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## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

December 14, 2010

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### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 21, 2010 Board Meeting

**P10-53.** REVISION AND AMENDMENT TO THE SPRING LAKE CODE OF ORDINANCES, BY AMENDING CHAPTER 154: SIGNS, §§ 154.01 DEFINITIONS; 154.03 EXEMPTIONS; 154.11 APPLICATION, ISSUANCE OF PERMIT; 154.12 APPROVAL OF PERMIT FOR SIGNS REQUIRING WIRING UPON COMPLIANCE WITH ELECTRICAL CODE; 154.13 BOND REQUIREMENTS; 154.40 GROUND SIGNS; 154.41 WALL SIGNS; 154.42 ROOF SIGNS; 154.44 POLE SIGNS; 154.45 TEMPORARY SIGNS; AND 154.56 REMOVAL OF UNSAFE AND CERTAIN SIGNS, PROCEDURE;; AMENDING CHAPTER 156: ZONING CODE, SIGN REGULATIONS §§ 156.110 THROUGH 156.123;; 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. This amendment modernizes the Town's current regulations and will allow for consistency between the Town and the County's sign regulations; and
2. The amendment was requested by the Town of Spring Lake.

Attachment:  
- Amendment

**P10-53**  
**Spring Lake Code of Ordinances Text Amendment**  
**Chapter 154: Signs and Chapter 155: Zoning Code**

REVISION AND AMENDMENT TO THE SPRING LAKE CODE OF ORDINANCES, BY AMENDING CHAPTER 154: SIGNS, §§ 154.01 DEFINITIONS; 154.03 EXEMPTIONS; 154.11 APPLICATION, ISSUANCE OF PERMIT; 154.12 APPROVAL OF PERMIT FOR SIGNS REQUIRING WIRING UPON COMPLIANCE WITH ELECTRICAL CODE; 154.13 BOND REQUIREMENTS; 154.40 GROUND SIGNS; 154.41 WALL SIGNS; 154.42 ROOF SIGNS; 154.44 POLE SIGNS; 154.45 TEMPORARY SIGNS; AND 154.56 REMOVAL OF UNSAFE AND CERTAIN SIGNS, PROCEDURE;; AMENDING CHAPTER 156: ZONING CODE, SIGN REGULATIONS §§ 156.110 THROUGH 156.123;; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

**Chapter 154: Signs**

**§ 154.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**SIGN.** Includes any manmade artifice, whether mounted on the ~~every sign, billboard,~~ ground ~~sign,~~ wall ~~sign,~~ or roof ~~sign,~~ and including those that are illuminated ~~sign,~~ projecting ~~sign,~~ and/or temporary, ~~sign~~ and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

**§ 154.03 EXEMPTIONS.**

(l) Any sign exempt under the provisions of § 156.112.

**§ 154.11 APPLICATION; ISSUANCE OF PERMIT.**

(B) It shall be the duty of the building Inspector upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other laws and ordinances of the town, the Building Inspector ~~he~~ shall then issue the permit.

## § 154.12 APPROVAL OF PERMIT FOR SIGNS REQUIRING WIRING UPON COMPLIANCE WITH ELECTRICAL CODE.

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications with respect to all wiring and connections to determine if the same complies with the electrical code of the town. The Electrical Inspector ~~He~~ shall approve the permit if the plans and specifications comply with the electrical code or disapprove the application if noncompliance with the code is found. This action of the Electrical Inspector shall be taken after submission of the application to the Building Inspector for final approval or disapproval of the erection permit, but before illumination of such sign.

(*'78 Code, § 8.64*)

## § 154.13 BOND REQUIREMENTS.

Before any person shall be granted a permit under this chapter, the person ~~he~~ shall present evidence that ~~he has filed with the Town Clerk~~ a current bond in the sum of \$1,000 with securities has been filed with and to be approved by the Town Clerk. The condition of such bond shall be that such person so engaged in the business of erecting or maintaining a sign or other advertising structure regulated by this chapter shall comply faithfully with all the provisions of this chapter, and all laws and ordinances relating to signs and other advertising structures, and further shall indemnify and save harmless the town and its officials from all damages, liabilities, losses, or judgments that may be claimed against the town, or such officials by reason of the granting of the permit.

(*'78 Code, § 8.74*)

## § 154.40 GROUND SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**GROUND SIGN.** Includes any freestanding sign suspended or supported by one or more ~~the ground or~~ uprights or braces anchored placed in or upon the ground with no more than 30 inches clearance from the bottom of the sign to the ground below and not attached to any building.

(*'78 Code, § 8.77*)

## § 154.41 WALL SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**WALL SIGN.** Includes any all flat signs that is mounted directly on any exterior wall of ~~solid face construction which are placed against~~ a building or other structure ~~and attached to the exterior front, rear or side wall of any building or other structure.~~

(*'78 Code, § 8.79*)

#### § 154.42 ROOF SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ROOF SIGNS.** Any sign erected, constructed or displayed maintained wholly upon or above ~~over~~ the eaves ~~roof~~ of any building with the principal supports on the roof structure.

(*'78 Code, § 8.82*)

#### § 154.44 POLE SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**POLE SIGNS.** Includes any freestanding sign that is mounted on a hanging from or ~~supported by one~~ pole or other one support structure and is not attached to other than a building.

(*'78 Code, § 8.88*)

#### § 154.45 TEMPORARY SIGNS.

(D) Every temporary wall sign shall be attached to the wall with wire or steel cables, and no strings, ropes or wood slats for anchorage or support purposes shall be permitted.

(*'78 Code, § 8.93*)

(E) Permits for temporary signs shall authorize the erection of such signs and the maintenance for a period not exceeding 30 calendar days, except in instances where the temporary sign is event specific the temporary sign shall be authorized and maintained for a period of not more than seven calendar days following cessation of the event.

(*'78 Code, § 8.94*)

## § 154.56 REMOVAL OF UNSAFE AND CERTAIN SIGNS; PROCEDURE.

(A) If the Building Inspector shall find that any sign or other advertising structure regulated by this chapter is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Building Inspector ~~he~~ shall give written notice to the permittee thereof. If the owner or the person maintaining the sign fails to remove or alter the structure so as to comply with the standards required by this chapter within 30 days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

*('78 Code, § 8.68)*

## CHAPTER 156: ZONING CODE

### SIGN REGULATIONS

#### § 156.110 PURPOSE.

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses, and to ensure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated or maintained shall be in accordance with the provisions of this subchapter.

*('78 Code, § 12.106) (Ord. passed 1-10-72)*

#### § 156.111 SIGN DEFINITIONS ~~ZONING PERMIT REQUIRED.~~

[Editor's note: The current § 156.111 Zoning Permit Required has been relocated in its entirety to § 156.114]

[Editor's note: All sign-related definitions are proposed to be relocated to this section governing signs for clarity and to facilitate the reader's ease of use of the ordinance. Upon the re-write of the remaining portions of the Town Zoning Ordinance, the existing sign-related definitions currently in § 156.008 will be deleted. The definitions below reflect all changes from the existing sign definitions.]

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

Sp Lk Code of Ord Text Amd  
Chpt 154, Signs  
Chpt 156, Zoning Code, §§ 156.110 – 156.121  
December 14, 2010

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

(B) Billboard (Off-premises sign). A sign which directs attention to a business, ~~industry, profession,~~ commodity, service, ~~or entertainment~~ or other message not conducted, ~~sold, produced~~ or offered ~~upon the premises upon which~~ where such sign is located.

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

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

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

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

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

(H) Identification sign (Directory). A sign used to display ~~identify~~ only the name, ~~and/or~~ address, crest or trademark of the business, individual, family, organization, or enterprise ~~subdivision, group housing development, or other such facility~~ occupying the premises; the profession of the occupant ~~practiced on the premises,~~ the name of the building ~~on the premises~~ on which the sign is displayed, or the name of the owners or developers. A directory sign is an identification sign with information on multiple occupants.

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

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

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

(L) Pole sign. Any freestanding sign that is mounted on a hanging from or pole or other support structure and is not attached to a building.

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

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

(O) Roof sign. A sign erected, constructed, or displayed wholly upon or over above the eaves of any building with the principal supports on the roof structure.

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

(Q) Sign Area. The area of a sign mounted on a board or within a frame or box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual

shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area does not include support structures unless the coloration, lighting, etc. are designed to attract attention.

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

(S) Wall sign. Any sign that is mounted directly on any exterior wall of a building or other structure.

#### **§ 156.112 SIGNS EXEMPT FROM REGULATION ~~COMPUTATION OF SIGN AREA.~~**

[Editor's note: The current § 156.112 Computation of Sign Area has been relocated in its entirety to § 156.114(A)]

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

(A) Governmental signs;

(B) Lights and decorations with no commercial message temporarily displayed on traditionally accepted civic, patriotic or religious holidays;

(C) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of said buildings or structures;

(D) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer;

(E) Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles;

(F) Signs not legible from a public or private street;

(G) Flags of the governmental jurisdictions of the United States of America or the State of North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or



sanctioned by the Town Board of Aldermen, subject to U.S. Congressional protocol; and

(H) Public information signs.

