance chapter~~ shall be interpreted to affect or impair any rights accrued pursuant to any conditional use overlay district and permit, under the town zoning code of January 10, 1972, and subsequent amendments, to said ordinance, prior to the effective date of this amendment of this ordinance. In addition, nothing in the ordinance shall be interpreted to affect or impair any rights accrued pursuant to a conditional use district and permit approved prior to {insert amendment approval date.} All valid and legally approved conditional use overlay districts, or conditional use districts and the permits shall continue to be valid, provided that terms of the permit are not substantially or materially altered or expanded in any manner, that all conditions and requirements of the permit are and continue to be complied with, and that the use does not cease for a period of one calendar year. Failure to comply with the conditions of the permit for the conditional use overlays or conditional use district will subject the property owner(s) and/or developer ~~current-owner~~ to possible revocation and reversion pursuant to subsection (h) of this section.

**Sec. 42-139. - Mixed Use Development-Conditional Zoning Use District.**

P18-41 Conditional Zoning  
Spring Lake Zoning Text Amendment  
September 27, 2018



(a) *Generally.* This zoning district incorporates the provisions of section 42-138, Companion District/Conditional Zoning Use District, in its entirety. In addition, the restrictions and requirements set forth below shall be considered minimum standards and must be adhered to or exceeded.

(3) *Development standards.*

b. Half of the proposed residential development, excluding vertical mixed use, shall have been issued a certificate of occupancy or a guarantee have been posted in the form of a bond or irrevocable letter of credit and approved by the town attorney, with the estimated cost of construction being approved by the town engineer, in the same manner as required by the chapter 36 for guarantee of improvements (section 36-32), prior to the completion of the approved commercial portion of the plan. In the event the developer fails to complete the residential portion of the development, the funds from the guarantee shall be used toward recouping any legal cost associated with enforcement of the conditions of approval ~~permit~~ and toward construction of any improvement within the development reasonably necessary to provide for the safety, health, and welfare of the public.

**Sec. 42-140. - Planned Neighborhood Development/Conditional Zoning Use District.**

(b) *Submission of preliminary sketch; restrictions, standards for rezoning of conditional zoning use district.* The developer is strongly encouraged to submit a preliminary sketch of the proposed planned neighborhood development (PND) plan and to work closely with the town staff and the county planning staff prior to submission of any application and site plan for rezoning to this conditional zoning use district. This zoning district incorporates the provisions of section 42-138, Companion District/Conditional Zoning Use District, in its entirety. In addition, the restrictions and standards set forth below shall be considered minimum standards for the conditional zoning use permit ~~district~~ and must be satisfied or surpassed.

**Sec. 42-141. - Density Development-Conditional Zoning Use District.**

(a) *Purpose.* Density Development/Conditional Zoning Use Districts are intended to promote and encourage the preservation of open space within the town while at the same time providing for the residential development of land.

(b) *Submission of proposed development sketch; restrictions, standards for conditional zoning use permit.* The developer is strongly encouraged to submit a preliminary sketch of the proposed development and to work closely with the town staff and the county planning staff prior to submission of any application and site plan for rezoning to this conditional zoning use district. This zoning district incorporates the provisions of section 42-138, Companion District/Conditional Zoning Use District, in its entirety. In addition, the restrictions and standards set forth below shall be considered minimum standards for the conditional zoning use-permit ~~district~~ and must be satisfied or surpassed.

**AMENDING ARTICLE VIII. - LOT AND YARD REGULATIONS SEC. 42-192. – DISTRICT DIMENSIONAL PROVISIONS BY ADDING SUB-SECTIONS AND *SPECIAL DEVELOPMENTS*; as written and as indicated below:**

(a) *Special Developments.* Special developments governed elsewhere in this ordinance and those governed by the town’s subdivision ordinance may be exempt from the lot and yard requirements of this article, provided development conforms with the special provisions of this ordinance and the town’s subdivision ordinance and the overall dwelling unit density is maintained for the district in which it is located except where specifically exempted elsewhere. This section shall include, but not be limited to Article VI, Section 42-139 Mixed Use Development Conditional Zoning Districts and Article VI, Section 42-141 Density Development Conditional Zoning Districts, contained within this ordinance, and zero lot line developments, unit ownership developments (condominiums and townhouses), and manufactured home parks, which are regulated in the town’s subdivision ordinance.

(b) Except for the special provisions set forth in sections 42-190 and 42-191 and chapter 36, the district dimensional regulations set forth in the tables on the next two pages shall be met.

**AMENDING ARTICLE X. - OFF-STREET PARKING AND LOADING SEC. 42-260 SUB-SECTION (1); as written and as indicated below:**

**ARTICLE X. - OFF-STREET PARKING AND LOADING**

**Sec. 42-260. - Provisions for off-street parking and loading.**

(1) *Plan approval.* Each application for a zoning permit, conditional ~~zoning use-permit-district~~, special use permit, or site plan approval shall include information as to the location and dimensions of off-street parking and loading spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the code enforcement officer to determine whether or not the requirements of this article are met.

**AMENDING ARTICLE XI. - SIGN REGULATIONS SEC. 42-293 SUB-SECTION (D); as written and as indicated below:**

**ARTICLE XI. - SIGN REGULATIONS**

**Sec. 42-293. - Signs permitted by districts.**

d. *Institutional, commercial and industrial signs located in rural residential, mixed use or planned neighborhood development and conservancy districts.* Any institutional, commercial or industrial use, which is a permitted or special use or an approved use ~~allowed in a through~~ conditional zoning ~~district~~ in a rural residential, residential or conservancy district may erect and maintain signs as follows:

**AMENDING ARTICLE XIII. - ADMINISTRATION AND ENFORCEMENT SEC. 42-362 SUB-SECTION (A), SEC. 42-367 SUB-SECTIONS (A) AND (C); as written and as indicated below:**

P18-41 Conditional Zoning  
Spring Lake Zoning Text Amendment  
September 27, 2018

## ARTICLE XIII. - ADMINISTRATION AND ENFORCEMENT

### Sec. 42-362. - Fees.

- (a) Each applicant for rezoning either a general or conditional ~~zoning use~~ district, appeals from administrative decisions, variances or special use permits shall pay a nonrefundable fee in accordance with fee schedule recommended by the planning board and adopted by the board of aldermen. This fee shall be waived for cases initiated and requested by the board of aldermen. The fees are in accordance with the Cumberland County Joint Planning Board's fee schedule.

### Sec. 42-367. - Hearings.

- (a) Any case involving an appeal, variance, or a ~~special conditional~~ use permit requires a public hearing to be held by the board of adjustment, and any case involving a change of zoning district classification and other ordinance changes requires a public hearing to be held by the board of aldermen.
- (c) After a public hearing has been held and approval granted for a ~~special conditional-use~~ permit or variance, the board of adjustment may reverse any decision without a public hearing upon finding:
- (1) That the approval was obtained by fraud.
  - (2) That the use for which such approval was granted is not being executed.
  - (3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.
  - (4) That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval or in violation of any ordinance or statute.
  - (5) That the use for which such approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

## CREATE NEW ARTICLE XIV. - LEGAL PROVISIONS; as written and as indicated below:

### ARTICLE XIV. – LEGAL PROVISIONS

#### Sec. 42-372. Vested rights.

*Establishment zoning vested right.* The establishment of a zoning vested right shall not preclude the application of conditions in a conditional zoning district that imposes additional requirements attached to the permit but does not affect the allowable type of intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this article.

CASE NUMBER: P18-33

PLANNING BOARD HEARING DATE:  
10/16/2018

REQUEST  
RR to C1(P)/CZ for all allowed uses in  
C1(P)

ACREAGE: 1.14+/-

PROPERTY OWNER/APPLICANT  
LAJOS GOCZAN (OWNER)

PROPERTY ADDRESS/LOCATION  
6569 Rockfish Road

Jurisdiction: County

**PROPERTY INFORMATION**

Frontage & Location: 217'+/- on SR 1003 (Camden Road); 214'+/- on SR 1112 (Rockfish Road)

Depth: 250'+/-

Municipal Influence Area: Hope Mills

Adjacent Property: None

Current Use: Residential

Initial Zoning: RR – February 6, 1976 (Area 5)

Nonconformities: None

Zoning Violation(s): None

School Capacity/Enrolled: Stoney Point Elementary: 900/917; John Griffin

Middle: 1274/1008; Jack Britt High: 1870/1965

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

Subdivision/Site Plan: See Ordinance Related Conditions

Average Daily Traffic County (2016): 9,600 on SR 1003 (Camden Road); 13,000 on SR 1112 (Rockfish Road)

Highway Plan: Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. There are two projects planned in the area, with Rockfish Road improvements planned in the State Transportation Improvement Plan as U-5857, a widening of Rockfish, with Right-of-Way acquisition beginning in Fiscal Year 2020. The second project is a Feasibility Study on intersection improvements for the Camden and Rockfish intersection.

