



PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**ZONING REGULATIONS- CASE # P21-30**  
Planning Board Meeting: May 18, 2021

Jurisdiction: Cumberland County

#### EXPLANATION OF THE REQUEST

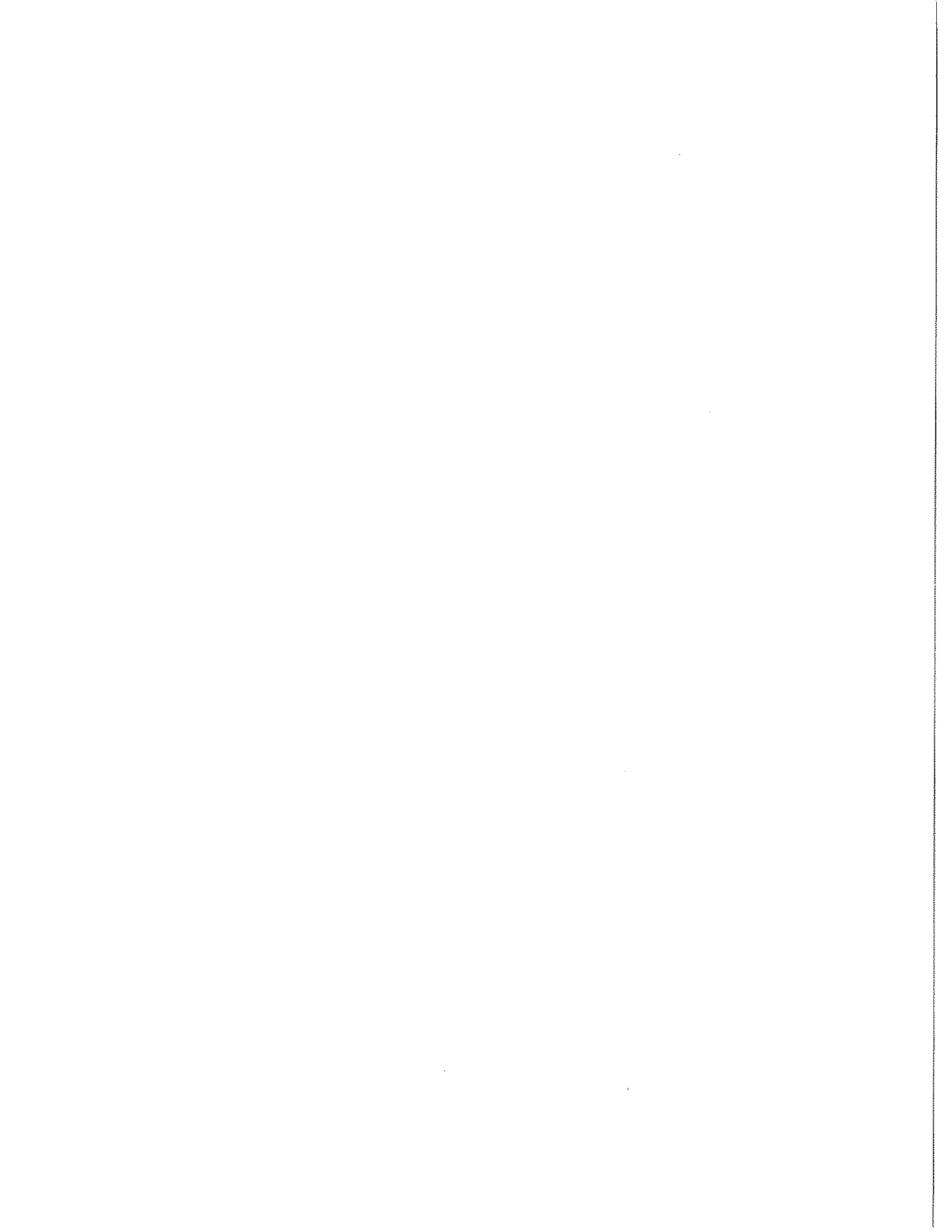
This request is a staff-driven comprehensive text amendment to the Cumberland County Subdivision Ordinance to bring the current ordinance into compliance with the recently adopted Chapter 160D State Statutes. The Chapter 160D statutes were created to consolidate the separate city and county regulations into a single chapter, clarify terminology and modernize review processes, as well as address legal issues such as permit choice, staff & board conflict of interest, and appeal processes.

These statutes became effective June 19, 2020 with a deadline of July 1, 2021 for the updating of all local ordinances.

#### STAFF RECOMMENDATION

In Case P21-30, the Planning & Inspections staff **recommends approval** of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Subdivision Ordinance, a current ordinance that is in compliance with state statutes allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