**§ 156.113 ~~156.120~~ SIGNS PERMITTED IN ANY DISTRICT.**

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

[Editor's note: Recent court cases have held that singling out political campaign signs is a violation of the First Amendment (freedom of speech). The courts have held that effective regulation of signs must be content-neutral; therefore, campaign signs should be treated the same as any other "temporary sign"

(A) Temporary signs. For the purpose of advertising a specific property, individual or event, signs not exceeding eight square feet in area are permitted provided the temporary signs are setback a minimum of five feet from a property line, not located within any public right-of-way, do not constitute a hazard to public safety, do not contain obscene matter and are removed within seven calendar days of cessation of the temporary occasion the sign is purporting to advertise. ~~Campaign signs at polling places. Political campaign signs erected on election day at officially designated polling places are permitted for a period not to exceed 24 hours. Nothing in this~~ This provision shall not be construed to authorize the posting of ~~political campaign~~ signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by ~~the any other provisions of this chapter or other sections of the Town's this~~ Code of Ordinances.

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

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

~~(D) Temporary political signs. Temporary political campaign signs may be permitted off-site in any district subject to the following conditions:~~

~~(1) No one such sign shall exceed 32 square feet in area, and no free-standing sign shall exceed eight feet in height.~~

~~(2) No signs shall be erected for more than 75 days prior to the nomination, election or referendum which they purport to advertise.~~

~~(3) All signs shall be removed within 15 days after the nomination, election or referendum.~~

~~(4) Nothing in this provision shall be construed to authorize the posting of political campaign signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by the provisions of this chapter or other sections of this Code.~~

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

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

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

(D H) *Special information signs.* For the purpose of giving directions and information, onsite and signs pertaining to special uses where not otherwise permitted, and off-premises non-commercial advertising signs may be approved by the Board of Adjustment Aldermen subject to a special use permit specifying the size, location, lighting, design, and display in accordance with §156.114. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the board ~~of Aldermen~~ may judge to be beneficial to the total community.

*(78 Code, § 12.109) (Ord. passed 1-10-72) Penalty, see § 156.999; Amd 11-26-07*

(E) Special entrance signs. A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this chapter or Chapter 155, estate, farm, or other entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this provision, if such a special entrance sign is utilized no other main entrance identification sign is permitted.

**§ 156.114 GENERAL SITE AND SIGN SPECIFICATIONS.**

(A) ~~§ 156.111~~ *Zoning permit required.* No sign requiring a permit shall hereafter be erected or attached to, suspended from or supported on a structure nor shall any existing sign be enlarged, replaced or relocated until a zoning permit has been issued by the Town Code Enforcement Officer Zoning Inspector.  
(*'78 Code, § 12.107(A)*) (*Ord. passed 1-10-72*) *Penalty, see § 156.999*

(B) ~~§ 156.112~~ *Measurement Computation of sign area.* The area of a sign mounted on a board or within a frame box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area shall be computed by measuring the smallest shape to encompass each portion of the sign devoted to conveying a message, making anything known or attracting attention, excluding structural supports. Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced or "V" type sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any "V" type sign with a "V" angle of greater than 45 degrees shall be subject to measurement of sign area on both sides. Sign area does not include support structures unless the coloration, lighting, etc. are designed to attract attention.  
*[ '78 code, § 12.107(b)] (Ord. passed 1-10-72)*

(C) Freestanding sign location – all districts (excluding billboards). Freestanding signs shall be set back from the existing road right-of-way (normally the front property line) or proposed future road right-of-way, whichever is the greater distance, according to the tables below. Freestanding signs shall be set back from all other property lines a minimum distance of five feet, except that development signs may be located on a median of a public right-of-way provided that the Town Public Works Director or the NC Department of Transportation, as applicable, permits the sign, and freestanding signs located on a median of a private street shall be located no closer than 20 feet of the street intersection. In no instance shall a sign between the heights of three and 15 feet be permitted within 20 feet of the right-of-way line at the intersection of two streets. Freestanding signs may be placed on the same or separate support structures.

(1) Ground Signs. The following table establishes the minimum setback requirements for ground signs provided that all other requirements of this article are complied with.

<u>Sign Height</u>	<u>Minimum Setback from Right-of-Way Line</u>
<u>0-15 feet</u>	<u>5 feet</u>
<u>Greater than 15 feet and up to 30 feet</u>	<u>10 feet</u>
<u>Greater than 30 feet</u>	<u>10 feet, plus 1 foot for each foot of height exceeding 30 feet</u>

(2) Pole Signs. Pole signs, in addition to all other requirements of this subchapter, shall be setback a minimum of five feet from the existing or proposed right-of-way line provided that no portion of the sign projects any closer than two feet, measured in horizontal distance, from the proposed or existing right-of-way line. Also, pole signs shall maintain a minimum clearance of nine feet over any pedestrian areas and 14 feet over any vehicular paths. Pole signs shall not exceed a maximum sign height of 30 feet unless specifically otherwise allowed within this subchapter. Pole signs more than 100 feet in height shall be set back from any property line a distance of one foot for each foot of height above ground level when otherwise allowed within this subchapter. Regardless of the foregoing, signs shall not be attached to a building so as to extend more than ten feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign ten feet higher than the nearest edge of the roof of the principal structure for which the sign serves.

(D) § 156.113 Maintenance and appearance of signs. All signs together with braces, guys and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint or other surface deterioration.

[78 Code, § 12.107(C)] (Ord. passed 1-10-72) Penalty, see §156.999

(E) § 156.114 Signs facing residential districts. ~~No billboard shall face or be oriented toward any adjoining or abutting residentially zoned district within 200 feet of the residential district within 200 feet of the residential district boundary line.~~ Illuminated ~~Illumination~~ signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

[78 Code, § 12.107(d)] (Ord. passed 1-10-72) Penalty, see § 156.999

(F) § 156.115 On-site interference ~~with off-street parking prohibited.~~ The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas including aisle ways and access driveways.

[78 Code, § 12.107(e)] (Ord. passed 1-10-72) Penalty, see § 156.999

(G) § 156.116 Unsafe and Unlawful ~~prohibited signs; removal procedures~~ signs. ~~(A) If the Code Enforcement Officer Zoning Inspector shall find~~ that any sign is unsafe or is a menace to the public or has been constructed, erected or is being maintained in violation of this chapter, the Code Enforcement Officer ~~he~~

shall give written notice of such violation to the owner of the sign or the owner of the property where the sign is located, or both. If the owner of the sign, or the property owner, fails to remove or alter the structure so as to comply with the required standards within 30 days after receipt of said ~~such~~ notice, such sign may be removed, or altered to comply, by the Code Enforcement Officer Zoning Inspector at the expense of the property owner of the property where the sign is located. The Code Enforcement Officer Zoning Inspector may cause any sign or other advertising structure that ~~which~~ is an immediate peril to persons or property to be promptly removed by the sign owner or the property owner.

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

[78 Code, §§ 12.107(f), (g)] (Ord. passed 1-10-72) Penalty, see § 156.999

(I) § 156.117 Signs permitted in conjunction with nonconforming uses. Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the most restrictive with regards to sign size.

[78 Code, § 12.107(h)] (Ord. passed 1-10-72)

### ~~§156.118 SIGNS TO BE BROUGHT INTO COMPLIANCE OF SUBCHAPTER.~~

~~Signs identifying the current business or use conducted within the building shall be brought into compliance or removed within one year if less than \$100 in value. Any signs valued at \$100 or more and less than three years old shall be brought into compliance with this chapter or removed within five years; any sign valued at greater than \$100 and more than three years old shall be removed or brought into compliance within three years unless the owner of the sign shall present to the Building Inspector competent evidence that the sign has not been fully amortized based upon its value and age, in which case the sign shall be brought into compliance with this chapter or removed within the time that such evidence established amortization to be complete.~~

~~(78 Code, § 12.107(i)) (Ord. passed 1-10-72)~~

§§ 156.115 – 156.120 Reserved for future use.

**§ 156.121 SIGNS PERMITTED BY DISTRICTS.**

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

(A) *Residential and mixed use or planned neighborhood development districts.*

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

(2) ~~*Large-scale residential Development signs.*~~ A permanent sign is Identification signs are permitted as an integral part of an entrance structure which identifies a subdivision, on the premises of residential group development, estate, farm or other entity, provided there are not more than two signs for each main entrance, with a total sign area for each entrance limited to one sign for each public street front, each sign not to exceed 32 ten square feet in area. Such signs may be lighted, but non-flashing and motionless, and located according to the criteria of § 156.114 not less than give feet from any street right-of-way line.

(3) *Agricultural products signs.* In the Rural Residential District, signs which advertise handicrafts or agricultural products produced on the premises are permitted, provided there are no more than two such signs, each of which shall not exceed 12 square feet in area. In any instance where the products sold are seasonal or temporary, such signs shall be removed within seven ~~30~~ days of cessation of the activity advertised.

~~(4) *Special gate signs.* A permanent sign is permitted as an integral part of a gate or entrance which identifies a subdivision, group housing development, estate, farm or other residential entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this section, if such a special gate sign is utilized no other main entrance identification sign is permitted.~~

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

a. One freestanding sign not to exceed 100 square feet in area shall be permitted. If more than one principal use is conducted on the same site, or in the same building, each additional principal use shall be permitted one freestanding sign not to exceed 50 square feet in area. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. Attached signs for all principal uses on the site shall not exceed 50 square feet in area, except where the non-residential use is located within an approved mixed use or planned neighborhood development. In addition, the attached signs may be placed on any side of the building. If there is more than one principal use, the property owner will determine the allocation of attached sign area. For non-residential uses within mixed use or planned neighborhood developments, one attached sign per occupant is allowed provided the attached signage does not exceed two square feet in area for each front foot of structure the occupant occupies. In the event a shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies.

