

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-62: REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY AMENDING THE DEFINITION FOR THE TERM "GREENWAY"; AMENDING ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN, SECTION 3.13.2, "GREENWAY STANDARDS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. The amendment introduces language tying the proposed *Greenway Plan* to the Town Subdivision Ordinance and establishes standards for compliance with the plan; and
2. The amendment promotes the Town's goal of obtaining the "Most Walkable Community" status.

Attachments:
- Amendment

P07-62

REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY AMENDING THE DEFINITION FOR THE TERM "GREENWAY"; AMENDING ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN, SECTION 3.13.2, "GREENWAY STANDARDS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

AMEND Article I, Section 1.8. Definitions, "Greenway":

Greenway: A linear space established along a natural corridor, such as a riverfront, wetland area, stream valley, forest, or ridgeline, or over land along a right-of-way converted to a paved course for pedestrian passage to ultimately connect land residential areas within the Town for pedestrian access.

AMEND Section 3.13.2. Greenway Standards ~~for Residential Subdivisions~~:

Any new ~~residential~~ developments and/or subdivisions within the Town's corporate limits and within the Town's Municipal Influence Area shall be required to incorporate a greenway system if the proposed development is located in an area delineated as a Greenway Corridor in the officially adopted *Stedman Greenway Plan*. The greenway system shall be constructed to the following standards:

- a. Inter-Development Connection: The greenway or open space plan for the individual ~~residential~~ developments with a gross land area of two acres or greater shall include a walkway path that provides connections to all adjacent ~~residentially zoned~~ parcels ~~two acres or larger or to any existing subdivision developments that contain more than 20 units~~. In instances where adjacent properties have existing greenway or walkways installed to the shared property line, the proposed development's greenway plan shall include walkway connections at these points.

All non-residential developments shall provide a greenway system and construct a walkway path regardless of the size of the development.

- b. Walkway Dimensions: Walkways shall comply with the standards of the *Americans with Disabilities Act* (ADA) and be ADA accessible. Walkways shall be a minimum of 48-inches in width. If a minimum width of 48-inches is selected, a 60-inch wide section shall be provided every 500 linear feet to allow for wheelchair passing. Walkways in open spaces (forest, meadows, etc.) shall be approximately centered in a 15-foot wide area cleared of underbrush, diseased vegetation, and stunted or deformed trees. Every attempt should be made to leave mature "shade" type trees.

Ground cover shall be restored in the cleared area via mulch, grass, or other naturally growing vegetation.

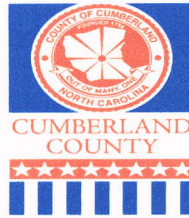
- c. Roadway Crossings: At locations where the walkway crosses existing or proposed roadways (private and public), a painted crosswalk shall be installed on the roadway pavement. The crosswalk shall meet the North Carolina Department of Transportation (NCDOT) standards. Applicable NCDOT standard pedestrian crossing signs shall be installed at these locations in such a manner as to be viewable by approaching traffic.
- d. Walkway Pavement: Walkways shall be paved with a minimum of 1½ inches of asphalt pavement.
- e. Public Accessibility: Walkway layout shall include a minimum of one location to allow for public access to the walkway. (Example: walkway connection to sidewalk on a State or Town owned roadway) The Town of Stedman may require the greenway plan for a development include between two to six off-street parking spaces for access. Of the parking spaces provided, 50% of such spaces must be handicap accessible per the *N. C. Accessibility Code*.
- f. Park Benches: The greenway plan shall incorporate the installation of handicap accessible park benches every 2,000 linear feet along the walkway. Park benches shall be a minimum of 6-foot in length with a seat and backrest. Park benches shall be framed with aluminum or hot-dipped galvanized steel. The seat and backrest shall be constructed of treated or composite lumber. Park benches shall be constructed such that the bench frame is embedded in the ground and each post encased in a minimum of 12-inch diameter concrete.
- g. Boardwalks, Piers, and Bridges: In locations where the proposed greenway plan includes boardwalks, piers, or bridges to cross waterways, wetlands, drainage ways, or slope prohibitive areas, the boardwalks, piers, or bridges shall be constructed to a minimum set of standards as follows:
 - (1) 48-inch minimum clear width with areas to permit two-way wheelchair traffic (enlarged landings).
 - (2) Incorporate guardrails that meet the *NC Accessibility Code*.
 - (3) Structure shall be of sufficient strength to support the imposed dead, live, and impact loads without exceeding the allowable stresses prescribed for various materials in the current *North Carolina Building Code*. Minimum live load: 40 pounds lbs per square foot or 300 pounds concentrated load on any area two foot square.
 - (4) Design of the boardwalk or bridge shall include a built in or mounted park bench every 1000 linear feet.

- (5) The design of the boardwalks, piers, or bridges shall be sealed by a professional engineer, landscape architect or architect.
 - (6) All wood structures shall be constructed of treated lumber.
 - (7) If constructed from wood, support posts or piers, shall be a minimum of 6x6 inches in dimension. Wood framing components shall be a minimum of 2x6 inches in dimension. Wood framing shall be sufficiently braced and supported to minimize sagging or warping of the lumber.
- h. Development Open Space Requirements. The construction and dedication of a greenway system that meet the requirements above can be counted toward meeting the provisions of Section 3.13.1., Required Parks, Open Space, Recreation Area Provisions, concerning the required land area to be set aside, or fee paid in lieu of, for 500 square foot of open space per unit in residential developments.
- i. Plan Approval. Prior to final subdivision approval by the Town, the owner or developer shall submit plans to the Town for review and comment. Plans shall be of sufficient detail to demonstrate incorporation of all of the above requirements. Plans shall be prepared by a NC licensed professional engineer, land surveyor or landscape architect. Plans shall be a minimum of 18x24 inches in size and at a minimum scale of 1:100. Text font size shall be a minimum of 8 points. Submissions shall include a minimum of four copies.

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August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-63: REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, CREATING: ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN; SECTION 3.1.1. MUNICIPAL INFLUENCE AREA (STEDMAN).