Attachments:  
P21-30 Text Amendment





*Together, we can.*

**SUBDIVISION AND DEVELOPMENT  
ORDINANCE  
CUMBERLAND COUNTY  
NORTH CAROLINA**

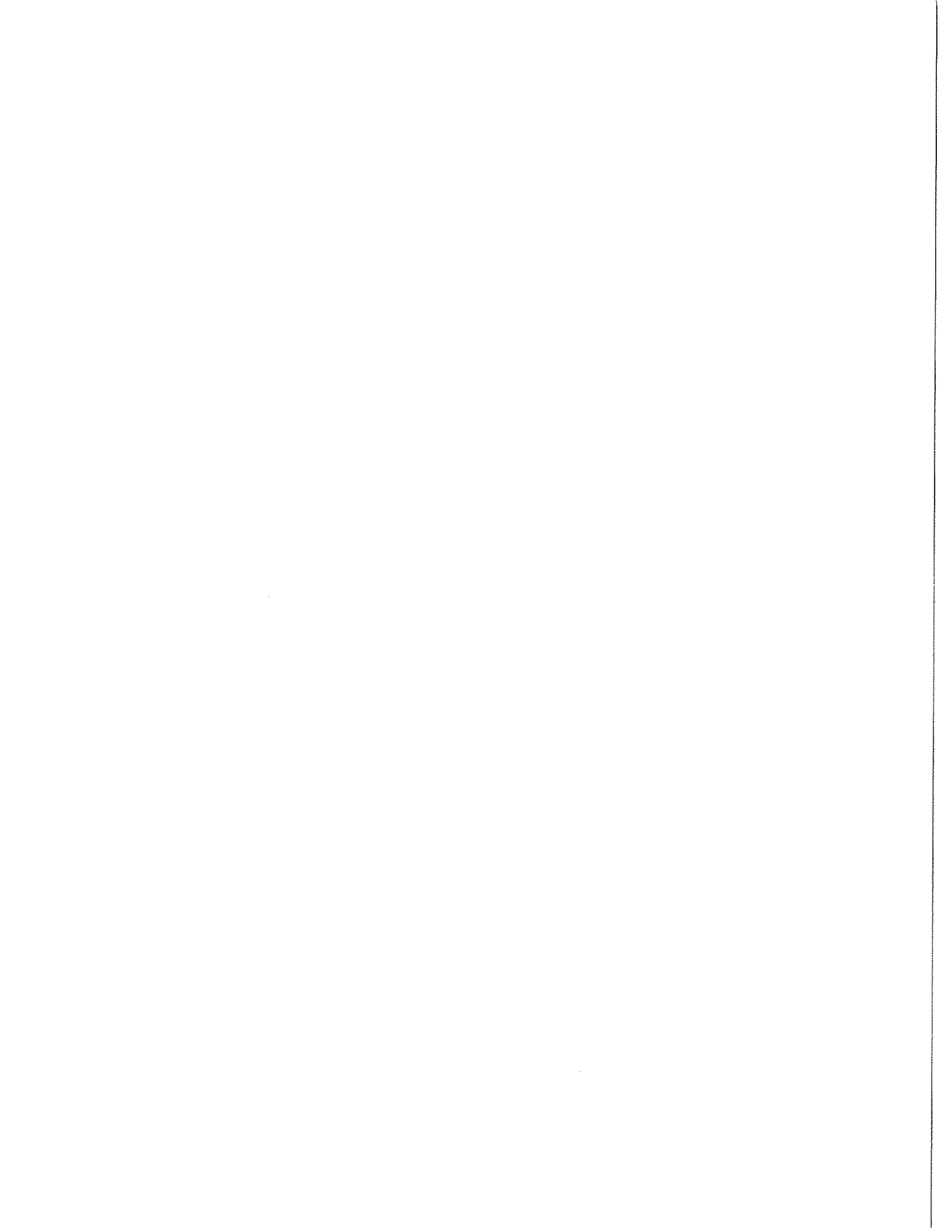
ORIGINALLY ADOPTED: JULY 1, 1970  
AMENDED: AUGUST 18, 2008  
EFFECTIVE: AUGUST 19, 2008  
AMENDED & REPRINTED: MARCH 20, 2012

**PROPOSED AMENDMENTS**



**CUMBERLAND COUNTY JOINT PLANNING BOARD**

**May 18, 2021**





## ARTICLE XX ADMINISTRATIVE PROVISIONS

### **SECTION 2001. PURPOSE.**

The purpose of this ordinance is to establish regulations and procedures for the platting, recording and development of real property within Cumberland County. The Board of Commissioners of Cumberland County hereby find these regulations and procedures necessary in order to promote the orderly development of the County; provide for the coordination and dedication of streets and thoroughfares; provide for the reservation or dedication of land for other public purposes, as set forth herein; promote the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; ensure proper description, identification, monumentation and recording of subdivided properties; and generally promote the public health, safety and general welfare.

State Statute Reference: N.C. GEN. STAT., Chapter ~~153A~~ [160D](#), ~~Planning and Regulation of Development~~ [Local Planning and Development Regulation](#)

### **SECTION 2002. TITLE.**

This ordinance shall be known and may be cited as the Cumberland County Subdivision and Development Ordinance” or “Cumberland County Subdivision Ordinance.”  
(Amd. 12-19-11)

### **SECTION 2003. AUTHORITY AND ENACTMENT.**

The Board of Commissioners of Cumberland County, pursuant to the authority conferred by ~~Chapter 153A, Article 18, Part 2, and Section 153A-330 160D-801 et seq.~~ [Chapter 160D, Article 8](#), of the General Statutes of North Carolina, does hereby ordain and enact into law these articles and sections.

### **SECTION 2004. JURISDICTION.**

This ordinance shall control the subdivision and development of land, as defined herein, lying within the boundaries of Cumberland County, except to the extent of lawful subdivision regulations by any municipality in the County as authorized by law.

### **SECTION 2005. APPLICATION.**

All preliminary plans and final plats for the subdivision, as defined herein, of land shall conform to the requirements of this ordinance and the County Zoning Ordinance and shall be submitted in accordance with the procedures and specifications established within the ordinances. Plans for developments, such as manufactured home parks, group developments, zero lot line, townhomes, and condominiums (unit ownership) shall be submitted in the same manner as and are subject to these provisions the same as other subdivision plats or plans.

### **SECTION 2006. ORDINANCE ADMINISTRATOR.**

The Board of Commissioners of Cumberland County, as permitted by N.C. GEN. STAT. § ~~153A-330~~ [160D-801](#) *et seq.*, delegates to the Cumberland County Planning & Inspections Director, or the director's designee, authority to grant preliminary development plan and final plat approval in accordance with the provisions of this ordinance, with appeal of the Cumberland County Planning & Inspections Director's final decision to be heard and decided by the Cumberland County Planning Board.

### **SECTION 2007. STAFF CONFLICT-OF-INTEREST.**

No Cumberland County Planning & Inspections staff member shall make a final decision on an administrative decision required by the Cumberland County Subdivision Ordinance and NC General Statute Chapter 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

### **SECTION 2007. PLANS/PLATS APPROVAL REQUIRED.**

After the effective date of this ordinance, or the effective date of any subsequent amendment thereto, no subdivision plat or development plan of properties, as defined herein, within the jurisdiction of this ordinance and the County Zoning Ordinance, shall be permitted, filed or recorded until it shall have been submitted to and approved by the Planning and Inspections Department as hereinafter provided; no permit shall be issued for the development of any land until such time as the development plan or subdivision plat has been finally approved and if applicable, recorded with the County Register of Deeds or until such time as the plan has received formal approval where a final plat is not required; and no land shall be sold or transferred by reference to a subdivision plat, except those recorded prior to the effective date of this ordinance, that has not been approved

and recorded in accordance with the provisions of this ordinance.

**SECTION 2008. FEES.**

For each preliminary or development plan, final plat, and any site plan as required under the County Zoning Ordinance, the owner or agent of said property shall pay a nonrefundable filing fee to "Cumberland County" in accordance with a fee schedule ~~recommended by the Planning Board and~~ approved by the County Commissioners.



(This page intentionally left blank.)