(B) Professional, commercial and industrial districts O&I Districts.

(1) O&I office and institutional district. Signs for uses permitted in the O&I district shall be regulated as follows:

a. One freestanding sign not to exceed 50 square feet in area will be allowed per building. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. One attached sign per occupant not exceeding two square feet in area for each front foot of structure the occupant occupies will be allowed. Attached signs may be placed on any side of the building.

~~(1) Signs permitted. One identification and one bulletin board sign are permitted per building except on through lots or lots having frontage on three or more streets, in which case two of each such signs per building shall be permitted. In the event more than one building is located on a lot, buildings permitted to have two signs shall be permitted to those having both front and rear yards adjacent to streets.~~

~~(2) Sign area. Identification signs shall have a maximum area of ten square feet, bulletin boards shall have a maximum sign area of six square feet.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted only with non-flashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district, and shall be so arranged as to reflect light away from the streets.~~

~~(4) *Location.* No sign shall be located less than five feet from any street or property line.~~

(2 G) ~~C-1 *local business and HS(P) districts.*~~ Signs for uses permitted in the C-1 ~~and HS(P)~~ districts shall be regulated as follows:

[Editor's note: Provisions for HS(P) district have been relocated to the C(P) district in this proposed amendment; upon the complete ordinance re-write, the HS(P) district will be proposed to be made dormant.]

a. One freestanding sign not exceeding 100 square feet in area is allowed for sites with a maximum of five occupants. Sites with more than five occupants may have an additional 10 square feet maximum area for each occupant over five, with a total maximum freestanding sign area not to exceed 200 square feet in area. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

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

~~(1) *Signs permitted.* An unlimited number of business signs are permitted which are located in the buildable area of the lot. One sign per establishment may be placed in the required yard space, except on through lots or lots having frontage on three or more streets, in which case two detached signs per establishment shall be permitted.~~

~~(2) *Sign area.* No detached sign shall exceed 50 square feet in area. The combined total sign area of all signs on the premises shall not exceed 400 square feet or two square feet of sign area per linear foot of frontage on a public street, whichever is the lesser.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted only with non-flashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district.~~

~~(4) *Sign height.* No sign shall be attached to a building so as to extend more than ten feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign ten feet higher than the nearest edge of the roof. No part of any detached sign shall be more than 35 feet above the ground at its base.~~



~~(5) Location. No sign shall be located closer than five feet to any street line. Detached signs shall be set back from any street line a distance of one foot for each foot of height above ground level provided that no detached sign shall be located closer than feet to any street or property line. In no case shall any sign be erected or displayed on the side street side of a corner building, nor on the rear of any building, if such building be located within 100 feet or a residential district.~~

(3 ~~1~~) CB central business districts. Signs for uses permitted in the CB district shall be regulated as follows:

~~(a. 1) Signs permitted.~~ Two attached signs are permitted per business except on through lots or lots having frontage on two or more streets, in which case two signs per business for each frontage shall be permitted. ~~(2) Sign area.~~ The maximum total area of all signs shall be limited to two ~~four~~ square feet per front of the lot. When two or more buildings are on the same lot, the sign area will be proportioned in accordance with the frontage of the buildings.

~~(3) Illumination. Any illuminated sign shall be lighted only with non-flashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district, and shall be so arranged as to reflect light away from the streets.~~

~~(b. 4) Location.~~ All signs shall be attached to the principal structure. Signs may be placed perpendicular to the building with the lower edge being no less than eight feet above the ground. Signs shall not project over public right-of-way.

(~~78~~ Code, § 12.110) (Ord. passed 1-10-72) Penalty, see § 156.999

(4 ~~D~~) C(P) planned commercial, HS(P) planned highway service and C-3 heavy commercial districts. Except for billboards (off-premises) which are regulated by § 156.122, signs for uses permitted in the C(P), HS(P) and C-3 Planned Commercial districts shall be regulated as follows:

a. Sites with no more than two occupants may have one freestanding sign. This sign shall have a maximum size of 100 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding signs. Each sign shall have a maximum size of 100 square feet in area. Sites with more than ten occupants may have two freestanding signs, each with a maximum size of 100 square feet in area; or one freestanding sign with a maximum size of 200 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding sign area for each occupant over ten, with a total maximum freestanding sign area not to exceed 400 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Sites approved as a zero lot line development such as a shopping center, where the

site has one primary lot with one or more outlots, shall constitute one integral development for purposes of this sub-section. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

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

~~(1) Signs Permitted.~~

~~a. Business signs are permitted with no limitation on the number of signs which are integral with or attached to the building.~~

~~b. Two detached business signs are permitted bearing the name of the shopping center and the names of the types of business, except that three such detached signs are permitted for shopping centers having frontage on two or more public streets with no more than two such signs for each street front.~~

~~c. One detached business sign is permitted bearing the name of a single business occupant on each separate lot or parcel. Through lots or lots having frontage on three or more streets, in which case two detached signs shall be permitted, each sign fronting a separate street.~~

~~d. Billboards are permitted as regulated below.~~

~~(2) Sign area.~~

~~a. The detached sign area of general shopping centers or single business occupants bearing the name of the business or businesses shall be calculated on the basis of total land area. One hundred square feet of sign area is permitted for each acre or portion thereof, or one hundred square feet whichever is the greater. In any case the maximum sign area shall not exceed 650 square feet for each sign.~~

~~b. Occupancy signs attached to the building of general shopping centers or single unit buildings shall be calculated on the basis of three square feet in area for each foot of frontage of the structure or portion wherein the use referred to is conducted, or fifty square feet whichever is the greater. In any case the maximum sign area shall not exceed 650 square feet.~~

~~c. Billboard signs shall be of monopole design and constructed of noncombustible material. Billboard signs shall not exceed 600 square feet in area.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted with non-flashing and motionless illumination.~~

~~(4) *Height.*~~

~~a. Detached signs shall not exceed 35 feet in height.~~

~~b. No attached sign shall extend more than ten feet above any part of the roof or if projected from the outer walls of the building, so as to have any part of the sign ten feet higher than the nearest edge of the roof.~~

~~c. Billboard signs shall not exceed 50 feet in height.~~

~~(5) *Location.*~~

~~a. Detached signs shall be set back from any street line a distance of one foot for each foot of height above ground level provided that no detached sign shall be located closer than 15 feet to any street line, or closer than five feet from any side or rear property lines.~~

~~b. Attached signs shall be placed on the building in which the use referred to takes place. Signs placed on buildings or canopies, shall extend no more than 18 inches from the surface.~~

~~c. Billboard signs shall not be located any closer than 35 feet from any street line, or closer than 20 feet from any side or rear property lines. No billboard sign shall be located any closer than 1500 feet of any other billboard.~~

~~(Amd 11-25-02)~~

~~(E) *C-3 Districts.* Signs for uses permitted in the C-3 District shall be regulated as follows:~~

~~(1) *Signs permitted.* Business signs are permitted with no limitation on number of business signs which are integral with or attached to the principal building or located within the buildable area of the lot. One sign for each business occupant may be detached and placed in the required yard space, except on through lots or lots having frontage on three or more streets, in which case two detached signs per business occupant shall be permitted. Billboards are permitted as regulated below:~~

~~(2) *Sign area.* The combined total sign area of all signs for a single business occupant shall not exceed 750 square feet or four square feet of sign~~

~~area per linear foot of frontage on a public street whichever is the lesser. No detached sign shall exceed 100 square feet in area. No billboard sign shall exceed 650 square feet in area.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted only with non-flashing and motionless illumination.~~

~~(4) *Height.* Detached business and billboard signs shall not exceed a height of 35 feet above ground from the base.~~

~~(5) *Location.* Business signs shall not be located closer than five feet to any street line and no sign not integral with or attached to a building shall be located closer than 30 feet to any street line, closer than five feet to any side property line, or closer than 50 feet to any detached sign or structure located on the same lot or on land in the same ownership or located within 300 feet of any billboard.~~

~~(6) Temporary activities sign posting for the purpose of endorsing or advertising temporary activities such as displays, festivals, circuses, fairs, contests, fund drives, elections, campaigns, exhibits, meetings, conventions, sales, performances, dances, drives, and the like, signs are permitted in the C-3 District after first obtaining a sign permit from the Zoning Inspector for such a temporary sign or group of signs. The Zoning Inspector may refer the request to the Board of Adjustment for final determination if there is doubt as to the merits of such a request.~~

~~(5 F) M-1(P) *planned light industrial* and M(P) districts. Signs located in the M-1(P) and M(P) districts shall comply with the dimensional criteria as for signs be the same as permitted in the C(P) planned commercial C-1 and HS(P) districts.~~

~~(6 G) M(P) planned industrial and M-2 *heavy industrial* districts. Except for billboards (off-premises signs) which are regulated by § 156.122, signs in the M(P) and M-2 districts shall be regulated as follows: the same as permitted in the C-3 District.~~

~~a. One freestanding sign is allowed at each main entrance to the site. The total entrance signage shall not exceed a maximum sign area of 500 square feet with each individual entrance sign not exceeding a maximum sign area of 300 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Freestanding signs shall be located in accordance with the criteria found in § 156.114.~~

~~b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies.~~

On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

~~(H) *Planned Neighborhood Districts.* Signs in the PND District shall be in accordance with the signs permitted in the conventional zoning districts in which the planned neighborhood development is designated. The signs for commercial areas shall conform to the sign regulation in the Planned Commercial District C(P).~~

### § 156.122 BILLBOARDS (OFF-PREMISES SIGNS).

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

#### (A) *General provisions.*

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

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

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

[Editor's note: The current Spring Lake provisions for billboards limit the height to a maximum of 35 feet.]

