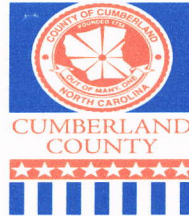


Donovan McLaurin,
Chair
Wade, Falcon & Godwin

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-69: REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE, NORTH CAROLINA CODE OF ORDINANCES, CHAPTER 156: ZONING CODE, AMENDING §§ 156.007, APPLICATION OF CHAPTER; 156.008, DEFINITIONS; 156.020, STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS; 156.035, DISTRICT USE REGULATIONS; REPEALING: OVERLAY DISTRICTS §§156.065, GENERALLY AND 156.066, SITE PLAN REQUIRED; CREATING: SUBCHAPTER "CONDITIONAL USE DISTRICTS AND PERMITS", §§ 156.064, COMPANION DISTRICT – CONDITIONAL USE DISTRICT; 156.067, MIXED USE DEVELOPMENT – CONDITIONAL USE DISTRICT; 156.068, PLANNED NEIGHBORHOOD DEVELOPMENT – CONDITIONAL USE DISTRICT; AND 156.069, DENSITY DEVELOPMENT – CONDITIONAL USE DISTRICT; REPEALING § 156.072, PLANNED NEIGHBORHOOD DEVELOPMENT (PND); AMENDING §§ 156.087 DISTRICT DIMENSIONAL PROVISIONS AND 156.149, FEES; REPEALING § 156.154, PLANNED NEIGHBORHOOD DEVELOPMENT; GENERAL DEVELOPMENT PLAN; CONTENT; AND UPDATING THE TABLE OF CONTENTS TO REFLECT CHANGES. (SPRING LAKE)

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

1. The amendment introduces Conditional Use Districts and Permits to the Town of Spring Lake Zoning Code and establishes standards for compliance with the plan;
2. The amendment will promote Traditional Neighborhood Development by providing infill and cluster development;
3. Approval of the amendment will enhance the Town's ability to promote a healthy lifestyle by promoting walkable communities and air quality measures; and
4. The amendment will avoid creating nonconformities in the event the town annexes properties previously approved under the Conditional Use District and Permit standards.

Attachments:

- 1 – Memorandum to Spring Lake Town Board w/Major Changes List
- 2 - Amendment

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



CUMBERLAND
COUNTY



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

July 30, 2007

MEMORANDUM

TO: Mayor Ethel T. Clark, Town of Spring Lake
Town of Spring Lake Board of Aldermen

THRU: Tom Lloyd, Director *TLL*
Cecil Combs, Deputy Director *CPC*

FROM: Patti Speicher, Planner III, Land Use Codes *PS*

SUBJECT: Zoning Code Amendment to Allow Conditional Use Districts

Attached is an amendment proposing some major changes to the Town's Zoning Code. Though the amendment is extremely long, I do believe adoption of this amendment would be a positive step in updating your codes. I have also attached a listing of the major changes that adoption of this amendment will cause. Hopefully, this will aid in helping to make the changes easier to understand and further aid in the adoption of these provisions.

Basically, we have tried to update your Code to allow for innovative development while at the same time enhancing the ability of the Town in fulfilling the responsibility for protection of the public health, safety and welfare of your citizens. We try also to maintain consistency between the County's codes and all the municipalities' that participate in the joint planning process. Recently, at least one developer has shown interest in these provisions for property currently located within the Town and the adjacent County area.

The demand for more environmentally pleasing and healthier living practices is a driving force behind this proposal. Included are provisions for mixed use developments which encourage creation of walkable communities and provisions for cluster developments, which are designed to preserve valuable open space areas. A couple of years ago, the County adopted the same or similar standards and have had great success with these types of development.

Also, it is important that the Town and County regulations are fairly consistent in order to avoid creating nonconformities in the event of Town annexing properties which have been approved under these standards.

This amendment, if adopted, will necessitate your consideration of a couple of other changes to your codes; specifically, "zero lot line" provisions and renaming what is currently called "specified conditional use" or "conditional use" - requiring Board of Adjustment approval - to possibly "special use" or similar term.

This information is being sent to you now so that you will have sufficient time to review the material. Under the current schedule, this amendment could be presented to the Planning Board in September and forwarded on for your consideration thereafter. If you have specific concerns, comments or questions, please call me at 678-7605 or email: pspeicher@co.cumberland.nc.us.

Attachments:

- 1 – Recommended Major Changes to Town Zoning Code
- 2 – Text Amendment to Town Zoning Code
- 3 – Sample Conditional Use District and Permit Application
- 4 – Site Plan for County Approved Mixed Use Development/Conditional Use District
- 5 – Site Plan for County Approved Density Development/Conditional Use District

cc: John Jackson, Spring Lake Town Attorney
Mr. David Smitherman, Spring Lake Interim Town Manager
Tom Spinks, Spring Lake Director of Planning
Will Denning, Planner III, CCP&I
Bonny Collins, Planner I, CCP&I Spring Lake Rep

Town of Spring Lake
Major Changes – Conditional Use District Amendment
(P07-69)

1. REPEALING current provisions for OVERLAY DISTRICTS – This type of district is more appropriate for specific areas which need to be protected, i.e., gateways into Town, military areas, etc. Standards for these areas can be written at some point in the future upon the Town’s request.
2. CREATING standards for CONDITIONAL USE DISTRICTS & PERMITS – These districts are actual zoning districts in which the property owner agrees to eliminate certain allowed uses in a district. Quite often used to prohibit certain uses in specific areas where adjacent property owners are in agreement with the “proposed” use for a rezoning but not all the uses allowed in the requested district, i.e., owner submits for C3/CUD and agrees to eliminate “adult activities” provided that the use could meet other qualifying criteria, from being on the site. The rezoning application includes the Permit application and normally is submitted with a site plan of the subject property. Use of the CUD is also a great tool for allowing infill development with some measure of control in sensitive areas. Conditions can be placed upon the “Permit” provided the owner agrees. Keys to CUD rezoning are totally voluntary by the applicant – sometimes with Staff or Board encouragement – and must be signed by the current tax record owner(s) of the subject property.
3. CREATING provisions to allow MIXED USE DEVELOPMENTS – This is included in the amendment as a CUD and in the manner proposed, must comply with all requirements of a regular CUD, above. Included in the provisions are minimum standards for application: 10 acres or more, public water and sewer, access to public right-of-way. As a stipulation of the approval, 15% must be open space and non-residential cannot exceed more than 50% of the remainder. Encourages and allows for clustering of structures and lots. Supports the “WALKABILITY” and “AIR QUALITY” initiatives. Does not have separate zoning designations for the separate uses; reflected on the zoning map as “MXD/CUD.”
4. CHANGING the current Planned Neighborhood District (PND) to a PND/CUD – Again, must meet all provisions of a regular CUD and the resultant standards are generally similar to the existing provisions in the current code.
5. CREATING provisions to allow for CLUSTERING of residential developments to be called: DENSITY DEVELOPMENT/CUD. The applicant voluntarily agrees to place all development on 60% of the tract with the remaining 40% permanently restricted to OPEN SPACE. Clustering, in addition to preserving open space, also allows for less utility and infrastructure cost, not only initially for the developer but for Town’s future maintenance as well. The zoning map designation will be the residential district that will support the density being requested, i.e., R10/DD/CUD.
6. Inherent in the MXD/CUD and DD/CUD districts is the ability to “cluster” the development, following this amendment, will be an amendment for “zero lot line” developments for your consideration.

P07-69

REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE, NORTH CAROLINA CODE OF ORDINANCES, CHAPTER 156: ZONING CODE, AMENDING §§ 156.007, APPLICATION OF CHAPTER; 156.008, DEFINITIONS; 156.020, STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS; 156.035, DISTRICT USE REGULATIONS; REPEALING: OVERLAY DISTRICTS §§156.065, GENERALLY AND 156.066, SITE PLAN REQUIRED; CREATING: SUBCHAPTER "CONDITIONAL USE DISTRICTS AND PERMITS", §§ 156.064, COMPANION DISTRICT – CONDITIONAL USE DISTRICT; 156.067, MIXED USE DEVELOPMENT – CONDITIONAL USE DISTRICT; 156.068, PLANNED NEIGHBORHOOD DEVELOPMENT – CONDITIONAL USE DISTRICT; AND 156.069, DENSITY DEVELOPMENT – CONDITIONAL USE DISTRICT; REPEALING § 156.072, PLANNED NEIGHBORHOOD DEVELOPMENT (PND); AMENDING §§ 156.087 DISTRICT DIMENSIONAL PROVISIONS AND 156.149, FEES; REPEALING § 156.154, PLANNED NEIGHBORHOOD DEVELOPMENT; GENERAL DEVELOPMENT PLAN; CONTENT; AND UPDATING THE TABLE OF CONTENTS TO REFLECT CHANGES. (SPRING LAKE)

AMEND § 156.007 APPLICATION OF CHAPTER, (D) SPECIAL DEVELOPMENTS, AS INDICATED:

(D) *Special developments.* Group developments, zero lot line variable lot residential developments and condominium developments and townhouse developments may be exempt from the district dimensional provisions yard and lot requirements of this chapter provided the development conforms with Chapter 155 of this Code, and the overall ~~dwelling unit~~ density is maintained for the district in which it is located.

AMEND § 156.008 DEFINITIONS, BY AMENDING, DELETING, AND INSERTING IN ALPHABETICAL ORDER, AS INDICATED:

ABUTTING/CONTIGUOUS. Having property or district lines in common, i.e., two lots are abutting if they have any portion of any property line in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way or stream.

BERM. Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

BUILDABLE AREA (BUILDABLE ENVELOPE). The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met.

BUILDING SETBACKS. The minimum distance from all property and/or right-of-way lines to the closest projection of the exterior face of buildings, walls or other forms of construction (i.e. decks, landings, terraces, and porches, etc.).

CONDITIONAL USE. A use or occupancy of a structure, or a use of land, permitted only upon the successful rezoning to a Conditional Use District and subsequent issuance of a Conditional Use Permit and made subject to the limitations and conditions specified therein.

CONSERVANCY ORGANIZATION. Any legally established incorporated entity, whether for profit or non-profit, whose primary mission is dedicated to the protection of the environment and natural resources.

DENSITY DEVELOPMENT. The division of land, in such a way as to allow development at the density of the general zoning district while at the same time promoting the preservation of open space by requiring that all development occur on 60 % of the overall acreage with open space designation for the other 40 %.

GROUP DEVELOPMENT. A group of two or more principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land.

HIGHWAY PLAN. A plan, formally known as “Fayetteville Area Metropolitan Planning Organization Highway Plan”, that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

LAND, GROSS AREA. The square footage of ~~includes~~ all the area included within the external boundary of the ~~property area to be developed admitted to the planned neighborhood development~~ excluding existing public streets and railroad rights-of-way.

LOT. A parcel of land occupied or intended for occupancy, by a principal structure or group of principal structures together with any accessory structures, including such yards, open spaces, width, and area as required by this chapter, either shown on a plat of record or, if created prior to adoption of Chapter 155, described by metes and bounds and recorded with the Register of Deeds. ~~Includes the words **PLOT** or **PARCEL**. A lot is a parcel of land in undivided ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open spaces as herein required. A lot must have frontage on a public street, or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a structure on such land, and may consist of: a single lot of record; or a combination of complete lots of record plus portions of lots of record, or of portions of lots of record, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.~~

MIXED USE. A single building containing more than one type of land use where the ground floor use is a permitted non-residential use in the zoning district and all second floor and above uses are residential or a single development of more than one building and use with the different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

OPEN SPACE. The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

OVERLAY DISTRICT. A zoning district created for special purpose, for example manufactured housing, which shall be superimposed over already existing zoning districts.

PRINCIPAL STRUCTURE/PRINCIPAL USE. The primary building(s), purpose(s) or function that a parcel or structure serves or is intended to serve.

SITE PLAN. A scaled drawing depicting uses and structures proposed for a parcel of land as required by this chapter and Chapter 155. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, buildings, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines.

SUBDIVISION. All divisions of five acres or less of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, with certain modifications as more particularly defined in Chapter 155.

VARIABLE LOT RESIDENTIAL DEVELOPMENT. A variable lot residential development consists of single family residential structures on individual lots where the developer may reduce the size of such lots in accordance with certain standards defined in Chapter 155 of this Code, while maintaining applicable overall density standards for the zoning district in which it is located.

VERTICAL MIXED USE. Buildings erected for two or more different uses, providing space for non-residential uses on the ground floor with residential areas located on the upper floors and functionally designed to share vehicular and pedestrian access and parking areas.

ZERO LOT LINE DEVELOPMENT. A single development including, but not limited to, patio houses, townhouses, condominiums, businesses, individual lots and including one or more structures comprising at least two individual lots, dwelling units, or businesses, whether attached or detached, intended for separate ownership and developed in accordance with the standards of Chapter 155.

ZONING. A police power measure, enacted by the Board of Aldermen pursuant to N. C. GEN. STAT.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.

ZONING DISTRICT. An area established by this chapter where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

AMEND § 156.20 STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS, BY CREATING AND INSERTING IN ALPHABETICAL:

(K) *Companion District - Conditional Use District (___/CUD).* Each zoning district ordained by this chapter includes a companion Conditional Use District (e.g. R15 has R15/CUD) where no uses are permitted by right. All uses in the companion Conditional Use Districts also require a Conditional Use Permit. (see §156.064)

(L) *Mixed Use Development-Conditional Use District (MXD/CUD).* The purpose of this district is to encourage innovative development on a conditional use basis by providing use flexibility while maintaining quality design standards tempered with proper controls regarding buffering, landscaping, open space designation, density and other conditions. (see §156.067)

(M) *Planned Neighborhood Development - Conditional Use District (PND/CUD).*: A district designed for the planned development of various residential densities concurrent with neighborhood-oriented uses in a single project. (see §156.068)

(N) *Density Development-Conditional Use District (DD/CUD).* 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 §156.069)

(O) *Dormant Zoning District.* This amendment of the Zoning Chapter makes dormant certain previously existing zoning districts created under the Town's Code of Ordinances, Zoning Chapter of January 10, 1972, and subsequent amendments. The PND Planned Neighborhood District is now dormant and development shall either comply with the standards of R10 or shall be submitted for approval under § 156.068.

AMEND § 156.035 DISTRICT USE REGULATIONS, AS INDICATED:

Within the various zoning use districts, as established in § ~~156.020~~ ~~156.003~~, 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 permitted by the various districts as established herein. The use regulations for the various districts are intended to be permissive in nature and none other than those specifically listed shall be construed as being an allowable use. Some land uses may be allowed through Conditional Use District or Special Use and Permits 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.

Permitted uses in the various districts are indicated by an “X” mark in the appropriate column of the following matrix table. Special Uses, with Conditional uses allowed in certain districts after approval by the Board of Adjustment approval and issuance of the Permit, and some Conditional Use Districts, after Board of Aldermen approval and issuance of the Permit, are also indicated in the matrix by the symbol “C” in the appropriate district column. Uses permitted in PND Planned Neighborhood District are enumerated in §§ 156.070 through 156.073.

[Matrix Table begins on the next page]

[Editor’s note: The updated Use Matrix is contained with P07-____.]

REPEAL SUB-CHAPTER ENTITLED: OVERLAY DISTRICTS, §§ 156.065 GENERALLY AND 156.066 SITE PLAN REQUIRED, SUBSECTION (A):

OVERLAY DISTRICTS

§ 156.065 REPEALED. GENERALLY

~~The Zoning Districts set forth herein are authorized by G.S. § 160A-383.1(e), and are intended to modify the restrictions of the underlying general zoning district. As appropriate, more than one overlay district may be used within any general zoning district. Any use permitted or allowed as a specified conditional use in the underlying general zoning district shall be permitted or allowed as a specified conditional use in the overlay district, unless disallowed by specific conditions or performance criteria imposed on the overlay district. The overlay district and the uses allowed therein also shall be subject to any conditions and performance criteria imposed by this chapter or otherwise by law in the underlying general zoning district, except as these may be modified by conditions and performance criteria imposed on the overlay district.~~

~~(Ord. passed 9-11-95)~~

§ 156.066 REPEALED. SITE PLAN REQUIRED.

~~(A) In any overlay district, no zoning permit or certificate of occupancy shall be issued by the Zoning Inspector except in conformance with a plan approved by the Board of Aldermen. Plans for developments shall be submitted to the Building Inspector at least 30 days prior to a regularly scheduled meeting. The Building Inspector shall study the plan to determine its compliance with this chapter and Chapter 155 of this code, if applicable, and shall negotiate with the developer for required changes in order that the development shall comply with the intent of such ordinances.~~

[Editor's note: Subparagraph (B) of this section was repealed on April 10, 2006, Zoning Case No. P06-20.]

CREATE SUB-CHAPTER ENTITLED: CONDITIONAL USE DISTRICTS AND PERMITS, § 156.064 COMPANION DISTRICT - CONDITIONAL USE DISTRICT, § 156.067 MIXED USE DEVELOPMENT - CONDITIONAL USE DISTRICT, § 156.068 PLANNED NEIGHBORHOOD DEVELOPMENT - CONDITIONAL USE DISTRICT, § 156.069 DENSITY DEVELOPMENT - CONDITIONAL USE DISTRICT, AS FOLLOWS:

CONDITIONAL USE DISTRICTS AND PERMITS

§ 156.064 COMPANION DISTRICT - CONDITIONAL USE DISTRICT.

(A) General. The Conditional Use zoning districts set forth herein are authorized by N. C. GEN. STAT. §1160A-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 District, will propose to restrict or eliminate Permitted, Conditional or Special Uses. Request for Conditional Use District rezoning shall be processed administratively in the same manner as for amendments to this chapter as established in §156.150.

Conditional Use Districts are floating districts that parallel general zoning districts. Conditional Use 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.

Companion Conditional Use 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 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 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, a required finding. Such requests may include a requirement for a more detailed site plan, or one modified in accordance with additional or modified conditions and other performance criteria.

(1) Proposed uses. Proposed uses shall be set forth in detail, including the compatibility with the uses in the neighboring districts. Any limitations or conditions to be placed on the proposed uses to enhance compatibility with and benefit to surrounding areas shall also be set forth.

(2) Dimensional requirements. The application shall show that the uses comply with dimensional requirements for the district requested. If the applicant proposes to deviate from the dimensional requirements for the district requested, it shall be demonstrated that the public purposes to be accomplished by any such dimensional requirement are met to an equal or greater degree.

(3) Sign requirements. The application shall indicate the location of signs in accordance with § 156.110 *et seq.*, *Sign Regulations*. If the applicant proposes to deviate from the signage provisions in this chapter, it shall be demonstrated that the public purposes to be accomplished by any such provisions are met to an equal or greater degree.

(4) Off-street parking requirements. The application shall indicate the size, shape, location of off-street parking and loading in accordance with § 156.100 *et seq.*, *Off-Street Parking and Loading*. If the applicant proposes to deviate from the parking and loading provisions in this chapter, it shall be demonstrated that the public purposes to be accomplished by any such provisions are met to an equal or greater degree.

(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 § 156.071. If the proposed uses involve development subject to Chapter

155, 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 Chapter 155, 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 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 he/she may have had with an affected party. The Planning Board shall review the request for a Conditional Use District and Conditional Use Permit rezoning and make a recommendation to the Board of Aldermen. When favorably recommending approval of the Conditional 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 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. 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, by separate motion, shall approve the Conditional Use Permit and may attach such reasonable requirements in addition to those specified in the Planning Board's recommendation, and shall find that the application meets the findings listed in (D) above, subsections (1) through (4). 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 conditions may include, but shall not be limited to:

- (1) The location of the proposed use on the property;
- (2) The number and location of structures;
- (3) The location and extent of accessory and support facilities, such as parking lots, driveways, fences and access streets;
- (4) The location and extent of buffer areas and other special purpose areas on the property;
- (5) The height of any structure;
- (6) The phasing of development;
- (7) Other restrictions on the use of the property that adhere to the purposes of this chapter and maintain the public health, safety and welfare; and
- (8) Such other matters as the applicant shall propose.

The record shall reflect that the applicant voluntarily agrees to all conditions proposed for approval of the Conditional Use Permit.

(F) *Modification to approved Conditional Use Districts and Permits.* All modifications, including changes in use and/or increase in density, to approved Conditional 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 Conditional Use Permit may be approved by the Town Staff and the County Planning Staff without requiring re-submission to the Board of Aldermen, provided no variance is required, the use does not change, 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:

(1) Slight variations in the building dimensions that do not depart from the general approved layout and not exceeding ten percent of the original approved dimensions;

(2) Minor changes in parking lot or traffic lane dimensions;

(3) Minor dimensional changes to individual lots;

(4) Minor site modifications due to necessary engineering requirements;

(5) Change of location of elements included on the site plan that generally maintains relative alignment and orientation to the approved site plan; and

(6) Other similar insignificant changes.

In reviewing such changes, the Town Staff or the County Planning Staff may require that the modification be handled in the same manner as a new application.

(G) *Time limit.* Once the Conditional Use District rezoning and Conditional Use Permit are 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 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 its previous zoning classification.

(H) *Failure to comply.* If for any reason any condition imposed pursuant to this section is found to be illegal or invalid, or if the applicant should fail to accept any condition, the authorization of such Conditional Use 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 Permit's continued validity and effectiveness. If the Town's Director of Planning determines that a developer has failed to comply with a condition of an approved Conditional Use Permit, 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 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 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.

(I) *Validation of existing Conditional Use Overlays.* Nothing in this 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, prior to the effective date of this amendment. All valid and legally approved Conditional Use Overlay Districts and 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 year. Failure to comply with the conditions of the Permit for the Conditional Use Overlays will subject the developer and/or current owner to possible revocation pursuant to subsection (H) above.

§ 156.067 MIXED USE DEVELOPMENT - CONDITIONAL USE DISTRICT.

(A) *General.* This zoning district incorporates the provisions of § 156.064, *Companion District - Conditional 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.

(B) *Minimum conditions for application.* The following are the minimum conditions that must be met prior to submission of an application for this district:

(1) The subject property must be served by public or community water and sewer;

(2) The subject property must have permitted access to a public paved street that can support the development; and

(3) The subject property must be at least ten acres.

(C) *Uses allowed.* The intent of this district is to allow for flexibility of development; however, unless a use not listed below is specifically requested by the applicant and receives a favorable recommendation from the Planning Board and approved by the Board of Aldermen, all uses within the district shall be limited to the following:

(1) Any residential use except manufactured homes and manufactured home parks;

(2) Allowed office and non-residential uses in the O&I Office and Institutional District, CB Central Business District, and C1 Local Business District; and

(3) Allowed uses from the C(P) Planned Commercial District are as follows:

(a) Eating or drinking facilities (drive-ins included);

(b) Fur sales, including cold storage;

(c) Janitorial Service;

(d) Recreation or amusement enterprise conducted outside a building and for profit, and not otherwise listed herein;

(e) Theater productions, outdoor;

(f) Upholstering or furniture refinishing; and

(g) Vehicle (commercial, government) repair or storage.

Any combination of the above non-residential allowed uses shall not exceed 50% of the total land area within the district for non-residential development.

(D) Development performance standards.