**ARTICLE XXI**  
**INTERPRETATIONS, CALCULATIONS AND DEFINITIONS**

The interpretation of terms, methods of measurement, and definitions contained in this article shall be observed and applied when construing and applying this ordinance, except when the context clearly indicates otherwise. Words not otherwise defined shall be construed and applied given their customary and ordinary meaning.

**SECTION 2101. INTERPRETATIONS OF COMMON TERMS AND WORDS.**

For the purpose of interpreting certain words or terms contained within this ordinance and unless otherwise expressly stated, the following shall apply:

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural, and words used in the plural tense include the singular, unless the natural construction of the wording indicates otherwise.
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "person" includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual.
- E. The word "lot" shall include the words "piece," "parcel," "tract" or "plot."
- F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."
- G. Any reference to an "article" or "section" shall mean an article or section of this ordinance, unless otherwise specified.

**SECTION 2102. METHODS OF CALCULATION.**

The rules set out herein shall be used to enforce and apply this ordinance, unless such rules are inconsistent with specific criteria contained within an individual article or section. If a discrepancy arises between the following methods and any specific section elsewhere in this ordinance, the standards of the specific section shall prevail.

A. *Fractional requirements.* When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded. When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

B. *Computation of time.* The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the County, that day shall also be excluded.

C. *Calculation of measurement.* The spatial separations required by this ordinance shall be calculated as follows:

1. Distance is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation of structures is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another exterior wall, structure, bay, well, or septic, as applicable.

3. Separation of uses is calculated by drawing a straight line from the closest point of the property boundary to the nearest property boundary line, which contains the use requiring the separation.

4. Area is calculated by applying the standard mathematical formulas, applying common conversion factors as necessary.

### **SECTION 2103. DEFINITIONS OF SPECIFIC TERMS AND WORDS.**

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

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



**Access:** A means of approaching/entering or exiting/leaving a property. Access also includes ingress, the right to enter and egress, and the right to leave.

**Administrative decision:** Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in local government development regulations.

**Alley:** A private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

**Alter:** To make any change, addition or modification in construction, occupancy or use.

**Apartment:** A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single home or a commercial building.

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

**Board of Commissioners or Commissioners:** The Cumberland County Board of Commissioners.

**Buffer:** An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, restricting the view from adjoining streets and/or abutting properties thus providing a functional and/or visual separation of uses of property.

**Buildable Area (Buildable Envelope):** The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met.

**Building:** ~~Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers, manufactured homes and attached or unattached structures consisting of roof and supporting members, and similar structures whether stationary or movable.~~ Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Footprint:** The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor, stoops, porches, chimneys, decks, etc.

**Building, Principal (Main):** A building in which the principal use is conducted for the lot on which it is situated.



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

**Building Site:** A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that are to be conveyed.

**Cemetery:** As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes:

- A. Grave spaces or burial park for earth interment;
- B. Mausoleum; and
- C. Columbarium.

**Cemetery Grave Space:** A space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person.

**Certificate of Occupancy:** Official certification that a premise conforms to the provisions of this ordinance, the County Zoning Ordinance and N.C. Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

**Common Area:** Land and any other portion of a development not individually owned or dedicated for public use, which is designed and intended for the use or enjoyment of the residents of the development.

**Condominium (Unit Ownership) Development:** A project, governed by the Unit Ownership provisions of this ordinance and regulated by the *NC Unit Ownership Act*, N. C. GEN. STAT. 47A-1, *et seq.*, consisting of multiple individually owned units in a multi-unit structure with jointly owned undivided interest in common of the land on which the structure(s) stand and other shared areas and facilities (common area).

**Conservancy:** Any legally established incorporated entity, whether for profit or nonprofit, whose organization is dedicated to the protection of the environment and natural resources.

**County:** Cumberland County.

**Crosswalk:** A right-of-way dedicated to public use, which cuts across a right- of-way to facilitate pedestrian access to adjacent streets and properties.

**Dedication:** A gift from by the owner of property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication shall be accomplished by written instrument and is completed with an acceptance.

**Density:** The average number of families, persons, housing units or buildings per unit of land.

**Determination:** A written, final and binding order, requirement, or determination regarding an administrative decision.

**Development:** Any land disturbing activity subject to the provisions of this ordinance resulting in new construction of a principal structure on a lot, addition to an existing principal structure that results in a fifty percent or more increase in size to the existing principal structure, or a subdivision of land. *(Amd. 12-19-11)*

**Driveway:** A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

**Dwelling:** ~~A building or portion thereof designed, arranged or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, recreational vehicle, motel, hotel, tourist home or other structures designed for transient residence.~~ A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**Dwelling, Multiple-Family:** A residence designed for or occupied by two or more families ~~with separate housekeeping and cooking facilities for each.~~ consisting of two or more dwelling units.

**Dwelling, Single-Family:** A detached residence designed for or occupied by one family only and consisting of one dwelling unit.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or



[more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.](#)

**Easement:** A right given or reserved by the owner of land for specific limited use of the owner's land.

**Farmland Protection Area:** An area defined and adopted by the Board of Commissioners as denoted on the Land Use Plan Map for protection of the agricultural industry; the rural character; and the preservation of farmland.

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

**Health Department:** The Cumberland County Public Health Department, which includes County Environmental Health.

**High Density:** Residential development having a density of 15 or more dwelling units per acre.

*(Amd. 12-19-11)*

**High Voltage Line:** Any electrical line 25kv or greater.

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

**Land Area, Gross:** The square footage of an entire site included within the external boundary of the property to be developed.

**Land Area, Net:** The square footage of an entire site, excluding public and private rights-of-way, required to meet the minimum zoning district dimensional provisions as required by the County's Zoning Ordinance, for which the property is zoned.

**Lot:** A parcel of land occupied or intended for occupancy, by a principal structure or group of principal structures together with any accessory structures, including such yards, open spaces, width, and area as are required by this ordinance and the County Zoning Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the County Register of Deeds.

**Lot, Corner:** A lot abutting the intersection of two or more streets, or a lot abutting a curved street or streets, in which streets have an angle of intersection of not more than

135 degrees.

**Lot, Depth:** The depth of a lot is the average distance between the front and back lot lines excluding street rights-of-way.

**Lot, Flag:** A lot where the main body of the lot is separated from the street giving access to the property, but which has an included strip of land at least 20 feet in width connecting the lot to the street, thus providing lot access.

**Lot, Frontage:** The linear feet of property measured along the property line that abuts a public street. On a private street, the distance is measured along the right-of-way line adjoining the street.