(4) All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C-3 heavy commercial district upon approval of a special use permit by the Board of Adjustment (§ 156.148), and the M(P) planned industrial district upon approval of the site plan by the Board of Aldermen (§156.153) as a permitted use, provided that the dimensional criteria outlined below is complied with;

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

(6) Billboards are exempt from the landscaping and buffering provisions of this chapter.

#### (B) *Dimensional criteria by district.*

[Editor's note: The current Spring Lake provisions for billboards limit the area of the sign to 650 square feet in the C-3 and M-2 zoning districts.]

[Editor's note: The current Spring Lake provisions for billboards restrict all detached business signs from being located within 300 feet of any billboard.]

(1) C-3 heavy commercial district. Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

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

#### § ~~156.123~~ ~~156.119~~ PROHIBITED SIGNS.

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

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

(B) *Signs erected on public streets.* No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

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

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

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

(F) *Portable signs.* Any sign, which is manifestly designed to be transported from one place to another, whether on its own trailer, wheels or otherwise, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign and typically has space provided for advertising messages that may be changed at will by the replacement of lettering or symbols is prohibited.

(G) *Novelty signs.* Signs which emit visible smoke, vapor particles, odor or noise are prohibited.

(H) *Signs attached to trees.* No signs, except a "No Trespassing" or "Posted" sign, shall be attached to any tree.

(I) Flashing signs.

(*'78 Code, § 12.108*) (*Ord. passed 1-10-72*) *Penalty, see § 156.999*

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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 & Inspections Department

December 14, 2010

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for December 21, 2010 Board Meeting

**P10-50:** REZONING OF 2.97+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR MOTOR VEHICLE REPAIR AND OTHER PERMITTED USES, AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3911 LEGION ROAD AND SOUTHEAST OF SR 1132 (LEGION ROAD), NORTH OF SR 3009 (PIONEER DRIVE); SUBMITTED BY THEODORE P. AND TREASIA L. MELVIN (OWNERS).

The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial/ CUD Conditional Use District for a motor vehicle repair and towing business based on the following:

1. The request is consistent with the Land Use Policies Plan's location criteria for heavy commercial;
2. The request is reasonable because SR 1132 (Legion Road) is a major thoroughfare that is planned as a multi-lane facility with a right-of-way of 100 feet and public utilities are available to this site;
3. If approved, the request will make an existing nonconforming use conforming to the district in which it is located; and
4. The specific use requested is consistent with the existing use of the subject property and compatible with most surrounding land uses.

The staff does not recommend approval of the list of additional permitted uses submitted with the application – *see page 2 of the attached Site Profile*; the property owner has been made aware of this and agreed to remove those additional uses from the request.

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 since the development standards are being met or exceeded and the property owner has verbally agreed to all *Ordinance Related Conditions*;



2. The use and the proposed development will meet all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Condition*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed in that the property owner proposes to better organize the site with the vehicle storage area to the rear of the proposed building and buffered from view from the adjacent residential properties and the public right-of-way; 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 the site in general will be developed in conformance with the development ordinances and adopted planning policies.

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

The property owner who is also the developer has voluntarily agreed to this staff recommendation and all attached *Ordinance Related Conditions*.

Attachments:

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

**P10-50**  
**SITE PROFILE**

**P10-50:** REZONING OF 2.97+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR MOTOR VEHICLE REPAIR AND OTHER PERMITTED USES, AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3911 LEGION ROAD AND SOUTHEAST OF SR 1132 (LEGION ROAD), NORTH OF SR 3009 (PIONEER DRIVE); SUBMITTED BY THEODORE P. AND TREASIA L. MELVIN (OWNERS).

**Site Information:**

**Frontage & Location:** 100.00'+/- on SR 1132 (Legion Road)

**Depth:** 710.90'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Motor vehicle repair & abandoned manufactured home park

**Initial Zoning:** C1 & R6A – November 17, 1975 (Area 4)

**Nonconformities:** Outside storage of junked vehicles & existing structure does not appear to meet C1(P) front yard setbacks

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R6A/CU (to allow RV in MHP), C(P), R10 & R6A; South: M(P) (Fayetteville), O&I(P), R10, PND & R6A; East: R10 & R6A; West: C3/CU (to allow outside storage), C3, C1(P) & R10

**Surrounding Land Use:** Residential (including manufactured homes & multi-family), religious worship, club, manufactured home park (2), bar, machinery sales, grocery store & woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** None

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Ed Baldwin Elementary: 790/725; South View Middle: 900/792; South View High: 1,800/1,832

**Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply (see attached)

**Municipal Influence Area:** Town of Hope Mills

**Average Daily Traffic Count (2008):** 10,000 on SR 1132 (Legion Road)

**Highway Plan:** Legion Road is identified in the highway plan as a Major Thoroughfare. This proposal calls for a multi-lane facility (U-2809) with a right-of-way of 100 feet. Road improvements are included in the 2009-2015 MTIP

**Notes:**

1. Density:  
R6A – 24 lots/units – 22 for manufactured home park
  
2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C1(P)</u>
Front yard: 25'	Front yard: 45'
Side yard: 10'	Side yard: 15'
Rear yard: 15'	Rear yard: 20'

\*See attached sheet for Note 3 – list of all uses requested:

**First Class and Record Owners' Mailed Notice Certification**

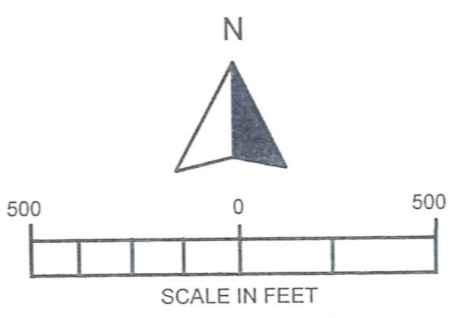
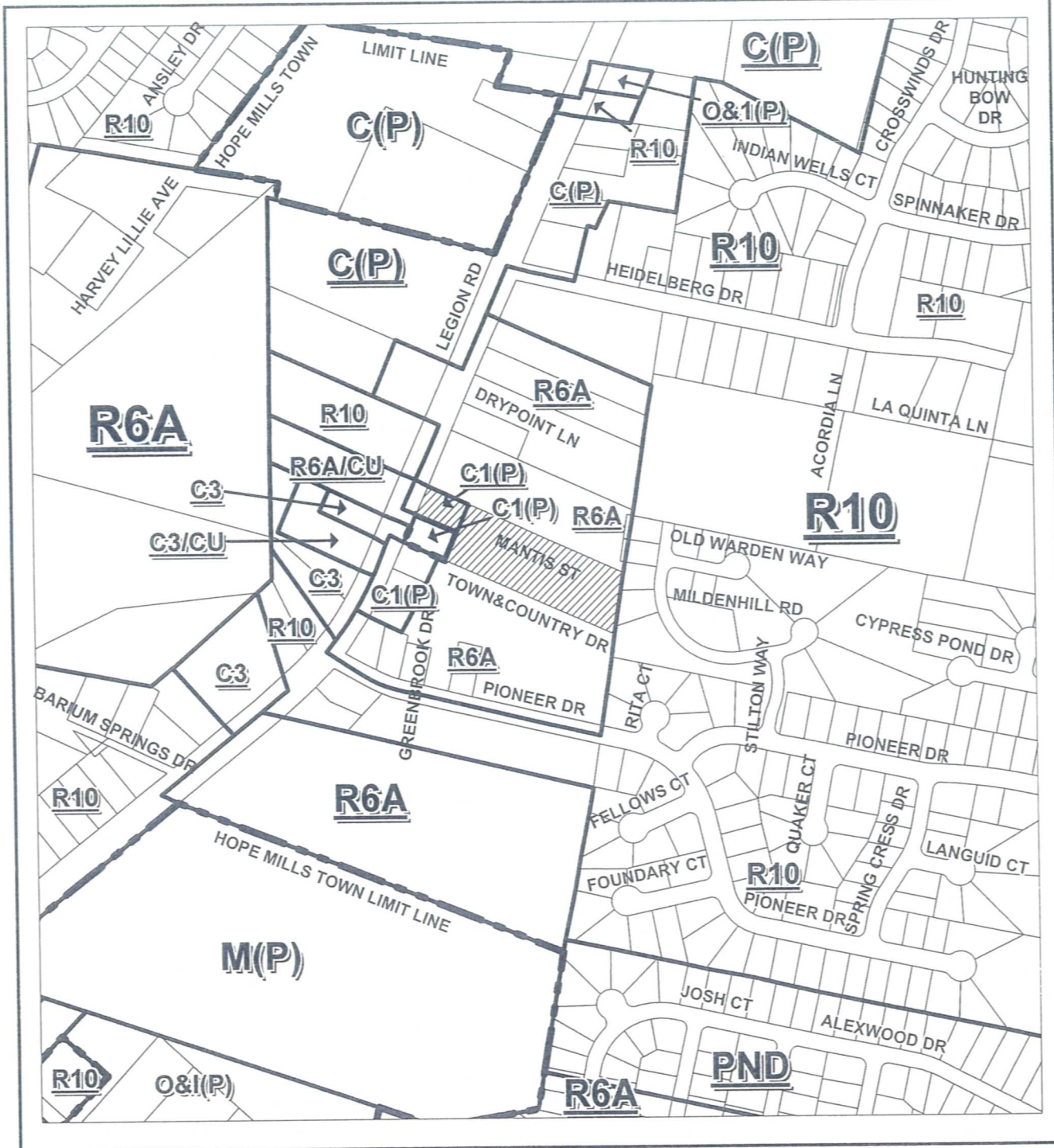
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*