(1) Calculation of Area. Prior to submission for approval, the developer shall ensure the following calculations for land uses are provided for and clearly shown on the site plan:

(a) Fifteen percent of the land area for the entire development shall be subtracted out of the overall acreage prior to any other calculations and shall be reserved as open space; and

(b) After deduction of open space is completed, all acreage devoted to vertical mixed use, provided only residential use occurs above the first floor, shall be subtracted out of the remainder; then

(c) The resultant acreage shall be the basis for calculation of the percentages for the fifty percent commercial and residential calculations.

(2) Open space provisions.

(a) Fifteen percent of the land area is to remain undeveloped (in its natural state), unless developed recreational facilities are specifically requested in the application and shown on the site plan and approved by the Board of Aldermen upon their consideration of the recommendation from the Planning Board ;

(b) The open space portion of the tract must be in one contiguous piece or if not, receive a favorable recommendation from the Planning Board and approved by the Board of Aldermen; and

(c) The open space shall be secured by a recorded conservation easement and maintained as common area by an owners' association in the same manner as prescribed in Chapter 155 for common area in Zero Lot Line developments, or owned by a public or non-profit organization (i.e., governmental entity, land trust, conservancy, etc.) provided that this manner of ownership is approved by the Board of Aldermen after their consideration of the Planning Board's recommendation.

(3) Development standards.

(a) A site plan including all information required for detailed site plans enumerated in § 156.071 shall be submitted with the application. In addition, the site plan shall include the street layout, all proposed means for pedestrian and vehicle movement, including any alleys, public/private access to open space, etc. The site plan must be detailed and strictly adhered to.

(b) Half of the proposed residential development, excluding vertical mixed use, shall have been issued a *Certificate of Occupancy* or a guarantee has 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 Chapter 155 for "*Guarantee of Improvements*" (§ 155.23), 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 Permit and toward construction of any improvement within the development reasonably necessary to provide for the safety, health, and welfare of the public.

(c) All development within the district must meet any height restrictions imposed by the military, airports and the Federal Aviation Administration.

(d) The district dimensional requirements, including minimum lot size, setbacks, and density restrictions of § 156.087 shall not apply within the district; however, all periphery setbacks shall be that of any adjoining zoning district.

(e) Sidewalks shall be provided in accordance with the standards of Chapters 101 and 155.

(f) The site plan shall indicate the minimum and maximum number, size, and location of parking spaces. In the event the applicant desires approval of parking in a manner not generally authorized by this chapter, the specific details, i.e., dimensions, shape, location, must be provided on the site plan. Unless otherwise specifically approved by the Town Board of Aldermen, parking must comply with § 156.100 *et. seq.*, *Off-Street Parking and Loading*, of this chapter.

(g) All utilities except for high voltage electric lines (25kv or greater) shall be placed underground within the district.

(h) Streets and drives shall comply with Town and/or North Carolina Department of Transportation standards, whichever is applicable, and must be capable of carrying the projected traffic volumes.

(i) All signage within the district shall comply with § 156.110 et. seq., Sign Regulations, of this chapter unless specifically approved otherwise by the Board of Aldermen. In the event the applicant desires approval of signage in a manner not generally authorized by this chapter, the specific details, i.e. sign area, setbacks, height, etc., must be provided with the application and site plan.

(j) Landscaping and buffering shall be provided in accordance with the standards of §156.088, Landscape Requirements, of this chapter. The location and type of buffering and landscaping must be provided on the site plan.

(k) Developments submitted for approval under this chapter are exempt from the parks, recreation, and open space provisions required by § 155.47 of the Town's Subdivision Regulations.

(4) Other applicable provisions. In addition to the above requirements and all conditions placed on the district, the developer shall ensure the following:

(a) All water supply watershed requirements shall be complied with, where applicable;

(b). Compliance with the Highway Plan;

(c) The plans must be in harmony with the Town's most current Comprehensive Land Use Plan and current adopted policies; and

(d) All other applicable Federal, State, and local regulations are complied with.

§ 156.068 PLANNED NEIGHBORHOOD DEVELOPMENT - CONDITIONAL USE DISTRICT.

[Editor's note: The basic provisions of this section currently exist in the Town's Zoning Code as a zoning district in § 156.072, which is being repealed by this amendment.]

(A) Purpose. This district encourages the development of residential land in such a manner as to provide a more desirable living environment characterized by a variety of housing types in order to best meet the demand of all people, allow methods by which

land and facility costs can be reduced on a per unit basis so that more people can afford better living conditions, and may include limited commercial facilities to meet the needs of surrounding residents.

(B) General. 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 Use District. This zoning district incorporates the provisions of § 156.064, Companion District - Conditional Use District, in its entirety. In addition, the restrictions and standards set forth below shall be considered minimum standards for the Conditional Use Permit and must be satisfied or surpassed.

(C) Minimum conditions for application. The following are the minimum conditions that must be met prior to submission of an application for this district:

(1) The subject property must be served by public or community water and sewer;

(2) The subject property must have permitted access to a public paved street that can support the development; and

(3) The subject property must contain at least 50 contiguous acres under one ownership or control. An area shall be deemed contiguous which is composed of one un-separated continuity of land; or is separated by street rights-of-way to which abutting property has direct access rights; or is separated by minor streams, creeks, other bodies of water or railroad rights-of-way across which vehicular crossings are feasible and practicable and which will be provided for in the PND plan.

(D) Uses allowed. The following uses are permitted subject to restrictions placed on the PND by the Planning Board and/or Board of Aldermen, and as agreed to by the record property owner(s):

(1) Any residential use permitted in the R10 zoning district, including a variety of single-family, multifamily, patio homes, townhouses, condominiums and zero lot line developments;

(2) Allowed office and non-residential uses in the O&I Office and Institutional District, CB Central Business District, and C1 Local Business District; and

(3) Allowed uses from the C(P) Planned Commercial District are as follows:

(a) Eating or drinking facilities (drive-ins included);

(b) Fur sales, including cold storage;

(c) Janitorial Service;

(e) Recreation or amusement enterprise conducted outside a building and for profit, and not otherwise listed herein;

(f) Theater productions, outdoor;

(g) Upholstering or furniture refinishing; and

(h) Vehicle (commercial, government) repair or storage.

(E) Development standards.

(1) Land use proportions.

(a) Non-residential uses. A maximum of five percent of the gross land area of the development may be devoted to such convenience non-residential uses as listed above, with no one tract to exceed ten acres.

If more than one tract of land is proposed for non-residential uses, no one tract shall be less than two acres and all tracts shall be separated from each other by at least one-quarter mile measured in a straight line.

(b) Residential uses. The maximum density of residential units per acre of the gross land area shall be six except as provided below. In determining the maximum number of units, the acreage denoted to non-residential uses shall not be included.

The non-residential land area may be proportioned if the developer wishes, i.e., three and three quarters percent commercial and six and one-half units per acre of gross land area; two and one-half percent commercial and seven units per acre of gross land area; one and one-quarter percent commercial and seven and one-half units per acre of gross land area. In lieu of all non-residential development, a developer may increase the maximum residential density not to exceed eight units per acre of gross land area.

(2) Open Space and Recreational Facilities. Where the Town's Parks and Recreation Master Plan or any other plan of the Town adopted after the effective date of this amendment identifies land in the proposed PND as a proposed recreation area, a minimum of 15% of the gross land area to be committed to the PND shall either be placed in an owners' association, under the same provision and conditions as provided for in Chapter 155, or be dedicated to the Town for use as parks, recreation areas, and open space. At least 50% of the area offered for dedication must be suitable for recreational use. The Board of Aldermen, after their consideration of the Planning Board's recommendation, shall determine that the quality and location of the land to be dedicated is sufficient to serve the PND.

The entire dedication may be made when the preliminary plat is presented to the Board of Aldermen; or, if the development is to be accomplished through a series of

stages, the open spaces may be dedicated in parts proportionate to the number of units to be developed as approved in the PND plan.

No parcel of land dedicated shall be less than one contiguous acre, must be acceptable to the Board of Aldermen and all such areas shall be physically a part of the PND. Detached single-family dwelling units are exempt from any further open space dedication requirements of Chapter 155. Residential group developments must provide the recreation areas required by Chapter 155.

When according to officially adopted Town plans, no land is required for recreation purposes, 15% of the land shall be either placed in an owners' association, under the same provision and conditions as provided for in Chapter 155; the land shall be dedicated to the Town for use as parks and recreation and open space; or a fee shall be paid to the Town for the acquisition of land for recreation purposes in accordance with the provision of Chapter 155. The Board of Aldermen shall decide which option is appropriate. If a fee is required, it shall be equivalent to 15 percent of the tax-assessed value of the land contained in the PND. The entire dedication of land or fee may be made at the time the preliminary plat is presented for approval or may be made in proportion to the number of units to be developed of the total approved for the PND. A fee in lieu does not entitle the PND to additional residential units or commercial acreage.

(3) *Landscaping and buffering requirements.* Landscaping and buffers complying with the provisions of §156.088 shall be provided. The Board of Aldermen, on their own merit or upon consideration of a recommendation from the Planning Board, may require additional buffering, when the proposed non-residential area abuts land not included in the development plan and the required buffer would not protect the adjoining properties from the non-residential character of the uses.

(4) *Off-street parking and loading spaces.* Off-street parking and loading spaces shall be provided as required for the specific uses and design criteria in §156.100 *et. seq.*

(5) *Sign regulations.* All signage shall comply with the standards enumerated in § 156.110 *et. seq.*, with nonresidential uses not exceeding the standards for the C1 zoning district.

(6) *Dimensional provisions.* Residential uses shall meet or exceed the minimum standards for setbacks of the R10 Residential District along all public streets and on the periphery of the development. All non-residential uses shall observe the yard regulations for the C1 zoning district along the public streets and on the periphery of the PND.

(7) *Schedule of development.* Development of the non-residential portion of a PND shall not commence until the following schedule of the number of residential units approved for the PND have been developed:

Size of PND Units

Approved

<u>50 to 100 acres</u>	<u>50%</u>
<u>Over 100 acres, up to 150 acres</u>	<u>40%</u>
<u>Over 150 acres, up to 200 acres</u>	<u>30%</u>
<u>Over 200 acres</u>	<u>25%</u>

(F) Contents of application. In addition to the requirements of § 156.064(C), the application shall include the following:

(1) General site plan indicating the proposed land use areas including residential, non-residential, open space and recreational, and other public facility areas to be developed for the entire site;

(2) The proposed density pattern for the entire area, and the housing type to be used in each area, i.e., multifamily, single-family attached, single-family detached;

(3) The primary and collector streets including thoroughfares on the adopted Highway Plan and any other adopted plans of the Town and/or Planning Board;

(4) The proposed uses for the non-residential area(s);

(5) Floodplain areas where applicable;

(6) Legal description of the boundary of the PND plan area and each proposed housing area in the PND plan; and

(7) The names and addresses of adjoining property owners.

(G) Site plan and subdivision approval. After approval of the PND from the Board of Aldermen and prior to issuance of any zoning or building permit, the developer shall submit for preliminary and final approval of each segment of the plan, meeting conditions of the approved permit, in the same manner as for site plan and subdivision approvals in accordance with this chapter and Chapter 155..

(H) Amendments. Amendments to an approved PND plan shall be processed in the same manner as the original application. In considering the approval of an amendment to a permit, consideration shall be given to the effect the amendment may have on any other portion of the PND.

(I) Abandonment of PND plan. In the event the developer abandons the PND plan as approved, all undeveloped or un-platted land shall be further developed only under the regulations of the R10 Residential District unless a subsequent application is approved for the remaining land. Such subsequent plans must be based, however, on the overall residential density planned on the original tracts of land and may not include additional non-residential uses except if a portion was not developed under the original plan.

(J) Validation of existing PND plans. PND plans approved prior to the effective date of this amendment shall not be affected by these provisions; however, any change to any existing PND after the effective date of this amendment shall be processed under the amended approval process outlined in this chapter.

§ 156.069 DENSITY DEVELOPMENT - CONDITIONAL USE DISTRICT.

(A) Purpose. Density Development-Conditional 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) General. 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 Use District. This zoning district incorporates the provisions of § 156.064, *Companion District - Conditional Use District*, in its entirety. In addition, the restrictions and standards set forth below shall be considered minimum standards for the Conditional Use Permit and must be satisfied or surpassed.

(C) Development standards.

(1) Development area. All building sites will be restricted to 60 percent of the total tract with the remaining 40 percent designated as open space.

(2) Density. All developments approved under this section may provide for equal to or less than the density of the requested parallel zoning district as allowed for in § 156.087.

(3) Building sites. The building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of residential structure(s) and shall be sufficient in size to accommodate the structure(s) intended to be constructed thereon; any accessory structures; and provisions for utilities, whether public or private.

(4) Yard regulations. The building sites shall be exempt from the yard regulations in § 156.087, provided that all sites served by a public street shall provide for the minimum front yard setback and a minimum of ten-foot separation between structures shall be provided for all structures within the development. All periphery setbacks must be met along the perimeter of the development. Setbacks shall not include any of the buffer and/or open space areas as required by subsections (5) and (6) below.

(5) Perimeter buffer. The entire development shall be buffered with a minimum of six-foot in height and 20-foot in width vegetative strip of land, as described below, around the periphery and 40-foot in width along the frontage right-of-way. The buffer shall consist of natural topography and/or plantings, as necessary to preserve or enhance

the natural appearance of the area surrounding the development and the right(s)-of-way fronting the development, provided that:

(a) The application and site plan shall clearly reflect the buffer area and the developer's intentions regarding the buffer, including the location of and type of plant material proposed and assurance that any proposed plantings will be three feet in height at time of planting, to reach a height of six feet within three years, with sufficient plantings along any right-of-way to accomplish complete opacity within three years from time of planting. A berm or combination berm and plantings may also be used provided an initial height of three feet is achieved with a total height of six feet within three years;

(b) Unless expressly agreed upon in advance and approved by the Board of Aldermen after consideration of the recommendation from the Planning Board, the developer shall not develop or alter the natural topography of the land within the buffer area. There shall be no cutting, removal of trees, or the disturbance of other natural features except as stated herein:

1. As incidental to boundary marking, fencing, signage, installation of utilities, construction and maintenance of nature trails and public access allowed hereunder; and

2. Selective cutting and prescribed burning or clearing of vegetation and the application of usual and customary pesticides for fire containment and protection, disease control, restoration of hydrology, wetlands enhancement and/or control of non-native plants; and

3. The developer chooses to use a berm or combination berm and plantings.

(c) The land area containing the perimeter buffer shall be permitted to count toward the 40 percent open space requirement but shall not be considered as any portion of any required yard area;

(d) The perimeter buffer width may be reduced in width if adjacent to an existing and properly approved Density Development provided the combined buffers satisfy the intent of this chapter and is found to be sufficient by the Planning Board and the Board of Aldermen; and

(e) The final approval of the sufficiency of the perimeter buffer shall rest with the Board of Aldermen after their consideration of the recommendation from the Planning Board.

(6) Open space provisions.

(a) The developer shall not develop or alter the natural topography of the designated open space unless improvements are clearly indicated on the application and

site plan and approved by the Board of Aldermen after their consideration of a recommendation from the Planning Board.

(b) The open space land area shall adjoin the largest practical number of lots within the development and may, if proposed to be maintained by the developer or by an owners' association, restrict access to only the residents of the development.

(c) The open space land area shall be interconnected wherever possible to provide for a continuous network with such lands in adjacent developments.

(d) All open space shall be permanently restricted from future subdivision and other forms of development through a perpetual open space or conservation easement running with and appurtenant to title of lots in the development, and recorded in the Cumberland County Registry. The location of the easement shall be shown on the recorded plat and clearly depicted on the site plan. The conservation easement shall expressly provide that Town of Spring Lake shall be an intended third-party beneficiary and shall have standing to both enforce any restrictions and to recover the costs of remedying any violation from any party(s) breaching the easement.

(e) Open space shall be preserved and used only for natural scenic, passive recreational, agricultural, pasture and/or meadow, forestry, wetlands, or horticultural uses.

(f) A property owners' association shall be created to maintain the open space and any common areas in the development, unless an alternative method of maintenance is approved by the Board of Aldermen upon recommendation of the Planning Board (such as, for instance, if the open space is conveyed by a perpetual conservation easement to a recognized non-profit conservancy or other non-profit organization established for ecological and/or environmental preservation). Membership in the property owners' association shall be mandatory for all property owners in the development. The property owners' association shall have the authority and duty to levy assessments, which shall be liens upon and run with the title to every lot within the development, to provide for maintenance of the open space and any other common areas in the development. The documents creating the property owners' association shall provide that they may not be amended except upon a vote of the owners representing at least three-quarters of the lots in the development. The Town Attorney shall approve the property owner's association documents, to include any articles of incorporation, bylaws, and/or declaration of restrictive covenants prior to final plat approval of any portion of the development. The property owners' association documents may provide or include mechanisms to allow the developer and/or seller of the property actively to use the open space for pasture or agricultural uses.

(g) The developer's intentions regarding the open space, e.g., whether to remain in its natural state, provide developed recreation facilities, timber harvesting, farmed, etc., shall be clearly reflected in the application and on the site plan upon formal submission of the application.

(7) Parks, recreation, and open space exemption. Developments submitted for approval under this section are exempt from the parks, recreation, and open space provisions contained within Chapter 155.

(8) Subdivision regulation compliance. All pertinent portions of Chapter 155 of the Town's *Subdivision Regulations*, shall be complied with.

(9) Other applicable provisions. In addition to the above requirements and all conditions placed on the district, the developer shall ensure the following:

(a) All water supply watershed requirements shall be complied with, where applicable;

(b) Compliance with the *Highway Plan*;

(c) The plans must be in harmony with the most current Comprehensive Land Use Plan and current adopted policies;

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

REPEAL: § 156.072 PLANNED NEIGHBORHOOD DISTRICT (PND).

§ 156.072 REPEALED. PLANNED NEIGHBORHOOD DISTRICT (PND).

~~(A) *Purpose.* This district, which is a separate and complete zoning district, encourages the development of residential land in such a manner as to provide a more desirable living environment characterized by open space, recreation amenities, landscaping, a variety of housing types in order to best meet the demands of all socio-economic age groups and allows new methods by which land and facility costs can be reduced on a per unit basis so that more people can afford better living conditions.~~

~~(B) *Permitted uses.* Any land, building, or structure in the Planned Neighborhood District may be used in accordance with the provisions of this chapter for the R-10 Residential District. As an alternative, land may be planned and used for a variety of residential districts including R-10, R-6, R-5A, and R-5 and related shopping areas, and C(P) (Planned Commercial) districts in accordance with the provisions of this chapter.~~

~~(C) *Standards and requirements.* Standards and requirements for the Planned Neighborhood Development in a Planned Neighborhood District shall be as follows:~~

~~(1) *Minimum development size.* Minimum development size is 50 contiguous acres under one ownership or control. An area shall be deemed contiguous which is composed of one unseparated continuity of land; or is separated by street right-of-way to which abutting property has direct access rights; or is separated by minor streams, creeks,~~

~~other bodies of water or railroad right-of-way across which vehicular crossings are feasible and practicable and which will be provided for in the Planned Neighborhood Development.~~

~~(2) Community water and sewer. Any area proposed as a Planned Neighborhood Development shall be served by both community water and sewer systems.~~

~~(3) Open space standards.~~

~~(a) A minimum of 15% of the gross area of land to be committed to a Planned Neighborhood Development shall be either placed in a Homeowner's Association, under the same provisions and conditions as provided for in Chapter 155, or be dedicated to the town for uses as parks, recreation areas, open space, school sites or other public purposes other than right-of-way or easements. The entire dedication may be when final site plan is presented to the Board or if the development is to be accomplished through a series of stages, the open space may be dedicated in parts proportionate to the density of development as noted:~~

<i>Area Development</i>	<i>Required % of Open Space</i>
<i>R-10</i>	<i>10</i>
<i>R-6</i>	<i>15</i>
<i>R-5A</i>	<i>25</i>
<i>R-5</i>	<i>50</i>

~~(b) No such parcel of land dedicated for open space shall be less than one contiguous acre and all such areas shall be physically a part of the planned neighborhood development. Open space provided to meet the minimum open space standards of a variable lot residential development in accordance with the Chapter 155 shall not be considered as meeting this open space requirement.~~

~~(4) Residential land uses standards. Of the net land devoted to residential purposes in a planned neighborhood development, 65% shall be developed to meet or exceed the dimensional requirements of the R-10 District; 20% shall be developed to meet or exceed the dimensional requirements of R-6 District; 10% shall be developed to meet or exceed the dimensional requirements of the R-5A District; and 5% shall be developed to meet or exceed the dimensional requirements of the R-5 District.~~

~~(5) Commercial land use standards. Shopping areas developed in accordance with the C(P) District requirements of this chapter may be incorporated into a planned neighborhood development provided that the areas are designed to serve primarily the residents of the planned neighborhood development and provided that the areas are compatibly incorporated into the design of the planned neighborhood development. Land devoted to shopping purposes shall not exceed 5% of the gross area of the planned neighborhood development and no single shopping area shall be less than two acres.~~

(~~'78 Code, § 12.98~~) (~~Ord. passed 1-10-72~~)

AMEND § 156.087 DISTRICT DIMENSIONAL PROVISIONS, AS INDICATED:

Except for the special provisions set forth in §§ 156.85, ~~and 156.86~~ and Chapter 155, the district dimensional regulations set forth in the tables on the next two pages shall be met.

(~~'78 Code, § 12.98~~) (~~Ord. passed 1-10-72; Am. Ord. passed 9-26-83~~)

AMEND § 156.149 FEES, AS INDICATED:

(A) Each applicant for rezoning, either general or conditional use district overlay, appeals from administrative decisions, variances, specified conditional use permits, or text amendments, shall pay a nonrefundable fee in accordance with the proposed fee schedule set out below, 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.

<i>Requested Districts</i>	<i>Less Than 5 acres</i>	<i>5 – 50 Acres</i>	<i>50-100 Acres</i>	<i>100+ Acres</i>
Residential CUD	500	500	500	500
DD/CUD	500	500	500	500
Non-residential CUD	700	800	800	800
PND/CUD	700	800	800	800
MXD/CUD	700	800	800	800

[Editor's note: Actual fees to be inserted at bottom of Existing Fee Schedule]

REPEAL § 156.154 PLANNED NEIGHBORHOOD DEVELOPMENT; GENERAL DEVELOPMENT PLAN; CONTENT.