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. This amendment creates limited exceptions for development of tracts located within the Stedman Municipal Influence Area. The exceptions address concrete curb and gutter, greenway standards, sidewalks and street trees for smaller developments; and
2. The Town of Stedman requested this amendment.

Attachments:

- Amendment

P07- 63

REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, CREATING: ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN; SECTION 3.1.1. MUNICIPAL INFLUENCE AREA (STEDMAN).

CREATE: SECTION 3.1.1. MUNICIPAL INFLUENCE AREA

All development, unless specifically excepted below, proposed within the Town's Municipal Influence Area (MIA) shall be developed in accordance with the Town Subdivision Ordinance development standards as stipulated in the County Subdivision Ordinance. The specific exceptions below apply only to developments located outside the corporate limits of the Town and within the Town's MIA:

- a. Concrete curb and gutter (Section 4.1.e.) is not required to be installed when:
 - (1) Developments of three or less lots or units, derived from the parent tract as of the effective date of this Ordinance, and the development is located on an existing street without existing curb and gutter.
 - (2) Any development where a new street is not being constructed or an existing street is not being altered, unless the existing street is partially constructed with curb and gutter and the new development extends the existing street.
- b. Greenway standards (Section 3.13.2.) are not applicable or only partially applicable when:
 - (1) The proposed residential development does not abut the designated Greenway Corridor as defined in the officially adopted *Stedman Greenway Plan*, Section 3.13.2. shall not apply.
 - (2) Proposed residential developments of three or less contiguous lots or units, derived from the parent tract as of the effective date of this Ordinance, abutting the Greenway Corridor, as defined in the officially adopted *Stedman Greenway Plan*, are not required to construct the walkway; however, dedication of the land area within the Greenway Corridor is required. Any residential development dedicating land area for the greenway and/or constructing a walkway is exempt from the provisions of Section 3.13.1., Required Parks, Open Space, Recreation Area Provisions.

Any non-residential development abutting the designated Greenway Corridor as defined in the officially adopted *Stedman Greenway Plan*, must comply with all provisions of Section 3.13.2.

- c. Sidewalks (Section 4.3.g.) are not required if the proposed development consists of three or less contiguous lots, derived from the parent tract as of the effective date of this Ordinance, and if there are no sidewalks existing along the street which the proposed development abuts.

Sidewalks are required for any proposed development, regardless of the number of lots or units being proposed, when:

- (1) A development abuts a street with an existing sidewalk;
 - (2) Any development is proposed along Clinton Road;
 - (3) Any new street is to be constructed or any stub street extended; or
 - (4) An area is pending annexation into the Town.
- d. Street trees are not excepted under this Section and all properties, subject to this Ordinance, being developed within the Town's MIA shall comply with the provisions of Section 4.3.h.

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August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-64: REZONING OF A 1.49 ACRE PORTION OF A 34.11 ACRE TRACT FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTHEAST OF NORTH MAIN STREET, SOUTH OF CAMDEN ROAD, OWNED BY NEIL E. SMITH.

The Planning & Inspections Staff recommends approval of the C(P) district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential and Open Space at this location, the request is consistent with the zoning of the adjacent properties; and
2. Approval of this request would be consistent with similar requests in the general area.

The O&I(P) and C1(P) zoning districts are also suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

cc: Town of Hope Mills

SITE PROFILE
P07-64

REZONING OF A 1.49 ACRE PORTION OF A 34.11 ACRE TRACT FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTHEAST OF NORTH MAIN STREET, SOUTH OF CAMDEN ROAD, OWNED BY NEIL E. SMITH.

Site Information:

Applicant/Owner: NEIL E. SMITH

Area: 1.49 acres

Frontage & Location: 269 feet wide (no frontage)

Depth: 230 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant and 90 foot powerline easement

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R10, Hope Mills town limit-R10, C(P), C3, East-RR, R10, R6A, town limit-RR, R10, R5A, O&I, C1(P), C(P), South-town limit-R10, R6A, R5A, O&I(P), C1(P), C(P), and West-R10, R6A, town limit-C(P)

Surrounding Land Use: Drug store, fast food restaurants (5), retail businesses (2), shopping center, pawn shop, auto parts store, gas station, strip mall, vacant commercial, and real estate business

2010 Land Use Plan: Medium Density Residential and Open Space

Municipal Influence Area: Hope Mills

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: Yes, but not the portion being rezoned

Subdivisions: A site plan review and/or NAR will be required.