**Lot, Interior:** A lot other than a corner or periphery lot.

**Lot Lines:** The lines bounding a lot; where a lot of record includes a public right-of-way, the lot lines are presumed not to extend into the right-of-way.

**Lot, Periphery:** A lot with one or more property line(s) comprising at least a portion of the boundary of the property to be subdivided or developed.

**Lot, Through:** A lot, other than a corner lot, having frontage on two parallel or approximately parallel streets or a corner lot having frontage on three or more streets.

**Lot Width:** The straight-line distance between the points where the building setback line intersects two side lot lines.

**Lot of Record:** A part of a subdivision or other development, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds and, if applicable, meets all requirements of the this ordinance.

**Low Density:** Residential development having a density of 2.2 to six dwelling units per acre. (Amd. 12-19-11)

**Manufactured Home:** A structure designed to be used as a dwelling unit, which has been constructed and labeled indicating compliance with the U.S. Department of Housing and Urban Development (HUD) administered *National Manufactured Housing Construction and Safety Standards Act of 1974*, as amended.

**Manufactured Home, Class A:** A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies the following additional criteria:



A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

C. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;

D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) or wood or hardboard siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

E. The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance (NCDOI) and a continuous permanent masonry foundation, or permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home;

F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N. C. Department of Insurance (NCDOI), attached firmly to the primary structure and anchored securely to the ground; and

G. The moving hitch, wheels and axles, and transporting lights have been removed.

**Manufactured Home, Class B:** A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify the dwelling unit as a Class A manufactured home.

**Manufactured Home, Class C:** Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

**Manufactured Home Park:** Any site or tract of land with more than two spaces intended to be occupied or occupied by manufactured homes, regardless of whether a charge is made for such services. Manufactured home parks may include recreational facilities and other incidental structures necessary to support the residents of the park.

**Manufactured Home Space:** A plot of land within a manufactured home park designed for

the accommodation of a single manufactured home.

**Medium Density:** Residential development having a density of greater than six and less than 15 dwelling units per acre.

*(Amd. 12-19-11)*

**Municipal Influence Area:** An area within the County's jurisdiction, and outside any municipalities' corporate limits, that is assigned by the County Commissioners to a specific municipality where certain development standards of that municipality shall be applicable. The official *Municipal Influence Area Map* for each municipality shall be filed with the appropriate Town Clerk and the Clerk to the County Board of Commissioners and shall be maintained by the Planning and Inspections Department.

**N.C. Department of Transportation (NCDOT):** The local district office of the North Carolina Department of Transportation.

**Open Space:** The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, un-improved walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

**Ordinance:** This document, the Cumberland County Subdivision and Development Ordinance, including any amendments thereto and whenever the effective date of the ordinance is referred to, the reference includes the original effective date and the effective date of any amendments.

*(Amd. 12-19-11)*

**Parks and Recreation Director:** The individual charged with overseeing the Fayetteville-Cumberland Parks and Recreation Department within a specific area; this definition also includes a designee of the Parks and Recreation Director, or where there is no Parks and Recreation Department, the official designated for the purpose by that affected jurisdiction's governing board.

**Parks and Recreation Master Plan:** The officially adopted document that is the vision of what the County's parks and recreation program and facilities could be in the future, as well as, a plan to make the initiatives written in the plan happen based upon available resources at any given time.

**Planning Board (also known as "Joint Planning Board" or "County Planning Board"):** A planning and advisory board established by the County Board of Commissioners, comprised of appointed members, who make recommendations to the Board of County Commissioners and other governing bodies on planning and land use matters. The board's official title is "CumberlandCountyJointPlanningBoard".



**Planning and Inspections Department:** The department established by the County Board of Commissioners, responsible for and tasked with planning and land use matters for the County.

**Planning and Inspections Director:** The individual responsible for the leadership of the Cumberland County Planning and Inspections Department, and who serves as advisor to the Cumberland County Joint Planning Board.

**Planning and Inspections Staff:** The staff members assigned to the Planning and Inspections Department who, under the supervision of the Planning and Inspections Director, supports the Cumberland County Joint Planning Board and the County on planning and land use matters.

**Plat/Plan:** A preliminary or final map, usually of land which is to be or has been subdivided or otherwise developed, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or other development meets all required standards of this ordinance and other applicable rules and regulations of the County.

**Premises:** A lot and the structure or structures located on it or the use or uses occurring on it.

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

**Private Water System:** Any water system that is not public and does not meet the definition for "Public Water Supply" below.

**Public Water/Sewer Systems:** Includes any municipal, county, sanitary district, community, and privately-owned water and/or sewer systems as regulated and controlled by the N. C. State Utilities Commission and the Health Department.

**Public Water Supply:** A water provider that has 15 or more connections or serves more than 25 customers and is regulated by the State of North Carolina.

A. *Community water.* Serves 15 or more connections or serves more than 25 year round residents (example: rest home).

B. *Non-community water.* Serves 25 of the same individuals six or more months out of the year (example: school or day care facility).



C. *Transient non-community water.* Serves 25 or more individuals at least 60 days out of the year, not necessarily by the same individuals.

D. *Purchased water system.* Water purchased from a public water supply.

**Public Way:** Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the citizens for their use.

**Quasi-judicial hearing/decision:** A hearing where the decision is involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation.

**Reservation:** A reservation of land does not involve any transfer of property rights; it simply constitutes an obligation to keep property free from development for a period of time for a specific purpose.

**Right-of-Way:** An area owned and maintained by the County, any municipality, the State of North Carolina, the Federal government, a public utility, a railroad or a private entity or individual for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

**Rural density:** Residential development having density of one or less dwelling units per acre.  
(Amd. 12-19-11)

**Setback:** The required distance between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located.

**Sidewalk:** An improved pedestrian surface that is typically located adjacent to a roadway and/or is intended to facilitate pedestrian access from one point to another.

**Site Plan:** A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, building footprints, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in County Zoning Ordinance.

**Site-Specific Vesting Plan:** A plan used to determine development vested rights. This plan can include, but is not limited to, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as recognized by the County.

**Street:** A public or private right-of-way, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other right-of-way.

**Street, Private:** Any road, street, or alley that is not publicly owned or maintained and is used for access by the occupants of the development, their guests, and any representative of a governmental agency for purposes of performing a designated official function. (This definition does not include neighborhood public roads, cart paths and ingress/egress easements.)