**P10-50**  
**SITE PROFILE (ATTACHMENT "A" OF APPLICATION)**

3. All uses requested:
- Motor Vehicle Repair & Towing
  - Convenience retail w/ gasoline sales
  - Hardware, Paint & Garden Supply
  - Motor Vehicle Parts and Accessories
  - Motor Vehicle Sales
  - Motor Vehicle Service Station
  - Restaurant
  - Retailing or Servicing
  - Wholesale Sales

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



## REQUESTED REZONING C1(P) & R6A TO C(P)/CUD

<b>ACREAGE: 2.97 AC.+/-</b>	<b>HEARING NO: P10-50</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0425-20-4533  
PIN: 0425-20-7354



DRAFT

## **Conditional Use District and Permit** Ordinance Related Conditions

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

1. The developer must submit four copies of a revised site plan addressing the following:
  - a. A lateral access drive to the adjacent commercial property to the south (PIN: 0425-20-3494) for future connectivity and reserving area for a “future access drive” to the adjacent property to the north;
  - b. A maximum of five off street parking spaces (one handicap plus four standard) can be located between the structure and the right-of-way, and the remaining spaces must be relocated to the rear of the proposed structure. The change in parking location must be reflected on the revised plans; and
  - c. The current sign must be removed from the right-of-way and if a freestanding sign is desired, the proposed sign location must be shown on the revised plan. The revised plan must be reviewed and approved prior to application for any freestanding sign permits. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article 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.)
2. A recombination plat (also known as a “No Approval Required” or “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.
3. Prior to approval of the recombination plat for recording and prior to permits being issued, the developer must submit a request to the Location Services Section of Planning & Inspections for the removal of the street name from the E911 database and the street sign from the site for Mantis Drive. This condition is necessary because the existing private drive will no longer be in use for the vacated manufactured home park.

### **Permit-Related:**

4. 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.
5. 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. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC’s review of any utility plans.

6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.

7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Two large shade trees or four small ornamental trees within the front yard setback area along SR 1132 (Legion Road); and
  - b. Two small ornamental trees and 16 shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
  10. The “Existing Building (To Be Removed)” must be removed within 30 days of the issuance of the *Certificate of Occupancy* for the new building.

**Site-Related:**

11. 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.
12. Prior to any change in use on this site, the developer must submit four copies of a revised site plan to the Land Use Codes Section for approval to assure all site related requirements for the Subdivision and Zoning Ordinances are met. (Note: Any additions or modifications to the site plan must comply with Section 506 of the County Zoning Ordinance.) **COUNTY STAFF IS RECOMMENDING THE REQUEST FOR THE ADDITIONAL PERMITTED USES BE DENIED. IF DENIED THIS CONDITION WILL BE REMOVED.**
13. “Legion Road” must be labeled as “SR 1132 (Legion Road)” on all future plans.
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources’ (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
17. 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.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).

19. 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.
20. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties and the open vehicle storage area must be screened from the street right-of-way in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.) Note: The proposed six foot high wooden privacy fence cannot extend into the required front yard setback area.
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. 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 16 off-street parking spaces are required for the motor vehicle repair shop.
23. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the motor vehicle repair shop area.
24. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
25. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.
26. Junked motor vehicles are not permitted to be stored on this site and no motor vehicle can be stored for longer than 30 calendar days. All vehicles awaiting repair and/or pick up are to be stored in the "car storage area" and cannot be stored at any other location on this site, to include in the front of building.
27. Any wrecked or damaged motor vehicles to be stored on site must be stored in a manner in which the fluids from the vehicle do not leach into the soil and that all such fluids must be properly disposed of.
28. 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:**

29. Prior to submission of the recombination plat for approval for recording, a fire hydrant must be installed along SR 1132 (Legion Road); hydrants must be located no further than 1,000 feet apart and at a maximum of 300 feet from any commercial lot. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Hope Mills Subdivision Ord., Sec. 86A-406.(b) Fire hydrants]
30. A "lateral access easement" serving the adjacent properties to the north and south of the subject property must be reflected on the recombination plat.
31. Prior to submission of the recombination plat for approval for recording, a concrete sidewalk must be constructed along SR 1132 (Legion Road). [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Hope Mills Subdivision Ord., Sec. 86A-405 Sidewalks]
32. The recombination plat must reflect a lot identifier (number, letter, etc.)
33. "Legion Road" must be labeled as "SR 1132 (Legion Road)" on the recombination plat.
34. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.



35. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
36. The developer is reminded that the improvements must be in place or the recombination plat approval for recording will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection.)

**Plat-Required Statements:**

37. Since this development is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the recombination plat (Section 8.101.E, Notice and Disclosure of Noise Impact Disclosure, County Zoning Ordinance):

“Property shown on this plan/plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl.”

38. All structures shall be shown on the recombination plat or the plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

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

**Other Relevant Conditions:**

39. The applicant is advised to consult an expert on wetlands before proceeding with any development.
40. The Town of Hope Mills has tree preservation provisions in their ordinance; therefore, the developer is encouraged to refrain from clearing cutting this tract and to retain as many existing trees as possible.
41. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
42. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with the Fayetteville Regional Airport Director particularly if any new construction is proposed to be of significant height to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Asst. Town Manager/Town Clerk:	Connie Spell	
Chief Building Inspector:	Mike Bailey	
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally McKinney	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
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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:

- Theodore P. Melvin III  
Treasia Long Melvin
1. APPLICANT/AGENT: \_\_\_\_\_
  2. ADDRESS: 1021 Besalt Drive ZIP CODE: 28384
  3. TELEPHONE: (Home) (910) 424-2139 (Work) (910) 424-4381
  4. Location of Property: 3911 Legion Rd.  
Hope Mills NC 28348
  5. Parcel Identification Number (PIN #) of subject property: 0425.20-7354  
(also known as Tax ID Number or Property Tax ID) 0425.20.4533
  6. Acreage: 2.972 (m) Frontage: 100 ft Depth: 710.9
  7. Water Provider: PWC
  8. Septage Provider: Septic
  9. Deed Book 5870, 7603, 1452(s) 785, 786, 787, 788, 405, 406, 407, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
  10. Existing use of property: Service: AUTO REPAIR - TOWING + STORAGE  
UP TO 50 VEHICLES
  11. Proposed use(s) of the property: SEE ATTACHED MATRIX  
SERVICE: AUTO REPAIR - TOWING + STORAGE UP TO 50 VEHICLES

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

12. It is requested that the foregoing property be rezoned FROM: C(P) + R6A to  
C(P)/CUU
- TO: (select one)
- \_\_\_\_\_ 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.)

- service = Auto repair  
- towing storage - up to 50 vehicles  
- see attached matrix Attachment A

- 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.

N/A

2. DIMENSIONAL REQUIREMENTS:

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

as shown on site plan

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

as shown on site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

TO MEET CP Sign Regulations

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.**

as shown on site plan

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

as shown on site plan

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.

AUTO REPAIR: Mon - SAT 7:30 AM - 10:00 PM.

TOWING: 7 days a week 24 hrs per day  
No noise exceeding county noise ordinance past 10:00 PM.

8 employees

Short term storage of wrecked - towed vehicles - no "junk" vehicles - no more than 50 vehicles

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.

↓ Theodore P. Melvin III  
 Treasa Long Melvin  
 \_\_\_\_\_  
 NAME OF OWNERS (PRINT OR TYPE)

1021 Besult Drive ST Pauls NC  
 \_\_\_\_\_  
 ADDRESS OF OWNER(S) 28384

910 424 2139  
 \_\_\_\_\_  
 HOME TELEPHONE #

910 424 4381  
 \_\_\_\_\_  
 WORK TELEPHONE #

↓ [Signature]  
 \_\_\_\_\_  
 SIGNATURE OF OWNER(S)

[Signature]  
 \_\_\_\_\_  
 SIGNATURE OF OWNER(S)

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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 & Inspections Department*

December 14, 2010

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 21, 2010 Board Meeting

**P10-44:** REZONING OF .20+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4918 CUMBERLAND ROAD, SUBMITTED BY ROSCOE L. AND DELL J. STRICKLAND (OWNERS).

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, which calls for "urban" development at this location; and
2. The subject property meets the location criteria for "light commercial" as recommended in the Land Use Policies Plan.

The C1(P) district could also be considered suitable for this location.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

**P10-44**  
**SITE PROFILE**

**P10-44:** REZONING OF .20+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4918 CUMBERLAND ROAD, SUBMITTED BY ROSCOE L. AND DELL J. STRICKLAND (OWNERS).