~~§ 156.154 REPEALED. PLANNED NEIGHBORHOOD DEVELOPMENT; GENERAL DEVELOPMENT PLAN; CONTENT.~~

~~(A) The developer shall present a general development plan in six copies to the Building Inspector for approval at least 30 days prior to a regularly scheduled meeting at which subdivision plats are considered. The general development plan shall contain the following items:~~

~~(1) General land use areas including residential, commercial, open space and recreational, and other facility areas to be developed for the entire site.~~

~~(2) The proposed density for each residential area.~~

~~(3) The primary streets.~~

~~(4) The proposed uses for the commercial area.~~

~~(B) The Board of Aldermen shall approve or disapprove of the general development plan. The general development plan shall be valid for two years. Thereafter, the plan shall be reapproved prior to subsequent submission and approval of the Detailed Site Plan.~~

~~(C) Upon approval of the general development plan, the developer shall submit at least 30 days prior to the regularly scheduled meeting at which subdivision plats are considered a detailed site plan, which shall be consistent with the general development plan, to the Board of Aldermen for appraisal. The detailed site plan shall show the following items:~~

~~(1) Detailed plans for each land use on the entire site sufficient to allow the Planning Board to analyze in depth the character of the proposed development.~~

~~(2) A plat and description, by metes and bounds, of the proposed areas of the planned neighborhood development which corresponds to the conventional zoning districts as contained in the chapter.~~

~~(D) Approval of the detailed site plan by the Board of Aldermen shall constitute the official approval of the planned neighborhood development and no zoning permit or certificate of occupancy, as required by this chapter, shall be issued for any building or use of land which is not in conformance with such approved plan unless the land is developed wholly as an R-10 Residential District. Preliminary subdivision plat may also accompany the detailed site plan to the Board of Aldermen for approval and may be approved with the approval of the detailed site plan.~~

~~(78 Code, § 12.120(f)) (Ord. passed 1-10-72; Am. Ord passed 11-25-91)~~

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-70: REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 155: SUBDIVISION REGULATIONS, AMENDING § 155.04, COMPLIANCE OF CHAPTER REQUIRED; § 155.06, DEFINITIONS, DELETING "TOWNHOUSE DEVELOPMENT" AND INSERTING "ZERO LOT LINE DEVELOPMENT"; AMENDING § 155.52, LOT STANDARDS, SUB-SECTIONS (B) AND (C); AMENDING § 155.54, VARIABLE LOT RESIDENTIAL DEVELOPMENTS, DESIGN STANDARDS BY RE-NAMING AND CREATING "ZERO LOT LINE DEVELOPMENTS" PROVISIONS AND DELETING "VARIABLE LOT RESIDENTIAL DEVELOPMENTS, DESIGN STANDARDS" PROVISIONS; REPEALING § 155.56, TOWNHOUSE DEVELOPMENTS, REQUIREMENTS; AMENDING § 155.67, SPECIFIC IMPROVEMENTS, SUB-SECTION (H); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

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

1. The amendment introduces the Zero Lot Line to the Town of Spring Lake Zoning Code and establishes standards for compliance with the plan;
2. The amendment will compliment the current and proposed new standards of the Zoning Code by helping to preserve valuable open space areas while still adhering to strict standards of the public health, safety and welfare for the citizens;
3. This amendment allows the Town of Spring Lake to retain its unique standing while its regulations become more consistent with the County; and
4. The amendment will avoid creating nonconformities in the event the town annexes properties previously approved under the Zero Lot Line standards.

Attachments:
- Amendment

P07-70

REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 155: SUBDIVISION REGULATIONS, AMENDING § 155.04, COMPLIANCE OF CHAPTER REQUIRED; § 155.06, DEFINITIONS, DELETING “TOWNHOUSE DEVELOPMENT” AND INSERTING “ZERO LOT LINE DEVELOPMENT”; AMENDING § 155.52, LOT STANDARDS, SUBSECTIONS (B) AND (C); AMENDING § 155.54, VARIABLE LOT RESIDENTIAL DEVELOPMENTS, DESIGN STANDARDS BY RE-NAMING AND CREATING “ZERO LOT LINE DEVELOPMENTS” PROVISIONS AND DELETING “VARIABLE LOT RESIDENTIAL DEVELOPMENTS, DESIGN STANDARDS” PROVISIONS; REPEALING § 155.56, TOWNHOUSE DEVELOPMENTS, REQUIREMENTS; AMENDING § 155.67, SPECIFIC IMPROVEMENTS, SUB-SECTION (H); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND § 155.04 COMPLIANCE OF CHAPTER REQUIRED, AS INDICATED:

All ~~plans~~ plats for the ~~development~~ subdivision of land shall conform to the requirements of this chapter and shall be submitted in accordance with the procedures and specifications established herein. Plans for group developments, zero lot line developments, ~~variable lot residential developments~~, ~~townhouse developments~~ and condominium developments shall be submitted for review and approval under this chapter in the same manner as other plans ~~plats~~. For manufactured ~~mobile~~ home park regulations, see Chapter 153 of the Code.

(’78 Code, § 12.35) (Ord. passed 12-14-70)

Penalty, see § 155.99

AMEND § 155.06 DEFINITIONS, BY DELETING THE FOLLOWING:

~~**TOWNHOUSE DEVELOPMENT.** A **TOWNHOUSE DEVELOPMENT** shall consist of single-family residential structures on individual lots where the developer may reduce the size of such lots in accordance with § 156.54 of this chapter while maintaining applicable overall density standards for the zoning district in which located.~~

AMEND § 155.06 DEFINITIONS, BY INSERTING IN ALPHABETICAL ORDER, AS APPROPRIATE:

ZERO LOT LINE DEVELOPMENT: A development including, but not limited to, patio houses, town houses and businesses including one or more structures and/or two or more lots comprising at least two single-family residences or businesses, whether attached or detached, intended for separate ownership.

AMEND § 155.52 LOT STANDARDS, SUB-SECTIONS (B) AND (C), AS INDICATED:

(B) Except as otherwise provided for ~~townhouse developments and in § 155.54 for zero lot line developments~~ variable lot residential developments, no residential lot shall be created with an area of less than 6000 square feet and a lot width of less than 60 feet.

(C) Except as otherwise provided for in § 155.54 for zero lot line developments ~~townhouse developments~~, every lot shall abut a public street for at least 35 feet; such frontage to be continuous from the property line to the building setback line.
(’78 Code, § 12.64) (Ord. passed 12-14-70)
Penalty, see § 155.99

AMEND § 155.54 VARIABLE LOT RESIDENTIAL DEVELOPMENTS, DESIGN STANDARDS, BY CREATING “ZERO LOT LINE DEVELOPMENTS” PROVISIONS AND DELETING “VARIABLE LOT RESIDENTIAL DEVELOPMENTS, DESIGN STANDARDS” PROVISIONS, AS INDICATED:

§ 155.54 ZERO LOT LINE DEVELOPMENTS ~~VARIABLE LOT RESIDENTIAL DEVELOPMENTS; DESIGN STANDARDS.~~

Zero lot line developments shall comply with all of the requirements of group developments (§ 155.53) when not specified herein, and for the purposes of determining compliance with this chapter and Chapter 156, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the provisions of § 155.52(B) and (C) and “Lot” as defined in § 156.008, provided that any such development complies with all provisions of this section.

(A) *Site plans.* Site plans for zero lot line developments shall show the location of structures, streets and drives, alleys, walks, parking and recreation areas, yards, residential sites, the boundary of the development, maintenance easements and all common area.

(B) *Building sites.* A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of residential or non-residential structures and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the development that is to be conveyed. Each site shall abut and have direct access to a private street or drive that is maintained by an owners’ association or a public street.

(C) *Building yards.* Building sites, structures and accessory structures thereon, are exempt from all zoning district dimensional requirements of § 156.087, except:

(1) Building lots having direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district;

(2) Building lots on the periphery of the development must meet all setback requirements of the applicable zoning district. In the event of dispute, the judgment of the Town Board of Aldermen as to what constitutes the front, rear, and side yard of each building lot on the periphery shall be final; and

(3) A minimum of a ten foot separation between structures shall be provided for all building lots within developments that are creating individual building lots.

(D) Density. The number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional provisions for the applicable zoning district, excluding land area contained within the public right-of-way which is dedicated or reserved and excluding land area contained within a private street approved under the private street provisions of this chapter.

(E) Owners' association. An owners' association complying with sub-section "H" below, shall be mandatory when land and/or any portion of any structure is to be held in common.

(F) Common areas. All areas on the site plan, other than building sites and public rights-of-way, shall be shown and designated as "common areas," the fee simple title to which shall be conveyed by the developer to the owners' association. All common areas shall not be further subdivided or conveyed by the owners' association. This provision shall be so stated in the covenants and restrictions.

(G) Recreation areas. All developments consisting primarily of units shall provide recreation area in accordance with § 155.53(L). Those developments consisting primarily of individual lots shall provide parks, open space and recreation area in accordance with § 155.67 (H).

(H) Covenants and restrictions. The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas and the owners' association, if provided or required for the development, and the building sites. This declaration of covenants and restrictions, along with the association incorporation documents and by-laws, shall be approved by the Town Attorney prior to recording of such documents and prior to any final plat or plan approval. The restrictions shall contain, but not be limited to, provisions for the following, if applicable:

(1) The owners' association shall be organized and in legal existence prior to the sale of any building site in the development;

(2) Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a building site;

(3) The owners' association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreation and other facilities located on the common areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, and said default continues for a period of six months, each owner of a building site within the development shall become personally obligated to pay to the tax assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of building sites in the development. If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the building site of the then owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner;

(4) The owners' association shall be empowered to levy assessments against the owners of building sites within the development for payment of expenditures made by the owners' association for the items set forth in the preceding paragraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the building site of the owner;

(5) Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common areas and for parking and drive areas shall be granted to each owner of a building site within the development; and

(6) Any common walls constructed between units shall be party walls, and provisions for the maintenance thereof, and restoration in the event of destruction or damage shall be established either within the owners' association documents or by the covenants.

(I) *Final plat.* A final plat shall be prepared in accordance with § 155.81 and shall also include the following:

(1) All building sites numbered and bearings and distances given for the boundaries for any buildings to be constructed thereon;

(2) All common areas labeled as "*Common Area*" and with the facilities identified thereon;

(3) Any notes as required under this section, including maintenance easements when required;

(4) Clearly labeled as a “Zero Lot Line” development in the title block; and

(5) An indication as to the location (book and page number) of the covenants and restrictions governing the plat.

(J) Compliance with state law. In addition to the above requirements, zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N. C. General Statutes, specifically sections 7 through 11, 14.1, 18 through 20, and 23, as if such development has been submitted under the provisions of that chapter.

~~The purpose of this section is to provide desirable open space, tree cover, recreation area, scenic vistas, and site design variety in residential subdivisions by allowing certain variations in lot sizes so long as the overall density of dwelling units and maximum number of lots is no greater than that permitted by Chapter 156 by preparing a preliminary and final subdivision plat in full accord with the applicable requirements of this chapter in conformity with the following:~~

~~(A) Public water and sewer prerequisite. Any subdivision submitted as a variable lot residential development shall be served by public water and sewer systems as required subdivision improvements.~~

~~(B) Maximum number of lots. The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:~~

~~(1) From the gross area of land to be committed to the development, subtract all land covered by water and all the land subject to flooding as provided in 155.49.~~

~~(2) From the remainder, subtract 20 % as allowance for normal street right-of-way. This standard shall apply regardless of the amount of land that would have been placed in street right-of-way.~~

~~(3) Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district in which the development is located. The result is the maximum number of lots that may be created in the development.~~

~~(C) Minimum lot standards. As permitted by this chapter and Chapter 156, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than 75% of the minimum required for single-family lots by this chapter or by Chapter 156 for the district in which the development is located whichever minimum is applicable, and all other dimensional requirements of the applicable ordinance shall be complied with.~~

~~(D) (1) Open space standards. At the discretion of the developer, a variable lot residential development may utilize a range of lot sizes not in conflict with the minimums specified above.~~

~~(2) Where any reduction is made in lot size in accordance with these provisions, an amount of land at least equivalent to the difference in the actual lot sizes and the minimum required lot sizes, but in no case less than three acres, shall be reserved and first dedicated for the use of the town or other public purposes, or if any part is not to be accepted by the town, shown and designated as private parks or open spaces.~~

~~(3) No parcel of any area thus provided shall be less than one contiguous acre in size and all such area shall be physically a part of the area being subdivided.~~

~~(4) Such area as provided in accordance with these provisions which are not to be dedicated to the town shall be held in non-profit corporate ownership by the owners of lots within the development.~~

~~(5) In consideration of the purposes served by a variable lot residential development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any purpose.~~

~~(6) Improvements clearly incidental to the purpose of these provisions may be made within the open space provided that the maximum coverage of each type of improvement shall not exceed the following:~~

~~(a) Above-ground improvements, 3% of the total open space.~~

~~(b) Level or below-ground improvements 20% of the total open space.~~

~~(E) Access to open space. All lots created within the development shall have direct access to all such parks or open spaces, as provided, by means of public streets or dedicated walkways or by fact of physical contiguity.~~

~~(F) Open space provisions. Where the open space is to be deeded to a homeowners association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association of non-profit organization. This declaration shall be submitted prior to final plat approval and shall include but not be limited to the following:~~

~~(1) The homeowners association or the non-profit organization shall be established before any lots are sold;~~

~~(2) Membership shall be mandatory for each lot buyer, and any successive buyer;~~

~~(3) The association shall provide for liability insurance, any taxes and the maintenance of all grounds and facilities;~~

~~(4) Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property;~~

(5) If all or any portion of the property held by the association is dissolved, all such property shall be deeded in fee simple absolute title to the town at no cost to the town.

(78 Code, § 12.66) (Ord. passed 12-14-70)

Penalty, see § 155.99

REPEAL § 155.56 TOWNHOUSE DEVELOPMENTS; REQUIREMENTS, IN ITS ENTIRETY:

~~§ 155.56 TOWNHOUSE DEVELOPMENTS; REQUIREMENTS.~~

~~The design standards for residential group developments as set forth in § 155.53 shall be applicable to townhouse developments and in addition the following requirements shall be complied with:~~

~~(A) Residential Sites. The site plan shall number and show the location and dimensions of residential sites within the development. A residential site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single family attached residence and shall be sufficient in size to contain the residence to be constructed thereon and any other proposed components of the property that is to be conveyed; provided, that for the purpose of this section and § 155.53, such townhouse residential sites shall be of determining building setbacks, yards, site coverage and other dimensional requirements.~~

~~(B) Common areas. All areas on the site plan other than residential sites and public right-of-ways, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the homeowners association as defined below. All common areas shall be designated as a single parcel regardless of the proximity of each common area to one or all of the other common areas, and such areas shall not be subdivided or conveyed by the homeowners association. The title to the common area shall be preserved by the perpetual benefit of the homeowners association.~~

~~(C) Covenants and restrictions. The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas, the homeowners association and the residential sites. The restrictions shall contain, but not be limited to provisions for the following:~~

~~(1) The homeowners association shall be organized and in legal existence prior to the sale of any residences in the development.~~

~~(2) Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site.~~

~~(3) (a) The homeowners association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreation and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, and maintenance and repair to the exterior of all residences located within the development.~~

~~—(b) It shall be further provided that upon default by the homeowners association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a residential site in the development shall become personally obligated to pay the taxing assessing governmental authority a portion of such taxes of assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of residential sites in the development.~~

~~—(c) If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the residential site of the then owner, his heirs, devisee, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.~~

~~(4) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in division (C) of this section and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the residential site of the owner.~~

~~(5) Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas and for parking areas shall be granted to each owner of a residential site.~~

~~(6) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.~~

AMEND § 155.67 SPECIFIC IMPROVEMENTS, SUB-SECTION (H), AS INDICATED:

(H) Recreation areas.

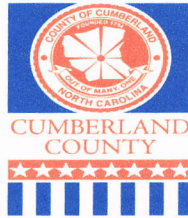
(1) For each residential lot or dwelling unit to be developed in a subdivision and not subject to § 155.53, and except including zero lot line development plans consisting primarily of individual building lots approved under § 155.54, the developer shall dedicate to the town 500 square feet of recreation area at the time the final plat is signed by the town. This requirement shall not apply to subdivisions containing less than ten

dwelling units. In computing the required open space, land subject to flooding or land to be used for any purpose other than recreation shall not be included in meeting the minimum requirement.

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-72: REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATIONS, SECTION 2.1. STATEMENT OF INTENT, PURPOSE AND ZONE CHARACTERISTIC, BY CREATING SUB-SECTION 2.17. CD CONSERVANCY DISTRICT; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES, BY CREATING TABLE 1-I PERMITTED AND SPECIFIED CONDITIONAL USES, CD CONSERVANCY DISTRICT; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS, BY CREATING SUB-SECTION 7.19.1 LOT AREA EXCEPTION IN CONSERVANCY DISTRICTS; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS, BY CREATING DIMENSIONAL STANDARDS FOR THE CD CONSERVANCY DISTRICT; ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, BY INSERTING IN ALPHABETICAL ORDER, AMENDING, OR DELETING TERMS RELATED TO THIS AMENDMENT; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

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

1. The amendment introduces the CD Conservancy District to the Town of Falcon and establishes standards for compliance with the plan;
2. This amendment promotes the preservation of "environmental corridors" as listed in the 2010 Land Use Plan; and
3. The amendment for the CD Conservancy District was requested by the Town of Falcon in a letter dated August 8, 2007.

Attachments:
- Amendment

P07-72

REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATIONS, SECTION 2.1. STATEMENT OF INTENT, PURPOSE AND ZONE CHARACTERISTIC, BY CREATING SUB-SECTION 2.17. CD CONSERVANCY DISTRICT; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES, BY CREATING TABLE 1-I PERMITTED AND SPECIFIED CONDITIONAL USES, CD CONSERVANCY DISTRICT; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS, BY CREATING SUB-SECTION 7.19.1 LOT AREA EXCEPTION IN CONSERVANCY DISTRICTS; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS, BY CREATING DIMENSIONAL STANDARDS FOR THE CD CONSERVANCY DISTRICT; ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, BY INSERTING IN ALPHABETICAL ORDER, AMENDING, OR DELETING TERMS RELATED TO THIS AMENDMENT; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

AMEND ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATIONS, SECTION 2.1. STATEMENT OF INTENT, PURPOSE AND ZONE CHARACTERISTIC, BY CREATING SUB-SECTION 2.17. CD CONSERVANCY DISTRICT, TO READ AS FOLLOWS:

2.17 CD Conservancy District

This district is designed to preserve and protect identifiable natural resources from encroachment. The general intent of the district is to provide protection for such resource areas that will continue to provide limited development potential while preserving existing conditions to the extent feasible. Areas to be zoned in this district shall be identifiable as any land area deemed desirable for protection from development and may include, but not limited to: swamp, marsh, flood land, poor or very severe soils areas or managed and unmanaged woodland on USGS (Geological Survey) maps, soil maps prepared by the USDA (Department of Agriculture) Soil Conservation Service or other appropriate sources.

AMEND ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES, BY CREATING TABLE 1-I PERMITTED AND SPECIFIED CONDITIONAL USES, CD CONSERVANCY DISTRICT, TO READ AS FOLLOWS:

TABLE 1-I
PERMITTED AND SPECIFIED CONDITIONAL USES
CD CONSERVANCY DISTRICT

PERMITTED USES (X)

Accessory Uses, incidental to any permitted use
Agricultural or Rural Farm Use
Fish Hatchery
Home Occupations, incidental
Nursery Operations/Plant Husbandry/Greenhouses
Public/Community Utility Stations/Sub-stations
Recreation/Amusement Outdoor, conducted outside building for profit, not otherwise listed and not regulated by Section 3.44
Sawmill and/or Planing Operation
Swimming Pools, incidental to a principal use (Section 3.34)

SPECIFIED CONDITIONAL USES (C)

Recreation or Amusement, Public/Private, not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc. and not regulated by Section 3.44
Recreation Vehicle Park and/or Campgrounds
Special Information Signs
Tower

AMEND ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS, BY CREATING SUB-SECTION 7.19.1 LOT AREA EXCEPTION IN CONSERVANCY DISTRICTS, AS FOLLOWS:

7.19.1 Lot Area Exception in Conservancy Districts

In the CD Conservancy District, the area may be used as part of any contiguous zoning district for calculating density of an entire development and satisfying setback requirements for lots within the development. That portion of such lots within the development falling within the CD District shall only be used for open space uses, and no principal or accessory structures shall be permitted, except boat landing piers when permitted by applicable Federal, State, or local regulations.

**AMEND ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.3.
DISTRICT DIMENSIONAL PROVISIONS, BY CREATING DIMENSIONAL
STANDARDS FOR THE CD CONSERVANCY DISTRICT, AS INDICATED:**

(Chart begins on next page.)

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 Setback (in feet) (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 Setback (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	75	30	10	15	10 ft/story	35
R15A	15,000	15,000	15,000	75	30	10	15	10 ft/story	35
R7.5	7,500	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		Side Yard Width Except As Regulated By Paragraphs 7.29 & 7.30	Rear Yard Depth In Feet (See Paragraphs 7.27 & 7.29)
		Measured from R/W Line	Measured from Street Centerline		
O&I*		35	65	15	20
C1		45	75	15	20
C3		45	75	15	20
C(P)		50	80	30	30
M		50	80	30	30
CD		50	80	50	50

*Single Family Dwellings use R15 standards

(Editor's note: R20, R7.5 & R6 residential zoning districts have not been approved as of the writing of this amendment – see Zoning Case No. P07-65 for more information – this current amendment pertains to the CD Conservancy District only.)

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

Campground/RV parks/recreational vehicle park: Land upon which shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Recreation, indoor: An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theatres and related amusements.

Recreation, outdoor: An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

Recreation vehicle: A vehicle which is vehicular, portable structure built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as a temporary living quarters dwelling for travel, recreation and vacation for recreational, camping, travel or seasonal use. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreation vehicle parks: An area of ground where one or more lots or spaces are rented, leased or held out for rent or lease to owners or users of recreation vehicles, including tents designed for camping.

Recreational vehicle park/RV park: See "campground" above.

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-73: REVISION AND AMENDMENT TO THE TOWN OF FALCON SUBDIVISION ORDINANCE, AMENDING SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED; SECTION 1.8. DEFINITIONS; SECTION 3.20. LOT STANDARDS; CREATING SECTION 3.23. ZERO LOT LINE DEVELOPMENTS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

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

1. The amendment introduces the Zero Lot Line Developments to the Town of Falcon Subdivision Ordinance and establishes standards for compliance with the plan;
2. The amendment for the Zero Lot Line Developments was requested by the Town of Falcon in a letter dated August 8, 2007.

Attachments:
- Amendment

P07-73

REVISION AND AMENDMENT TO THE TOWN OF FALCON SUBDIVISION ORDINANCE, AMENDING SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED; SECTION 1.8. DEFINITIONS; SECTION 3.20. LOT STANDARDS; CREATING SECTION 3.23. ZERO LOT LINE DEVELOPMENTS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

AMEND SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED, AS INDICATED:

All plats for the subdivision of land shall conform to the requirements of this ordinance, and shall be submitted in accordance with the procedures and specifications established herein. Plans for Manufactured Mobile Home Parks, Group Developments, and Condominium Developments, and Zero Lot Line Developments shall be submitted in the same manner as other plats.

AMEND SECTION 1.8. DEFINITIONS, SUB-SECTION "J" AS INDICATED:

- j. Group Development. A group of two or more than one (1) principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land ~~designed for occupancy by separate families, business firms or other enterprises as regulated in Section 3.21 of this ordinance.~~

AMEND SECTION 1.8. DEFINITIONS, BY CREATING SUB-SECTION "OO" TO READ AS FOLLOWS:

- oo. Zero Lot Line Development: A development including, but not limited to, patio houses, town houses and businesses including one or more structures and/or two or more lots comprising at least two single-family residences or businesses, whether attached or detached, intended for separate ownership.

AMEND SECTION 3.20. LOT STANDARDS, AS INDICATED:

Except as otherwise provided for in Sections 3.21, 3.22, and 3.23, governing group developments, condominiums, and zero lot line developments, respectively, the district dimensional provisions ~~Where a zoning ordinance is in effect, the lot dimensions, setbacks and other standards of the zoning ordinance shall apply.~~

CREATE SECTION 3.23., ENTITLED: ZERO LOT LINE DEVELOPMENTS, AS INDICATED:

SECTION 3.23. ZERO LOT LINE DEVELOPMENTS

Zero lot line developments shall comply with all of the requirements of group developments (Section 3.21) when not specified herein, and for the purposes of determining compliance with this ordinance and Town's Zoning Ordinance, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the provisions of Section 3.20. Lot Standards, and "lot" as defined in the Town's Zoning Ordinance, provided that any such development complies with all provisions of this section.