**Street, Public:** A right-of-way maintained by a public entity and intended for vehicular traffic. The word "street" includes, but is not limited to, "road, freeway, expressway and thoroughfare." The Highway Plan and N.C. Department of Transportation classify streets as follows:

A. *Freeways and expressways.* The primary function of freeways and expressways is to move large volumes of inter-urban, inter-county and interstate traffic. They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and population centers of the county with those of the state and nation.

B. *Major thoroughfares.* Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with the industrial, commercial and population centers within the County and with the major roads in neighboring in the surrounding areas. Depending upon anticipated traffic volumes and adjacent development, they may be two-lanes, four-or- more lanes undivided, or four-or-more-lanes divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.

C. *Minor thoroughfares (collectors).* The main function of the minor thoroughfares is to collect traffic from the local roads and carry it to the major thoroughfares. They should be designed to serve a limited area with no access control or grade separation.

D. *Local street.* A local service street designed primarily for access to abutting properties.

E. *Cul-de-sac or hammerhead.* A local street permanently terminated by a turn-around.



F. *Marginal access street (service road)*. A local street that parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from through traffic.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in a permanent manner.

**Subdivision:** For the purpose of this ordinance, "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) on or after August 22, 1984 and shall include all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations.

B. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County Subdivision and Development Ordinance.

E. The platting of individual grave spaces within a cemetery.

However, plats in categories "A" and "D" above shall have the Planning Board's stamp "No Approval Required" before filing in the County Register of Deeds' office inasmuch as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards set forth in this ordinance.

**Suburban Density:** Residential development having a density of less than 2.2 and greater than one dwelling units per acre.  
(Amd. 12-19-11)

**Townhome Development:** A project, governed by the *Unit Ownership* provisions of this ordinance, consisting of attached units in conjunction with a separate lot or lots of

common ownership, regardless of whether it is designed for residence, office, the operation of any industry or business, or for any other type of independent use, and wherein each unit has at least one vertical wall extending from ground to roof dividing it from adjoining units, and each unit is separately owned, with the owner of such unit having title to the land on which it sits.

**Voluntary Agricultural District:** A North Carolina program in which an owner of farmland may on their initiative apply to participate in and is designed to preserve and protect farmland from non-farm development, recognizing the importance of agriculture to the economic and social wellbeing of the State.

**Yard, Front:** An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front setback line.

**Yard, Rear:** An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

**Yard, Side:** An area extending from the required front setback to the required rear setback, or to the front or rear property lines where no front or rear setback is required by the provisions of this ordinance, the minimum and average dimensions of which are determined by the standards of property development of the zoning district in which such lot is located.

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



**ARTICLE XXII  
PRELIMINARY SUBDIVISION AND DEVELOPMENT PLAN  
APPROVAL**

**SECTION 2201. PRE-APPLICATION.**

Whenever a subdivision or other development is proposed to be made and before any improvements shall be made, the developer shall cause a preliminary plan to be prepared. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement. The preliminary plan shall comply fully with this ordinance and with the health, zoning and other applicable regulations in effect at the time the plan is submitted for preliminary approval. Before filing a preliminary plan for review, the developer is encouraged to submit a pre- application sketch plan to the Planning & Inspections Department, hereinafter: Department, for comments and suggestions.

**SECTION 2202. PRELIMINARY PLAN SUBMISSION.**

A. The preliminary plan in such form as required by Section 2203 and in such number of copies deemed sufficient by the Planning & Inspections Director, hereinafter "Director," shall be submitted, with the appropriate completed application to the Department.

B. The Department shall distribute the preliminary plan to the various affected land-use related agencies as determined by the Director and shall review the preliminary plan to determine its compliance with the provisions of this ordinance and other officially adopted regulations, plans and policies. The Department may negotiate for such other changes as may be found desirable.

C. After such review and negotiations, the Department may approve the plan and state the conditions of such approval, if any, or shall disapprove the plan and state its reasons, therefore. Except where extenuating circumstances exist and where additional information is required for review of the plan, the Department shall issue a final ruling within 12 working days from date of submittal of the preliminary plan.

D. In addition to approving waivers, the Planning Board shall decide all conditions of approval where the Director and developer cannot reach agreement - see Section 2601.

**SECTION 2203. PRELIMINARY PLAN AND SUPPORTING DATA.**

The preliminary plan shall be drawn to scale of not less than 200 feet to the inch nor more than 20 feet to the inch. It should be superimposed on a topographic map with contour lines shown at one- or two-foot intervals. In addition, the preliminary plan shall include the following:

A. *Title data.* Subdivision or development name, the names and addresses of the owner(s) or the designer of the plan, the scale, date and north point.

B. *Vicinity sketch.* A key map or vicinity sketch showing the subject property's general location in relation to an area of the County.

C. *Existing data.* Location of existing and platted property; total acreage of proposed development; existing structures, culverts, bridges, watercourses, railroads, political boundary lines, zoning district lines, parks, location of easements and name of easement holder; right(s)-of-way name and width, whether public or private, on and adjoining the land proposed for development; and the names of adjoining property owners.

D. *Data relating to proposed subdivision or other development.* The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, *Special Flood Hazard areas*, parks, playgrounds and other open spaces.

E. *Data relating to surrounding area.* Where the preliminary plan submitted includes only a part of the developer's tract, an overall sketch showing the prospective future street system, proposed public open spaces and other features for the development of the entire tract shall accompany the preliminary plan.

F. *Utility plans.* The preliminary plan shall contain a statement as to the type of intended water and sewer service. Where public water and/or sewer is not to be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal.

G. *Street cross sections.* When required by this ordinance, typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than 30 feet to the inch.

H. *Other improvements.* At the discretion of the Director, where other improvements are required or are to be provided in the development, appropriate plans shall accompany or shall be incorporated into the preliminary plan.



**SECTION 2204. EFFECT OF PRELIMINARY PLAN APPROVAL.**

Where preliminary plan approval is granted, the developer may then proceed to construct improvements in accordance with the requirements of this ordinance, the County Zoning Ordinance and other applicable regulations, and, if required, to submit the final plat for approval for recordation. Where approval is granted, the preliminary plan shall be approved or conditionally approved initially for a period of time not to exceed two calendar years. Extensions may be approved for subsequent two calendar year time periods provided that a request for extension is made prior to the expiration of the approval and provided that substantial progress is made or is being made toward the completion of the development. [Preliminary plan approval shall be provided to the applicant in writing and electronic form if electronic contact information is provided. Development approvals shall run with the land.](#)

**SECTION 2205. CONTRACTS TO SELL OR LEASE REFERENCING APPROVED PRELIMINARY PLAN.**

The terms of this ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plan for which a final plat has not yet been properly approved provided that the provisions of N. C. GEN. STAT. § ~~153A-334~~ [160D-807](#) are complied with.