Military Impact Area: No

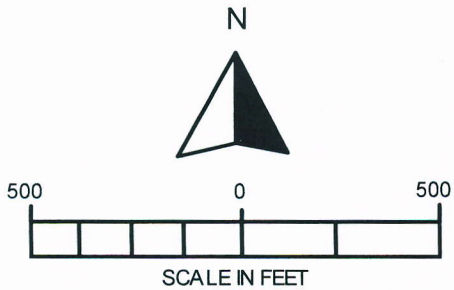
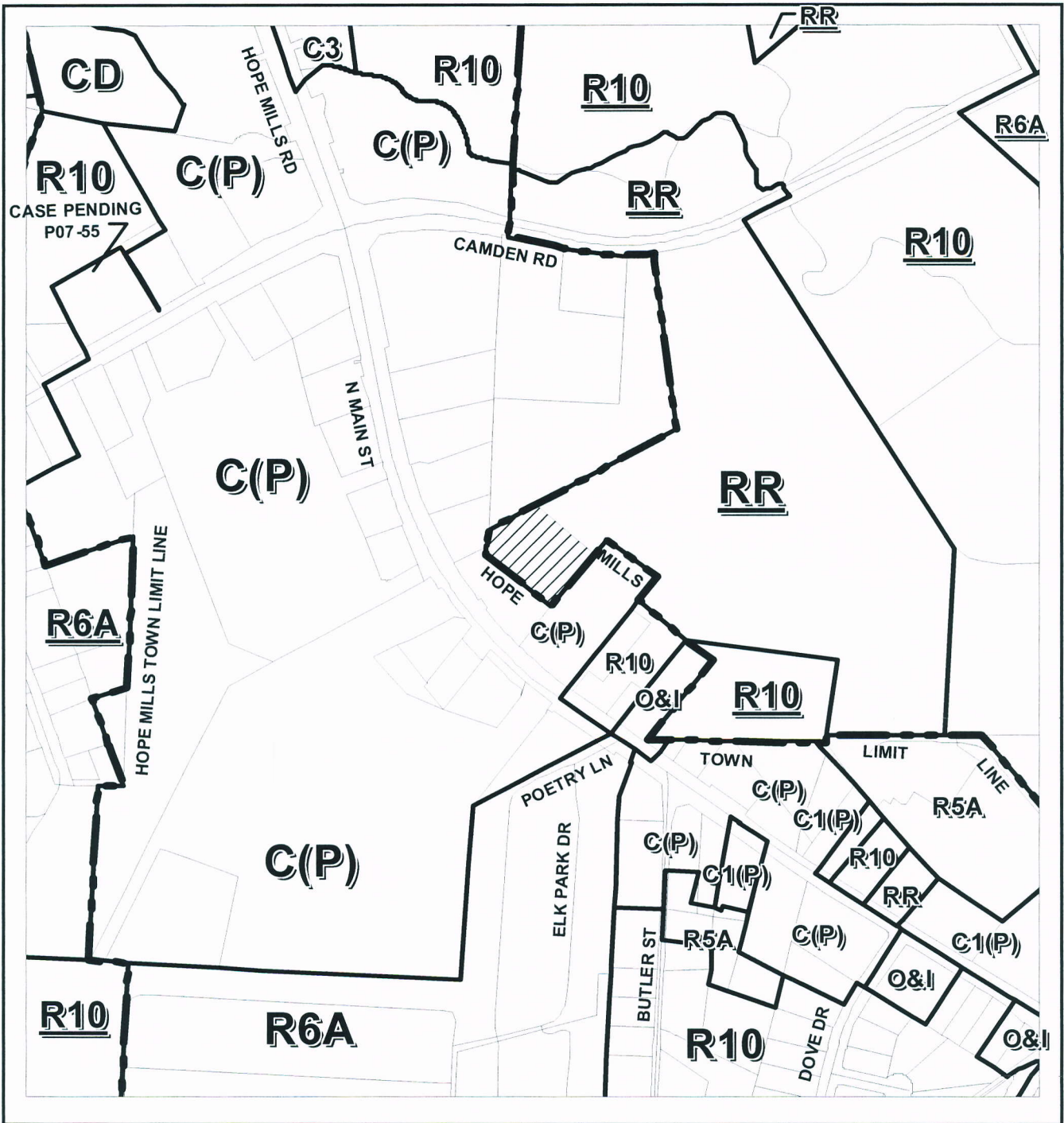
Highway Plan: North Main Street is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility. Road improvements are not included in the 2007-2013 MTIP (Priority 1).

Average Daily Traffic Count (2004): 14,000 on Camden Road and 30,000 on North Main Street

Notes:

A Conditional Use District and Permit was explained to the applicant; declined the application - 7/20/07.

Note: The subject property will be severely restricted for development purposes due to the 90 foot powerline easement.



REQUESTED REZONING RR TO C(P)

ACREAGE: 1.49 AC.+/-		HEARING NO: P07-64	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

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August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-65. REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE, AMENDING ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATION, RESIDENTIAL DISTRICTS, INSERTING CLASSIFICATIONS FOR R20, R10 AND R6 ; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES BY CREATING TABLE 1-A.1 PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICT – R20 AND TABLE 1-D.1 PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICTS – R10 AND R6; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.1. LOT REGULATION, SUBSECTION 7.14. RECORDED LOTS LESS THAN MINIMUM REQUIREMENT AND SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS; ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE; AND FEE SCHEDULE. (FALCON)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. The amendment is creating higher density residential districts per the Town of Falcon's request; and
2. Falcon now has the public infrastructure to support districts allowing for higher density.

The changes shown in the amendment reflect the amended request as related to "R10" received from the Town, dated August 8, 2007. The other items in the amended request, "zero lot line" standards and a CD Conservancy zoning district, will be processed for the Board's September 18, 2007 meeting.

Attachment:
- Amendment

P07-65

REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE, AMENDING ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATION, RESIDENTIAL DISTRICTS, INSERTING CLASSIFICATIONS FOR R20, R10 AND R6 ; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES BY CREATING TABLE 1-A.1 PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICT – R20 AND TABLE 1-D.1 PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICTS – R10 AND R6; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.1. LOT REGULATION, SUBSECTION 7.14. RECORDED LOTS LESS THAN MINIMUM REQUIREMENT AND SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS; ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE; AND FEE SCHEDULE.

AMEND ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATION, 2.11. RESIDENTIAL DISTRICTS, BY INSERTING IN ALPHA/NUMERICAL ORDER:

R20 Residential District

A district designed primarily for single-family units with a lot area of 20,000 square feet or above.

R7.5 ~~10~~ Residential District

A district designed primarily for single-family dwellings on lots with a lot area of 7,500 ~~10,000~~ square feet or above.

R6 Residential District

A district designed for a mix of single- and multi-family dwellings with a typical lot area of 6,000 square feet or above.

AMEND ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES, BY CREATING:

**TABLE 1-A.1
PERMITTED AND SPECIFIED CONDITIONAL USES
RESIDENTIAL DISTRICT – R20**

PERMITTED USES (X)

Accessory Uses, incidental to any permitted use
Agricultural or Rural Farm Use
Children's Home

Dwelling – multi-family
Dwelling – single-family
Home Occupations, incidental
Group Home, six or less clients
Library
Recreation, public agency owned and operated, such as neighborhood center buildings,
parks, museums, playgrounds and similar facilities
Religious Worship Activities
Schools, public
Swimming Pools, incidental to a principal use (Section 3.34.)
Telephone Switching/Booster Station
Temporary Construction Building

SPECIFIED CONDITIONAL USES (C)