- a. Site plans. Site plans for zero lot line developments shall show the location of structures, streets and drives, alleys, walks, parking and recreation areas, yards, residential sites, the boundary of the development, maintenance easements and all common area.
- b. Building sites. A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of residential or non-residential structures and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the development that is to be conveyed. Each site shall abut and have direct access to a private street or drive that is maintained by an owners' association, or a public street.
- c. Building yards. Building sites, structures and accessory structures thereon, are exempt from all zoning district dimensional requirements of Section 7.3 of the Town's Zoning Ordinance, except:
 - (1) Building lots having direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district;
 - (2) Building lots on the periphery of the development must meet all setback requirements of the applicable zoning district. In the event of dispute, the judgment of the Town Board of Commissioners as to what constitutes the front, rear, and side yard of each building lot on the periphery shall be final; and
 - (3) A minimum of a ten foot separation between structures shall be provided for all building lots within developments that are creating individual building lots.
- d. Density. The number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional provisions for the applicable zoning district, excluding land area contained within the public right-of-way which is dedicated or reserved and excluding land area contained within a private street approved under the private street provisions of this chapter.

- e. Owners' association. An owners' association complying with sub-section "h" below, shall be mandatory when land and/or any portion of any structure is to be held in common.
- f. Common areas. All areas on the site plan, other than building sites and public rights-of-way, shall be shown and designated as "common areas," the fee simple title to which shall be conveyed by the developer to the owners' association. All common areas shall not be further subdivided or conveyed by the owners' association. This provision shall be so stated in the covenants and restrictions.
- g. Recreation areas. All developments consisting primarily of units shall provide recreation area in accordance with Section 3.21. Those developments consisting primarily of individual lots shall provide parks, open space and recreation area in accordance with Section 3.13.1.
- h. Covenants and restrictions. The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas and the owners' association, if provided or required for the development, and the building sites. This declaration of covenants and restrictions, along with the association incorporation documents and by-laws, shall be approved by the Town Attorney prior to recording of such documents and prior to any final plat or plan approval. The restrictions shall contain, but not be limited to, provisions for the following, if applicable:
- (1) The owners' association shall be organized and in legal existence prior to the sale of any building site in the development;
 - (2) Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a building site;
 - (3) The owners' association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreation and other facilities located on the common areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, and said default continues for a period of six months, each owner of a building site within the development shall become personally obligated to pay to the tax assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of building sites in the development. If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the building site of the then owner, his heirs, devisees, personal

representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner;

(4) The owners' association shall be empowered to levy assessments against the owners of building sites within the development for payment of expenditures made by the owners' association for the items set forth in the preceding paragraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the building site of the owner;

(5) Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common areas and for parking and drive areas shall be granted to each owner of a building site within the development; and

(6) Any common walls constructed between units shall be party walls, and provisions for the maintenance thereof, and restoration in the event of destruction or damage shall be established either within the owners' association documents or by the covenants.

i. Final plat. A final plat shall be prepared in accordance with Section 5.2 and shall also include the following:

(1) All building sites numbered and bearings and distances given for the boundaries for any buildings to be constructed thereon;

(2) All common areas labeled as "Common Area" and with the facilities identified thereon;

(3) Any notes as required under this section, including maintenance easements when required;

(4) Clearly labeled as a "Zero Lot Line" development in the title block; and

(5) An indication as to the location (book and page number) of the covenants and restrictions governing the plat.

j. Compliance with state law. In addition to the above requirements, zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N. C. General Statutes, specifically sections 7 through 11, 14.1, 18 through 20, and 23, as if such development has been submitted under the provisions of that chapter.

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-74: REZONING OF TWO PARCELS TOTALING 1.76 ACRES FROM C3 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF CLINTON ROAD, EAST SIDE OF BLADEN CIRCLE, OWNED BY DELLA MOL AND AMANDA R. WATSON.

The Planning & Inspections Staff recommends approval of the RR district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Heavy Commercial at this location, the request is consistent with the zoning of the adjacent properties; and
2. The RR district is in character with the current uses and zoning of the general area.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-74

REZONING OF TWO PARCELS TOTALING 1.76 ACRES FROM C3 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF CLINTON ROAD, EAST SIDE OF BLADEN CIRCLE, OWNED BY DELLA MOL AND AMANDA R. WATSON.

Site Information:

Applicant/Owner: DELLA MOL AND AMANDA R. WATSON

Area: 1.76 acres

Frontage & Location: 200 feet on Clinton Road and 390 feet on Bladen Circle

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: April 26, 1979 (Area 8)

Zoning Violation(s): None

Nonconformities: Yes – Accessory structure (greenhouse) in front yard.

Surrounding Zoning: North-RR, C3, East-RR, R15, Fayetteville city limit-R10, South-A1, RR, R15, M2, C3, and West-RR, C3, M2

Surrounding Land Use: Insulation business, Hughs business, single family residential, woodland and vacant land

2010 Land Use Plan: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC sewer exists south of Clinton Road

Soil Limitations: Yes – Le (Leon sand) and Wo (Woodington loamy sand)

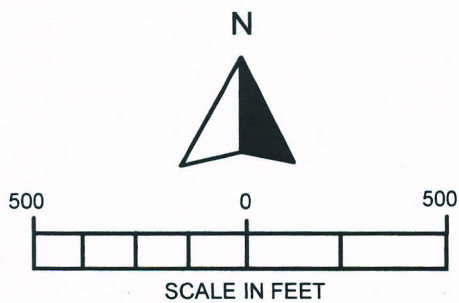
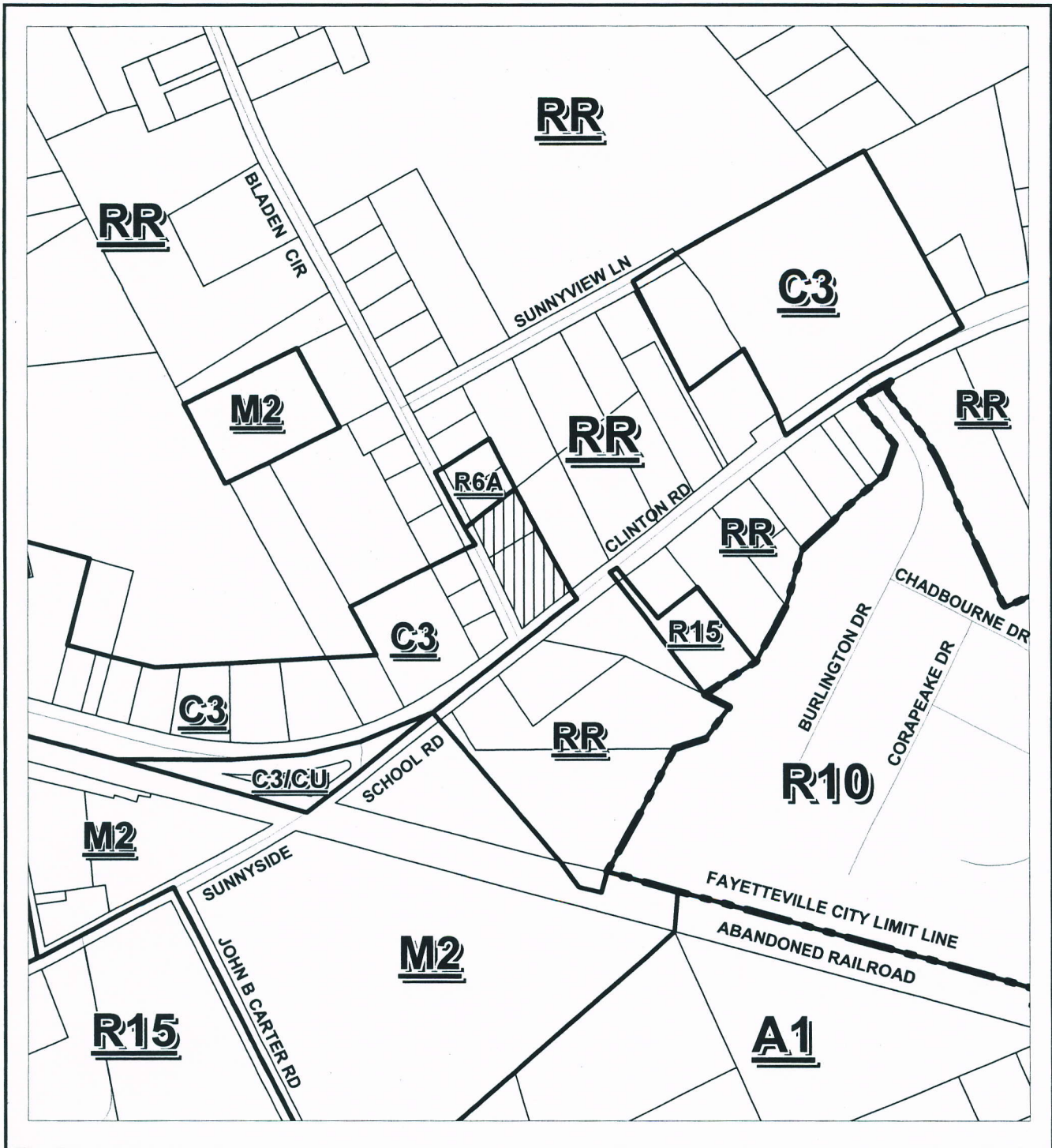
School Capacity/Enrolled: Sunnyside School Elementary 245/335, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Military Impact Area: No

Highway Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2004): 2,200 on Clinton Road

Notes:



REQUESTED REZONING C3 TO RR

ACREAGE: 1.76 AC.+/-

HEARING NO: P07-74

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: 0466-37-3143
PIN: 0466-37-2360

AF

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-75: REZONING OF TWO PARCELS TOTALING 11.66 ACRES FROM RR AND C(P) TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-WAREHOUSING, RETAIL/OFFICE SPACE, SECOND FLOOR DWELLING UNIT AND CAR WASH OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTH QUADRANT OF ROCKFISH AND CAMDEN ROADS, SUBMITTED BY BRADLEY W. YOUNG, OWNED BY USA STORAGE CENTER LLC.

The Planning & Inspections Staff recommends approval of the C(P)/Conditional Use District, with the uses of mini-warehousing, retail/office space, second floor dwelling unit and car wash, excluding all other uses allowed in the C(P) district, based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low and Medium Density Residential and Light Commercial, the subject properties are located at an intersection of two Major Thoroughfares; and
2. Consideration of the C(P)/Conditional Use District for this area, is reasonable in that this area is no longer suitable for residential zoning and the proposed uses will serve the immediate neighborhood.

The Planning & Inspection Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended in that the plan layout is providing only one access to the heavily utilized intersection so as to not impede the traffic in the public right-of-way; and
2. The use meets all required conditions and specifications.

3. The use will maintain or enhance the value of adjoining property in that the development is at a location that has continuously been used in contradiction to the ordinances for road side sales, dumping, etc., and the partial upgrading of Applegate Road will provide for a more aesthetically pleasing and usefulness of the right-of-way.
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 Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

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

Note: The Town of Hope Mills recommends approval of the site plan and the proposed uses because it is now in harmony with the area in which it is located and will comply with the Town's development standards.

Attachments:

- 1 - Site Profile w/Ordinance Related Conditions
- 2 - Rezoning Sketch Map
- 3 - Site Plan
- 4 - Application

SITE PROFILE

P07-75

REZONING OF TWO PARCELS TOTALING 11.66 ACRES FROM RR AND C(P) TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-WAREHOUSING, RETAIL/OFFICE SPACE, SECOND FLOOR DWELLING UNIT AND CAR WASH OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTH QUADRANT OF ROCKFISH AND CAMDEN ROADS, SUBMITTED BY BRADLEY W. YOUNG, OWNED BY USA STORAGE CENTER LLC.

Site Information:

Applicant/Owner: BRADLEY W. YOUNG / USA STORAGE CENTER LLC.

Area: 11.66 acres

Frontage & Location: 540 feet on Camden Road, 412 feet on Rockfish Road, 280 feet on Applegate Road and 441 feet on Deaver Circle

Jurisdiction: County

Adjacent Property: No

Current Use: Mini-storage, mini-mobile storage, car wash, vacant retail structure, and vacant land

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): No

Surrounding Zoning: North-RR, R10, R6A, C(P), Hope Mills town limit-C1(P), East-R6A, town limit-R10, R6A, South-RR, town limit-R10, R6, and West-RR, RR/CU

Surrounding Land Use: Churches (4), convenience stores (2), manufactured home park, school, open storage of junk (2), apartment, single family residential and vacant land

2010 Land Use Plan: Light Commercial and Low and Medium Density Residential

Municipal Influence Area: Hope Mills

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: None

Subdivisions: Recorded recombination plat prior to development permits.

Military Impact Area: No

NCDOT: Turn lanes will be required.

Highway Plan: Rockfish and Camden Roads are identified as Major Thoroughfares. The Rockfish Road proposal calls for a multi-lane facility (4 lane-divided). Road improvements are not included in the 2007-2013 MTIP. The Camden Road proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way: Unfunded, Construction: Unfunded

Average Daily Traffic Count (2004): 6,700 on Camden Road and 12,000 on Rockfish Road

Notes:

Conditions of the Application

1. Proposed Uses: Mini-warehousing (standard and mini-mobile), retail/office space, second floor dwelling unit and car wash.
2. Hours of Operation: Mini-warehousing-24 hours, Office/retail will be standard business hours.

3. Parking: 227 spaces (total)
4. Signage: In accordance with the Zoning Ordinance.
5. Buffering: Chain link fence planted with climbing jasmine vine as in Phase I.

Conditional Use District & Permit

Ordinance-related conditions

1. A recombination plat (also known as: "No Approval Required" or "NAR") must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds prior to application for any development permits for this site and/or prior to the sale of any lot or unit within this development.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. 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 Code Enforcement at the time of application for building/zoning permits.
4. The developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided as shown on the site plan. In addition, all required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs; trees shall be maintained in a vertical position at all times; all planting areas shall be kept free of weeds and debris.
7. 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.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CUD zoning district and the conditions of the Permit must be complied with, as applicable. (Note: This conditional approval is not approval of any outside storage of any vehicles, boats, RV's, etc.)
9. This approval is not approval of any freestanding signs; if a freestanding sign is desired, re-submittal to the Land Use Codes Section of a revised site plan showing the location and dimensions of the freestanding sign(s) must be submitted for Staff approval.
10. Because the original NC Department of Transportation (NCDOT) approved driveway was never constructed and the site has increased in size, the developer must obtain a new driveway permit from the NCDOT.

11. The NC Department of Transportation (NCDOT) will require turn lanes to be installed. A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
12. The off-street parking must be provided as shown on the site plan. All required off-street parking spaces must be provided as required by the provisions of the County Zoning Ordinance, 75% of which are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy*. The remaining 25% must remain un-improved and used as "overflow" parking
13. A minimum of two off-street loading spaces(s) must be provided for the retail/office areas shown on the site plan for issuance of the Permit for this Conditional Use District. (Note: Information concerning the location, access to and dimensions of the loading spaces must be provided to the Land Use Codes Section prior to application for any permits.)
14. 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.
15. A solid buffer must be provided along the entire southern boundary of this site where the subject property is adjacent to residential zoning districts. This buffer must be provided and maintained in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. If fencing is to be used, the developer is required to set the fence back a sufficient width to allow for the proper maintenance and upkeep of the vegetation.
16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
17. An adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris.
18. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot.
19. All utilities, except for 25kv or greater electrical lines, must be located underground.
20. The owner/developer is the responsible party to secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
22. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

Plat-Related:

23. A 10' x 70' sight distance easement is required to be shown on the NAR where Applegate Road intersects with Camden Road.
24. A 25' right-of way turning radius be provided where Applegate Road intersects with Camden Road
25. "Applegate Road" must be labeled as such on the NAR.

26. Dedication of 10 feet of right-of-way and reservation of 15 feet of right-of way along SR 1003 (Camden Road) and dedication of 10 feet of right-of-way and reservation of five feet of right-of way along SR 1112 (Rockfish Road) is required and the metes and bounds for both dedication and reservation must be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
27. The property line must not be reflected in the right-of-way of Applegate Road on the NAR.
28. The right-of-way of Applegate Road must be constructed in accordance with the standards and specifications of the Town of Hope Mills (Section 86-122, Hope Mills Subdivision Ordinance); however, the Planning & Inspections Staff is requesting that since the developer has a gate access to Applegate Road, at the very minimum that portion of Applegate Road be paved from the gate to the intersection with Camden Road.
29. Any/All easements shall be reflected on the NAR 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.
30. The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR prior to submission of any phase of this development for NAR approval by Land Use Codes.
31. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR when submitted for final approval.
32. The NAR must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statement:

33. That all structures shall be shown on the NAR or the NAR shall reflect the following statement:

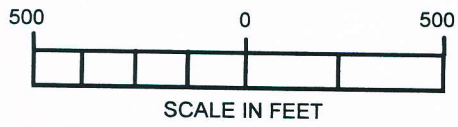
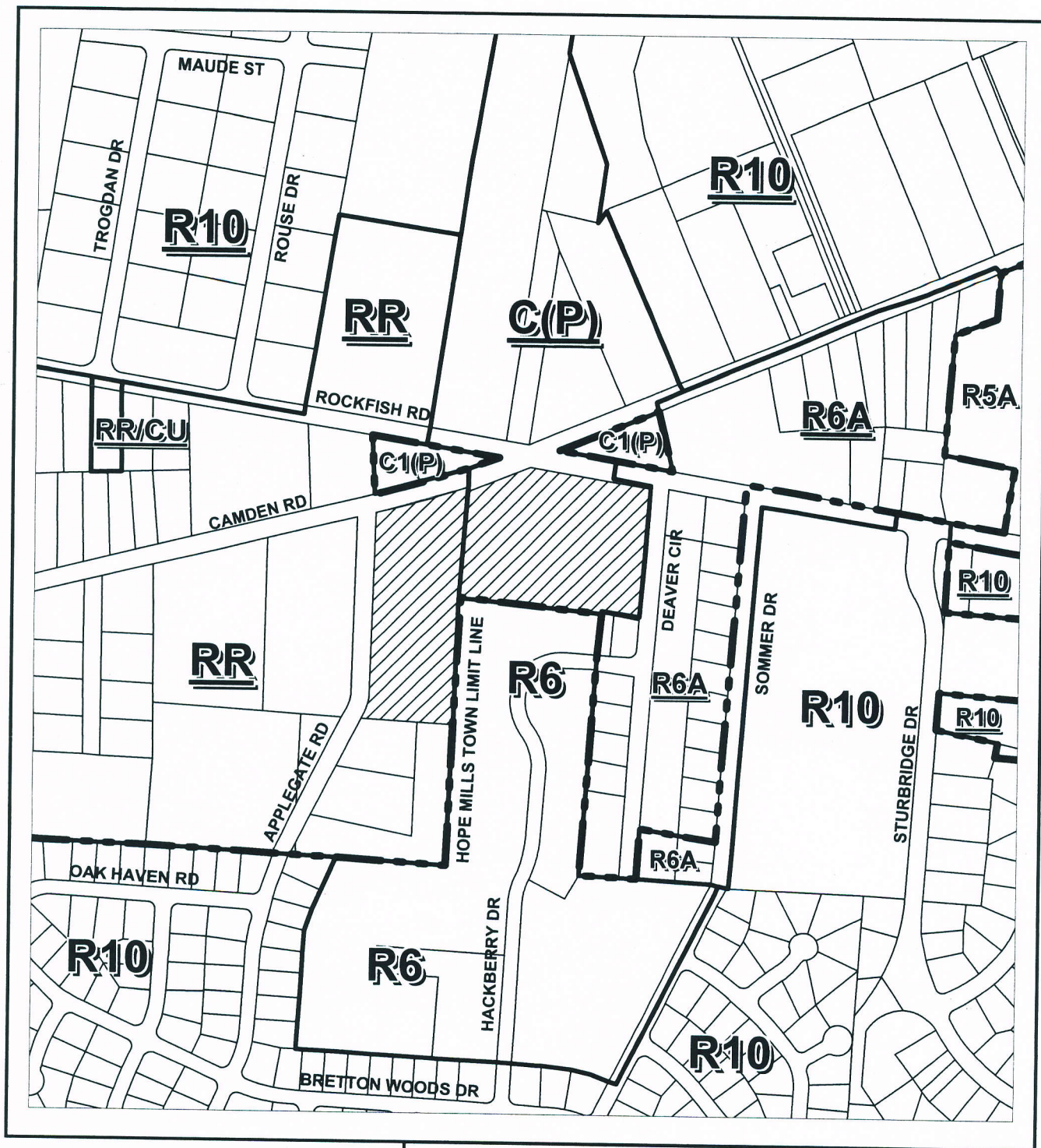
“Nonconforming structures have not been created by this recombination.”

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

Improvements Inspection:		678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

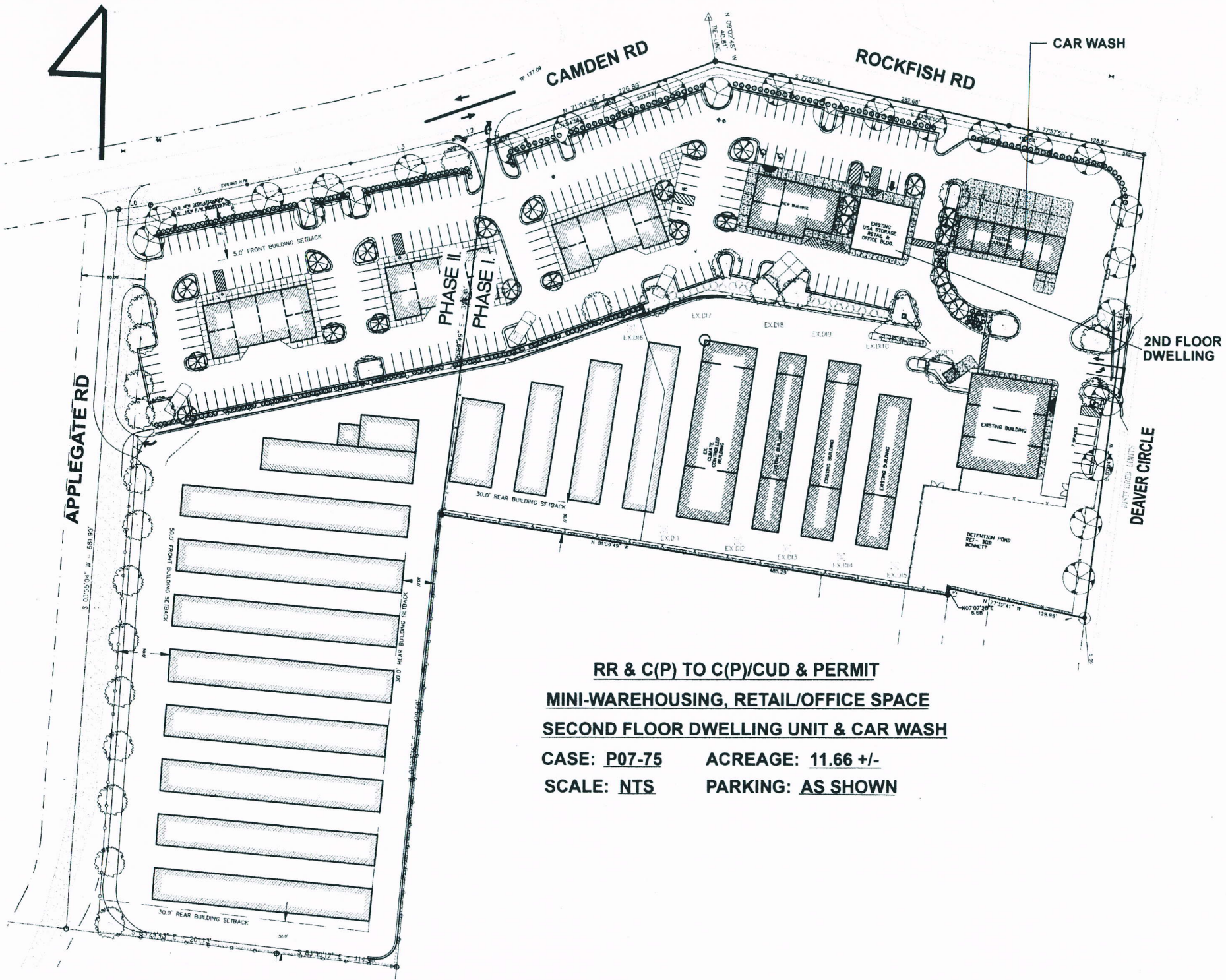
*This is the main telephone number for the Town of Hope Mills; once connected the caller will be directed to the extensions for the various departments.