(This page intentionally left blank.)

**ARTICLE XXIII  
IMPROVEMENT AND DESIGN STANDARDS**

**SECTION 2301. GENERAL.**

A. *Conformity.* All proposed subdivisions or developments regulated by the provisions of this ordinance or the County Zoning Ordinance, shall comply with the provisions of this ordinance, the County Zoning Ordinance, and other applicable local, State and Federal regulations.

B. *Reasonable relationship.* Any proposed subdivision or other development subject to the provisions of this ordinance shall also be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans and written adopted policies of the Planning Board and the Board of Commissioners.

C. *Recorded plat.* A final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance and the County Zoning Ordinance, prior to any subdivision of land and prior to commencement of the placement of any structure or construction on or conveyance of any portion of any subdivision lot.

**SECTION 2302. AREA-SPECIFIC STANDARDS.**

A. *Municipal Influence Areas.*

1. *Municipal Influence Area Application.* The Board of Commissioners may approve and establish a *Municipal Influence Area (MIA)* for a municipality. All subdivisions or developments with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and located within a municipality's MIA shall be designed and constructed in accordance with the subdivision design standards officially adopted by the municipality and explicitly listed in this ordinance, except that no payment in lieu for any required improvement may be charged as a condition of approval of the proposed development for the benefit of any municipality, and no permit or inspection fee can be imposed by the municipality so long as the property proposed for development remains outside that municipality's corporate limits at the time the property is developed. The terms of any interlocal agreement adopted by the County Commissioners and affected governing bodies shall prevail in the event of conflict between the provisions of this ordinance and the agreed upon terms of the interlocal agreement. The subdivision design standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled *MIA Subdivision Design Standards*.

2. *Municipal Influence Area Map.* The official MIA map – see Exhibit 4 – shall be



maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners. Each MIA shall be designated with two distinct areas, "10 year" and a "20 year". The 10 year area shall include the properties with the highest probability of annexation and the municipal development standards shall only apply within the ten year area. Each assigned MIA boundary shall be evaluated every five years.

(Amd. 12-19-11; Amd. 8-21-17)

B. *Sewer Service Area*. The Board of Commissioners may approve and establish a *Sewer Service Area* (SSA). The SSA sets forth an area within which subdivisions and developments should be served by sanitary sewer and shall otherwise be developed according to the provisions of any officially adopted interlocal agreement. Any proposed subdivision or other development inside the boundary of the SSA shall comply with the pertinent provisions governing extension of sanitary sewer and other subdivision and development criteria specifically addressed within any officially adopted interlocal agreement.

C. *Fort Bragg Special Interest Area*. Because of the location of known habitat and forage areas of the protected Red-Cockaded Woodpecker on the properties in and around the military reservations, the community, including the military, has a special interest in any subdivision or other development that occurs on the privately-owned properties in close proximity to the military bases. The official *Fort Bragg Special Interest Area* map, hereby adopted as part of this ordinance, shall be maintained by the Planning and Inspections Department and kept on file with the Clerk to the County Board of Commissioners – see Exhibit 6. Upon receipt for submission of any subdivision or other development subject to review under this ordinance and located within the *Fort Bragg Special Interest Area*, the Planning and Inspections Staff shall forward a copy of the preliminary plan to the military planner assigned to the affected military base and to the local office of the U.S. Fish and Wildlife Service, in addition to the other agencies involved in the review process. The military planner and the Fish and Wildlife representative will then assist the developer in identifying areas where trees should be maintained. While the owner is not obligated, the intent is to encourage clustering of developments in accordance with the special subdivision and development provisions of this ordinance or the County Zoning Ordinance, thus protecting the endangered woodpecker.

D. *School sites*. Where the Land Use Plan identifies an area with a specific location and size of a school site that has been approved jointly by the Board of Commissioners and the County Board of Education as a proposed school site and the proposed school site lies wholly or partially within an area being proposed for subdivision or other development, the land area for the school site shall be reserved if the Board of Education wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Board of Education upon the submission of a preliminary plan for review and approval



under the provisions of this ordinance or the County Zoning Ordinance. If the Board of Education wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the school site. The Board of Education must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Board of Education within the 18-month period, the developer may treat the land as freed of the reservation.

State statute reference: N. C. GEN. STAT. § ~~153A-331~~ [160D-804](#)

E. *Public park and recreation sites.* Where the Fayetteville-Cumberland Parks and Recreation Master Plan or other officially adopted parks plan identifies an area with a specific location and size of a site that has been approved jointly by the County Board of Commissioners and the Fayetteville- Cumberland Parks and Recreation Department as a proposed public park or recreation site; hereinafter, *park site*; and the proposed park site lies wholly or partially within an area being proposed for subdivision or other development, the land area for the park site shall be reserved if the Fayetteville-Cumberland Parks and Recreation Department wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Fayetteville-Cumberland Parks and Recreation Department upon the receipt for submission of a preliminary plan for review and approval under the provisions of this ordinance or the County Zoning Ordinance. If the Fayetteville-Cumberland Parks and Recreation Department wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the park site. The Fayetteville-Cumberland Parks and Recreation Department must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Fayetteville-Cumberland Parks and Recreation Department within the 18-month period, the developer may treat the land as freed of the reservation. State statute reference: N. C. GEN. STAT. § ~~153A-331~~ [160D-804](#)

F. *Planned public rights-of-way.* Where any portion of a proposed subdivision or other development lies within the proposed right-of-way of any public street or road that is included in an officially adopted *Highway Plan* of the County, or in the event the proposed development is located within any municipality's *Municipal Influence Area*, within any municipality's officially adopted street/highway plans, the right-of-way shall be dedicated or reserved in the location and at the width as adopted in the official plan; provided that no dedication wider than 80 feet shall be required, and provided that reservation of right-of-way shall be required where right of direct access from abutting property is denied. If the subdivision or other development is such that a plat is required to be recorded prior to any development on the site, the dedication and reservation shall be accomplished on the final plat, with the bearings and distances of the required dedication and reservation lines shown; otherwise, a reservation of the property shall be shown on the preliminary plan prior to the plan receiving preliminary approval. Any right-of-way required to be dedicated or reserved shall not be included in the calculation of land area for district dimensional requirements for the zoning district in which the proposed subdivision or other development is located.