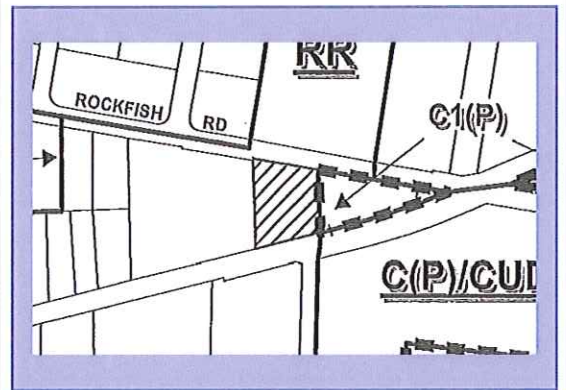
**Notes:**

1. **Density**  
RR- 2 lots/units

2. **Minimum Yard Setbacks:**

	RR	C1(P)
Front yard:	30'	45'
Side yard:	15'	15'
Rear yard:	35'	20'

3. The owner has agreed to all ordinance related conditions.



**SURROUNDING LAND USE:** Residential (including multi-family dwellings), religious worship facility (2), vacant commercial structure, day care facility, retailing & servicing, mini-warehousing with motor vehicle storage

**COMPREHENSIVE PLANS:**

**2030 Growth Vision Plan:** Urban  
**Southwest Cumberland Land Use Plan (2013):** Heavy Commercial

**STAFF RECOMMENDATION**

APPROVAL

**APPROVAL WITH CONDITIONS**

DENIAL

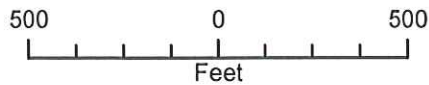
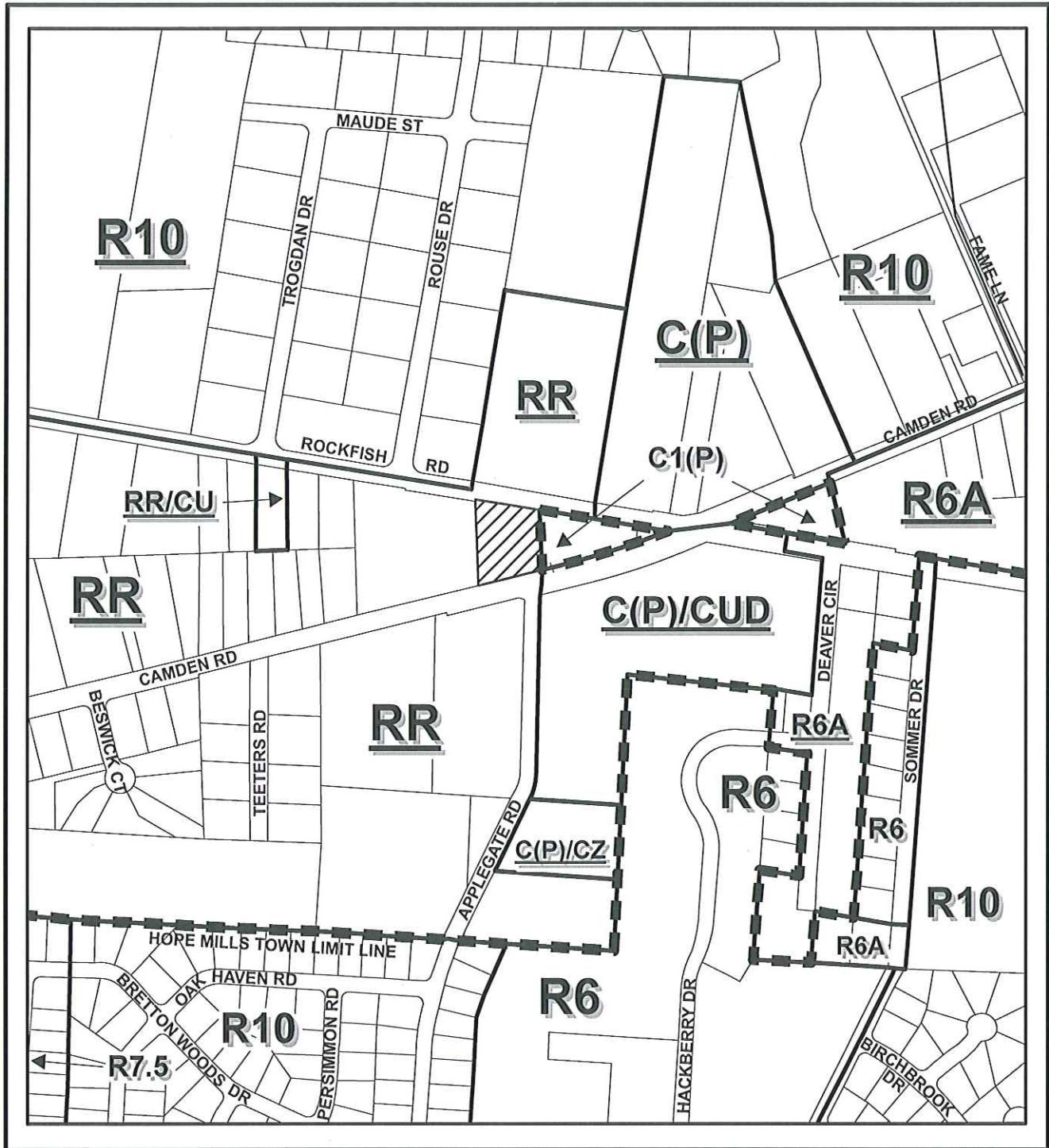
In Case P18-33, the Planning & Inspections Staff recommends approval of the rezoning from RR Rural Residential to C1(P) Planned Local Business District/CZ Conditional Zoning for all allowed uses in the C1(P) District and find it is consistent with the text of the Southwest Cumberland Land Use Plan (2013) which recommends strip commercial along Camden Road and is consistent with the location criteria for light commercial in the Land Use Policies Plan (2009); and further find that approval of C1(P)/CZ district is reasonable and in the public interest because the district recommended will restrict the allowable uses to those that would be in harmony with the existing commercial uses in the area without allowing the heavy commercial that would not be compatible with the remaining residentially zoned properties.

**OTHER SUITABLE DISTRICTS:** None

**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.

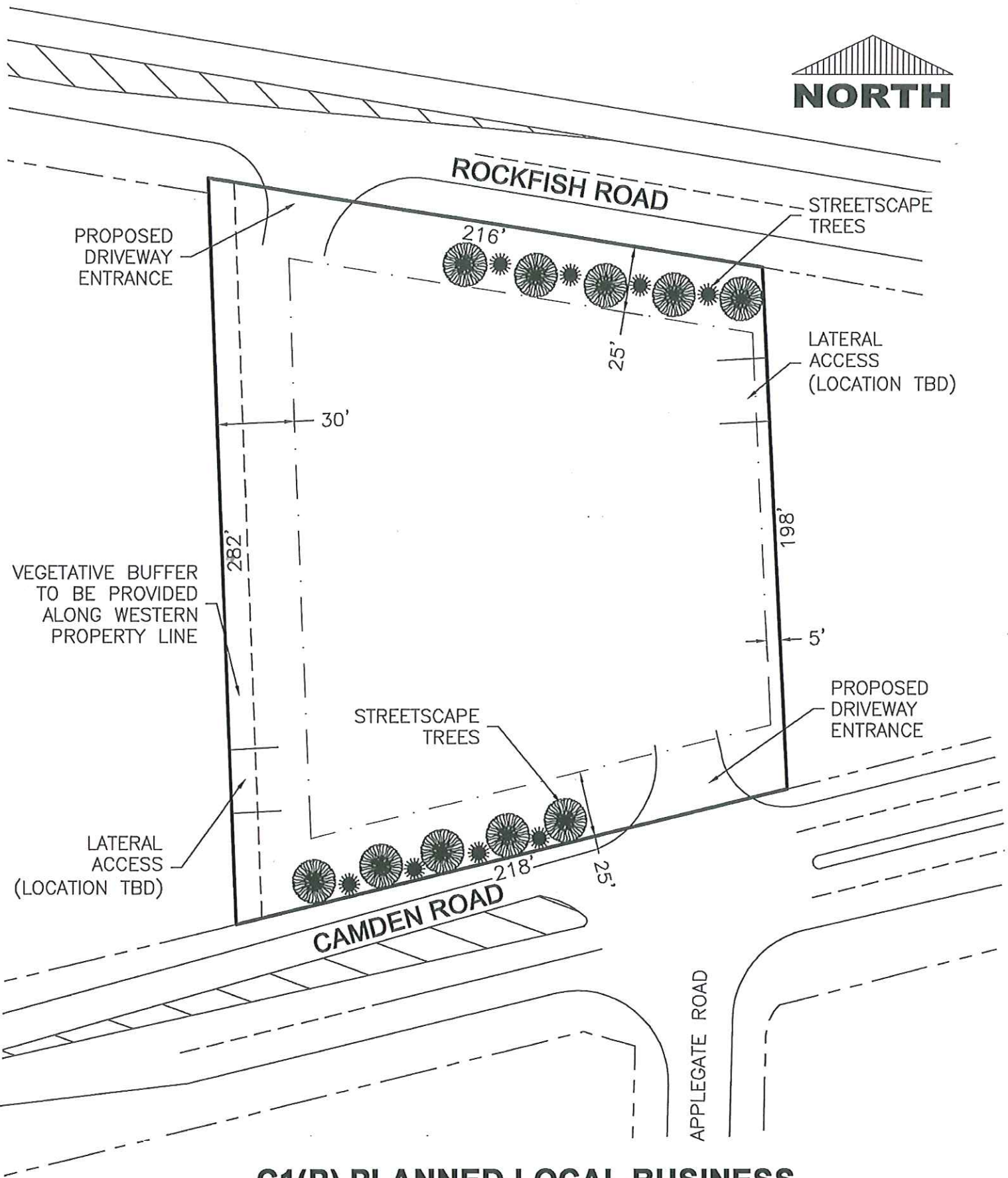


PIN: 0404-36-5633

## REQUESTED REZONING RR TO C1(P)/CZ

ACREAGE: 1.14 AC. +/-	HEARING NO: P18-33
ORDINANCE: COUNTY	
STAFF RECOMMENDATION	
PLANNING BOARD	
GOVERNING BOARD	

AKJ  
9/6/18



**C1(P) PLANNED LOCAL BUSINESS DISTRICT/ CZ CONDITIONAL ZONING**  
**REQUEST: FOR ALL ALLOWED USES IN C1(P)**  
**CASE: P18-33 ACREAGE: 1.14 AC +/-**  
**ZONED: RR 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 RR to C2(P)
2. Address of Property to be Rezoned: 6569 Rockfish Rd.
3. Location of Property: 6569 Rockfish Rd.
4. Parcel Identification Number (PIN #) of subject property: 0404-36-5633  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.14 Frontage: 209' & 207' Depth: 200' Side 281' R Side
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 6515, Page(s) 189, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant Residential home
10. Proposed use(s) of the property: Commercial Use
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.*

**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, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent \_\_\_\_\_
2. Address: \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_
5. Parcel Identification Number (PIN #) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_ Septage Provider: \_\_\_\_\_
8. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: \_\_\_\_\_
10. Proposed use(s) of the property: \_\_\_\_\_

**NOTE: Be specific and list all intended uses.**

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No \_\_\_\_\_
13. It is requested that the foregoing property be rezoned FROM: RR

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of CIP  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)



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.)