Assemblies, including: community and assembly hall, armory, stadium, community
center, fairgrounds, etc.
Bed and Breakfast
Cemetery
Club or lodge, except such uses defined and/or regulated in Section 3.44
Day Care Facility
Equestrian Facility
Fire Station Operations/Emergency Services
Golf Courses
Group Quarters
Nursing Home/Convalescent Home/Hospital/Retirement Home
Public/Community Utility Stations or Substations
Recreation, private, not operated as a business for profit, such as neighborhood centers,
parks, museums, swimming pools, etc., and not regulated by Section 3.44
Schools, nursing or other medically oriented professions
Schools, private – elementary or secondary
Special Informational Signs
Tower

**AMEND ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES,
SECTION 3.1. TABULATION OF PERMITTED USES, BY CREATING:**

**TABLE 1-D.1
PERMITTED AND SPECIFIED CONDITIONAL USES
RESIDENTIAL DISTRICTS – R7.5 ~~R10~~ AND R6**

PERMITTED USES (X)

Any permitted use allowed in the R20 Residential District

SPECIFIED CONDITIONAL USES (C)

All specified conditional uses allowed in the R20 Residential District except for “Equestrian Facility” which is not allowed in these districts.

AMEND ARTICLE VII. LOT AND YARD REGULATION AS INDICATED:

SECTION 7.1. LOT REGULATION

7.14. Recorded Lots Less than Minimum Requirement

Where any lot of record on the effective date of this ordinance or amendment thereto for the zoning area in a district which allows residential uses does not contain sufficient land to permit conformance to the dimensional requirements of this ordinance, such lot may be used as a building site for a single family residence, provided that the lot area and yard dimensions are not reduced below the minimums specified in this ordinance by more than seventeen (17) percent in the R20, R15 and R15A, R7.5 +0 and R6 Residential Districts.

AMEND SECTION 7.3. AS INDICATED:

SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS

Except for the special provisions as noted in Sections 7.1. and 7.2., the following district dimensional regulations shall be met:

District	Minimum Lot Size (See Paragraphs 7.13, 7.14, 7.15 and 7.19)				Minimum Yard Regulations				
	Square Feet Dwelling Unit			Frontage (in feet)	Side Yard <u>Setback</u> <u>Width</u> (in feet) <u>By Structure</u> (See Paragraphs 7.17, 7.29)				
	First Dwelling Unit	2 nd , 3 rd & 4 th Dwelling Units	5 or more Dwelling Units		Front Yard Setback (in feet) (See Para. 7.23) Measured from R/W line	1 Story	2 Story	For each Additional Story greater than 2, add:	Rear Yard <u>Setback</u> <u>Depth</u> (in feet) (See Para. 7.17, 7.25, 7.29)
R40A	40,000	40,000	40,000	100	50	15	15	10 ft/story	35
R20	20,000	20,000	20,000	100	30	15	15	10 ft/story	35
R20A	20,000	20,000	20,000	100	30	15	15	10 ft/story	35
R15	15,000	15,000	15,000	100 75	30	15 10	15	10 ft/story	35
R15A	15,000	15,000	15,000	75	30	15 10	15	10 ft/story	35
R7.5 10	7,500 10,000	7,500	7,500	75	30	10	15	8 ft/story	35
R6	6,000	5,000	4,000	60	25	10	12	6 ft/story	30
District	Minimum Area (See Paragraph 7.15)		Minimum Yard Regulations						
			Front Yard Setback In Feet (See Paragraph 7.23) Measured from R/W Line		Measured from Street Centerline		Side Yard Width Except As Regulated By Paragraphs 7.29 & 7.30	Rear Yard Depth In Feet (See Paragraphs 7.27 & 7.29)	
O&I*			35	65			15	20	
C1			45	75			15	20	
C3			45	75			15	20	
C(P)	Two Acres (Net)		50	80			30	30	
M			50	80			30	20 30	

*See Paragraph 7.32 for exceptions.

*Single Family Dwellings use R15 standards

AMEND ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, BY INSERTING AND DELETING IN ALPHABETICAL ORDER AS INDICATED:

Accessory building structure or use: A building or use or structure, not including signs, which is: ~~on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~

- (a) Conducted or located on the same zoning lot as the principal building or use, or off-street parking, as specifically provided for in this ordinance;
- (b) Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and
- (c) Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

Agriculture: The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry and animal and poultry husbandry. The operation of any accessory uses shall be secondary to that of the normal agricultural activities.

Assembly: An event causing a company of persons to collect together in one place, and usually for some common purpose, such as for deliberation and legislation, worship or social entertainment.

Bed and breakfast: A form of temporary/transient housing with breakfast included, but no other meals available. There is no restaurant, but overnight guests may use a dining room, which is open only during breakfast hours.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes: a) burial park for earth interment; b) mausoleum; c) columbarium.

Club or lodge (private, nonprofit, civic or fraternal): A nonprofit association of persons, who are bona fide, dues-paying members, which own, hire or lease a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available.

Convalescent home (nursing home): An institution that is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities or obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for

which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Childrens Day care facility: A building, dwelling or premises regularly used for recreational or supervisory care of six or more persons (adults or children), not including unrelated to the operator's own family members, during any 24-hour period., but not including It does not matter where it is located, whether the same or different persons attend and whether or not it is operated for profit. The following are not included: public schools; nonpublic schools, as described in N. C. GEN. STAT. §110-86(2); summer camps having children in full-time residence; foster homes summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and bible schools normally conducted during vacation periods.

Dwelling: A building or portion thereof designed, arranged for or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, recreational vehicle, motel, hotel, tourist home or other structures designed for transient residence. by one or more families for residential purposes.

Equestrian facilities: Commercial stand alone facilities or as an integral part of and in conjunction with residential developments, including: horse ranches, boarding stables, riding schools and academies, trails, and horse exhibition facilities. Barns, stables, corrals, paddocks and the like are considered accessory and incidental to the foregoing uses.

Golf course: Land developed for the recreational purpose of golf, excluding miniature golf courses and including country clubs, private and public courses, driving ranges and pro and snack shops.

Group home: A home with support and supervisory personnel, some or all of whom are nonresident, that provides room and board, personal care and habilitation services in a residential environment to not more than six resident handicapped persons 24 hours a day, seven days a week.