State statute reference: N. C. GEN. STAT. § ~~153A-331~~ [160D-804](#)

G. *Voluntary Agricultural District.* The *Voluntary Agricultural District* (VAD) is intended to promote agricultural and environmental values and the general welfare of the County and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms. Approved applications for placement of property within the VAD shall be kept on file at the Planning and Inspections Department and notice of a proposed subdivision, development or other change in property lines for property located within the VAD shall be made to the Cooperative Extension Office immediately upon its submission for approval for recordation.

State statute reference: N. C. GEN. STAT. § 106-744

### **SECTION 2303. MINIMUM LOT STANDARDS.**

A. *Compliance with County Zoning Ordinance.* Any subdivision, individual lot or other development created subject to the terms of this ordinance is subject to and shall comply with all applicable provisions of the County Zoning Ordinance.

B. *On-site water and sewer systems.* Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet County Environmental Health's minimum standards for on-site water and/or sewer systems.

C. *Street frontage.* Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet; such frontage (abutting) to be continuous from the property line to building setback line.

D. *Access to certain classified streets.* Direct access shall not be allowed for any single-family residential lot located along any street as defined or classified by the Highway Plan or locally adopted Collector/Feeder Street Plan as major or minor thoroughfare, arterial, collector or feeder street, where feasible and sufficient land depth exists allowing for the proposed lots to be served internally.

E. *Easements.*

1. *Utility.* To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten feet wide, five feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

2. *Drainage.* Where property to be subdivided is traversed by a watercourse, drainage way, canal or stream, there shall be provided a drainable easement for channel improvement which conforms substantially with the center line of such watercourse, drainage way, canal or stream. Such drainage easement shall be a minimum of 20 feet wide (not necessarily centered) but in no case shall it be required to exceed 20 feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the subdivision or other development includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows:

“In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of 20 feet but not to exceed 20 feet from the top of the bank on either side of the natural stream course.”

F. *Lots intended for commercial and industrial uses.* Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

G. *Lots subject to flooding.* Improvements of any lot, street or common area shall not be commenced in a subdivision or other development, or section thereof, subject to this ordinance or the County Zoning Ordinance, unless the developer, builder, landowner or other appropriate permittee has complied with the provisions of the County Flood Damage Prevention Ordinance. The preliminary plans and final plats of subdivisions or other developments, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision or other development. Each such boundary line shall be the same as the boundary line(s) of the *Special Flood Hazard Area*, as defined in the County Flood Damage Prevention Ordinance, and as shown on the official flood maps of Cumberland County, the Flood Insurance Rate Map (FIRM). Any interpretation by the County Engineer may be appealed pursuant to the County Flood Damage Prevention Ordinance.

The preliminary plans and final plats of a subdivision or other development, or section thereof, subject to the provisions of this section, shall be annotated with the following notice when the plan/plat is a depiction of property that is located within the *Special Flood Hazard Area*:

“Notice: Any improvement within the *Special Flood Hazard Area*, or any subsequent revision thereof, is subject to the provisions of the Cumberland County Flood Damage Prevention Ordinance and may be limited or precluded thereby.”



## **SECTION 2304. STREETS.**

A. *General criteria.* All subdivision lots or any lot proposed to be developed shall abut a street designated as either public or private and all public or private streets shall be built to the standards of this ordinance, other applicable standards of the County, and the North Carolina Department of Transportation (NCDOT). Public streets shall be designed in accordance with the standards of this ordinance, the NCDOT, or, if the development is located within a municipality's *Municipal Influence Area*, to that municipality's standard (see Exhibit 5, MIA Development Standards). Public streets shall be constructed in such a manner to be eligible for acceptance into the State highway system and shall be put on such system. Private streets shall be developed in accordance with the terms of this ordinance and other applicable Federal, State, and local regulations. The following provisions apply to all streets, whether public or private:

1. *Relation of proposed streets to adjoining street system.* The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than 80 feet shall be required.

2. *Through traffic.* Minor residential streets shall be laid out so as to discourage through traffic.

3. *Access to adjacent property.* The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon adjacent property adjoining the proposed subdivision or other development. Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

4. *Access to parks, schools, etc.* Streets shall be designed, or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten feet in width.

5. *Circulation requirements.* The minimum circulation requirements for all development shall be the standards outlined in the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways*.

6. *Marginal access streets.* When a tract of land to be subdivided or developed adjoins a limited access highway, the developer may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots being proposed that are adjacent to the highway.

7. *Street names.* Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County.



Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

8. *Street signs.* All streets within a development shall be marked with a street name sign of a design specification and location in accordance with the *Cumberland County Street Sign Specifications Manual* and approved by the Planning & Inspections Department.

9. *Half streets.* Whenever an existing half street is adjacent to a tract of land to be subdivided or otherwise developed, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision or other development. New half streets are prohibited except when essential to the reasonable progression of the subdivision or other development in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided or otherwise developed.

10. *Street design.*

a. *Right-of-way.* Proposed street right-of-way shall be of sufficient width to meet the requirements of the specifications of the NCDOT.

b. *Median strips.* Where a subdivider elects to construct a street divided with a median strip, the right-of-way width shall not be less than 70 feet, and no median strip shall be less than ten feet wide.

c. *Corner radii.* Property lines at street intersections shall be rounded with a radius of 25 feet.

d. *Intersecting streets.* Streets shall be laid out so as to intersect as nearly as possible at right angles.

e. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than 125 feet.

f. *Block lengths.* Block lengths generally shall not be longer than 1,800 feet; provided that where a longer block will result in less traffic through residential developments from adjoining businesses or areas, the Planning and Inspections Director may approve block lengths in excess of 1,800 feet.

g. *Public, Class "A" and "B" private street ending.* All streets not stubbed to adjacent properties for future development shall be ended with either a cul-de-sac or a hammerhead ("t-type") turnaround. Streets ending with a cul-de-sac or hammerhead shall not be longer than 1,400 feet. Cul-de-sac shall be designed at the closed end with a circular turnaround having an outside roadway diameter of at least 70 feet and a right-of-way line diameter of at least 100 feet. Hammerheads shall be designed at the closed end with a "t-type" turnaround having a minimum outside dimension of 50 feet by 100 feet and a roadway dimension of 20 feet by 70 feet and a 15 foot radius is required at the intersecting lines of the "t-type" ending. Alternative types of turnarounds as approved by the NCDOT may be approved if the design provides for adequate maneuvering of emergency and other public use vehicles.