**Site Information:**

**Frontage & Location:** 89.00'+/- on SR 1141 (Cumberland Road)

**Depth:** 103.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, northeast of subject property

**Current Use:** Retailing (Palm Tree sales)

**Initial Zoning:** R6A – August 1, 1975 (Area 3)

**Nonconformities:** Existing structure does not appear to meet side & rear setbacks; if approved nonconformity would increase

**Zoning Violation(s):** Yes, not issued

**Surrounding Zoning:** North: C(P), C1(P) (Hope Mills), R10, PND (Fayetteville) & R6A; South: C3 (Hope Mills), C(P), C1(P), R6 (Hope Mills), R6A & CD; East: C3 & R6A; West: M2, C(P), C1(P) & R6A

**Surrounding Land Use:** Residential (including manufactured homes & multi-family), club, manufactured home park, office (2), servicing, school & woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** PWC/PWC (Pending)

**Soil Limitations:** None

**School Capacity/Enrolled:** Cumberland Mills Elementary: 630/627; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 600/709; Douglas Byrd High: 1,280/1,282

**Subdivision/Site Plan:** If approved, development will require a review and approval

**Municipal Influence Area:** Town of Hope Mills

**Average Daily Traffic Count (2008):** 14,000 on SR 1141 (Cumberland Road)

**Highway Plan:** Cumberland Road is identified in the Highway Plan as a Major Thoroughfare. This is a multi-lane facility (U-2301) with an adequate right-of-way of 90 feet. Road improvements have been completed

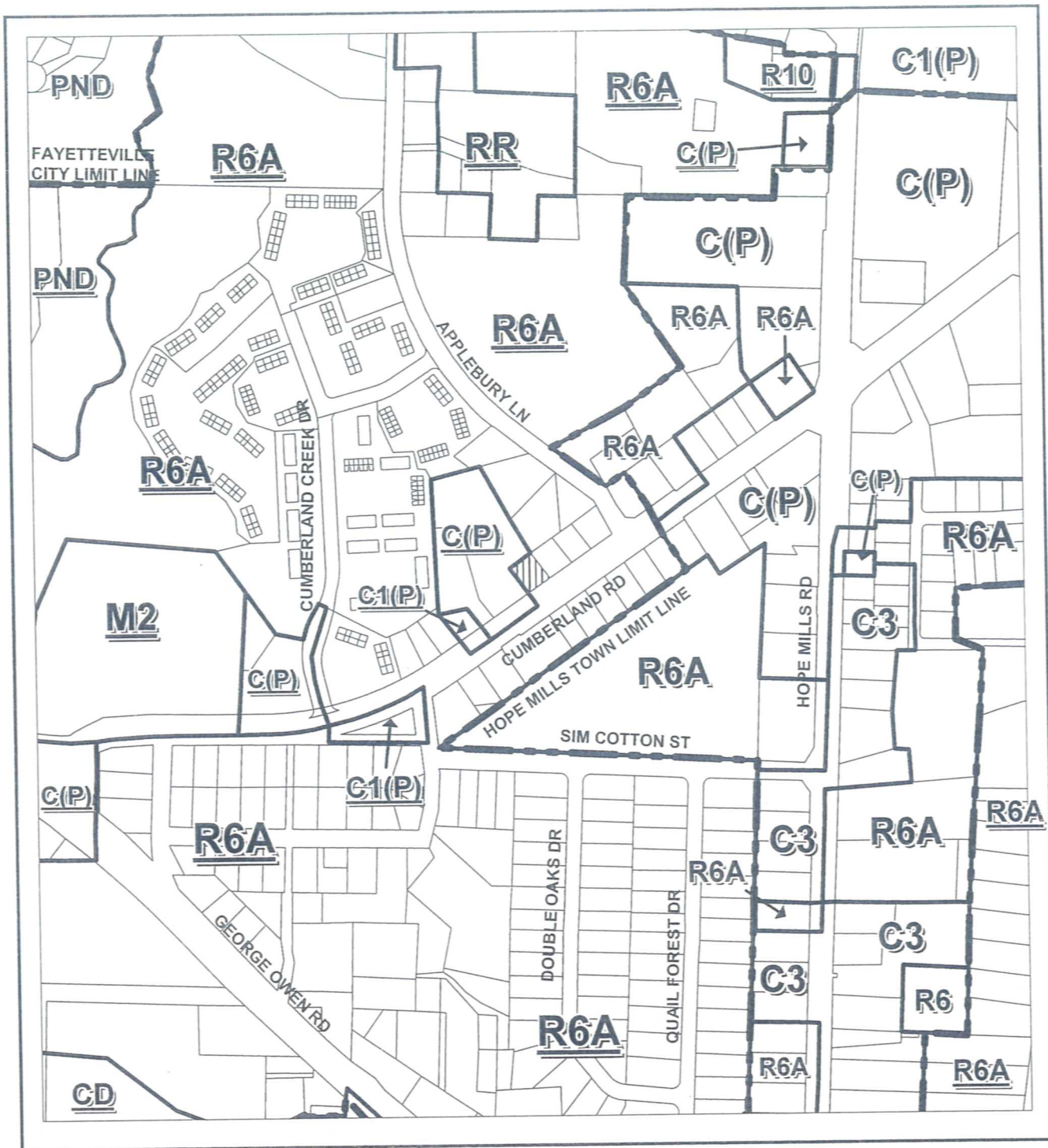
**Notes:**

1. Density:  
R6A – 2 lots/units
  
2. Minimum Yard Setback Regulations:

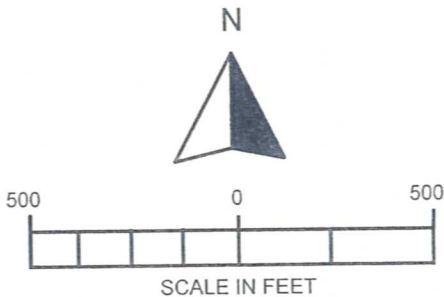
<u>R6A</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	Rear yard: 30'

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



## REQUESTED REZONING R6A TO C2(P)



ACREAGE: 0.20 AC.+/-		HEARING NO: P10-44	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0405-86-8117



Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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 & Inspections Department*

December 14, 2010

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Director

Cecil P. Combs,  
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Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 21, 2010 Board Meeting

**P10-48:** REZONING OF .72+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3959 CUMBERLAND ROAD AND SOUTH SIDE OF SR 1141 (CUMBERLAND ROAD), NORTH OF SR 1364 (DOMINION ROAD); SUBMITTED BY DONNA PAULETTE PETERSON (OWNER).

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, which calls for “urban” development at this location; and
2. The subject property meets the location criteria for “light commercial” as recommended in the Land Use Policies Plan except for public sewer, which is not available.

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

Attachments:  
1 - Site Profile  
2 - Sketch Map

**P10-48**  
**SITE PROFILE**

**P10-48:** REZONING OF .72+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3959 CUMBERLAND ROAD AND SOUTH SIDE OF SR 1141 (CUMBERLAND ROAD), NORTH OF SR 1364 (DOMINION ROAD); SUBMITTED BY DONNA PAULETTE PETERSON (OWNER).

**Site Information:**

**Frontage & Location:** 218.00'+/- on SR 1141 (Cumberland Road)

**Depth:** 133.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (one tract vacant)

**Initial Zoning:** R10 – November 17, 1975 (Area 4)

**Nonconformities:** If approved, residential use & structure will become nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R6A/CU [(2) (to allow cabinet shop & to allow motor vehicle storage)], C3, C1(P), R10, R6 (Fayetteville) & R6A; South: R10/CU (to allow motor vehicle wrecking yard), C3, R10, R6, R6A & R5A; East: R10; West: C3 & R10

**Surrounding Land Use:** Residential (including manufactured homes), cabinet making, manufactured home parks (4), truck terminal activity, janitorial service & trade contractors (2)

**Cumberland Road Study:** Low density residential

**Special Flood Hazard Area (SFHA):** No

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

**Soil Limitations:** None

**School Capacity/Enrolled:** McArthur Elementary: 400/505; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 340/362; Douglas Byrd High: 1,280/1,282

**Subdivision/Site Plan:** If approved, development will require a review and approval

**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2008):** 14,000 on SR 1141 (Cumberland Road)

**Highway Plan:** Cumberland Road is identified in the Highway Plan as a Major Thoroughfare. This is a multi-lane facility (U-2304) with an adequate right-of-way of 90 feet. Road improvements have been completed