Group quarters: A building or group of buildings, which houses more than two persons in other than a traditional family setting. Housing may be in individual rooms or communal rooms with bathroom facilities and other common use areas. Housing may be free of charge or with a fee (monetary or service). This definition shall not include foster care homes, therapeutic foster care homes or other uses specifically listed in Article III. Permitted Principal Uses and Structures, i.e., group homes. It does include, but is not limited to, Group quarters include rooming/ and boarding houses, membership lodgings, residence halls and dormitories, halfway houses, alcohol and drug abuse centers, homeless shelters, hospice facilities, retirement homes, and orphanages and religious quarters.

Handicapped person: A person with a temporary or permanent physical, emotional or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in N. C. GEN. STAT. § 122C-3(11)(b).

Premises: A lot and the structure or structures located on it.

Principal structure/principal uses: The primary building(s), purpose(s) or function(s) that a parcel or structure serves or is intended to serve.

Religious worship activity: Any premises, Church, temple or synagogue, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit (parsonage), but excluding day care nurseries and facilities for residence or training of religious orders.

Special informational signs: For the purpose of giving directions and information, on-site signs pertaining to specified conditional uses where not otherwise permitted, and off-premises signs may be approved by the Board of Adjustment subject to a permit specifying the size, location, lighting, design and display in accordance with Article IX. Sign Regulations. 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 may judge to be beneficial to the total community.

Swimming pool, private: Any structure which contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with a single-family residence and which is available only to the family and guests of the house holder. This includes in-, on- and above-ground swimming pools.

Swimming pool, public: Any swimming pool that does not meet the definition of "private, swimming pool" located above. In addition to this ordinance, the Town Subdivision Ordinance and the County Health Department also regulate public swimming pools.

Tower: Any fabricated structure or device including, but not limited to, relay stations for commercial operations, such as cable television, telecommunication, radio, television stations and the operation of such uses. "Tower" shall not include structures that support antennae or similar devices that support or facilitate HAM radio or Citizen Band communication.

**TOWN OF FALCON ZONING ORDINANCE
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
R40A R20 R20A R15 R15A R7.5¹⁰ R6	\$200	\$400	\$500	\$500
O&I C1 C(P) & C3 M	\$400	\$500	\$600	\$800
CONDITIONAL USE <u>OVERLAY DISTRICTS²</u> RESIDENTIAL	\$500	\$500	\$500	\$500
CONDITIONAL USE <u>OVERLAY DISTRICTS²</u> NONRESIDENTIAL	\$700	\$800	\$800	\$800
ALL TEXT AMENDMENTS	\$100			
ZONING ORDINANCE TEXT	\$ 5			
SUBDIVISION ORDINANCE TEXT	\$ 5			
<u>BOARD OF ADJUSTMENT*</u>				
SPECIFIED CONDITIONAL USES VARIANCES		\$200		
ADMINISTRATIVE REVIEW INTERPRETATIONS NONCONFORMING USES		\$100		

* A non-refundable fee of twenty-five (\$25.00) dollars is to be paid to the Town of Falcon for processing and advertising (Excludes requests originating with the Town of Falcon).

* Fees are in accordance with the schedule adopted by the Town of Falcon

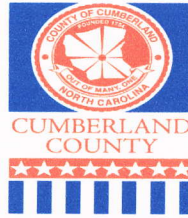
¹If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.

²If a general rezoning is requested and based on recommendations of the Joint Planning Board or Board of Commissioners, a Conditional Use Overlay District application is to be filed; the original application fee will be credited toward the Conditional Use Overlay District application fee.

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-66: REZONING OF A 2.64 AC PORTION OF A 40.43 ACRE TRACT FROM C(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6473 RAMSEY STREET, SUBMITTED BY PATRICK J. MCKEE, OWNED BY EDGEWOOD DEVELOPMENT GROUP, INC.

The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. Although the request is not consistent with the North Fayetteville Study Area Land Use Plan, which calls for Heavy Commercial at this location, the request is more consistent with the zoning of the remaining portion of the subject property;
2. This parcel is located on a Major Thoroughfare; and
3. Public utilities are available to the subject property.

The O&I(P) and C1(P) zoning districts could also be considered suitable zoning districts for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-66

REZONING OF A 2.64 AC PORTION OF A 40.43 ACRE TRACT FROM C(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6473 RAMSEY STREET, SUBMITTED BY PATRICK J. MCKEE, OWNED BY EDGEWOOD DEVELOPMENT GROUP, INC.

Site Information:

Applicant/Owner: PATRICK J. MCKEE / EDGEWOOD DEVELOPMENT GROUP, INC.

Area: 2.64 acres

Frontage & Location: 400 feet on Ramsey Street

Depth: 300 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant commercial

Initial Zoning: August 21, 1972 (Area 1)

Zoning Violation(s): None

Surrounding Zoning: North-R10, PND, O&I(P), C(P), M(P), Fayetteville city limits-C1(P), East-R15, R10, C(P), M(P), city limit-R10, South-R15, R10, R6A, C1(P), C(P), city limit-R6, R6MH, R5, R5A, C1, C(P), and West-R10, PND, C1(P), city limit-R6

Surrounding Land Use: Electric company, school, single family residential and wood land

North Fayetteville Study Area Land Use Plan: Heavy Commercial

Watershed Area: Yes - site restricted for development, impervious surface limitations

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: None

School Capacity/Enrolled: Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 763/761, Pine Forest High 1750/1659

Subdivisions: Case 07-123 has been submitted showing 88 units (condominiums) and an office; utilizing the front half of the 40.43 acres.