REQUESTED REZONING RR & C(P) TO C(P)/CUD

ACREAGE: 11.66 AC.+/-	HEARING NO: P07-75	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0404-36-7194
 PIN: 0404-46-2367



RR & C(P) TO C(P)/CUD & PERMIT
MINI-WAREHOUSING, RETAIL/OFFICE SPACE
SECOND FLOOR DWELLING UNIT & CAR WASH
CASE: P07-75 ACREAGE: 11.66 +/-
SCALE: NTS PARKING: AS SHOWN

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: USA STORAGE CENTER LLC
2. ADDRESS: HOPE MILLS INC 28348
6463 ROCK FISH ROAD ZIP CODE: 28348
3. TELEPHONE: FOX (Home) 910-425-1276 (Work) (910) 423 6464
4. Location of Property: 417 CAMDEN RD, HOPE MILLS NC 28348
INTERSECTION OF ROCK FISH RD & CAMDEN RD.
5. Parcel Identification Number (PIN #) of subject property: 0404 36-7194
(also known as Tax ID Number or Property Tax ID) 0404-40-2367
6. Acreage: PLEASE I 5.5 AC I 5.08 Frontage: 332 FT. Depth: 1080 FT.
7. Water Provider: PWC
8. ~~Septage~~ Sewer Provider: PWC
9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: RESIDENTIAL (OPEN UNDEVELOPED) RTZ
11. Proposed use(s) of the property: STORAGE FACILITY AND
RETAIL / OFFICE SPACE

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R-R

TO: (select one)

- C(P) Conditional Use District, with an underlying zoning district of _____
(Article V)
- _____ Mixed Use/Conditional Use District (Article VI)
- _____ Planned Neighborhood District/Conditional Use District (Article VII)
- _____ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

INSIDE MINI-STORAGE UNITS

RETAIL/OFFICE

OUTSIDE MINI-POD-STORAGE UNITS

- 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.

ACREAGE = 5.81

SQ FT RETAIL/OFFICE/STORAGE = 70,300 S.F.
9500 = RETAIL/OFFICE STORAGE = 60,800 S.F.

2. DIMENSIONAL REQUIREMENTS:

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

PROPERTY LINES ARE CALLED OUT ON
THE PLAN AND BUILDING SETBACK ARE SHOWN

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

88 PARKING SPACES ARE SHOWN
2 LOADING SPACES - ASPHALT-CURB & CUTTER

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SIGN REQUIREMENT PER ORDINANCE
MAXIMUMS

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. PHASE II WILL MEET THE CO. LANDSCAPE REQUIREMENTS PHASE I. TO BE BROUGHT UP TO CURRENT STANDARDS FOR STREET TREES, BUFFER SHRUBS, PARKING LOT SHRUBS, PARKING LOT TREES

B. Indicate the type of buffering and approximate location, width and setback from the property lines.

PROPERTY LINES THAT ABUT RESIDENTIAL WILL HAVE A CHAIN LINK FENCE PLANTED WITH CLIMBING JASMINE VINE AS IN PHASE I

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.

MINI-STORAGE IS OPEN 24 HOURS
OFFICE/RETAIL WILL BE STANDARD
BUSINESS HOURS.

6. SITE PLAN REQUIREMENTS:

The application shall 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 shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also 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. ACKNOWLEDGEMENT:

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 (change) rests 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, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. 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 Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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.

✓ USA Storage Center LLC
NAME OF OWNERS (PRINT OR TYPE)

P.O. Box 234 White Oak NC 28399
ADDRESS OF OWNER(S)

910 866 5267
HOME TELEPHONE #

910 876 7953
WORK TELEPHONE #

USA Storage Center LLC
[Signature]
SIGNATURE OF OWNER(S)


SIGNATURE OF OWNER(S)

1 BRADLEY W YOUNG
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

CRAWFORD RESION
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE #

221-0033
WORK TELEPHONE #


SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

**CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ² NONRESIDENTIAL PND/CUD MXD/CUD	\$700	\$800	\$800	\$800

1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit 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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-77: REZONING OF 1.42 ACRES FROM R6A TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3680 CUMBERLAND ROAD, SUBMITTED BY WILLIAM D. DECARLO, OWNED BY GRANVILLE T. AND EVELYN M. JACKSON.

The Planning & Inspections Staff recommends approval of the C1(P) district based on the following:

- Though the request is not consistent with the 2010 Land Use Plan which calls for Heavy Commercial at this location, the request is more suitable and in character with the zoning and uses in the area.

The O&I(P) is the only other zoning districts suitable for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-77

REZONING OF 1.42 ACRES FROM R6A TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3680 CUMBERLAND ROAD, SUBMITTED BY WILLIAM D. DECARLO, OWNED BY GRANVILLE T. AND EVELYN M. JACKSON.

Site Information:

Applicant/Owner: WILLIAM D. DECARLO / GRANVILLE T. AND EVELYN M. JACKSON

Area: 1.42 acres

Frontage & Location: 200 feet on Cumberland Road

Depth: 315 feet (average)

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Nonconformities: Yes – If rezoned, the residential structure will become nonconforming.

Surrounding Zoning: North-R10, R6, R6A, C1(P), C1(P)/CU, East-R10, R6, R6A, C1(P), C3, South-RR, RR/CU, R10, R10/CU, R6A, R5A, C1(P), and West-R10, R6A, R6A/CU, C1(P), C3

Surrounding Land Use: Manufactured home parks (4), convenience store, car wash, apartments (2), lawn mower repair shop, church, farmers market, and single family residential

2010 Land Use Plan: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC water / septic tank

Soil Limitations: None

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

Military Impact Area: No

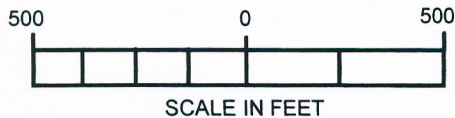
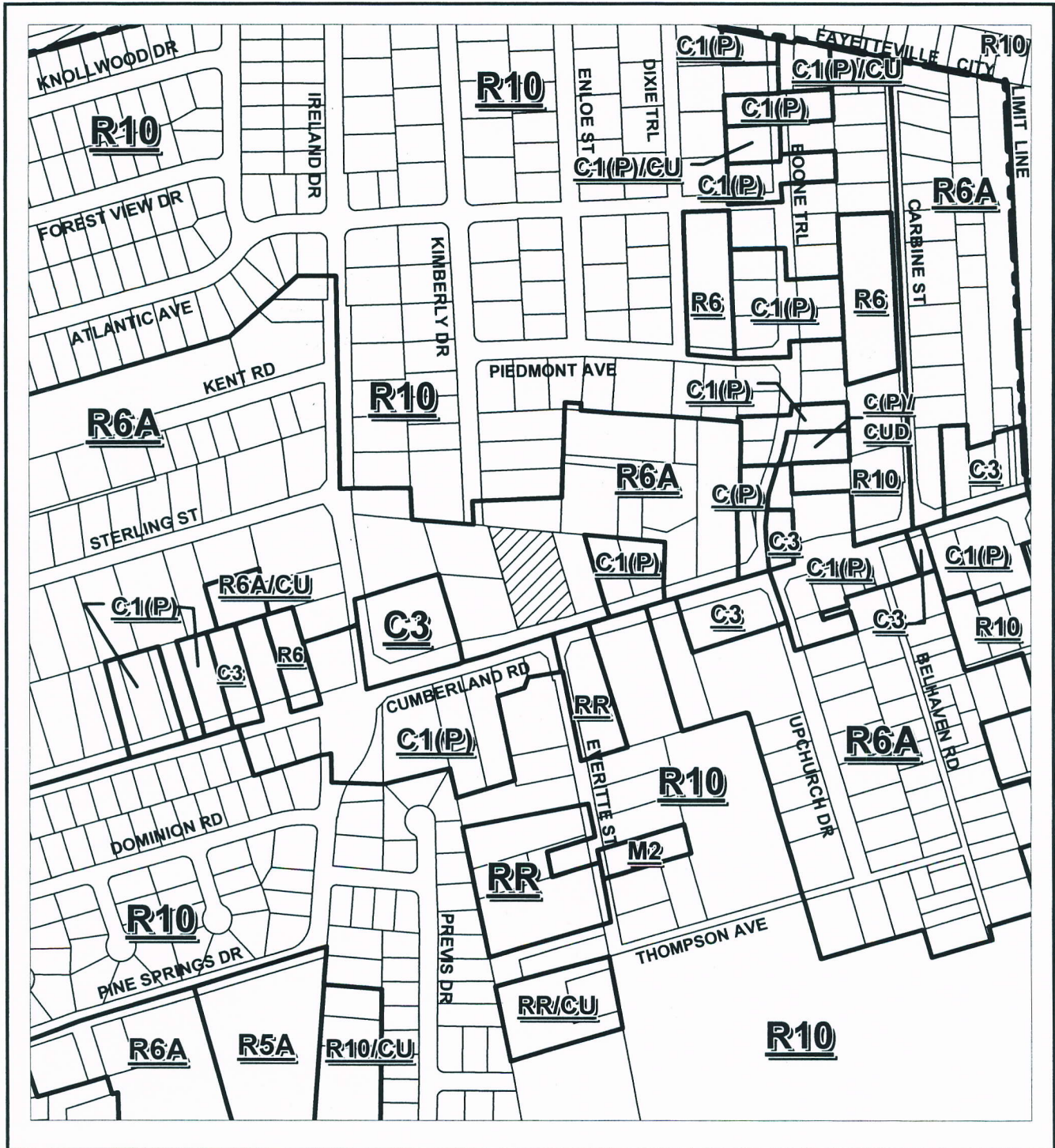
Highway Plan: Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed.

Average Daily Traffic Count (2004): 15,000 on Cumberland Road

Notes:

A Conditional Use District and Permit was discussed with the applicant and he chose to submit a straight rezoning application.

The applicant was also informed of the nonconformity that would result if the rezoning was approved. He was referred to the Chief Building Inspector regarding building code standards for conversion of a residential structure to non-residential.



REQUESTED REZONING R6A TO C1(P)

ACREAGE: 1.42 AC. +/-		HEARING NO: P07-77	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

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

September 11, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II *EMB*

SUBJECT: Case No. 02-223
Milton Levi & Deborah Molden Underwood Property
(Group Development Review)

The developer has requested a waiver from Section 4.3 g "Other Requirements", County Subdivision Ordinance, regarding Condition No. 2, on the attached condition sheet. This condition requires the developer/property owner to install a fire hydrant as an improvement to the property. The Cumberland County Subdivision Ordinance requires group developments which are served by public water, to have a fire hydrant located within 500 feet of each residential lot. This development is located 720 feet from an existing hydrant located on SR 1730 (Underwood Road).

The property is zoned R40 Residential District, contains 1.61 +/- acres, and is located off of a named dirt trail (Heritage Lane). The Cumberland County Joint Planning Board approved a variance on October 15, 2007 to allow an easement to be used for access for the second dwelling unit. The developer never constructed the addition to the accessory structure for the second dwelling unit and the two year time period for the approval expired. The developer has re-submitted the review for the proposed addition and is required to meet the minimum standards which are in place today. The Eastover Sanitary District's water lines have been installed in this area since the 2002 approval.

The developer contacted Morgan Johnson of the Eastover Sanitary District about the requirements for installing fire hydrants on their system. Mr. Johnson told them and the Planning & Inspection Staff that this water system was approved as a "rural system" and it was not designed for fire protection; any fire hydrant connected to the water system is for flushing the water line only. I have provided a copy of a memorandum from Mr. Johnson in this packet.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

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

- 1. Because of the condition and nature of the existing sanitary district's water system being classified as a "rural system," strict compliance would cause a special hardship to the property owners since the water provider cannot allow additional fire hydrants to be installed for the purposes of fire suppression;
- 2. The public purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree in that the ordinance provisions requiring hydrants is intended to protect the public and their property by providing for effective and efficient means of fire suppression in the event of an emergency; and
- 3. The property owner would not be afforded a special privilege denied to others since the Eastover Sanitary District will restrict the emplacement of fire hydrants for fire suppression purposes in similar developments within their service area.

Attachments: Request for Waiver
 Conditions of Approval
 Sketch Map
 Vicinity Map

cc: Milton Levi & Deborah M. Underwood, Developer
 Eastover Interim Town Council
 Grainger Barrett, County Attorney
 Cecil Combs, Deputy Director
 Patti Speicher, Planner III
 Matt Rooney, CCP&I Eastover Rep



Date Request Submitted: 8-28-07

Planning Board Meeting Date: 9-18-07

Received by: EMB

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 02-223 Case Name: Milton Levi & Deborah Molden Underwood

Related Ordinance Section Number(s): 4.3 G.

Summary of Request: Eastover Sanitary District not installing any new hydrant connections.

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

3. The property owner would not be afforded a special privilege denied to others, because:

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Deborah Morden Underwood
Printed Name of Applicant/Agent

910.624.4830
Daytime Phone Number

Deborah M Underwood
Signature of Applicant/Agent

8-28-07
Date Signed

EASTOVER SANITARY DISTRICT

1610 Beard Road * Wade, North Carolina * 28395

PH: 910/323-3973 FX: 910/323-5224

E-Mail mjohnson126@nc.rr.com

FAX COVER

Date: 28 Aug 07

To:

Name: Ed Byrne
Organization: C.C. Planning Dept
Fax Number: 678-7669
Telephone Number 678-7609

From: Morgan Johnson
Organization ESD

Number of pages including this one: 2

Message: Ed:
No one may tie in to the ESD water system to install fire hydrants.

I have never heard of the 500' rule being applied in our area. There are houses being built every day that are not within 500' of a hydrant.

In ESD the hydrants are 1/2 to 1 mile apart. The new system will be the same.

EASTOVER SANITARY DISTRICT

1610 Beard Road, Wade, NC 28395
Ph 910-323-3973 Fax 910-323-5224
Morgan Johnson, Chairman

MEMO

Date: AUG 28, 2007

To:

Name: ED BYRNE
Organization: E.C. PLANNING DEPT.
Telephone Number: _____

From:

Name: MORGAN JOHNSON
Organization: ESD

Message: REF: REQUIRED DISTANCE TO FIRE HYDRANTS

Ordinance number 4.3g, Hydrants,
page 1063 of the C.C. Ordinance cannot be
used within the boundaries of ESD.
The ESD water system, both existing
and under design is being funded by the
USDA Rural Center. The federal funding,
which overrules ~~and~~ any state or local rules,
state that hydrants are placed for flushing,
etc, and not for fire fighting. They are spaced
about 1/2 mile apart. No one may alter the
ESD system by tapping into the system for
fire hydrants. This applies to 1876 Heritage Dr,
any all others.

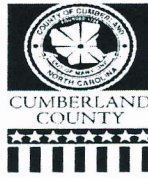
Morgan L Johnson
Chairman
ESD

COPY FURNISHED
MS DEBORAH UNDERWOOD
1876 HEIRITAGE DR
FAX: (910) 433-5657

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



CUMBERLAND
COUNTY
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

PLANNING STAFF DECISION: 8-28-07 PLANNING BOARD DECISION: 9-18-07
 Other Planning Board Dates: 10-15-02

CASE NO: 02-223 NAME OF DEVELOPMENT: MILTON LEVI & DEBORRAH MOLDEN UNDERWOOD

MIA: N/A (GROUP DEVELOPMENT REVIEW)

LOCATION: NORTH OF SR 1730 (UNDERWOOD ROAD) ZONING: R40
WEST SR 1728 (MIDDLE ROAD) PIN: 0458-18-1706-

OWNER OR DEVELOPER: MILTON LEVI & UNDERWOOD ENGINEER OR DESIGNER: N/A

PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The developer must install a fire hydrant along Heritage Lane located with in 500 feet of this development. The must contact the Eastover Sanitary District on the design specifications for the fire hydrant. The developer must contact Planning and Inspection Department when the fire hydrant is installed so the hydrant can be inspected prior to application for any building/zoning permits.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. Connection to public water is required, the Eastover Sanitary District must approve water plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. This conditional approval is not approval of the setbacks of the dwelling unit footprint closes to Heritage Lane; additional information regarding the side yard setback must be provided to the Land Use Codes Section prior to application for any permits.
7. 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.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40 zoning district must be complied with, as applicable.
9. All utilities, except for 25kv or greater electrical lines, must be located underground.
10. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

Other Relevant Conditions:

11. The applicant is advised to consult an expert on wetlands before proceeding with any development.
12. The developer requested a variance for access to allow a second dwelling unit. This case will be heard by the Cumberland County Joint Planning Board on October 15, 2002. The Cumberland County Joint Board approved the variance on October 15, 2002.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

Improvements:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: **02-223**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY JOINT PLANNING BOARD ON: **8-28-07**

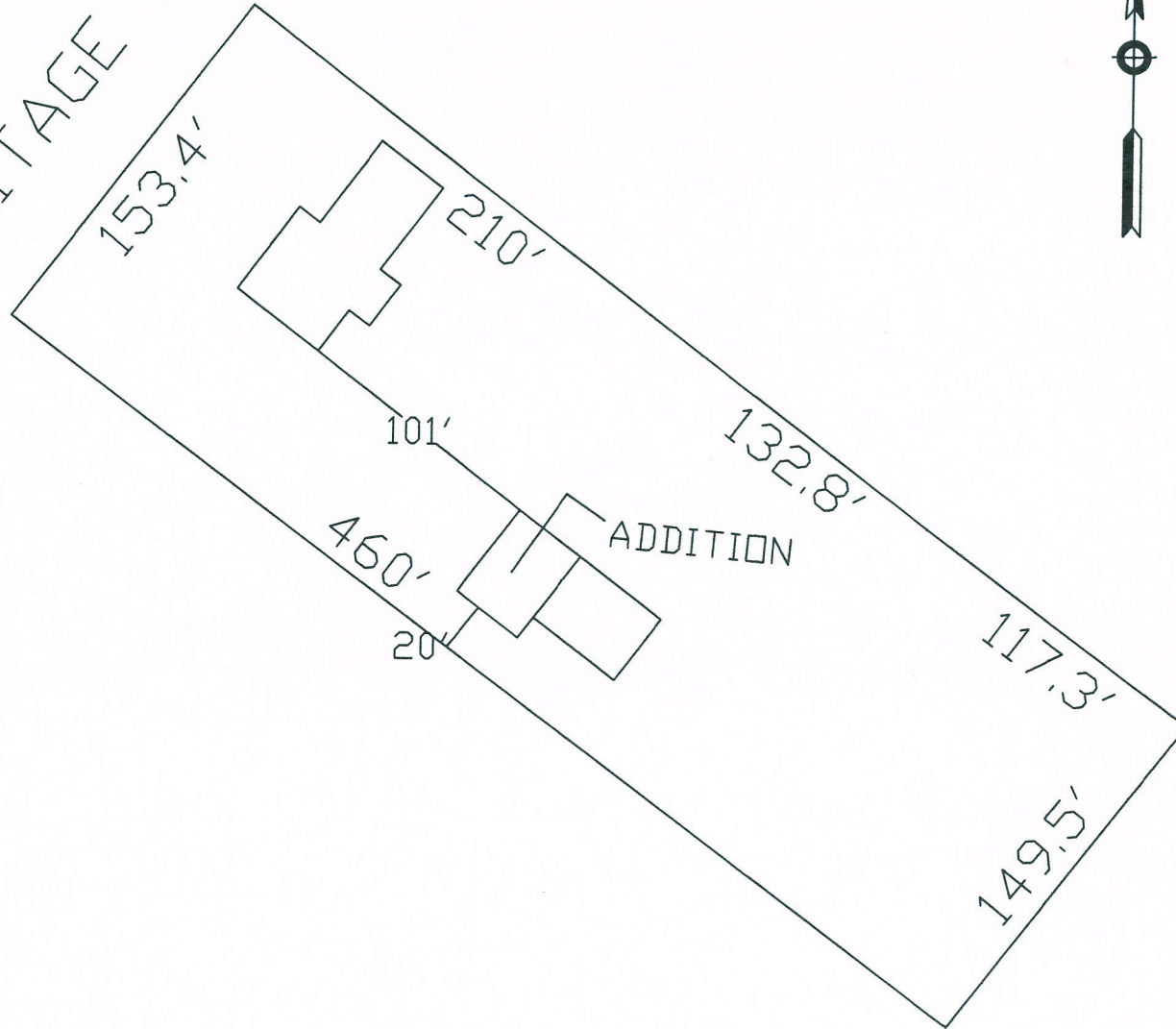
COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND COUNTY JOINT PLANNING BOARD AS DRAWN HEREON AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW. THIS APPROVAL IS VALID UNTIL: **8-28-09**

Patricia S. Speicher

EMB
SUPERVISOR, LAND USE CODES

HERITAGE LN



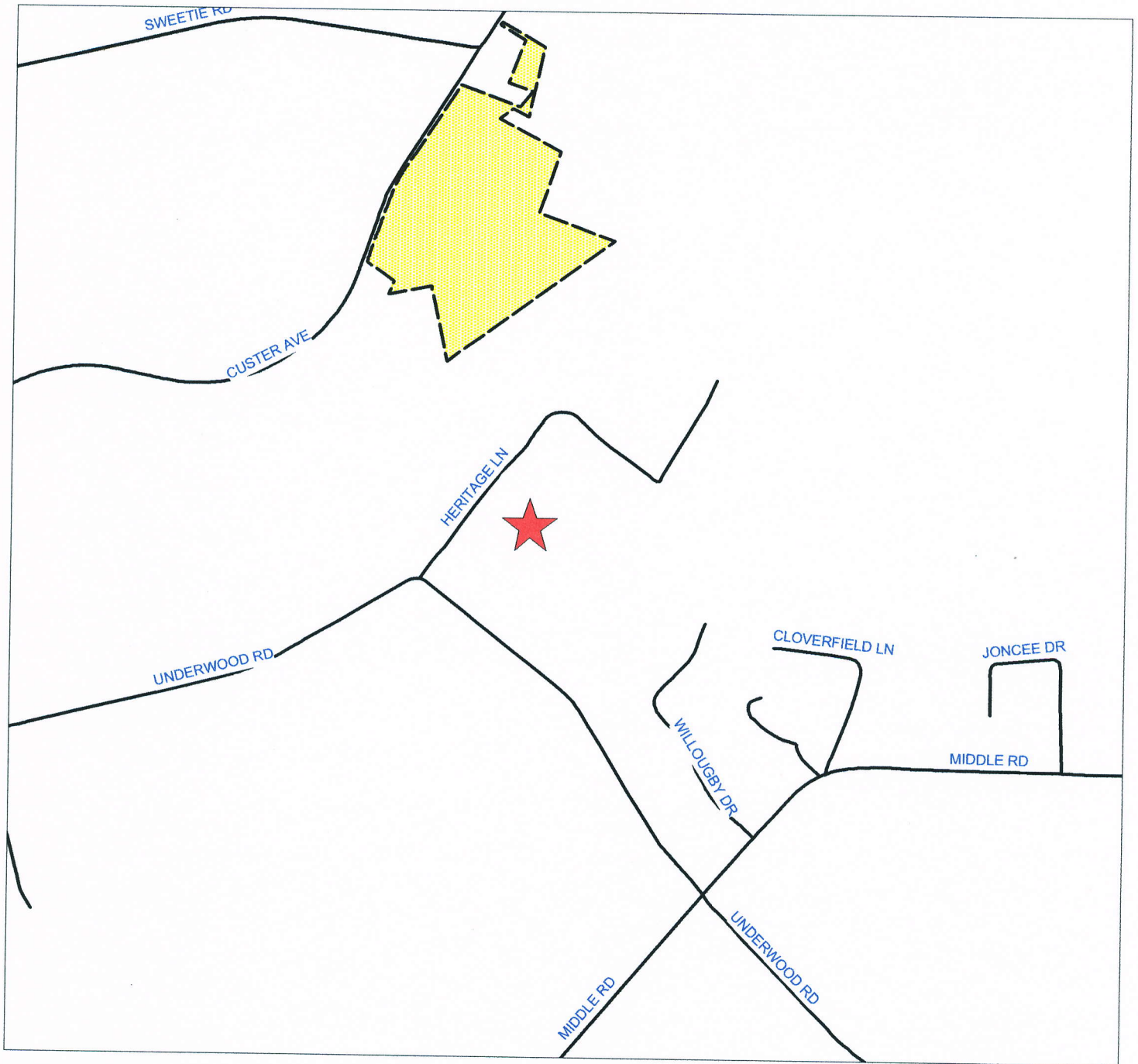
MILTON LEVI & DEBORAH MOLDEN UNDERWOOD PROPERTY

REQUEST: WAIVER FROM SECTION 4.3G, FIRE HYDRANTS

CASE: 02-223 ACREAGE: 1.61AC±

ZONED: R40 SCALE: NTS

**MILTON LEVI & DEBORAH MOLDEN UNDERWOOD PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 02-223**



PINS: 0458-18-1706-
Prepared by EMB - CCJPB
Septmeber 11, 2007

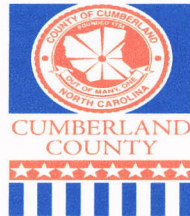
Map not to scale



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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-22: REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.