All allowable under CIP.

- 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.

1.14 ac Commercial.

2. DIMENSIONAL REQUIREMENTS:

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

Front yrd (25ft) - Reqrd 45ft

Side yrd (30ft - West) (5ft - East) - Reqrd 15ft

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

T.B.D - Future Developer - use.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Sign location to follow CIP district standards.

T.B.D - Future Developer - use.

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.**

Landscape to follow (Sec. 1102N)

T.B.D - Future Developer - use.

- 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.**

Veg. Buffer (or) Solid Fencing  
To be provided along Western side of prop.

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.

T.B.D - Future Developer - use.

- Owner agrees - Condition of Developer  
to connect to sewer (PWC).

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.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

NAME OF OWNER(S) (PRINT OR TYPE)

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

*Mark Candler - REALTOR*

*171 Brooke Run Lumber Bridge NC*

*28357*

*910-263-0370*

*Candler Associates @ Outlook.com*

*910-848-1008*

*[Signature]*

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.

Lajos Goczan  
NAME OF OWNER(S) (PRINT OR TYPE)

6604 Radcliff Ct. Fay, NC 28311  
ADDRESS OF OWNER(S)

910-822-0004 HOME TELEPHONE #      WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

MKen22859@gmail.com  
E-MAIL

HOME TELEPHONE #      WORK TELEPHONE #

Lajos Goczan  
SIGNATURE OF OWNER(S)      SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

## C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING DISTRICT

### **DRAFT**

#### **Ordinance Related Conditions**

*[All allowed uses in C1(P) Planned Local Business District]*

#### **Pre- Permit Related:**

1. Prior to the commencement of any non-residential use on the subject property, three copies of a detailed site plan (and \$25 revision fee) must be submitted to the Land Use Codes section for review and approval; additional conditions may apply dependent upon the nature of proposed non-residential use.
2. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

*If a plan is not required, per 15ANCAC 04B.0105* "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

#### **Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
5. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. 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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) must be submitted for staff review and approved prior to permit application.**

**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.**

[§ 136-18(29), NCGS]

6. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one

acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)

7. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
8. Prior to application for the Certificate of Occupancy, connection to public water is required, the Public Works Commission (PWC) must approve water and sewer plans. A copy of the PWC approval must be provided to Code Enforcement. Contact Sam Powers with PWC for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC's review of any utility plans. **Upon submission of the annexation petition the town most likely will require an engineer's sealed certification as to the guarantee of improvements. In addition, the town may require a bond or other financial guarantee as assurance that all required improvements will be properly installed.**

9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

#### Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the C1(P) Planned Local Business District/CZ Conditional zoning for all allowed uses in the C1(P) zoning district must be complied with, as applicable.

**Note: By indicating a 25 foot front yard setback where a 45 foot front yard setback is required and a 5 foot side yard setback where a 15 foot side yard setback is required, the property owner is requesting the Commissioners vary the ordinance requirement by allowing reduced front (two) and side yard setbacks.**

**Note: A very limited type of retail and other uses are allowed in the C1(P) zoning district; the developer/property owner is encouraged to contact Code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.** (Sec. 403, County Zoning Ord.)

11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.) (*See related Condition No. 10 above.*)
12. This conditional approval is not approval of any freestanding signs. Upon submission of a site plan with a specific use, the proposed sign location, if any, will be addressed in the revised conditional approval. 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.) (Art. XIII, County Zoning Ord.)
13. "Camden Road" must be labeled as "SR 1003 (Camden Road)" and "Rockfish Road" must be labeled as "SR 1112 (Rockfish Road)" on all future plans. (Sec. 2203, County Subdivision Ord.)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)

16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), 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. (Sec. 1102.O, County Zoning Ord.)
17. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

**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.**

18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. A solid buffer must be provided and maintained along the western property line where this tract/site abuts RR Rural Residential in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces are required to be a minimum of 9' x 20'; the minimum number of required parking will be addressed when the revised plan is submitted with a specific proposed use. (Art. XII, County Zoning Ord.)
22. At a minimum one off-street loading spaces measuring 12' x 25' with 14' overhead clearance is likely to be required. This issue will be addressed when the revised site plan with a specific proposed use is submitted. (Art. XII, County Zoning Ord.)
23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
24. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

**Other Relevant Conditions:**

25. The applicant is advised to consult an expert on wetlands before proceeding with any development.
26. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
27. Under current standards, if the existing structure is ever removed or destroyed more than 50%, any replacement structure must meet the approved setbacks for the C1(P)/CZ district.
28. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possibly on this site.
29. The subject property lies on Rockfish Road. Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. There are two projects planned in the area, with Rockfish Road improvements planned in the State Transportation Improvement Plan as U-5857, a widening of Rockfish, with Right-of-Way acquisition beginning in Fiscal Year 2020. The second project is a Feasibility Study on intersection improvements for the Camden and Rockfish intersection. For questions related to this comment, please contact Transportation Planning.
30. 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.

31. 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.
32. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
33. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public 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 choosing Cumberland County and the Hope Mills area for your business location!*

**If you need clarification of any conditions, please contact Betty Lynd at 910-678-7603 or Hope Page at 910-678-7602 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):

CCP&I Zoning Planner:	Betty Lynd	678-7603	<a href="mailto:iblynd@co.cumberland.nc.us">iblynd@co.cumberland.nc.us</a>
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Michael Naylor	321-6657	<a href="mailto:mnaylo@co.cumberland.nc.us">mnaylo@co.cumberland.nc.us</a>
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	<a href="mailto:klowther@co.cumberland.nc.us">klowther@co.cumberland.nc.us</a>
	Gene Booth	678-7641	<a href="mailto:wbooth@co.cumberland.nc.us">wbooth@co.cumberland.nc.us</a>
County Engineer’s Office:	Wayne Dudley	678-7636	<a href="mailto:wudley@co.cumberland.nc.us">wudley@co.cumberland.nc.us</a>
County Health Department:	Fred Thomas	433-3692	<a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
	Sam Powers	223-4370	<a href="mailto:sam.powers@faypwc.com">sam.powers@faypwc.com</a>
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		<a href="mailto:jstarling@townofhopemills.com">jstarling@townofhopemills.com</a>
Planner – Zoning Permits	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>
US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	<a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
Transportation Planning:	Greg Shermeto	678 7615	<a href="mailto:gshermeto@co.cumberland.nc.us">gshermeto@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

\*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

cc: Chancer McLaughlin, Town of Hope Mills



CASE NUMBER: P18-34

PLANNING BOARD HEARING DATE:  
10/16/2018

REQUEST  
R6A to C3

ACREAGE: 1.28+/-

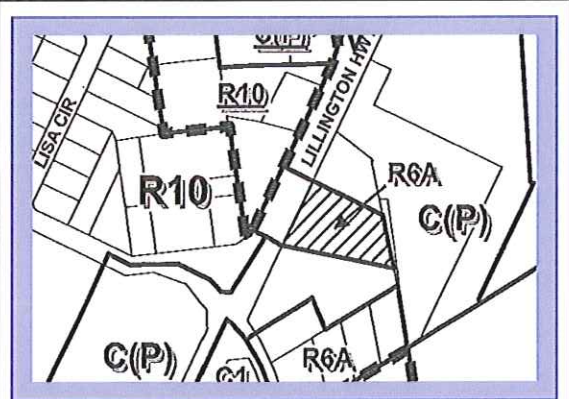
PROPERTY OWNER/APPLICANT  
KELLY BUCHANAN ON BEHALF OF BUCHANAN  
ROOFING & GUTTERING, INC. (OWNER)

PROPERTY ADDRESS/LOCATION  
940 Lillington Hwy

Jurisdiction: **Spring Lake**

**PROPERTY INFORMATION**

Frontage & Location: 223'+/- on Lillington Hwy  
Depth: 305'+/-  
Adjacent Property: Yes  
Current Use: Vacant  
Town of Spring Lake: Town of Spring Lake has no comments.  
Initial Zoning: Annexed into Spring Lake on August 20, 1984 & initially zoned to R6A – September 24, 1984  
Nonconformities: None  
Zoning Violation(s): None  
School Capacity/Enrolled: Comments requested, none received  
Special Flood Hazard Area (SFHA): None  
Water/Sewer Availability: Spring Lake/Spring Lake  
Soil Limitations: None  
Subdivision/Site Plan: If approved, site plan review through Spring Lake  
Average Daily Traffic County (2016): 25,000 on Lillington Hwy  
Highway Plan: Lillington Highway is identified as a Boulevard Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



**SURROUNDING LAND USE:** Residential (including manufactured homes & multi-family dwellings), religious worship facility, hairdressing & salon services, shopping center, vacant motor vehicle repair, general office, vacant commercial structure, trade or vocational school

**COMPREHENSIVE PLANS:**  
**2030 Growth Vision Plan:** Urban  
**Spring Lake Land Use Plan (2003):** Heavy Commercial

**Notes:**

- Density (minus 15% for r/w)**  
R6A- 9 lots/units  
MHP- 10 units

- Minimum Yard Setbacks:**

	R6A	C1(P)	C(P)	C3
Front yard:	25'	45'	50'	45'
Side yard:	15'	15'	30'	15'
Rear yard:	15'	20'	30'	20'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