Military Impact Area: Yes

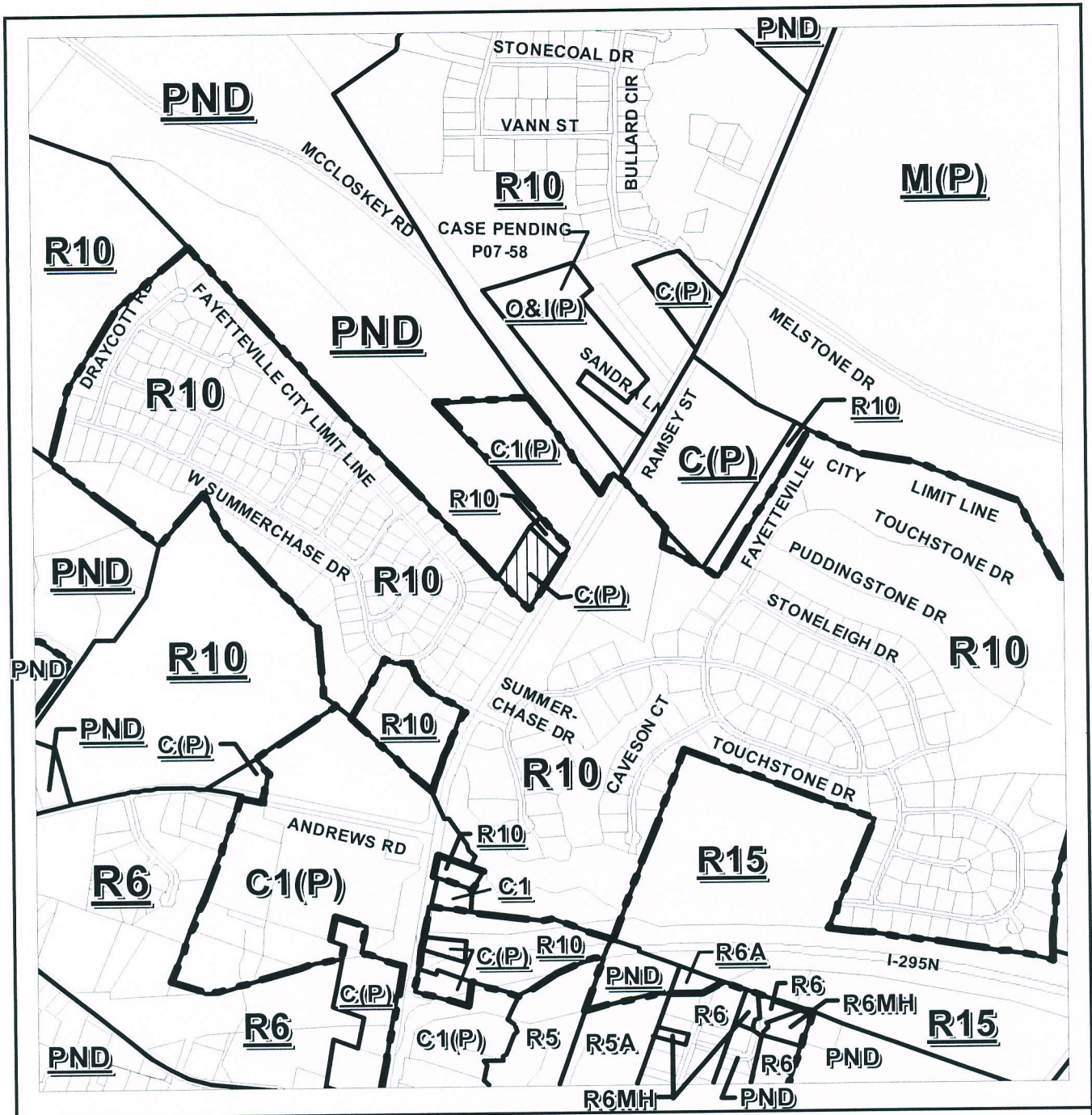
Ft Bragg/Pope AFB: Pope AFB has no objection to this case.

Highway Plan: North Ramsey Street is identified as a Major Thoroughfare. This is a multi-lane facility with a proposed 120-foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-way and Construction: Unfunded.

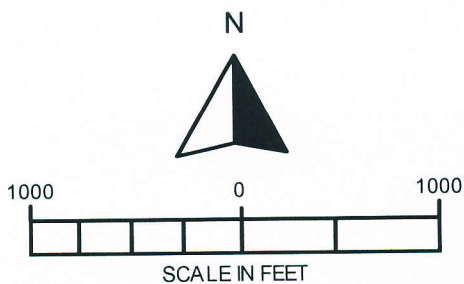
Average Daily Traffic Count (2004): 23,000 on Ramsey Street

Notes:

Density (maximum): 2.64 acres – 15 lots / units
40.43 acres – 234 lots / 235 units



REQUESTED REZONING C(P) TO R7.5



ACREAGE: 2.64 AC.+/-		HEARING NO: P07-66	
ORDINANCE: COUNTY	PLANNING BOARD	HEARING DATE	ACTION
GOVERNING BOARD			

PORT. OF PIN: 0531-85-6337

AF
7/25/07

Donovan McLaurin,
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Sara E. Piland,
Cumberland County

August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-67: INITIAL ZONING OF A 10.79 ACRE TRACT, A 22.92 ACRE TRACT AND AN 8.85 PORTION OF A THIRD TRACT, TOTALING 42.56 ACRES, TO A1, C(P) AND M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH AND SOUTH OF WADE-STEDMAN ROAD, WEST OF I-95, OWNED BY LUTHER C. BARNES JR. AND CAROLINA POWER AND LIGHT COMPANY. (WADE)

The Planning & Inspections Staff recommends approval of the A1, C(P) and M(P) districts based on the following:

1. Although the request is only partially consistent with the Wade Study Area Detailed Land Use Plan, which calls for Planned Commercial and Low Density Residential at this location; the request was made by the Town of Wade;
2. The subject property is located on a Major Thoroughfare and adjacent to the I-95 corridor; and
3. The Town of Wade water and NORCRESS sewer is available to the subject properties.