This case was presented to the Board on April 17, 2007 and at that time the applicant amended the request to the R40 zoning district. After considerable discussion, including the applicant stating that the NC Department of Transportation (NCDOT) had assumed maintenance of the private street, the Board recommended a deferral in order for Staff to verify the NCDOT's assumption of Remley Court for maintenance purposes or for the applicant to submit an application for a Conditional Use District and Permit (CUD&P) indicating the precise plans for this tract. The applicant agreed to the deferral.

Attached to this memorandum is a copy of the letter, dated April 16, 2007, from the NCDOT District Engineer to the applicant; the letter is a denial of the request for the NCDOT to assume maintenance of Remley Court.

The applicant subsequently submitted a CUD&P application restricting any structure on Lot 2 to a minimum of 1,600 square feet, along with a site plan showing two lots. Included with the application is a waiver request for the applicant to be permitted to create an eighth lot on a Class "C" private street.

The Planning & Inspections Staff recommended denial of the R40/Conditional Use District and Permit for the two lots at this location, and the Planning Board subsequently recommended denial as well.

At the August 20, 2007 County Commissioner's meeting this case was sent back to the Planning Board so the applicant could revise his application to allow for a group development. The applicant has amended his application to request an A1A/Conditional Use District and Permit (CUD&P) to allow a group development and place restriction on further subdividing the subject property until such time as the existing Class "C" private street is upgraded and capable of complying with the ordinances.

The Planning & Inspections Staff recommends approval of the A1A/Conditional Use District for a group development of two structures at this location based on the following:

1. The A1A district is consistent with the Land Use Plan which calls for “farmland” at this location;
2. The A1A district is compatible with the uses in the neighboring districts, and is a use that could be extended to every property owner in the immediate area; and
3. The subject property will be able to meet the ordinance standards;

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended since the applicant has agreed to mandatory upgrading of the private street prior to submitting for any division of the subject property;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties; 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.

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

Attachments:

- 1 – Site Profile w/Ordinance Related Conditions
- 2 - Rezoning Sketch Map
- 3 - Site Plan
- 4 - Rezoning Application

SITE PROFILE
P07-22

REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.

Site Information:

Applicant/Owner: BRIAN DAIGNEAULT

Area: 2.2 acres

Frontage & Location: 320 feet on Remley Court

Depth: 302 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: June 24, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: Primarily CD and A1 with A1A and R40A to the East

Surrounding Land Use: Single family residential and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: None

School Capacity/Enrolled: Grays Creek Elementary 708/764, Grays Creek Middle 614/495, Grays Creek High 1087/1280

Military Impact Area: No

Highway Plan: No road improvements or new construction specified for this area.

Notes:

Density (1.98 ac. after right-of-way): A1 – 1 lot / 1 unit

A1A – 2 lots / 2 units

R40 – 2 lots / 2 units

R30 – 2 lots / 3 units

R20 – 4 lots / 4 units

Amended application to request: A1A/CUD and Permit

Application Conditions:

To allow a group development and place restriction on further dividing the subject property until such time as the existing Class "C" private street is upgraded and capable of complying with the ordinances.

Conditional Use District & Permit

Ordinance-related conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. 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.

Site-Related:

5. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1A zoning district must be complied with, as applicable.
6. "Remley Court" must be clearly labeled as "Remley Ct – Class "C" Private Street" on all future plans.
7. All utilities, except for 25kv or greater electrical lines, must be located underground.
8. The NC Department of Transportation will not consider a Class "C" private street for addition to the State system for maintenance.

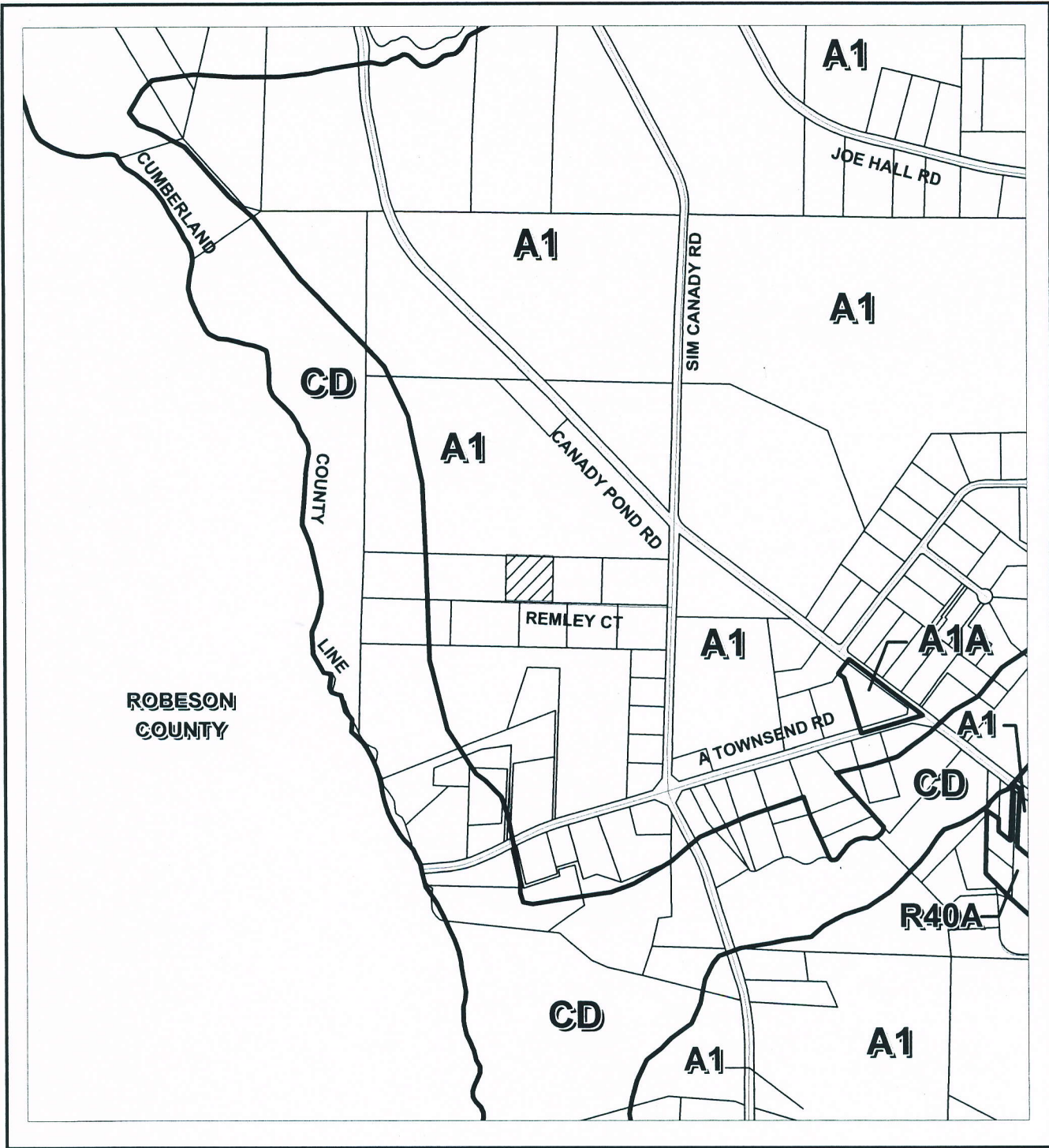
Other Related Conditions:

9. Under current standards and in this zoning district, additional dwelling units or a division of the property can be permitted on this tract.
10. The applicant is advised to consult an expert on wetlands before proceeding with any development.

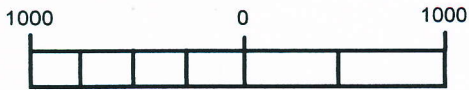
If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549



ROBESON
COUNTY



SCALE IN FEET

REQUESTED REZONING: A1 TO A1A/CUD

ACREAGE: 2.20 AC.+/-

HEARING NO: P07-22

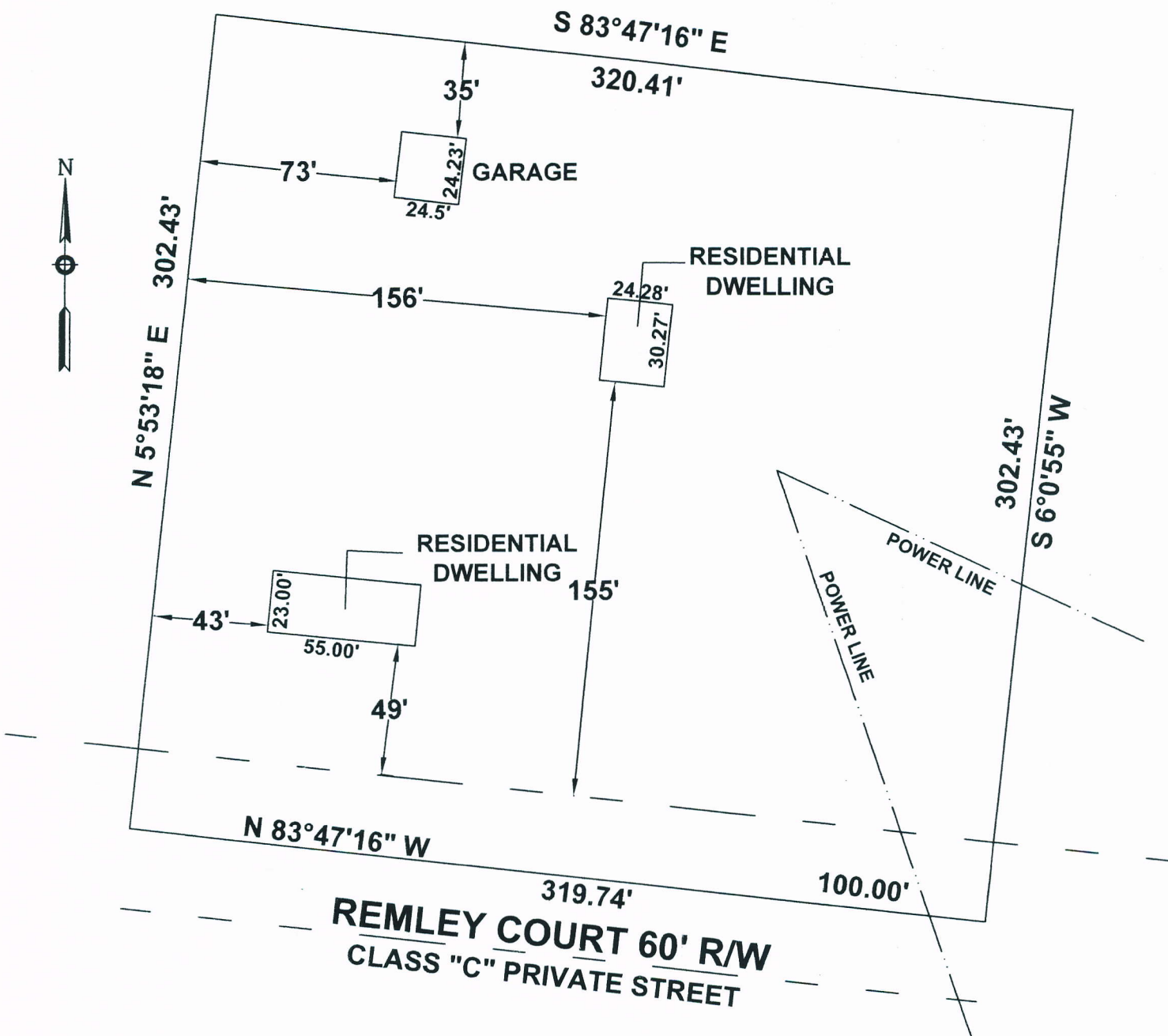
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



CONDITIONAL USE PERMIT
REQUEST: GROUP DEVELOPMENT W/VOLUNTARY RESTRICTION
ON FURTHER DIVIDING THE PROPERTY UNTIL THE
CLASS "C" PRIVATE STREET IS UPGRADED
CASE: P07-22 ACREAGE: 2.20 ACS +/-
SCALE: NTS

REV. 8/24/07
 8/27/07
 9/10/07
 9/12/07
 9/13/07

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: Brian Daignault
2. ADDRESS: 871 Remley Ct ZIP CODE: _____
3. TELEPHONE: (Home) 429-5892, (Work) _____
4. Location of Property: _____
5. Parcel Identification Number (PIN #) of subject property: 0421-32-7341
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 2.2 ac Frontage: _____ Depth: _____
7. Water Provider: _____
8. Septage Provider: _____
9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Residential
11. Proposed use(s) of the property: He will not subdivide the lot

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- Conditional Use District, with an underlying zoning district of A1A
(Article V)
- _____ Mixed Use/Conditional Use District (Article VI)
- _____ Planned Neighborhood District/Conditional Use District (Article VII)
- _____ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

*AIA Zoning w/ Group Development
Cud to put restriction of never
subdividing subject property.*

- 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.

AIA - 2 units

2. DIMENSIONAL REQUIREMENTS:

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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.**

B. Indicate the type of buffering and approximate location, width and setback from the property lines.

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.

6. SITE PLAN REQUIREMENTS:

The application shall 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 shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also 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.

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-47: REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.

This case was presented to the County Commissioner's at the August 20, 2007 meeting. Because of opposition raising issues which were not previously addressed by the Planning Board, the Commissioner's referred the case back to the Board for re-consideration.

Due to the permitted and special uses allowed in M2 district, the Planning and Inspections Staff recommendation has not changed; therefore, the Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is partially consistent with the 2010 Land Use Plan, which calls for Low Density Residential and Open Space at this location;
2. The request is consistent with the existing zoning in the area; and
3. Public utilities are available to the subject property.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE
P07-47

REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.

Site Information:

Applicant/Owner: JOSEPH H. GILLIS SR / GILLIS AND GILLIS INC.

Area: 13.63 acres

Frontage & Location: 30 feet on Church Street

Depth: 430 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-R10, R10/CU, Hope Mills Town limit-R10, R6, C1(P), East-R10, R6, R6A, town limit-R10, South-R10, R6A, town limit-R10, and West-town limit-R10, R6

Surrounding Land Use: Single family residential and woodland

2010 Land Use Plan: Low Density Residential and Open Space

Designated 100-Year Floodplain or Floodway: Yes – There exists a small amount of Special Flood Hazard Area on the larger portion to be rezoned.

Municipal Influence Area: Hope Mills

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: Yes (Johnston loam)

School Capacity/Enrolled: Ed V. Baldwin Elementary 790/615, Hope Mills Middle 686/761, South View High 1800/1866

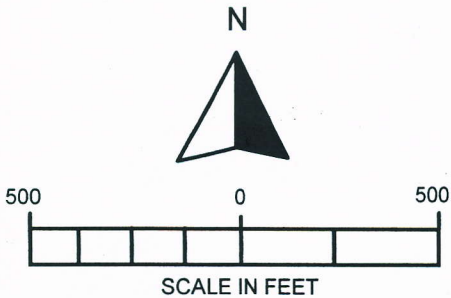
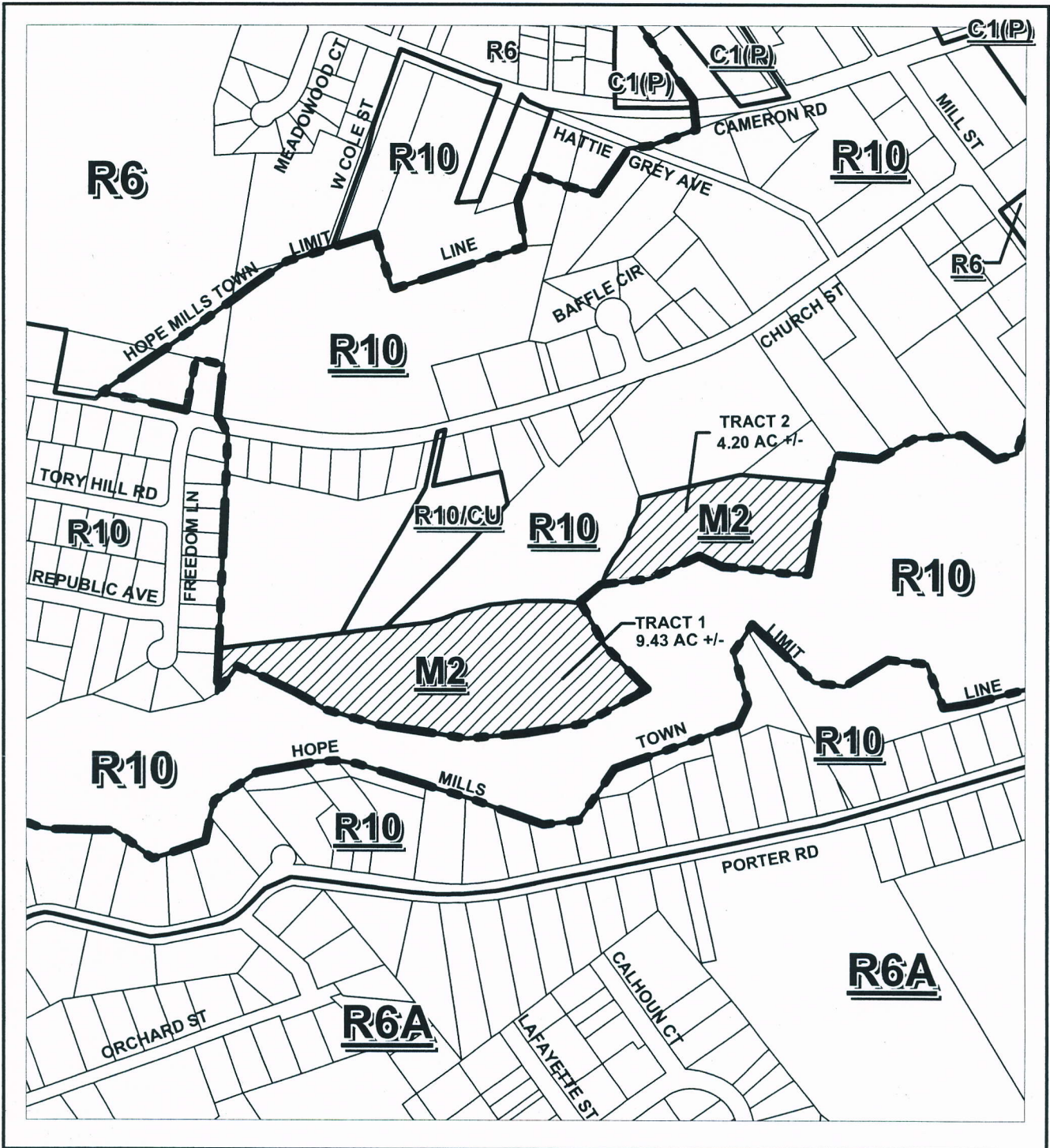
Subdivisions: Subdivision review is contingent upon rezoning for 61 lots on 25.08 acres, #06-205 on 1-16-07

Military Impact Area: No

Highway Plan: No road improvements or new construction specified for this area.

Notes:

Density minus 20% for roads: R7.5 – 94 lots (entire tract)



REQUESTED REZONING M2 TO R7.5

ACREAGE: 13.63 AC.+/-	HEARING NO: P07-47	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. OF PIN: 0414-90-6637

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

September 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 18, 2007 Board Meeting

P07-71: REZONING OF TWO PARCELS TOTALING 7.93 ACRES FROM R6 AND C1(P)/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, EAST SIDE OF MCARTHUR ROAD, OWNED BY CREEKWOOD CAR COMPANY, LLC. AND JACQUELINE C. ANDREWS.

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

1. The request is only partially consistent with the 2010 Land Use Plan, which calls for Heavy Commercial along McArthur Road, and Low Density Residential and Open Space for the remaining portion.
2. The C(P) district would promote encroachment of a commercial district in a residential area.