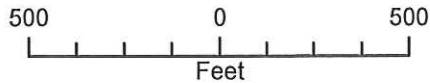
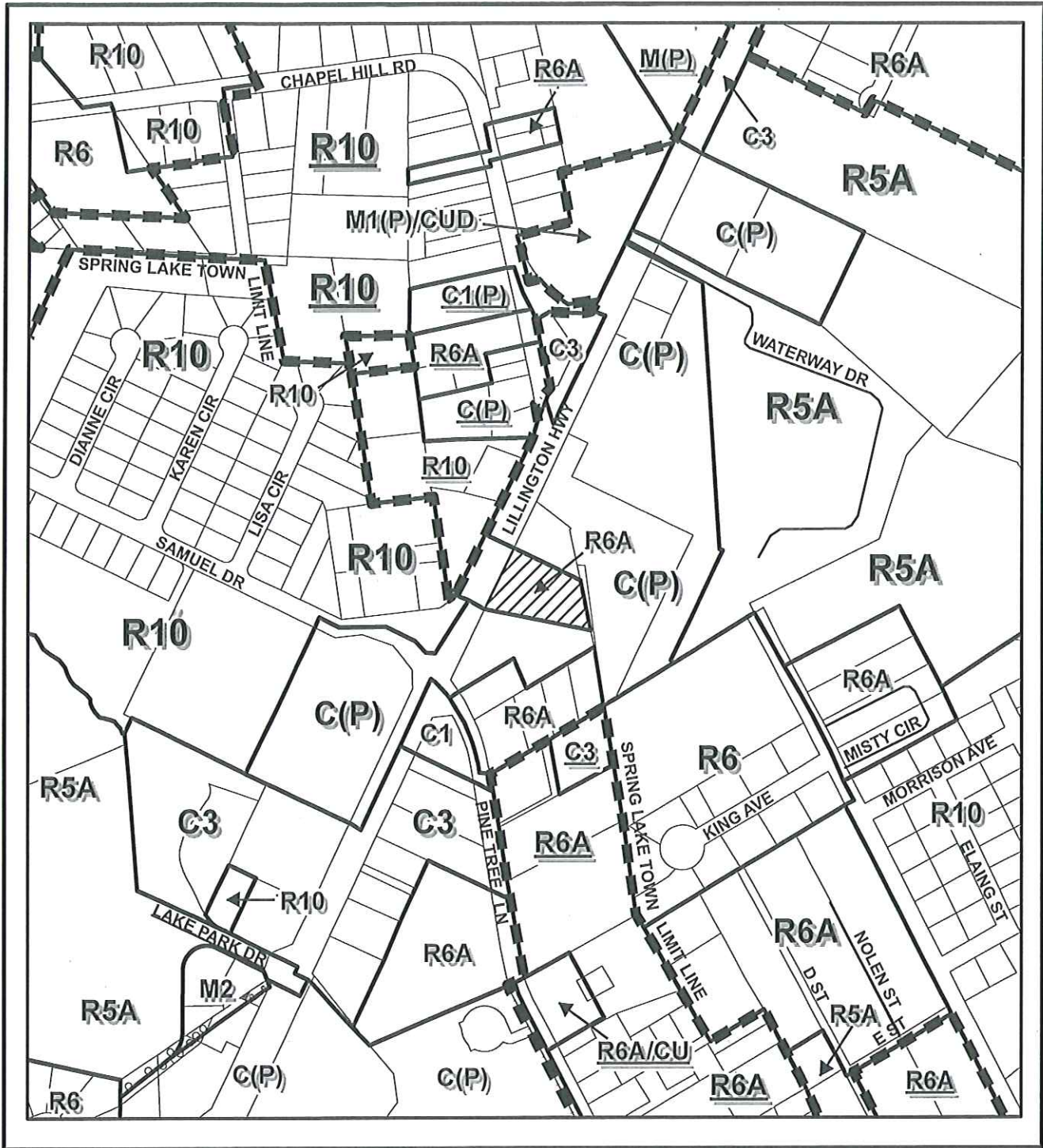
In Case P18-34, the Planning and Inspections Staff recommends denial of the rezoning from R6A Residential to C3 Heavy Commercial and approval of the rezoning from R6A Residential to C(P) Planned Commercial and find it is consistent with the adopted Spring Lake Land Use Plan (2003) which calls for "heavy commercial" at this location and further find that approval of the request is reasonable and in the public interest because the C(P) Planned Commercial district will enable the board to have oversight of the proposed site plans, ensuring the development complies with the minimum town standards and the district is in harmony with surrounding zoning and existing land uses. The property owner has agreed to this staff recommendation.

OTHER SUITABLE DISTRICTS: C1(P) & C(P)

ATTACHMENTS: SKETCH MAP

**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.



PIN: 0512-00-2266

## REQUESTED REZONING R6A TO C3

ACREAGE: 1.28 AC. +/-	HEARING NO: P18-34
ORDINANCE: SPRING LAKE	
STAFF RECOMMENDATION	
PLANNING BOARD	
GOVERNING BOARD	

CASE NUMBER: P18-38

PLANNING BOARD HEARING DATE:  
10/16/2018

REQUEST

ACREAGE: 2.08+/-

PROPERTY OWNER/APPLICANT  
JOSEPH P. RIDDLE III ON BEHALF OF CARROLL  
RIDDLE, LLC (OWNER)

**Initial to C(P)**

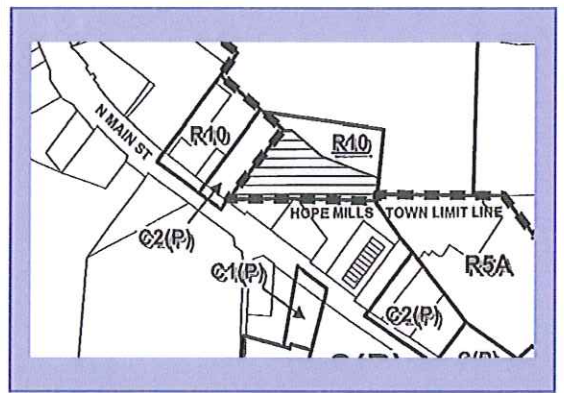
PROPERTY ADDRESS/LOCATION

**North side of NC 59 (N. Main Street), West  
of SR 1115 (Golfview Road)**

Jurisdiction: **Hope Mills**

**PROPERTY INFORMATION**

Frontage & Location: N/A  
Depth: 347'+/-  
Adjacent Property: Yes  
Current Use: Vacant  
Town of Hope Mills: No objection  
Initial Zoning: R10 – November 17, 1975 (Area 4)  
Nonconformities: Subject property is landlocked  
Zoning Violation(s): None  
School Capacity/Enrolled: Comments requested, none received  
Special Flood Hazard Area (SFHA): None  
Water/Sewer Availability: PWC/PWC  
Soil Limitations: None  
Subdivision/Site Plan: If approved, site plan & subdivision review required  
Average Daily Traffic County (2016): 25,000 on NC 59 (N Main Street)  
Highway Plan: North Main Street is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



**SURROUNDING LAND USE:** Multi-family residential, general office, retailing or servicing, bank, hotel & woodlands

**COMPREHENSIVE PLANS:**  
**2030 Growth Vision Plan:** Urban  
**Southwest Cumberland Land Use Plan (2014):** Low Density Residential

**Notes:**

1. **Minimum Yard Setbacks:**

	<b>C(P)</b>
Front yard:	50'
Side yard:	30'
Rear yard:	30'

STAFF RECOMMENDATION

**APPROVAL**

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-38, the Planning and Inspections Staff recommends approval of the initial zoning to C(P) Planned Commercial and find:

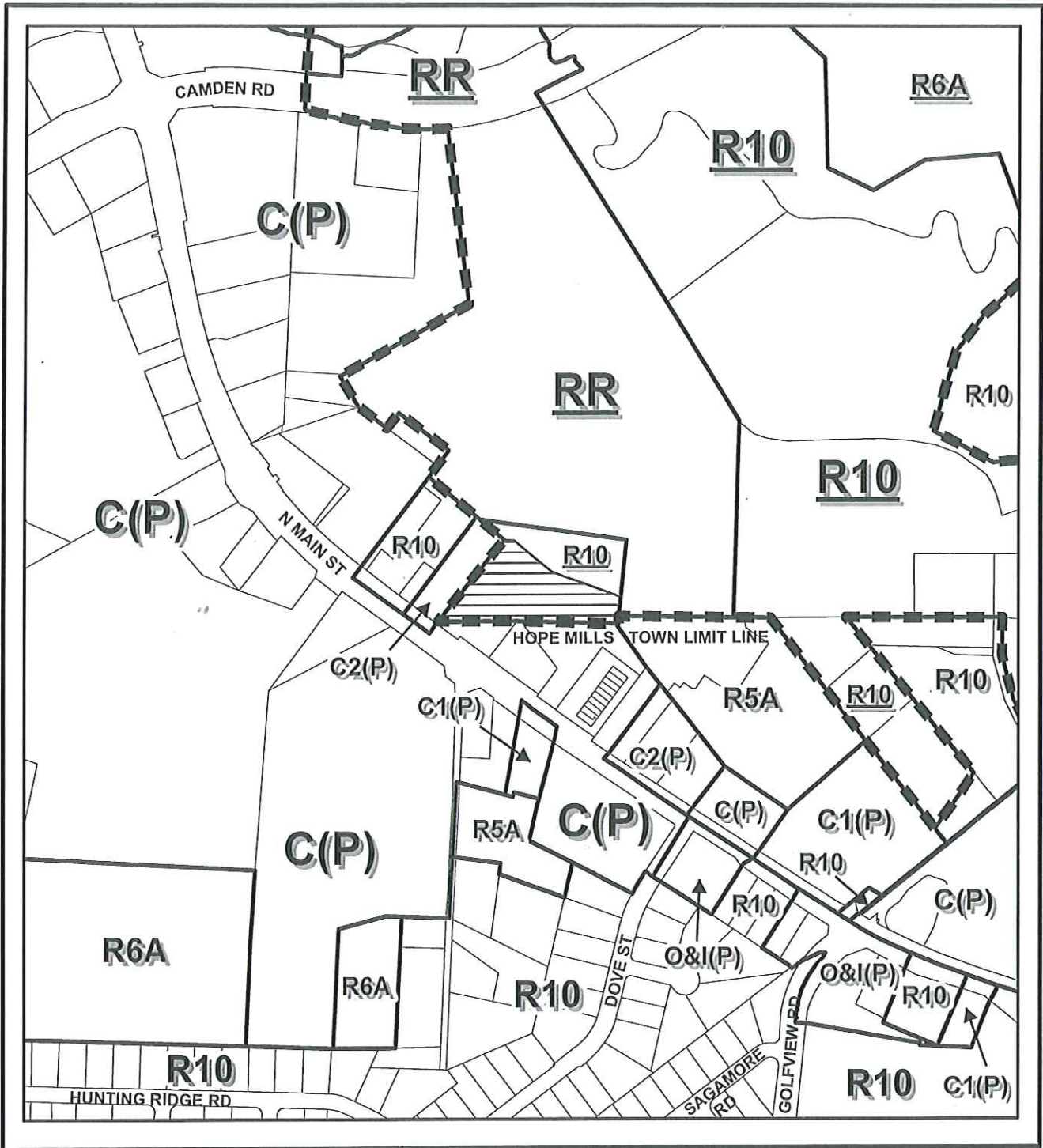
- a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2014) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel is being recombined with the adjacent property to the south which is designated as "heavy commercial" in the Southwest Cumberland Land Use Plan (2014) and the subject property meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009);
- c. And, this rezoning approval is reasonable and in the public interest because the town initiated the request and the district requested is in harmony with the existing light and heavy commercial zoning and land uses along North Main Street and this request, if approved will ensure the entire recombined parcel is zoned the same.