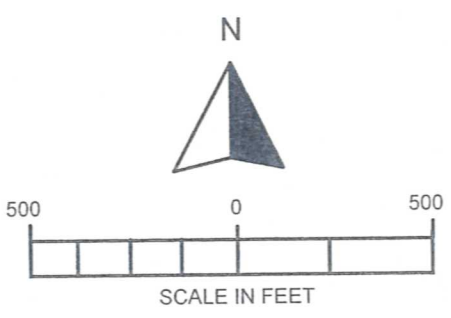
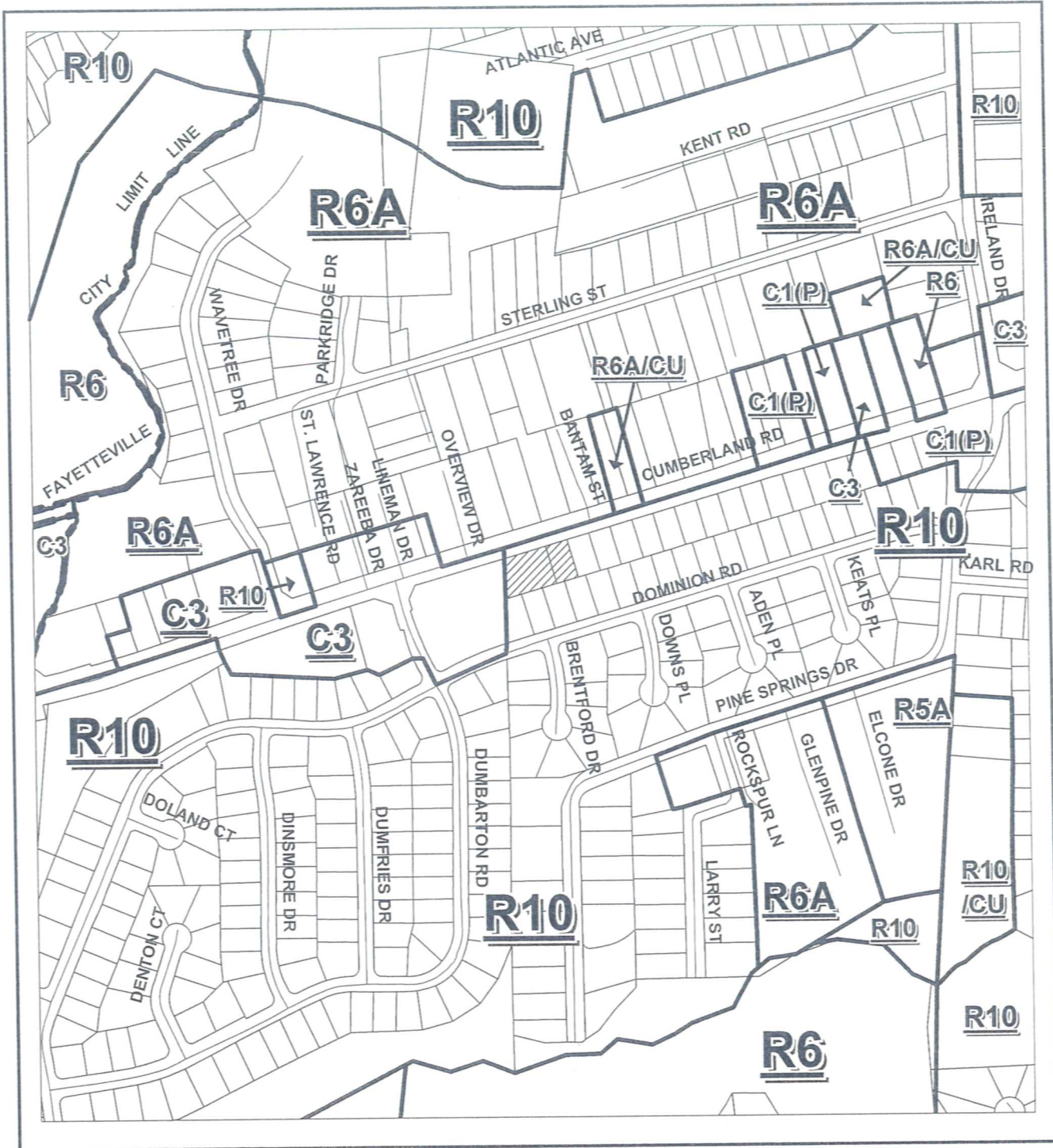
**Notes:**

1. Density:  
R7.5 – 4 lots/units
  
2. Minimum Yard Setback Regulations:

<u>R7.5</u>	<u>O&amp;I(P)</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 30'	Front yard: 35'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 20'	Rear yard: 20'	Rear yard: 30'

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



## REQUESTED REZONING R10 TO C2(P)

<b>ACREAGE: 0.72 AC.+/-</b>	<b>HEARING NO: P10-48</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0415-69-4175  
 PIN: 0415-69-5189

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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 & Inspections Department*

December 14, 2010

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
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Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 21, 2010 Board Meeting

**P10-51:** REZONING OF 5.27+/- ACRES FROM PND PLANNED NEIGHBORHOOD DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE EASTERN END OF AFTON AVENUE, SOUTHWEST OF SR 1363 (ELK ROAD); SUBMITTED BY WILLIAM H. OWEN FOR DUGGINS SMITH, LLC (OWNER).

The Planning & Inspections Staff recommends approval of the R5A residential district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location, as well as meeting all of the listed location criteria for "medium density residential" development as listed in the Land Use Policies Plan;
2. The R5A district is in character with the current zoning of adjacent properties and consistent with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P10-51**  
**SITE PROFILE**

**P10-51:** REZONING OF 5.27+/- ACRES FROM PND PLANNED NEIGHBORHOOD DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE EASTERN END OF AFTON AVENUE, SOUTHWEST OF SR 1363 (ELK ROAD); SUBMITTED BY WILLIAM H. OWEN FOR DUGGINS SMITH, LLC (OWNER).

**Site Information:**

**Frontage & Location:** 65'+/- on Afton Avenue

**Depth:** 760.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, west of subject property

**Current Use:** Vacant

**Initial Zoning:** PND – November 17, 1975 (Area 4)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: O&I(P) (Hope Mills), R10 (Hope Mills), PND (Hope Mills) & R5A (Hope Mills); South: RR, R10 & PND; East: PND; West: R5A/CUD (100 unit multi-family development), R10 (Hope Mills) & R5A

**Surrounding Land Use:** Residential (including multi-family), funeral home and woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** None

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

**Soil Limitations:** Yes, hydric – PA Pactolus loamy sand

**School Capacity/Enrolled:** Ed Baldwin Elementary: 790/725; South View Middle: 900/792; South View High: 1,800/1,832

**Subdivision/Site Plan:** Future development may require review and approval

**Municipal Influence Area:** Town of Hope Mills

**Fayetteville Regional Airport:** No objection, although subject property will experience low flying aircraft noise

**Average Daily Traffic Count (2008):** 7,300 on SR 1363 (Elk Road) & 2,600 on SR 1131 (Cameron Road)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

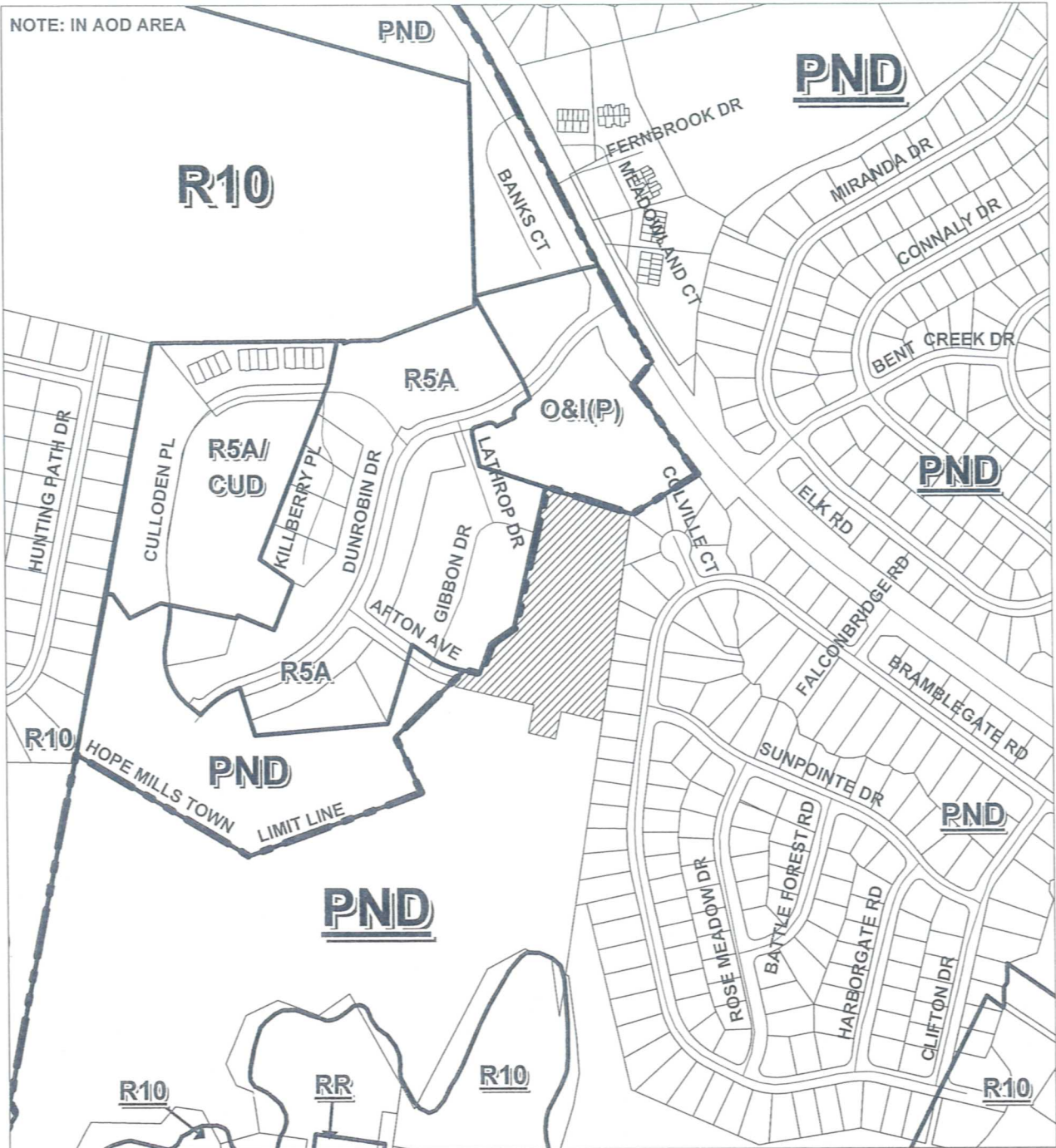
**Note:**

<u>Density:</u>	<u>Density minus 15% for R/W:</u>
PND – 31 lots/units	PND – 26 lots/units
R6 – 40 lots/units	R6 – 34 lots/units
R5A – 77 lots/units	R5A – 65 lots/units