The Planning & Inspections Staff further recommends the applicant file for a C(P)/Conditional Use District and Permit for the property located on Andrews Road, and a portion of the tract located on McArthur Road to a depth of 380 +/- feet; following in a straight line from the southeastern corner of the subject property on Andrews Road, to the northeastern corner of the adjacent tract to the south. The Staff concerns are based upon:

- A Conditional Use District and Permit application would specify the current type of use and prohibit any uses deemed "obnoxious" or unwanted at this location.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-71

REZONING OF TWO PARCELS TOTALING 7.93 ACRES FROM R6 AND C1(P)/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, EAST SIDE OF MCARTHUR ROAD, OWNED BY CREEKWOOD CAR COMPANY, LLC. AND JACQUELINE C. ANDREWS.

Site Information:

Applicant/Owner: CREEKWOOD CAR COMPANY, LLC. AND JACQUELINE C. ANDREWS

Area: 7.93 acres

Frontage & Location: 410 feet on McArthur Road and 150 feet on Andrews Road

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential and commercial

Initial Zoning: August 21, 1972 (Area 1)

Zoning Violation(s): None

Nonconformities: Yes – If rezoned, the residential structure will become non-conforming.

Surrounding Zoning: North-R6, M(P), East-RR, PND, R6, South-R6, R6A, C(P), C1(P)/CU, and West-R10, R6, R6A, C1(P), C1(P)/CU

Surrounding Land Use: Day care facility, apartments, wholesale business, contracting company, vacant commercial (2), auto parts store, restaurant, barber shop and auto sales, dry cleaning, furniture store, convenience store, electronic store, manufactured home park, single family residential and vacant land

North Fayetteville Study Area Detailed Land Use Plan: Low Density Residential, Heavy Commercial and Open Space

Watershed Area: Yes – watershed application and permit will be required prior to any development.

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: Yes – JT (Johnston loam)

Subdivisions: If approved, a site plan review will be required prior to any development.

Military Impact Area: Yes

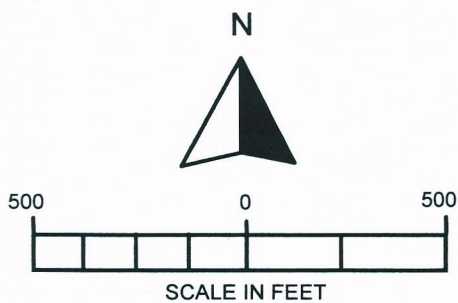
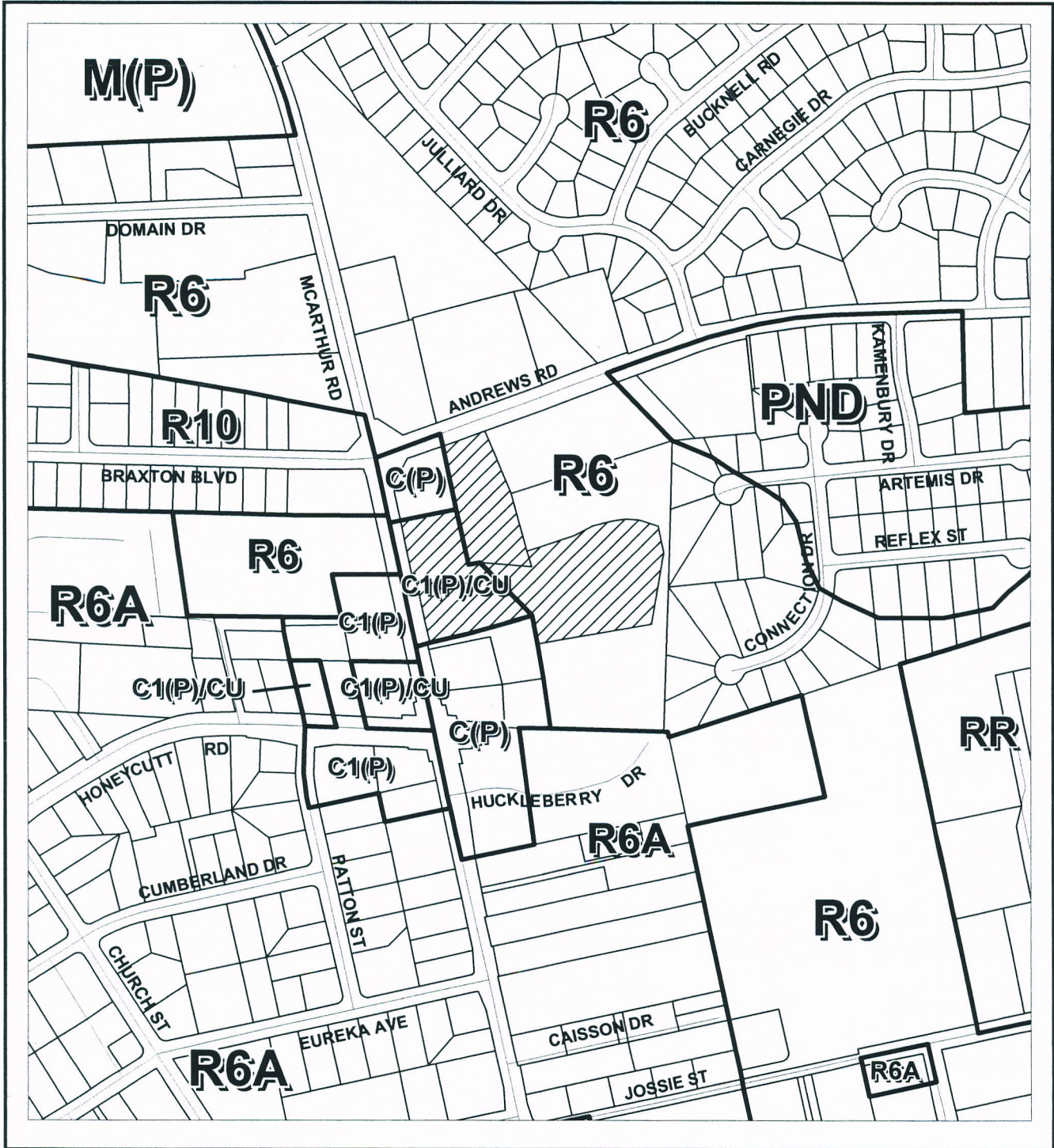
Ft Bragg/Pope AFB: Pope AFB has no objections to this case.

Highway Plan: Andrews and McArthur Roads are identified as Major Thoroughfares. Both plans call for a multi-lane facility. Road improvements are not included in the 2007-2013 MTIP (Priority 1).

Average Daily Traffic Count (2004): 15,000 on McArthur Road and 11,000 on Andrews Road

Notes:

A Conditional Use District and Permit was explained to the applicant; he declined to submit the application.



REQUESTED REZONING R6 & C1(P)/CU TO C(P)

ACREAGE: 7.93 AC.+/-		HEARING NO: P07-71	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0521-60-6335
PIN: 0521-60-4650

AF
8/27/07

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

September 11, 2007

MEMORANDUM

TO: County Joint Planning Board
FROM: Edward M. Byrne, Planner II
SUBJECT: Case No. 07-060
Estates of Camden
(Zero Lot Line Subdivision Review)

The developer has requested a waiver from Section 3.20.2 "Municipal Influence Area Compliance" (MIA), County Subdivision Ordinance, regarding conditions 10 a & b for concrete curb and gutters and sidewalks, on the attached condition sheet. The County Subdivision Ordinance requires developments to meet the standards for the Town when located within their MIA. The property is zoned R10 (R7.5) Residential District, contains 99.43 +/- acres.

The developer states the cost of building the improvements will make it cost prohibitive and will unfairly effect those desiring to purchase homes. They further state that rolled asphalt with slight are more environmentally friendly and allow runoff to drain naturally and that the road will be designed in such a way as to reduce vehicle speed.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the waiver from the concrete curb and gutter provisions based on the following:

- a. Because of the condition and nature of the adjoining areas, strict compliance with the provisions of the ordinance would cause a special hardship to the property owner and be inequitable, in that the developments within the immediate area do not have rights-of-way constructed with concrete curb and gutter; by burdening this development with this criteria would be cause for the development to "stand out" from the existing subdivisions thus affecting the marketability of not only this development but re-sales in the existing developments as well;

- b. The public purposes of the County Subdivision and Zoning Ordinances would be served to an equal or greater degree, in that the practicality of allowing any run off to drain naturally into slight ditches (swales) far out weighs any benefit of mandatory concrete curbing in this area, would be more environmentally friendly and easier to maintain. Also, the rights-of-way will be constructed to the NC Department of Transportation standards for acceptance to the State system for maintenance since the possibility of the Town annexing this development or assuming maintenance responsibilities of the streets is not within the foreseeable future; and
- c. The property owner would not be afforded a special privilege denied to others because there are no developments within this area having concrete curb and gutter.

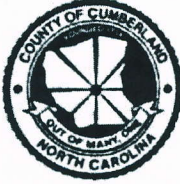
Regarding the waiver request from the requirement for sidewalks, the Planning and Inspections Staff recommends the developer be required to and agree to constructing sidewalks along the right-of-way of both SR 1003 (Camden Road) and SR 1130 (Waldos Beach Road) rather than being required to construct sidewalks on both sides of every street within the subdivision. This recommendation is based on:

- a. Because of the condition and nature of the adjoining areas, strict compliance with the provisions of the ordinance would cause a special hardship to the property owner and be inequitable, in that the developer is proposing to design the streets within this development in such a manner as to encourage slow moving traffic and the current development standards for Hope Mills would not require sidewalks in the area where they would best serve the public;
- b. The public purposes of the County Subdivision and Zoning Ordinances would be served to an equal or greater degree if the staff recommendation is approved, in that there is a high school, elementary school and community recreation center within close proximity to this development, therefore constructing sidewalks along the existing state roads would allow for a safer route to the schools and the recreation center in an area where it is mandatory for the children to walk to school; and
- c. The property owner would not be afforded a special privilege denied to others because there are no existing sidewalks in this area and construction of the walks along the existing state road would serve a greater public need.

The Town of Hope Mills Board of Commissioners will consider this request and make an official recommendation on September 17, 2007. If available, this information will be presented at the Planning Board meeting on September the 18, 2007.

Attachments: Request for Waiver
Conditions of Approval
Subdivision Map
Vicinity Map

cc: Riddle Commercial Properties, Developer
J. Thomas Neville, Attorney
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 8-28-07

Planning Board Meeting Date: 9-18-07

Received by: EMO

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-060 Case Name: Estates of Camden

Related Ordinance Section Number(s): §86-122(e) and §86-122(g) § 3.20.2

Summary of Request: waiver of requirement for curbs, gutters and sidewalks

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

Adjoining areas do not have sidewalks or curbs and gutters. Said requirement
is not consistent with adjoining areas and neighborhoods nor is it consistent
with this planned development. Furthermore, the cost of complying with the
portion of the ordinance requiring sidewalks, curbs and gutters is cost
prohibitive and unfairly affects those desiring to purchase homes.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:
Public purposes are being served by not requiring sidewalks, curb cuts and
gutters; rolled asphalt with slights are more environmentally friendly and
allow runoff to drain naturally and roads are built in such a way as to
reduce vehicle speed.

3. The property owner would not be afforded a special privilege denied to others, because:
Adjoining areas are not affected by this request and others could likewise
request a subdivision waiver similar to the subject waiver.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

J. Thomas Neville
Printed Name of Applicant/Agent

910-323-4111
Daytime Phone Number


Signature of Applicant/Agent

August 27, 2007
Date Signed

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



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

PLANNING STAFF DECISION: 4-26-07 PLANNING BOARD DECISION: 9-18-07 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 07-060 NAME OF DEVELOPMENT: ESTATES OF CAMDEN
(ZERO LOT LINESUBDIVISION REVIEW) (Hope Mills MIA)

LOCATION: SOUTH SIDE OF SR 1003 (CAMDEN RD), ZONING: R10 (R7.5)
AND EAST SIDE OF SR 1130 (WALDOS BEACH ROAD) PIN: 9494-85-0682-

OWNER OR DEVELOPER: RIDDLE COMMERCIAL PROPERTIES ENGINEER OR DESIGNER: 4-D SITE SOLUTIONS

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION	PLANNING BOARD ACTION	TOWN BOARD
<input checked="" type="checkbox"/> PRELIMINARY	<input checked="" type="checkbox"/> PRELIMINARY	<input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL
<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION
<input checked="" type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY
<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission must approve water and sewer plans prior to application for any permits.
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R7.5 zoning district must be complied with.
7. The signage for this development shall 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.)
8. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
9. All corner lots must provide for front yard setbacks from the adjacent street, except where access to the right-of-way has been denied.
10. Because the subject property is located within the Hope Mills Municipal Influence Area, the following standards must be complied with:
 - a. All streets must be developed with concrete curbs and gutters [§86-122(e)];
 - b. Sidewalks must be constructed on both sides of all streets [§86-122(g)];

- c. Fire hydrants must be located no more than 1,000 feet apart and at a maximum of 500 feet from any residential lot, each hydrant must have a six-inch minimum sized main supply line, and once properly installed the Public Works Commission will be responsible for maintenance of the hydrants [§86-128(a)];
 - d. All utility lines, except for 25kv or greater electrical lines, shall be placed underground [86-128(b)]; and
 - e. All drainage ways must be cleared and kept free of debris (§86-125).
11. This review does not constitute a “subdivision” approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
 12. The developer must obtain curb-cut permits from the NC Department of Transportation (NCDOT).
 13. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.

Plat-Related:

14. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for the maintenance and upkeep of all common areas through an owners’ association for this development. These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.
15. The street names shown on the preliminary have not been approved as of the date of this review; approved street names must be reflected on the plat upon submission for final approval – contact County Street Naming and Addressing.
16. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
17. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
18. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$34,025.40 (\$173.60 per lot) payable to “Cumberland County”. This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 3)
19. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
20. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
21. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along SR 1003 (Camden Road) on Lots 78 thru 90 and along SR 1130 (Waldos Beach Road) on Lots 1 thru 17 and the area labeled as “Tot Lot”.
22. A 10’ x 70’ sight distance easement shall be required at the intersection of SR 1130 (Waldos Beach Road) with both intersecting streets and must be reflected on the final plat.
23. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat.
24. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
25. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
26. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
27. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

28. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

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

Other Relevant Conditions:

- 29. The developer is encouraged to relocate the “Tot Lot” shown on the preliminary to a location that is not adjacent to a major or minor thoroughfare. Please note that this area was used for calculation of a portion of the Parks, Recreation and Open Space requirement so if it is absorbed into a lot, the fee for the open space must be adjusted accordingly. If the area is left as open space, it must be labeled as “Common Area” on the final plat.
- 30. The land area located around the existing cemetery must be either included as part of the cemetery or be labeled as a “Common Area” on the final plat.
- 31. Prior to beginning any work on this site, including land clearing and/or construction, the developer must contact the Corps of Engineers for review of the wetlands/streams on the property to make a jurisdictional determination and determine the limits of the section 404 wetlands. In addition, a permit must be obtained for “Blanche Road” crossing the wetlands

Planning Board:

32. The developer requested waiver from Section 3.20.2 “Municipal Influence Area Compliance” (MIA), County Subdivision Ordinance, regarding Sections 86-122(e) & 86-122(g), Hope Mills Subdivision Ordinance. This case will be heard at the September 18, 2007 Planning Board meeting.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

Improvements Inspections:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Town of Hope Mills:		424-4555
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jodi Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
NCDOT (subdivision roads)	David Plummer	486-1496
Transportation Planning	Bobby McCormick	678 7632

**OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: 07-060**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING & INSPECTION DEPARTMENT ON: **4-26-07**

COMMENTS: SUBJECT TO CONDITIONS

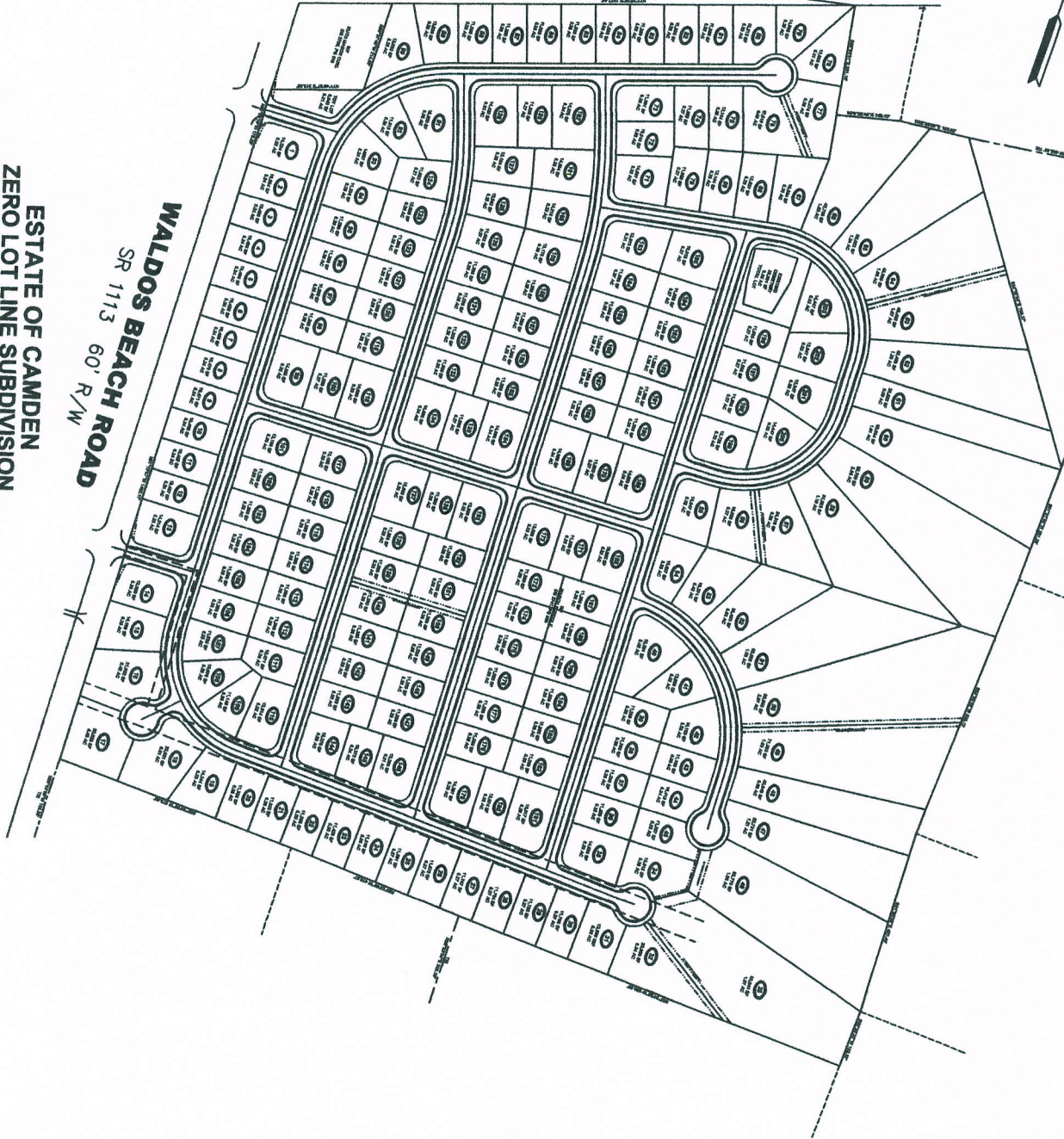
I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW. THIS APPROVAL IS VALID UNTIL: **4-26-09**

Patricia S. Speicher **EMB**
SUPERVISOR, LAND USE CODES

CAMDEN ROAD
SR 1003 60' R/W



WALDOS BEACH ROAD
SR 1113 60' R/W



ESTATE OF CAMDEN
ZERO LOT LINE SUBDIVISION
REQUEST: A WAIVER FROM SECTION 3.20.2
CASE: 07-060 ACREAGE: 99.43±
ZONED: R10 (7.5) SCALE: NTS

**ESTATES OF CAMDEN
ZERO LOT LINE SUBDIVISION REVIEW
CASE NO. 07-060**



PINS: 9494-85-0682-
Prepared by EMB- CCJPB
September 11, 2007

Map not to scale



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

September 11, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 07-137
Robert Williams Project
(C(P) Site Plan Review)

The developer has requested an exception from Section 4.3.(d)2, regarding Condition No. 2 and a waiver from Section 4.3 g "Other Requirements", regarding Conditions No. 10 & 18.a, on the attached condition sheet. He is also requesting an alternate yard approval from Section 1102.G, County Zoning Ordinance, regarding Condition No. 14. Conditions No. 2, 10 & 18.a requires the developer/property owner to connect to the existing water & sewer lines located in Winesap Road and to install a fire hydrant at the main entrance as an improvement to the property. The Cumberland County Subdivision Ordinance requires developments located within 300 feet of public water and sewer to connect to these utilities. When public water is available, a fire hydrant is also required.

The property is zoned C(P) Planned Commercial District, contains 2.06 +/- acres, and is located on south side of SR 1003 (Camden Road). This property is with in the Hope Mills "Municipal Influence Area" (MIA).

To summarize, the developer is requesting the following exception, waiver and alternate yard requirements:

- a. To not be required to connect to the existing water and sewer in Winesap Road;
- b. To not be required to install a fire hydrant;
- c. To be permitted to have the existing fence on the adjacent property along as qualifying for compliance with the buffer requirement for this development

The developer's request states the PWC will not allow the connection to the water and sewer lines because of topography, the distances between the homes along Winesap Road and the requirement for extension across privately owned residential property. The developer states that the placement of a buffer along the rear property line would not serve any purpose since there is an existing privacy fence on the adjacent properties. The developer has applied for and received permits from the Health Department for both a well and septic tank for this development, a copy of the permits are provided in this packet.

The Planning and Inspection Staff recommends approval of the exception based on the this development meeting one of the enumerated conditions listed in the ordinance:

- The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service – though the Public Works Commission (PWC) has not provided their position in writing, the reasons stated by the developer for not being allowed to connect are consistent with past practices of the PWC.

The developer will need to provide written documentation from the PWC to the Land Use Codes Section prior to application for any permits and/or permits being issued.

Regarding the fire hydrant, in accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the waiver from Section 4.3.G based on the following:

1. Because of the condition and nature of the topography of the land and the location of existing structures preventing the installation of the utilizes, strict compliance would cause a special hardship to the developer/owners since the water provider will not allow connection to their system thus a hydrant would not be serviceable;
2. The public purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that the ordinance provisions require the installation of fire hydrants when public water is available; fire protection will be from the local fire department; and
3. The property owner would not be afforded a special privilege denied to others since the Public Works Commission has restricted connects to developments in similar cases.

In accordance with Section 1404, Planning Board Consideration, of the County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.

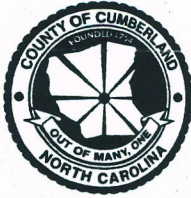
The Planning Staff recommends denial of the requested alternate yard for the buffer requirement based on the following:

1. The purpose of a buffer is to shield adjacent residential properties from non-residential developments and this burden should not be shifted to the adjacent residential property owners;
2. The existing fence on the residential property would not be in control of the developer for maintenance and upkeep and could be removed by the individual residential property owners at will; and
3. The Planning & Inspections Staff supports the buffer provisions of the Zoning Ordinance which were last amended on June 20, 2005.

The Planning & Inspections Staff prefers a solid vegetative buffer understanding the developer's reasoning for not wanting to install a privacy fence.