**OTHER SUITABLE DISTRICTS:** None

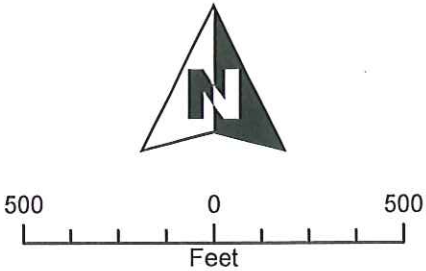
**ATTACHMENTS:** SKETCH MAP

**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.



## INITIAL ZONING TO C(P)



<b>ACREAGE: 2.08 AC. +/-</b>	<b>HEARING NO: P18-38</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

CASE NUMBER: P18-39

PLANNING BOARD HEARING DATE:  
10/16/2018

REQUEST  
**Initial to C(P)**

ACREAGE: **4.93+/-**

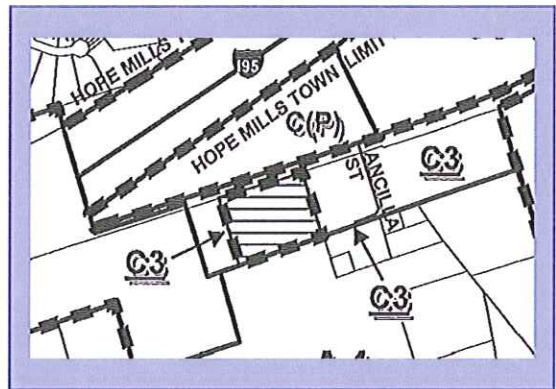
PROPERTY OWNER/APPLICANT  
**JERRY & JACQUELYN HALL (OWNERS)**

PROPERTY ADDRESS/LOCATION  
**5435 Corporation Drive**

Jurisdiction: **Hope Mills**

**PROPERTY INFORMATION**

**Frontage & Location:** 527'+/- on SR 2333 (Corporation Drive)  
**Depth:** 400'+/-  
**Adjacent Property:** None  
**Current Use:** Food production w/ wholesale sales, bar, restaurant, outdoor recreation (athletic fields), outdoor pavilion, kid's play area, dog park & farmer's market  
**Town of Hope Mills:** No objection  
**Initial Zoning:** A1 – June 25, 1980 (Area 13); Rezoned to C3 on August 27, 1984 (Case P84-80); Annexed into Hope Mills on August 20, 2018  
**Nonconformities:** None  
**Zoning Violation(s):** None  
**School Capacity/Enrolled:** Comments requested, none received  
**Special Flood Hazard Area (SFHA):** None  
**Water/Sewer Availability:** PWC/Septic  
**Soil Limitations:** None  
**Subdivision/Site Plan:** Subject property has approved site plan (Case 17-074)  
**Average Daily Traffic County (2016):** 2,700 on SR 2333 (Corporation Drive)  
**Highway Plan:** Corporation Drive is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



**SURROUNDING LAND USE:** Motor vehicle repair and/or body work & woodlands

**COMPREHENSIVE PLANS:**  
**2030 Growth Vision Plan:** Urban  
**Southwest Cumberland Land Use Plan (2014):** Heavy Commercial

**Notes:**

- 1. **Minimum Yard Setbacks:**  
                  **C(P)**  
Front yard: 50'  
Side yard: 30'  
Rear yard: 30'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

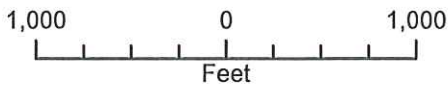
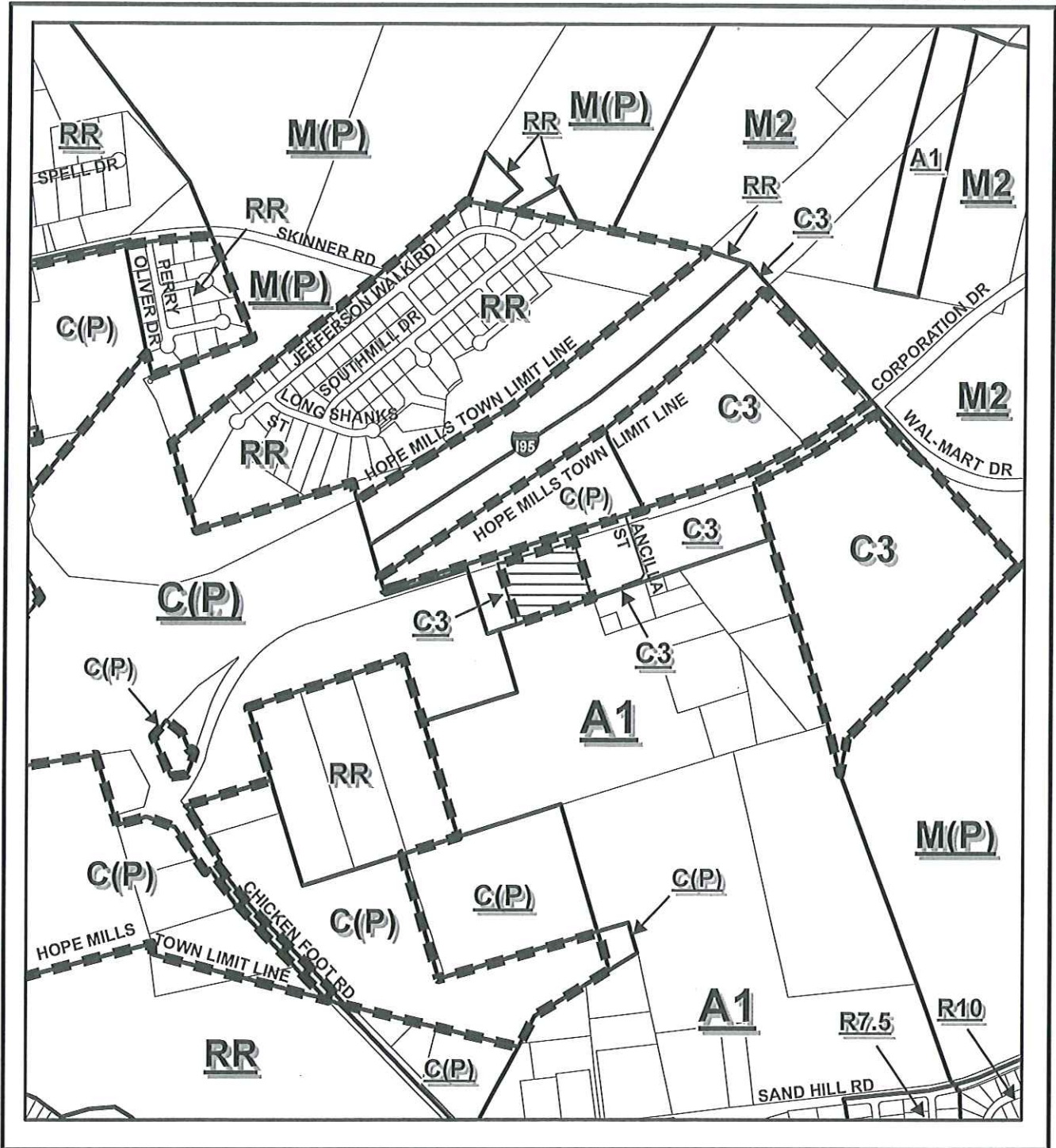
In Case P18-39, the Planning and Inspections Staff recommends approval of the initial zoning to C(P) Planned Commercial and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2014) which calls for "heavy commercial" at this location, C(P) Planned Commercial is classified as a "heavy commercial" zoning district and further find approval of the request is reasonable and in the public interest because the town initiated the request and the district is in harmony with the surrounding zoning and existing land uses.