The O&I(P) and C1(P) are the only other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE
P07-67

INITIAL ZONING OF A 10.79 ACRE TRACT, A 22.92 ACRE TRACT AND AN 8.85 PORTION OF A THIRD TRACT, TOTALING 42.56 ACRES, TO A1, C(P) AND M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH AND SOUTH OF WADE-STEDMAN ROAD, WEST OF I-95, OWNED BY LUTHER C. BARNES JR. AND CAROLINA POWER AND LIGHT COMPANY. (WADE)

Site Information:

Applicant/Owner: TOWN OF WADE / LUTHER C. BARNES JR. AND CAROLINA POWER AND LIGHT COMPANY

Area: 42.56 acres

Frontage & Location: 1,430 feet on Wade-Stedman Road

Depth: 657 feet (average) on the north side, 830 feet (average) on the south side

Jurisdiction: Wade

Adjacent Property: Yes

Current Use: Farmland and woodland

Zoning Violation(s): None

Surrounding Zoning: North-R6A, C(P), County limit-A1, R40, R40A, East-County limit-A1, HS(P), M2, South-County limit-A1, and West-A1, R40A, RR, R15, R6A, O&I(P), C1(P), C3

Surrounding Land Use: Open storage of junk cars, flower garden, convenience store, motel, single family residential, farmland and woodland

Wade Study Area Detailed Land Use Plan: Low Density Residential and Planned Commercial

Watershed Area: Yes

Water/Sewer Availability: Town of Wade water / NORCRESS

Soil Limitations: Yes – Ra (Rains sandy loam) and St (Stallings loamy sand)

School Capacity/Enrolled: District 7 Elementary 241/255, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

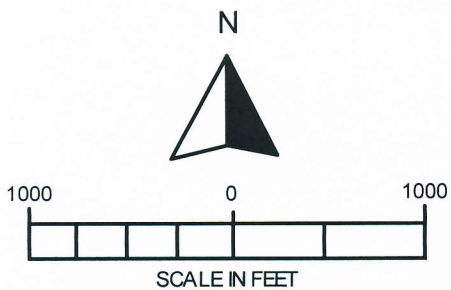
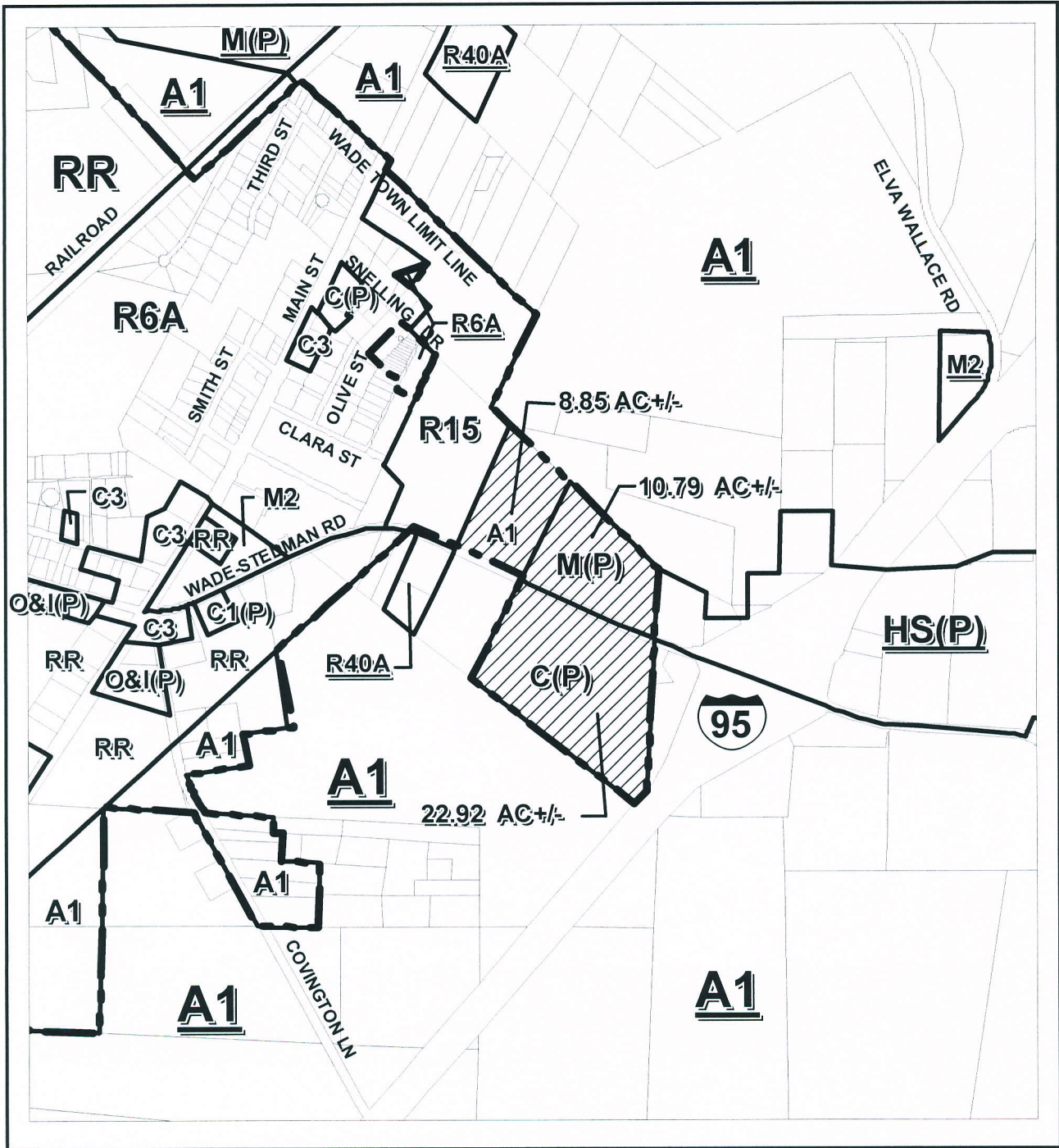
Subdivisions: A site plan review will be required on the planned districts and the A1 district, if nonresidential. A subdivision review may be required if the lots are to be changed or increased in number.

Military Impact Area: No

Highway Plan: Wade-Stedman Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP (Priority 2).