Attachments: Request for Waiver
Well & Septic Permits
Conditions of Approval
Site Plan Map
Water and Sewer Line Sketch
Vicinity Map

cc: Robert Williams, Developer
McKim & Creed, Inc., Surveyor/Engineer
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 27 Aug 2007

Planning Board Meeting Date: _____

Received by: _____

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-137 Case Name: Robert Williams Project

Related Ordinance Section Number(s): _____

Summary of Request: See Attached Letter

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

3. The property owner would not be afforded a special privilege denied to others, because:

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Robert E. Williams
Printed Name of Applicant/Agent

910 486-5710
Daytime Phone Number

Robert E. Williams
Signature of Applicant/Agent

27 Aug 2007
Date Signed

REBUTTAL/CLARIFICATION TO REQUIRED SITE PLAN CHANGES
FOR THE CUMBERLAND COUNTY PLANNING BOARD

CASE: 07-137

A meeting was held August 24, 2007 at the office of McKim & Creed on 104 Giles pie Street. Attending was Mr Gordon Rose, Civil Engineer and Mr Robert Williams, Project/Property Owner.

The following listing of required changes will be added to the proposed site plan as you requested.

1. Proposed free standing sign location will be added to site plan.
2. Number of vehicles used directly in the business (12 subcontractors) plus number of employees in the office totals 15.
3. Parking spaces will be redrawn from 10x18 and downsized to 9x20.
4. Fire and Emergency vehicle access through out the property is afforded on the site plan.
5. Required landscaping will be added to revised site plan submission.
6. Solid buffer fencing will be installed between my property and the only residential lot abutting my property. This lot is located at the extreme right rear corner of my property and runs for approximately 100 feet. (The property located on the entire left side of my lot is not a residence, instead it is occupied by Faith Baptist Church, a small 11 member church.) If it is determined that a church is classified as residential, a solid buffer fence will be erected along this property line also.
7. Recombination plat was prepared by Mr. Michael J. Adams, Land Surveyor, in December 2005. However, if records on file do not show this survey, a corrected recombination plat will be submitted.

Respectfully request the following required changes to site plan be revisited for possible granting of waivers:

- a. Fire hydrant requirement: There is no PWC water or sewer lines on Camden Road at this time; hence, there is no way to install an operational fire hydrant on this property.

b. In conversation with Mr. John Allen, PWC Water and Sewer Engineer, on Friday, August 24, 2007, he stated his office had reviewed my proposed site plan but the following items were not addressed.

1. Yes, PWC does have water and sewer on Winesap Road, located in a subdivision directly behind and abutting my rear property line. However, Mr. Allen then addressed the subject of obtaining an easement from the property owners at this location. According to Mr Allen, PWC would not be agreeable to running lines to our property based on the differences in topography of the land between the subdivision and my property. Apparently there is approximately an 8 foot difference in elevations between the two properties. This elevation would affect the sewer flow returning to Winesap Road without having a lift pump installed. There is also a problem with the distances between residential houses for easement right of way safety in installing these lines. Mr Allen related to me he would be happy to discuss this with the Planning and Inspection Department if you so desired.

2. Mr. Danny Soles, Supervisor for the Cumberland County Health Department Environmental Health Division, has inspected this property and performed a perk test for well and septic tank systems to be installed at his recommended locations. A permit to construct a water supply well was issued August 1, 2007. The Improvement Permit for Septic System, Permit #2005-2263, had already been issued previously for this property.

c. Solid Buffer along the residential zoning districts: There is presently a six foot wooden privacy fence running along the entire rear property line between houses located on Winesap Road and my property. As properties on Winesap Road rise in elevation in relation to my property, the addition of a second six foot wooden privacy fence against the one currently in place, would not serve as any kind of buffer. The existing fence would be approximately two feet higher than any new fence I would install thus creating a "stair step" effect.

I am available to meet anytime at your convenience to facilitate resolution of any remaining questions or requirements. My goal as a Small Business Owner in Cumberland County is to build an office and warehouse combination in a timely manner that will be functional and also eye pleasing to the surrounding area.

Thank You,

Robert E. Williams

ROBERT E. WILLIAMS

President, Tri-County Cable, Inc.


(910) 486-5710

Cumberland County Department of Public Health

Permit to Construct a Water Supply Well

2007	1450	Date:	8/1/2007		
PIN:	0425-15-7185				
Address	3931 Camden Road	City	Fayetteville	Zip	28306-
Subdivision:		Lot(s)		Section	
Applicant:	Williams, Robert E.	Applicant Type	Owner		
Mailing Address:	5448 Barchetta	City	Hope Mills	Zip	28348-

Permit To Construct

Permit Issued By  Sales Date: 8-1-07

See Attached Site Plan

Well Grout

Driller:

Date:

Grout Depth 0 Ft

Type Of Well:

NOTE TO OWNER: INCLUDES ONE (1) BACTERIOLOGICAL WATER SAMPLE. AN ACCEPTABLE BACTERIA ANALYSIS MUST BE RECEIVED BEFORE FINAL APPROVAL OF THIS WATER SUPPLY.

****OWNER OF WELL DRILLER MUST CALL FOR WATER SAMPLE 433-3660****

Well Grout Approved By:

Date:

FINAL WELL APPROVAL

Final Well Approved By:

Date:

NOTE: WELL LOG AND BACTERIOLOGICAL SAMPLE ATTACHED

Other Information:

Cumberland Public Health Department

227 Fountainhead Lane
Fayetteville NC 28301-
(910) 433-3660

Improvement Permit

This permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes.

Date: **12/8/2005**

NEW SYSTEM/SOIL EVAL

Permit #: **2005 - 2263**

Private well to be installed prior to wastewater system installation.

Pin Number: 0425-15-7185

Date purchased: 12/1/2005

Expiration date: 12/1/2010

Applicant Name: **MOHLER, JIM**

Zoning Permit Number: 0

Site Address: 3931 CAMDEN ROAD Lot:
Fayetteville NC 28306-

Subdivision:

Township:

Directions:

Type of Establishment: Commercial Design Flow: 125 gpd Site Classification: Provisionally Suitable

Repairs: 1 X 100 X 3 CONV TRENCH BOTTOM 18-30"

WASTEWATER SYSTEM: The attached plot plan cannot be changed.

Tank Capacity: 900 gallons Pump tank reserve capacity gallons

NITRIFICATION FIELD: Type: Conventional Other: No. Bedrooms: 5

No. Lines: 1 Length of Each Line: 100 Width of Each Line: 3 Maximum Trench Bottom Depth: 18-30

Conditions:

Plat Provided - When a PLAT is provided, the Improvement Permit is valid without expiration.

Site Plan Provided - When a SITE PLAN is provided, the Improvement Permit is valid for five (5) years.

Improvement Permit Expiration Date: 12-6-10

Improvement Permit Approved By: DANNY SOLES DS

Date: 12/8/2005

AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION (ATC)

An Authorization for Wastewater System Construction is required before any person shall commence or assist in the installation, construction or repair of a wastewater system and before any other permits (electrical, plumbing, heating, air conditioning or other construction) can be issued.

AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION IS VALID FOR FIVE (5) YEARS.

ATC Expiration Date: 12-6-10

ATC Approved By: DANNY SOLES DS

Date: 12/8/2005

OPERATIONS PERMIT

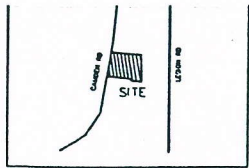
Contractor: _____ Pump information: _____

This septic tank and this nitrification field have been inspected and meet the requirements as set forth by Article 11 of Chapter 130A of the General Statutes of North Carolina, "Wastewater Systems" "Laws and Rules for Sewage Treatment and Disposal Systems" Title 10 NCAC, Subchapter 10A, Section 1900 and "Regulations Governing Sanitary Sewage, Collection, Treatment and Disposal in Cumberland County, NC"; however, the signing of this form in no way guarantees the life of the system or that it will function under any or all conditions.

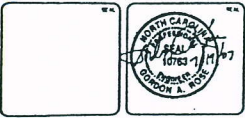
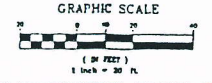
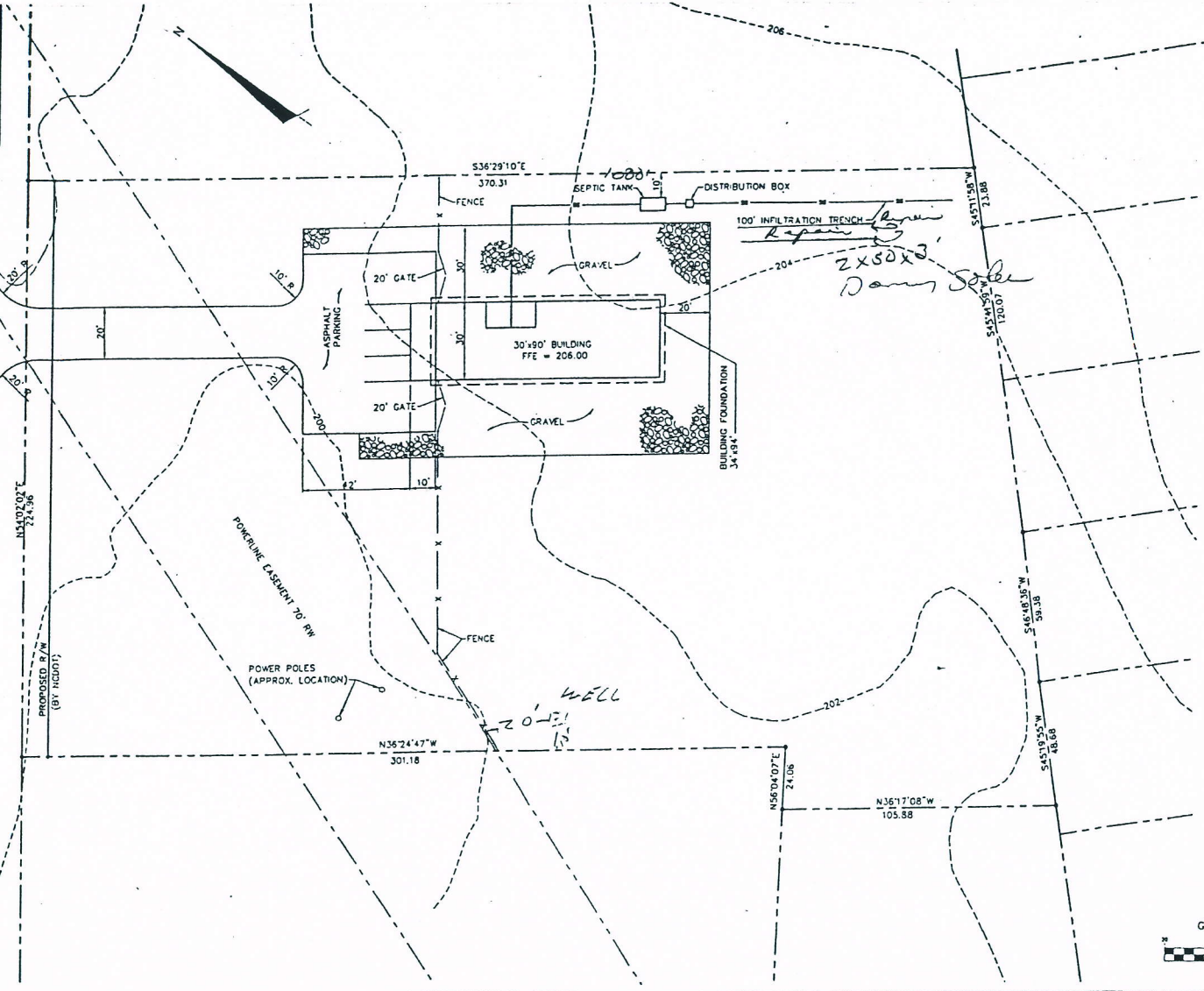
Operations Permit Approved By: _____

Date: _____

Inspection of sewer line between house and septic tank connection thereto is the responsibility of Cumberland County Inspection Dept. (910) 321-6636



(NOT TO SCALE)



MCKIM & CREED
 104 Orange Street
 Fayetteville, NC 28301
 Phone: (910)323-3400, Fax: (910)323-1028
 A40002947 EB000049P
 www.mckimcreed.com

03337-0002
 Robert Williams Project
 SITE PLAN

DATE: 01-06-17	SCALE: HORIZONTAL 1"=30'	SHEET NUMBER: CS_101
DATE: 01-06-17	VERTICAL: 1"=30'	
DRAWN: [Signature]	CHECKED: [Signature]	4 of 7
STATUS: PRELIMINARY DESIGN		

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

PLANNING STAFF DECISION: 8-23-07 PLANNING BOARD DECISION: 9-18-07

CASE NO: 07-137 NAME OF DEVELOPMENT: ROBERT WILLIAMS PROJECT

MIA: HOPE MILLS (C(P) SITE PLAN REVIEW)

LOCATION: EAST SIDE OF SR 1003 (CAMDEN ROAD), ZONING: C(P)
SOUTH SIDE OF SR 1344 (BLACK & DECKER) PIN: 0425-15-7185-

OWNER OR DEVELOPER: ROBERT WILLIAMS ENGINEER OR DESIGNER: N/A

PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. 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 Code Enforcement at the time of application for building/zoning permits.
3. A copy of the recorded NAR plat must be submitted to Code Enforcement at the time of application for building/zoning permits.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. Landscaping must be provided as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Five large shade trees or 10 small ornamental trees within the front yard setback area;
 - b. One ornamental tree and six shrubs are required in the building yard area;

In addition:

- a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
 - b. Trees shall be maintained in a vertical position at all times;
 - b. All planting areas shall be kept free of weeds and debris.
6. 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.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
8. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must

be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

9. An adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris.
10. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot.
11. All utilities, except for 25kv or greater electrical lines, must be located underground.
12. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
13. 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.
14. A solid buffer must be provided and maintained along the residentially zoned property lines in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (**Note: Buffers must be located on the property.**)
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. 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 14 parking spaces are required for this development per the information shown on site plan.
17. A minimum of one off-street loading spaces shall be provided for this development. (Note: Three (3) copies of a revised site plan depicting the required loading spaces measuring 12' x 25' (with 14' overhead clearance) must be submitted and approved prior to application for any building/zoning permits.)

Hope Mills MIA

18. Because the subject property is located within the Hope Mills Municipal Influence Area, the following standards must be complied with:
 - a. One fire hydrant must be installed as shown on the site plan and each hydrant must be capable of flowing a minimum of 1,500 GPM at the main entrance.
 - b. The Town Fire Department requires 360-degree unimpeded access around all structures.

Planning Board

19. The developer has submitted a copy a waiver from Sections 4.3 (2), 4.3 G, County Subdivision Ordinance and alternate yard requirements from Section 1102 G, County Zoning Ordinance.
20. The Cumberland County Joint Planning Board will hear this case on September 18, 2007.

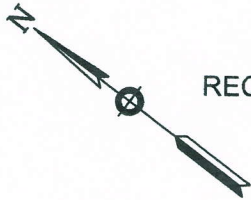
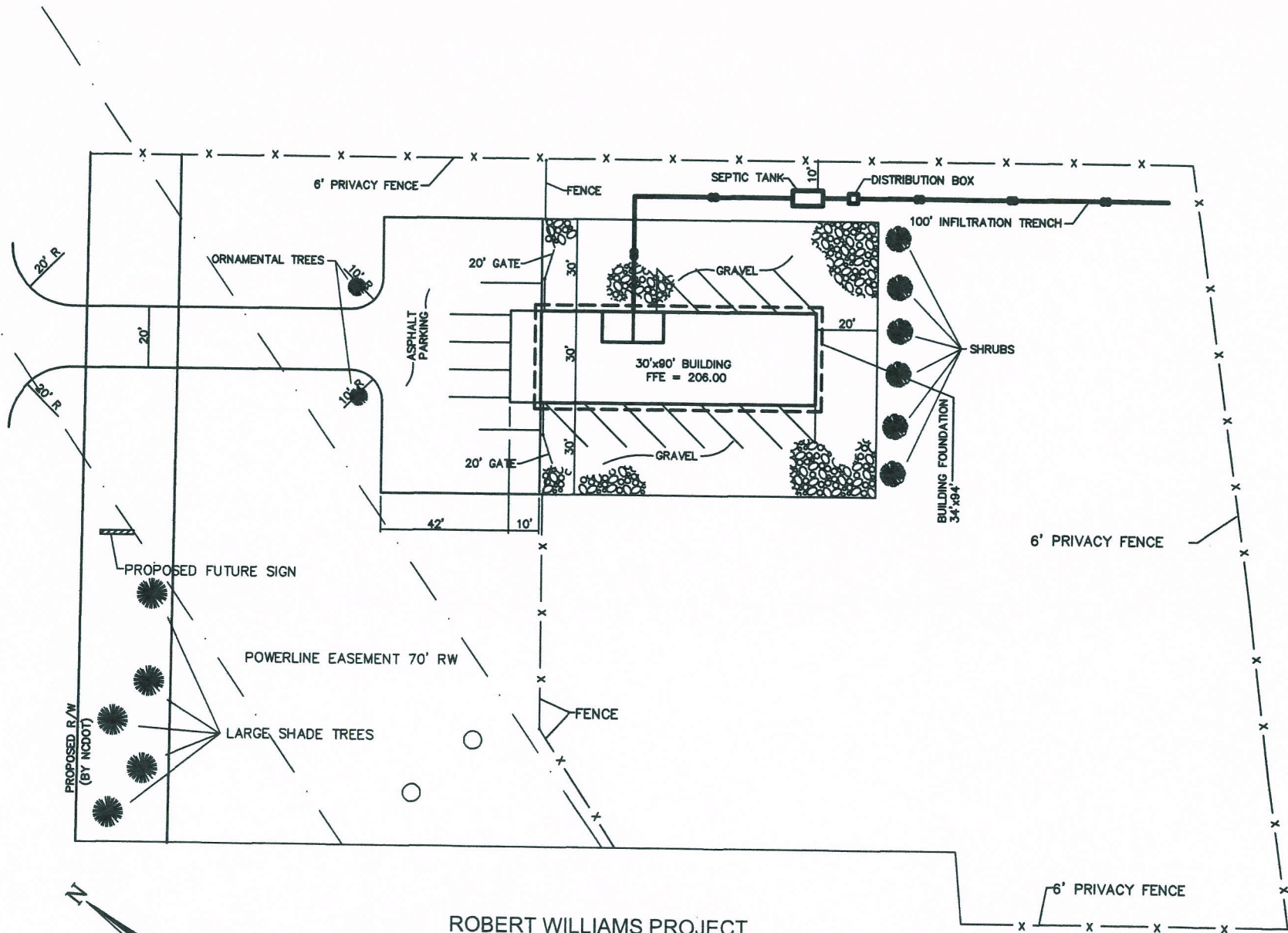
If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

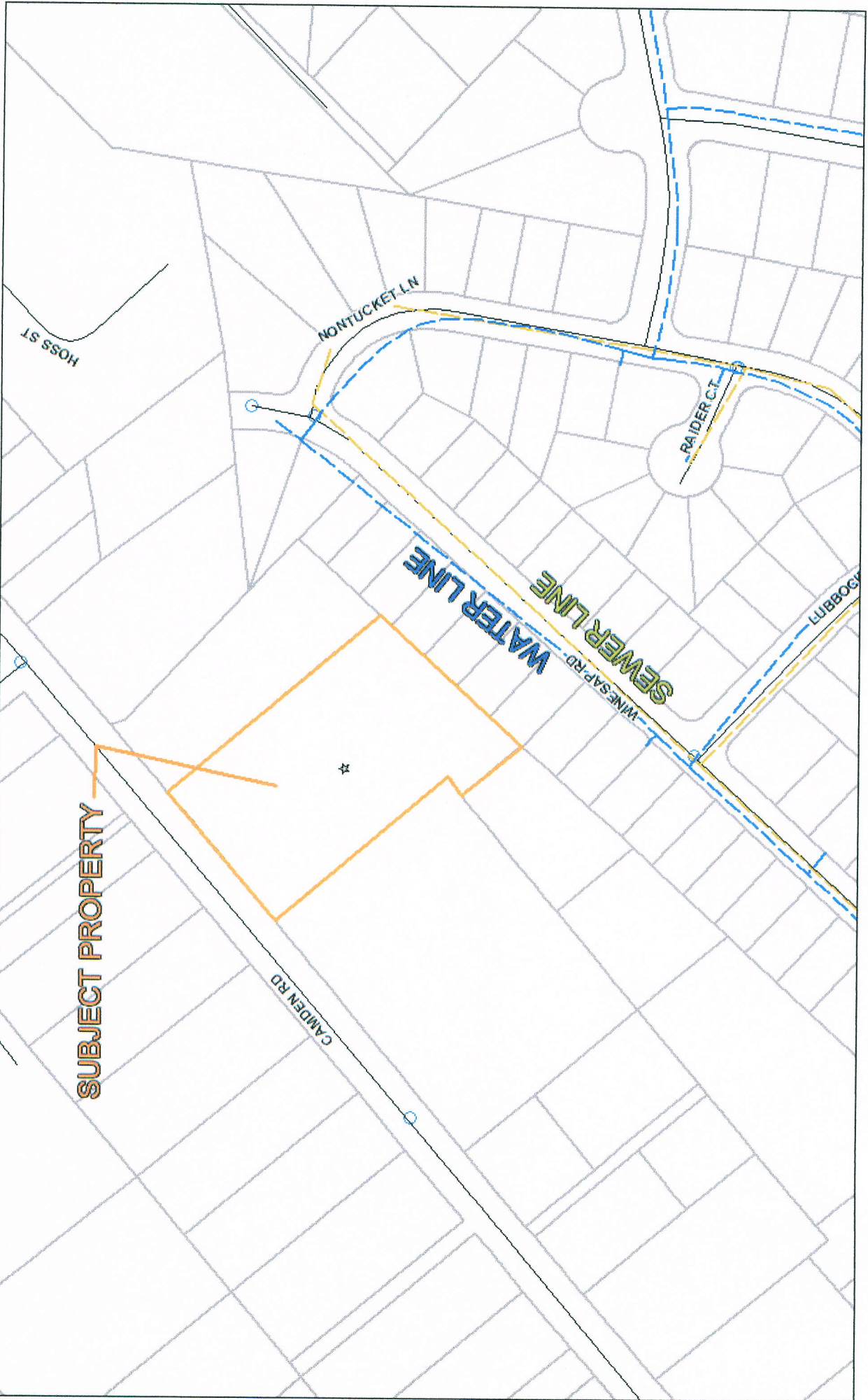
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4774
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

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

CAMDEN RD



ROBERT WILLIAMS PROJECT
REQUEST: A WAIVER FROM SECTIONS 4.3.(2), 4.3.G OF THE SUBDIVISION
ORDINANCE AND ALTERNATE YARD REQUIREMENTS FROM
SECTION 1102.G OF THE ZONING ORDINANCE
CASE: 07-137 ACREAGE: 2.06±
ZONED: C(P) SCALE: NTS



HOSS ST

NONTUCKET LN

RAIDER CT

WATER LINE

SEWER LINE

LUBBOCK RD

WINE SAP RD

CAMDEN RD

SUBJECT PROPERTY

**ROBERT WILLIAMS PROJECT
C(P) SITE PLAN REVIEW
CASE NO. 07-137**



PINS: 0425-15-7185-
Prepared by EMB - CCJPB
September 10, 2007

Map not to scale