**OTHER SUITABLE DISTRICTS:** None

**ATTACHMENTS:** SKETCH MAP

**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.



PIN: 0423-63-1007

## INITIAL ZONING TO C(P)

ACREAGE: 4.93 AC. +/-	HEARING NO: P18-39	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

**REQUEST** **ACREAGE: 2.68+/-**  
**R6, O&I(P) & C1(P) to C1(P)/CZ for convenience retail with gasoline sales and other specific requested allowed uses**

**PROPERTY OWNER/APPLICANT**  
**BARRY & MARY CLEMENTE, CARL EDWIN WEST, PAUL & PATSI D'ALPE, SOTERIA FRANGOS & ANDY PRIOLO ON BEHALF OF CIRCLE K (OWNER)**

**PROPERTY ADDRESS/LOCATION**  
**Northwest quadrant of the intersection of SR 1112 (Rockfish Road) & Bullard Street, south of NC 59 (N Main Street)**

**Jurisdiction: Hope Mills**

**PROPERTY INFORMATION**

**Frontage & Location:** 560'+/- on NC 59 (N Main Street); 140'+/- on SR 1112 (Rockfish Road); 474'+/- on Bullard Street

**Depth:** 207'+/-

**Adjacent Property:** None

**Current Use:** Convenience retail with gasoline sales, 5 residential dwellings

**Town of Hope Mills:** No objection

**Initial Zoning:** R6 – (Hope Mills); 3458 N Main St rezoned to C1(P) on March 7, 1983 (Case P83-4 & P83-8); 3439 Bullard St rezoned to O&I(P) on October 17, 1983 (Case P83-108)

**Nonconformities:** The existing residential dwellings will become nonconforming if rezoned to C1(P)/CZ.

**Water/Sewer Availability:** PWC/PWC

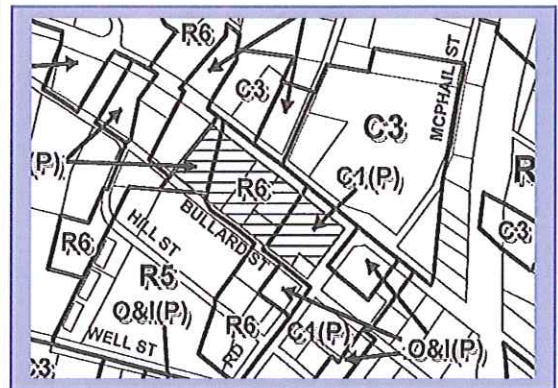
**Subdivision/Site Plan:** See Ordinance Related Conditions

**Average Daily Traffic County (2016):** 16,000 on NC 59 (N Main St); 10,000 on SR 1112 (Rockfish Road)

**Highway Plan:** North Main Street is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Rockfish Road is also planned in the State Transportation Improvement Plan as U-4709, a widening project from SR 1115 (Golfview Road) to NC 59 (Main Street) with Right-of-Way acquisition starting in 2020.

**Notes:**

- | <p><b>1. Density</b><br/>R6- 13 lots/14 units</p> | <p><b>2. Minimum Yard Setbacks:</b></p> <table border="0"> <thead> <tr> <th></th> <th><u>R6</u></th> <th><u>O&amp;I(P)</u></th> <th><u>C1(P)</u></th> </tr> </thead> <tbody> <tr> <td>Front yard:</td> <td>25'</td> <td>35'</td> <td>45'</td> </tr> <tr> <td>Side yard:</td> <td>10'</td> <td>15'</td> <td>15'</td> </tr> <tr> <td>Rear yard:</td> <td>30'</td> <td>20'</td> <td>20'</td> </tr> </tbody> </table> |                   | <u>R6</u>    | <u>O&amp;I(P)</u> | <u>C1(P)</u> | Front yard: | 25' | 35' | 45' | Side yard: | 10' | 15' | 15' | Rear yard: | 30' | 20' | 20' |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|-------------------|--------------|-------------|-----|-----|-----|------------|-----|-----|-----|------------|-----|-----|-----|
|                                                   | <u>R6</u>                                                                                                                                                                                                                                                                                                                                                                                                         | <u>O&amp;I(P)</u> | <u>C1(P)</u> |                   |              |             |     |     |     |            |     |     |     |            |     |     |     |
| Front yard:                                       | 25'                                                                                                                                                                                                                                                                                                                                                                                                               | 35'               | 45'          |                   |              |             |     |     |     |            |     |     |     |            |     |     |     |
| Side yard:                                        | 10'                                                                                                                                                                                                                                                                                                                                                                                                               | 15'               | 15'          |                   |              |             |     |     |     |            |     |     |     |            |     |     |     |
| Rear yard:                                        | 30'                                                                                                                                                                                                                                                                                                                                                                                                               | 20'               | 20'          |                   |              |             |     |     |     |            |     |     |     |            |     |     |     |



**SURROUNDING LAND USE:** Residential [including multi-family dwellings (3)], restaurant (3), hairdressing & salon services (3), vacant commercial structure, day care facility, general office (4), retailing or servicing (2), bank, religious worship facility (2), medical office (3), convenience retail w/ gasoline sales (2), outdoor recreation/amusement

**COMPREHENSIVE PLANS:**  
**2030 Growth Vision Plan:** Urban  
**Southwest Cumberland Land Use Plan (2014):** Heavy Commercial

**STAFF RECOMMENDATION**

APPROVAL

**APPROVAL WITH CONDITIONS**

DENIAL

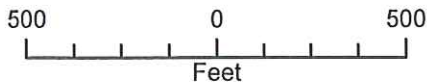
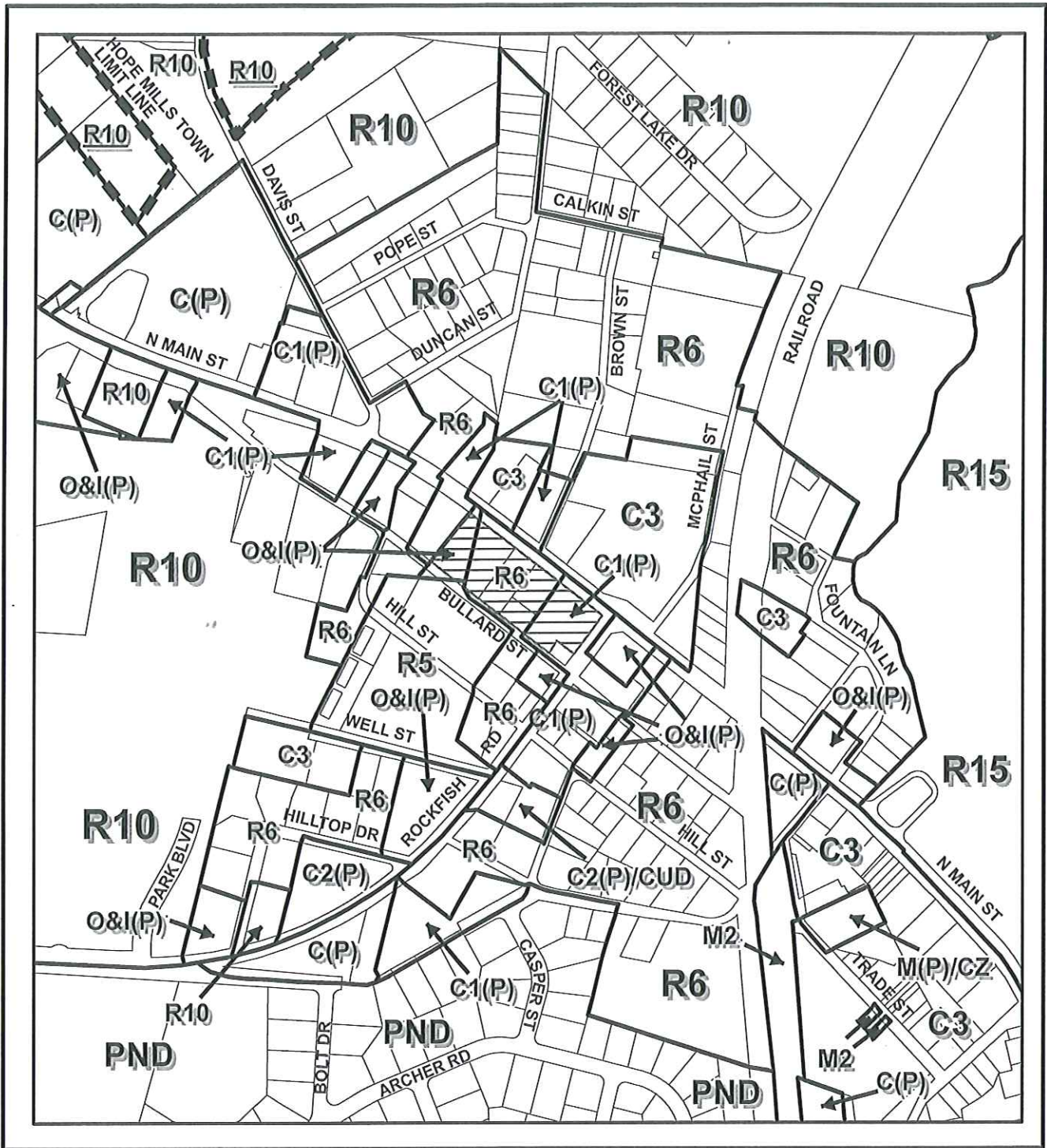
In Case P18-36, the Planning & Inspections Staff recommends approval of the rezoning from R6 Residential, O&I(P) Planned Office & Institutional and C1(P) Planned Local Business district to C1(P) Planned Local Business district/CZ Conditional Zoning for convenience retail with gasoline sales and other specific requested allowed uses (see typed list as modified by staff) and find it is consistent with the text of the Southwest Cumberland Land Use Plan (2013) which recommends strip commercial along North Main Street and is consistent with the location criteria for light commercial in the Land Use Policies Plan (2009); and further find that approval of the C1(P)/CZ district is reasonable and in the public interest because the district recommended will restrict the allowable uses to those that would be in harmony with the existing commercial uses in the area. The County Planning Staff recommends that lateral access be provided to the adjacent property to the west, the Town staff did not. Additionally, the applicant has verbally agreed to retain all possible existing trees, and is requesting to provide a 35 foot front setback from North Main Street, an 11 foot front setback from Bullard Street and a 16 foot front setback from Rockfish Road, aligning their setbacks with the existing structure on the adjacent property at the intersection of Bullard Street and Rockfish Road. The owner has agreed to all ordinance related conditions and the staff recommendation except for providing the lateral access

**OTHER SUITABLE DISTRICTS:** None

**ATTACHMENTS:** SKETCH MAP SITE PLAN APPLICATION LIST OF REQUESTED USES 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.