Average Daily Traffic Count (2004): 2,800 on Wade-Stedman Road

Notes:



INITIAL ZONING TO A1, M(P) & C(P)

ACREAGE: 42.56 AC +/-

HEARING NO: P07-67

ORDINANCE: WADE

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

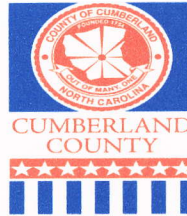
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 PIN: 0581-33-7768
 PIN: 0581-32-6928

AF
 7/25/07
 7/30/07
 8/14/07

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Roy Turner,
Sara E. Piland,
Cumberland County

August 14, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 21, 2007 Board Meeting

P07-53: REZONING OF 4.33 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2545 SAND HILL ROAD, SUBMITTED BY ROBERT M. BENNETT, OWNED BY HAROLD J. KIDD.

The Planning Board deferred this case on July 17, 2007 to allow the applicant time the opportunity to discuss a Conditional Use District and Permit with the Planning & Inspections Staff. The applicant has decided against it, keeping to his original rezoning request; therefore, the Staff recommendation has not changed.

The Planning & Inspections Staff recommends denial of the C(P) district based on the following:

1. The request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location;
2. The request, if approved, will encourage the encroachment of non-residential zoning and uses along Sand Hill Road; an area that is primarily residential.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-53

REZONING OF 4.33 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2545 SAND HILL ROAD, SUBMITTED BY ROBERT M. BENNETT, OWNED BY HAROLD J. KIDD.

Site Information:

Applicant/Owner: ROBERT M. BENNETT / HAROLD J. KIDD

Area: 4.33 acres

Frontage & Location: 325 feet on Sand Hill Road

Depth: 545 feet (average)

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: North-A1, RR, East-A1, RR, R6A, South-A1, RR, C(P), and West-A1, R40A, RR, RR/CU

Surrounding Land Use: Manufactured home parks (2), store, day care facility, shopping center, single family residential, woodland, and farmland

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC sewer available on 1100 +/- feet east on NC Hwy 87 South (mandatory connection to sewer most likely cannot be required)

Soil Limitations: Yes – Johnston loam, only on a small portion on the northern end

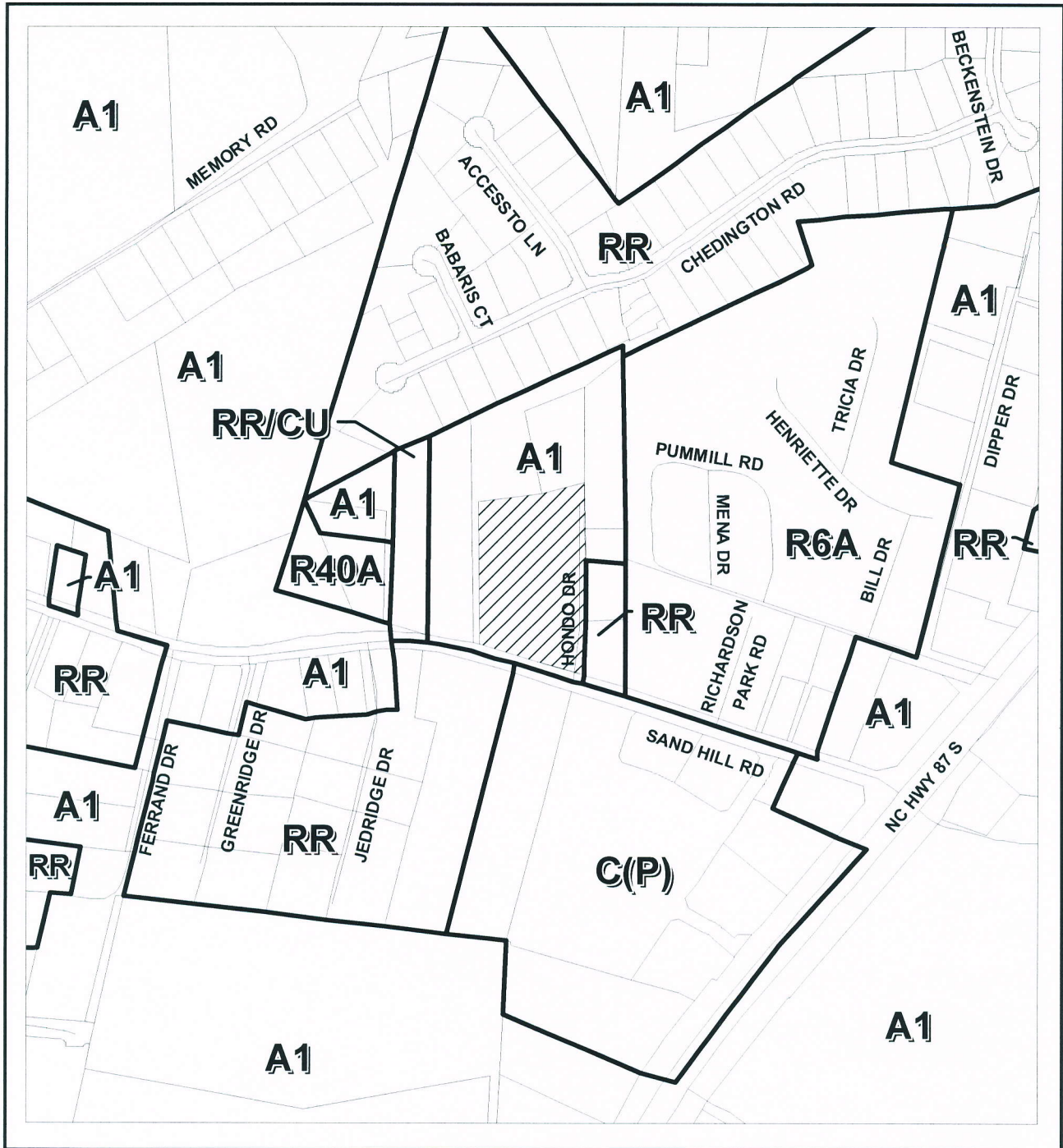
Subdivisions: A site plan review will be required prior to any development.

Military Impact Area: No

Highway Plan: There are no road improvements or new construction specified for this area.

Average Daily Traffic Count (2004): 810 on Sand Hill Road

Notes:



REQUESTED REZONING: A1 TO C(P)

ACREAGE: 4.33 AC.+/-		HEARING NO: P07-53	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			