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*

NOTE: IN AOD AREA



**R10**

**PND**

**PND**

**R5A**

**O&I(P)**

**R5A/  
CUD**

**PND**

**R5A**

**R10**

**PND**

HOPE MILLS TOWN  
LIMIT LINE

**PND**

**R10**

**RR**

**R10**

**R10**

N



SCALE IN FEET

## REQUESTED REZONING PND TO R5A

ACREAGE: 5.27 AC.+/-

HEARING NO: P10-51

ORDINANCE: COUNTY  
STAFF RECOMMENDATION  
PLANNING BOARD  
GOVERNING BOARD

HEARING DATE

ACTION

PORT. OF PIN: 0424-24-4049

WL

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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 & Inspections Department*

December 14, 2010

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 21, 2010 Board Meeting

**P10-52:** REZONING OF 1.62+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3870 AND 3876 DUNN ROAD AND EAST OF US HWY 301 (DUNN ROAD), NORTH OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY CYNTHIA LEE WHETZEL, JOHNNIE L. AND LINDA M. SANDERSON AND CHERYL C. HUDSON FOR CULBRETH INVESTMENTS, LLC (OWNERS). (EASTOVER)

The Planning & Inspections Staff recommends denial of the C1(P) Planned Local Business district for this request based on the following:

1. The district requested is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for "medium density residential" at this location;
2. The district requested is inconsistent with some of the location criteria for "light commercial" as listed in the 2030 Comprehensive Plan, specifically the subject properties are not located within an activity node or designated commercial area; and
3. Consideration of the C1(P) district for this area is arbitrary and would not serve a viable public interest.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P10-52**  
**SITE PROFILE**

**P10-52:** REZONING OF 1.62+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3870 AND 3876 DUNN ROAD AND EAST OF US HWY 301 (DUNN ROAD), NORTH OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY CYNTHIA LEE WHETZEL, JOHNNIE L. AND LINDA M. SANDERSON AND CHERYL C. HUDSON FOR CULBRETH INVESTMENTS, LLC (OWNERS). (EASTOVER)

**Site Information:**

**Frontage & Location:** 483.80'+/- on US HWY 301 (Dunn Road)

**Depth:** 229.00'+/-

**Jurisdiction:** Eastover

**Adjacent Property:** Yes; south, southeast, east & west of subject properties

**Current Use:** Residential (including a manufactured home)

**Initial Zoning:** R6A – December 14, 1979 (Area 10); Eastover initially zoned on December 4, 2007

**Nonconformities:** If approved, both residential structures and use as residential will be nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C1(P), C(P), C3, RR, R15 & R6A; South: M(P), C(P), RR & R10; East: M(P) & R6A; West: C1(P), C(P), RR & R6A

**Surrounding Land Use:** Residential (including manufactured homes & multi-family), vacant commercial and storage building, barbering, manufactured home park, assembly hall, office, convenience retail with gasoline sales, restaurant and services/salons, bank, milling or grinding grain and seed into food & farmland

**Eastover Area Detailed Land Use Plan:** Medium density residential

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** ESD/ESD

**Soil Limitations:** None

**School Capacity/Enrolled:** Armstrong Elementary: 450/432; Mac Williams Middle: 1,270/1,208; Cape Fear High: 1,425/1,555

**Subdivision/Site Plan:** If approved, development will require a review and approval

**Average Daily Traffic Count (2008):** 5,000 on Dunn Road (US HWY 301)

**Highway Plan:** Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a priority #3 in the Highway Portion of the LRTP

**Notes:**

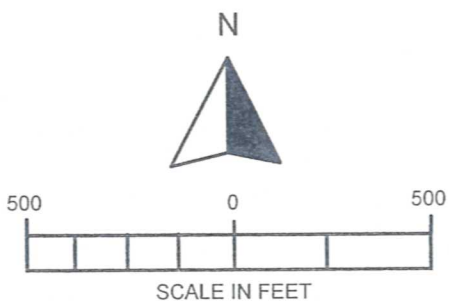
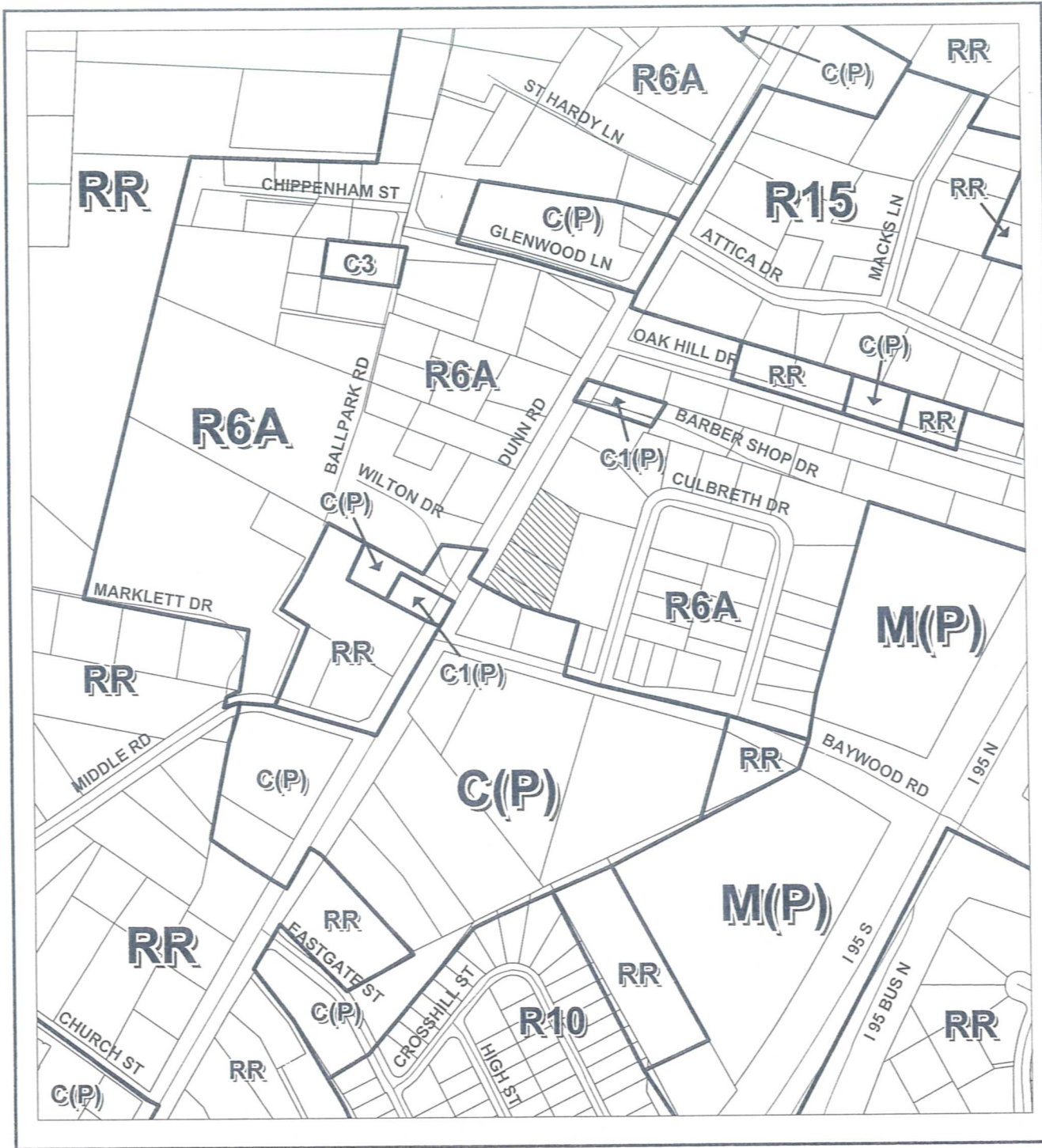
1. Density:  
R6A – 13 lots/units
  
2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>O&amp;I(P)</u>	<u>C1(P)</u>
Front yard: 25'	Front yard: 35'	Front yard: 45'
Side yard: 10'	Side yard: 15'	Side yard: 15'
Rear yard: 15'	Rear yard: 20'	Rear yard: 20'

**First Class and Record Owners' Mailed Notice Certification**

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## REQUESTED REZONING R6A TO C1(P)

**ACREAGE: 1.62 AC.+/-**

**HEARING NO: P10-52**

**ORDINANCE: EASTOVER**

**HEARING DATE**

**ACTION**

**STAFF RECOMMENDATION**

**PLANNING BOARD**

**GOVERNING BOARD**

PIN: 0469-50-1663  
 PIN: 0469-50-2700  
 PIN: 0469-50-2864