## REQUESTED REZONING C1(P), R6 & O&I(P) TO C1(P)/CZ

ACREAGE: 2.68 AC. +/-	HEARING NO: P18-36	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0414-46-5096, 4048, 4197, 4109  
 PIN: 0414-46-3237,  
 PORTION OF PIN: 0414-46-2340

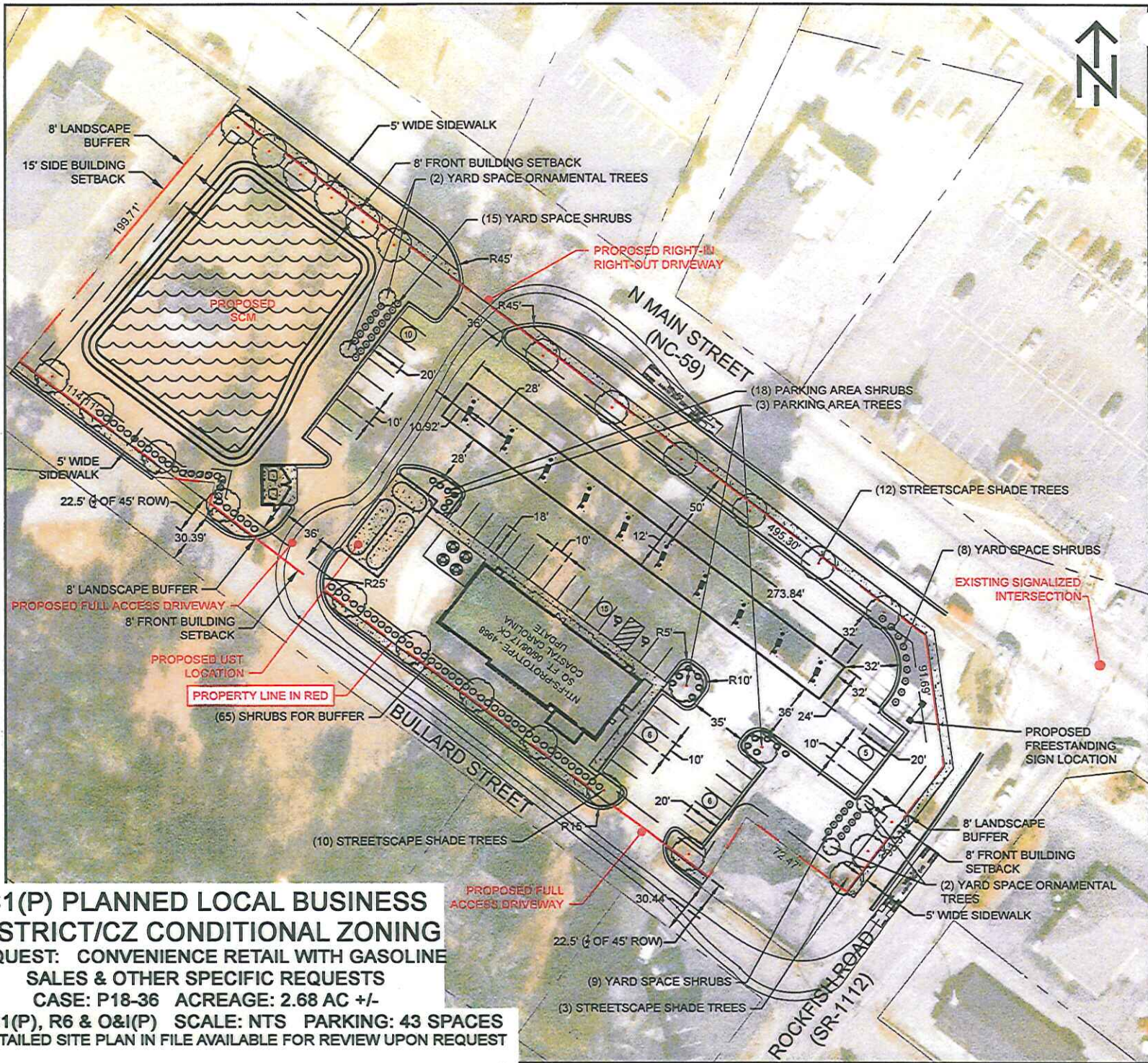
9/28/18  
 MB



Proposed Uses

1. Accessory uses incidental to any permitted use
2. Apparel and accessory sales
3. Baking, on-premises and retail only
4. Barbering, hairdressing and salon services
5. Books & printed matter-sales, not regulated by Sec. 102A-1023
6. Convenience retail w/ gasoline sales, including incidental motor vehicle washing
7. Food sales/grocery stores
8. Hardware, paint, and garden supply sales
9. Office use of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinic (Sec. 102A-1015)
10. Photography studio
11. Repair, rental, or servicing of any product the retail sale of which is a use by right in the same district
12. Restaurant, operated as commercial enterprise, drive-ins excluded and except as regulated by Sec. 102A-1023
13. Tailoring
14. Variety, gift and hobby supply sales
15. Veterinarian
16. Wireless communications & accessory sales

**Property owner voluntarily agreed to exclude Dwelling (single and multi-family), Motor vehicle parking lot (commercial) and Vending machine outdoor from their original application.**



**TO THE ZONING BOARD AND TOWN BOARD OF COMMISSIONERS OF HOPE MILLS, NC:**

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

1. Applicant/Agent Circle K (Andy Priolo)
2. Address: 1110 Situs Court, Suite 100, Raleigh, NC Zip Code 27606
3. Telephone: (Home) \_\_\_\_\_ (Work) 919-609-5052
4. Location of Property: 3444, 3448, 3452, and 3458 Main Street; 3439 and 3451 Bullard Street
5. Parcel Identification Number (PIN #) of subject property: 0414-46-5096, 0414-46-4048, 0414-46-4197,  
(also known as Tax ID Number or Property Tax ID) 0414-46-4109, 0414-46-3237, 0414-46-2340
6. Acreage: 2.68 Ac (Total) Frontage: 560 LF (Main Street) Depth: 207 LF
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book See Attached, Page(s) \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Convenience store with gas sales; residential
10. Proposed use(s) of the property: Convenience store with gas sales

**NOTE: Be specific and list all intended uses.**

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No X
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: C1(P), R6, and O&I(P)  
TO: (Select one)  
X \_\_\_\_\_ Conditional Zoning District, with an underlying zoning district of C1(P)  
(Article V)  
\_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)  
\_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)  
\_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

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.)

Accessory uses incidental to any permitted use; Apparel and accessory sales; Baking, on-premises and retail only; Barbering, hairdressing and salon services; Books & printed matter-sales, not regulated by Sec. 102A-1023; Convenience retail w/ gasoline sales, including incidental motor vehicle washing; Dwelling, single and multiple family; Food sales/grocery stores; Hardware, paint, and garden supply sales; Motor vehicle parking lot, commercial; Office use of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinic (Sec. 102A-1015); Photography studio; Repair, rental, or servicing of any product the retail sale of which is a use by right in the same district; Restaurant, operated as commercial enterprise, drive-ins excluded and except as regulated by Sec 102A-1023; Tailoring; Variety, gift and hobby supply sales; Vending machine outdoor; Veterinarian; Wireless communications & accessory sales

- 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.

2.68 Acres of Commercial

1 lot proposed

133,089 SF Commercial

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 102A-1204 or list the proposed setbacks.

Front Yard Setback (in feet)

Measured from R/W line = 8

Measured from Street Centerline = 30.5

Side Yard Setback (in feet) = 15 per 102A-1204

Rear Yard Setback (in feet) = n/a

- B. Off-street parking and loading, Sec.102A-1301 & 102A-1303: List the number of spaces, type of surfacing material and any other pertinent information.

Minimum of One Space for each 200 square feet of net floor area per Sec. 102A-1301. Minimum off-s & 102A-1303.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

C1(P)

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. 102A-1202(n)]. **NOTE: All required landscaping must be included on the site plan.**

All landscaping will meet Town of Hope Mills streetscape, yard space, and public area requirements.

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. [Sec. 102A-1202(g)] **NOTE: All required buffers must be included on the site plan.**

All landscaping will meet Town of Hope Mills buffering requirements .

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.

Hours of operation = 24/7

Exterior lighting and noise will meet Town of Hope Mills requirements.

Odor, smoke, and emission controls will meet Local, State, and Federal requirements.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 102A-1502. If the proposed uses involve development subject to the Hope Mills 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 County Planning Staff, Hope Mills Review Committee, the Zoning Board and Board of 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.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the County Planning Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

Circle K  
\_\_\_\_\_  
NAME OF OWNER(S) (PRINT OR TYPE)

1110 Situs Court, Suite 100, Raleigh, NC  
\_\_\_\_\_  
ADDRESS OF OWNER(S)

apriolo@circlek.com  
\_\_\_\_\_  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE

919-609-5052  
\_\_\_\_\_  
WORK TELEPHONE

*Andy Priolo / Circle K*  
\_\_\_\_\_  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

Circle K (Andy Priolo)  
\_\_\_\_\_  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

1110 Situs Court, Suite 100, Raleigh, NC  
\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
HOME TELEPHONE

919-609-5052  
\_\_\_\_\_  
WORK TELEPHONE

apriolo@circlek.com  
\_\_\_\_\_  
E-MAIL ADDRESS

\_\_\_\_\_  
FAX NUMBER

*Andy Priolo / Applicant*  
\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the County Planning Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

Mary F Clemente Barry W Clemente  
NAME OF OWNER(S) (PRINT OR TYPE)

605 FULTON ST Medford MA 02155  
ADDRESS OF OWNER(S)

bClemente @ medfordpolice .com  
E-MAIL

781 395 5665  
HOME TELEPHONE

781 760 0325  
WORK TELEPHONE

Mary F. Clemente  
SIGNATURE OF OWNER(S)

Barry W Clemente  
SIGNATURE OF OWNER(S)

CIRCLE K (ANDY PRALO)  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

1110 S715 COURT, SUITE 100, RALEIGH, NC 27606  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-609-5052  
HOME TELEPHONE

919-609-5052  
WORK TELEPHONE

apralo @circlek.com  
E-MAIL ADDRESS

FAX NUMBER

Andy Pralo / Circle K  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the County Planning Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

CARL EDWIN WEST JR.

NAME OF OWNER(S) (PRINT OR TYPE)

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

5102 X Carl Edwin West Jr.

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

CIRCLE K (ANDY PRIOLO)

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

1110 SITUS COURT, SUITE 100, RALEIGH, NC 27606  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

919-609-5052  
WORK TELEPHONE

apriolo@circlek.com  
E-MAIL ADDRESS

FAX NUMBER

Andy Priolo  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the County Planning Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

✓ PATSI WEST DALPE & PAUL ROBERT DALPE  
NAME OF OWNER(S) (PRINT OR TYPE)

119 CYPRESS LAKE CIRCL; HOPE MILLS, NC 27348  
ADDRESS OF OWNER(S)

PAUL 245 @ AOL.COM  
E-MAIL

910-574-0895  
HOME TELEPHONE

910-426-5555  
WORK TELEPHONE

Patsi West Dalpe  
SIGNATURE OF OWNER(S)

Paul Robert Dalpe  
SIGNATURE OF OWNER(S)

✓ CIRCLE K (ANDY PRIOLO)  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

1110 SITUS COURT, SUITE 100, RALEIGH, NC 27606  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

1110 SITUS COURT, SUITE 100, RALEIGH, NC 27606  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-609-5052  
HOME TELEPHONE

919-609-5052  
WORK TELEPHONE

apriolo@circlek.com  
E-MAIL ADDRESS

FAX NUMBER

Andy Priolo  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the County Planning Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

✓ Soterez Frzago  
NAME OF OWNER(S) (PRINT OR TYPE)  
" 430 Dware Wood Dr  
ADDRESS OF OWNER(S)  
Omegz group 77e gmail.com  
E-MAIL  
8688327 4764800  
HOME TELEPHONE WORK TELEPHONE  
Soterez Frzago  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

✓ CIRCLE K (ANDY PRIOLO)  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)  
1110 STJES COURT, SUITE 100, RALEIGH, NC 27606  
ADDRESS OF AGENT, ATTORNEY, APPLICANT  
919-609-5052  
HOME TELEPHONE WORK TELEPHONE  
apriolo@circlek.com  
E-MAIL ADDRESS FAX NUMBER  
Andy Priolo / Circle K  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

## **C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

### **Ordinance Related Conditions**

for

*Convenience retail w/ gasoline sales and other specific requested allowed uses*

#### **Revision Required:**

1. Three copies of a revised site plan and a \$50.00 revision fee is required to be submitted to Land Use Codes prior to the further processing of this plan. The following must be addressed on the revised plan:
  - A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the convenience retail area. (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)

#### **Pre- Permit Related:**

2. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.
3. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to Land Use Codes and then the Town Manager 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.
4. If the application is approved as submitted with the specifically allowed uses within the C1(P) district, for any change in use or change in the site layout, the plans must be approved by the Hope Mills Board of Commissioners prior to permit issuance or commencement of the desired change. This conditional approval is for the use of the subject property as a convenience store w/ gasoline sales.

#### **Permit-Related:**

5. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/ Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact the Town Planner.
6. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required. The following comments were submitted by the town staff:
  - a. *Town of Hope Mills Stormwater Department:* Permit required as levels of disturbance exceed 1 acre.
  - b. *Town of Hope Mills Planning Department:* Staff does not object to this request. Town of Hope Mills Plan Review Team held a sketch plan review of this development and all zoning related issues appear to be addressed.
  - c. *Town of Hope Mills Public Works Department:* It looks like they have addressed our concerns. There is an existing driveway onto Bullard Street that they are going to keep and they have sidewalks installed adjacent to all streets.
  - d. *Town of Hope Mills Fire Department:* No objections
  - e. *Town of Hope Mills Inspections Department:* No comment
7. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and

Sewer Systems Hope Mills Subdivision Ordinance) For questions concerning this condition, please contact Sam Powers at (910) 223-4370 or sam.powers@faypwc.com.

8. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. 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 Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
9. For any new development, the developer must provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) 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 NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
10. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
11. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Twenty-three large shade trees or seventy small ornamental trees within the front yard setback area;
  - b. Three small ornamental trees and thirty-two shrubs are required in the building yard area;
  - c. Three trees and seventeen shrubs are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
12. A Certificate of Occupancy will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
  13. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
  14. The developer must obtain a driveway permit from the Hope Mills Street Department and NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Hope Mills Inspection Department /Planning Department 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 Hope Mills Street Department and NCCDOT Division 6 / District 2 office at the numbers 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 and \$50.00 revision fee must be submitted for staff review and approved prior to permit application.**

**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.**

[§ 136-18(29), NCGS]

**Site-Related:**

15. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C1(P)/CZ for convenience retail with gasoline sales and other specific requested allowed uses zoning district must be complied with, as applicable.

**Note: By indicating an 8 foot front yard setback where a 45 foot front yard setback is required from NC HWY 59 (N Main St), a 16 foot front yard setback is required from SR 1112 (Rockfish Road) and a 11 foot front yard setback is required from Bullard Street, the property owner is requesting the Commissioners vary the ordinance requirement by allowing three reduced front yard setbacks.**

16. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. *(See related Condition No. 15 above.)*
17. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIV of the Hope Mills 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.)
18. A concrete, or other approved surface material, sidewalks are required to be constructed along the existing street(s) adjacent to the subject property, to include along NC 59 (North Main Street), SR 1112 (Rockfish Road) and Bullard Street and along the building front and side off-street parking areas. (Section 86A-405, Sidewalks, Hope Mills Subdivision Ordinance)
19. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
20. Fire hydrants may be required to installed along the existing streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 300 feet from principal structures on a commercial lot. (Section 86A-406 (b), Fire hydrants, Hope Mills Subdivision Ordinance)
21. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
22. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
23. Turn lanes may be required by the Hope Mills Street Department and 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.**

24. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
25. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
26. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of ten off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
27. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Plat-Related:**

28. Any/All easements must be reflected on the recombination 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.
29. A sight distance easement as required by the NC Department of Transportation (NCDOT) is required at the intersection of NC 59 (North Main Street) with SR 1112 (Rockfish Road) and must be reflected on the recombination plat.
30. Right-of-way radii is required at all intersections and must be reflected on the recombination plat as stipulated by the NC Department of Transportation (NCDOT). (Section 86A-404(a)(11), Street Design, Hope Mills Subdivision 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.**

31. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for final plat approval by Land Use Codes.

**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.**

32. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval. (Section 86A-603(d), Certificate of Ownership and Dedication, Hope Mills Subdivision Ordinance)
33. The recombination plat must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application.

**Plat-Required Statements:**

34. All structures shall be shown on the recombination plat or the plat shall reflect the following statement:

“Nonconforming structures have not been created by this recombination.”

**Other Relevant Conditions:**

35. The applicant is advised to consult an expert on wetlands before proceeding with any development.
36. 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.
37. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
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 subject property lies between North Main Street and Rockfish Road. North Main Street is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Rockfish Road is also planned in the State Transportation Improvement Plan as U-4709, a widening project from SR 1112 (Rockfish Road) to NC 59 (Main Street) with Right-of-Way acquisition starting in 2020. For questions related to this comment, please contact Transportation Planning.

**If you need clarification of any conditions, please contact Betty Lynd at 910-678-7603 or Ed Byrne at 910-678-7609; otherwise, contact the appropriate agency at the contact numbers below.**

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

CCP&I Hope Mills Staff Representative:	Betty Lynd	678-7603	<a href="mailto:blynd@co.cumberland.nc.us">blynd@co.cumberland.nc.us</a>
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
County Health Department:	Fred Thomas	433-3692	<a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>
Food & Lodging Env. Health:	Fred Thomas	433-3692	<a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>
Ground Water Issues:	Fred Thomas	433-3692	<a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
	Sam Powers	223-4370	<a href="mailto:sam.powers@faypwc.com">sam.powers@faypwc.com</a>
Town of Hope Mills:		424-4555*	
Town Clerk:	Melissa P. Adams		<a href="mailto:mpadams@townofhopemills.com">mpadams@townofhopemills.com</a>
Planner – Zoning Permits	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>
Chief Building Inspector:	David Reeves		<a href="mailto:dreeves@townofhopemills.com">dreeves@townofhopemills.com</a>
Stormwater/Flood Administrator:	Beth Brown		<a href="mailto:eabrown@townofhopemills.com">eabrown@townofhopemills.com</a>
Zoning Inspector:	David (Ray) Reeves		<a href="mailto:dreeves@townofhopemills.com">dreeves@townofhopemills.com</a>
Fire Marshal	Brett A. Ham		<a href="mailto:baham@townofhopemills.com">baham@townofhopemills.com</a>
Public Works – Streets/sidewalks	Don Sisko		<a href="mailto:dsisko@townofhopemills.com">dsisko@townofhopemills.com</a>
US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	<a href="mailto:wphipp@co.cumberland.nc.us">wphipp@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
Transportation Planning:	Joel Strickland	678-7622	<a href="mailto:jstrickland@co.cumberland.nc.us">jstrickland@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6374	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

\*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

cc: Chancer McLaughlin, Town of Hope Mills