(Amd. 12-19-11)

h. *Alleys.* A reservation or easement for an alley to the rear of proposed lots may be approved provided that the developer can produce satisfactory evidence at the time of the preliminary plan submission to show that the alleys will be functional and be designed in such a manner as to allow for public services to be accomplished. When serving four or less residences, any alley proposed shall provide a minimum width of 12 feet. When serving five or more residences and/or non-residential uses, any alley proposed shall provide a minimum alley width of 20 feet. The Planning and Inspections Staff shall review development plans that include alleys for vehicular safety. Alleys shall be approved and maintained the same as common areas within a development and require the County Attorney's approval of owners' association documents and covenants with respect to maintenance and liability of any alley.

#### B. *Public streets.*

1. *Construction.* All public streets shall be constructed according to the standards and specifications of the NCDOT and this ordinance.

2. *NCDOT Approval and Acceptance.* All public streets shall be certified by the NCDOT as being acceptable for future maintenance by the State, provided that other conditions for acceptance and maintenance are met. Until such time that the NCDOT accepts the public street for maintenance, the developer and subsequent purchasers shall be responsible for maintenance and for securing final acceptance by the NCDOT.



It shall be the responsibility of the developer to formally notify the NCDOT's District Engineer and initiate the process of transferring the responsibility of road maintenance. If application to the District Engineer has not been formally submitted and any deficiencies noted by the NCDOT resolved by the time the County has issued building permits for 80% of the lots shown on the preliminary plan as submitted and conditionally approved, the County shall not issue any additional building permits until the District Engineer formally notifies the Planning and Inspections Department of the NCDOT's receipt of such application and their satisfaction of any noted deficiencies impeding the NCDOT's acceptance of the streets.

If all roads within the subdivision or other development have not been applied for the NCDOT's consideration for addition to the State system by the time at which building permits have been issued for 80% of the lots of the conditionally approved preliminary plan, the developer may post a surety performance bond or an equivalent security as authorized in Section 2502. Should this alternative be used, the method of payment chosen shall be equal to 1.25 times the cost of installing all remaining required improvements according to the standards required by the NCDOT. Within 30 days after the Planning and Inspections Department receives formal notice of pending acceptance of the roads by the NCDOT, the County shall release any unused portion of the securities posted through this procedure.

For purposes of this ordinance, "road maintenance" shall mean that the public streets are kept in a good state of repair and that the streets are able to be used for their intended purpose without any impediments. The developer and future purchasers shall not install or allow to be installed any items within the right-of-way which will have to be removed prior to the acceptance of the roads by the NCDOT. Such items include but are not limited to fences, masonry mailbox supports, shrubbery, and driveway markers.

*(Amd. 12-19-11)*

3. *Gradient, curves and alignment.* Street gradient, reverse curves and horizontal alignment shall be in accordance with the standards and specifications of the NCDOT.

4. *Curbs and gutters.* All curbs and gutters installed shall meet the NCDOT approved standards and specifications.

*(Amd. 03-19-12)*

C. *Private streets.* Private streets will be permitted to serve as access within subdivisions or other developments; however, dedication of public streets and other rights-of-way or easements may be required if such are indicated on the official plans as adopted by the County Board of Commissioners, a governing body of a municipality in Cumberland County or the Planning Board. Public streets and/or other rights-of-way or easements or public access over private streets will be required where the Planning Board, the NCDOT, or public utility agency determines that such are necessary in order to



promote the continuity of existing streets or utility systems or otherwise protect and promote the public health, safety and welfare.

1. *NCDOT specifications.* Unless otherwise approved, the developer shall reserve enough area along all private streets to meet NCDOT specifications for right-of-way width requirements on secondary roads. Except for Class "C" private streets, the land area within the private street right-of-way as is required to be reserved may not be used toward lot area requirements. The area within any private street right-of-way, regardless of class or type of street shall not be included in any required yard space.

(Amd. 10-15-12)

2. *Access to government agency.* In any subdivision or other development where private streets are provided, the developer shall prepare for Planning and Inspections Department approval and record in the County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. It shall be indicated on such plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way or easements.

3. *Upgrading street classification.* If a division of the same or adjacent lands previously approved under this section occurs which could change the status of the street to A, B or public street classifications, the entire street must be upgraded to the applicable higher standard. The individual desiring to create the additional divisions of land shall be responsible for the upgrading of the streets to the higher classification after giving notice to and receiving agreement from the affected property owners.

4. *Minimum design specifications.* The following specifications shall be the minimum accepted for private streets and must be completed or guaranteed to be completed in accordance with Section 2502, prior to submission for final plat approval. In all subdivisions or other developments, minimum asphalt paving and/or base construction is required at least to the minimum standards of the NCDOT for residential streets.

a. *Class "A" private street specifications:*

(1) All street construction, surfacing and drainage standards shall meet or exceed the NCDOT's design specifications for residential streets;

(2) No area of any lot shall be included in the right-of-way easement;



(3) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;

(4) There is no limit to the number of lots to be served by this street classification;

(5) Clearing and grubbing shall be completed five feet of each edge of the surfaced travel way; and

(6) When curb and gutter sections are omitted, 45 foot right-of-way must be provided.

b. *Class "B" private street specifications:*

(1) All street construction and drainage standards shall meet or exceed the design specifications of the NCDOT for residential streets with a rural cross-section and with the appropriate amount of either "crusher run" or gravel as certified by a professional engineer and shall provide a minimum of a 45-foot right-of-way;

(2) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;

(3) All such private streets shall connect to a state-maintained road or an approved Class A private street;

(4) Clearing and grubbing shall be completed five feet of each edge of the travel way;

(5) May serve a maximum of eight lots; and

(6) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot.

*(Amd. 12-19-11)*

c. *Class "C" private street specifications:*

(1) A minimum passable travel way 20 feet wide shall be provided within a 30-foot easement;

(2) An adequate drainage system shall be constructed in accordance with the storm drainage plan designed by the registered engineer/surveyor;

(3) All such private streets must directly connect to a paved state-maintained road or a Class "A" private street;

(4) May serve a maximum of four lots;

(5) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot;

(6) Property lines shall be included in the street easement;

(7) Clearing and grubbing will be completed five feet of each edge of the travel way;

(8) *Repealed*; and

(9) Private streets approved under this classification shall be terminated with either a cul-de-sac or hammerhead (t-type) of sufficient size to afford emergency and other public vehicles adequate maneuvering area for turning around.

*(Amd. 12-19-11)*

5. *Repealed.*

6. *Flag lots.* For Class "B" and "C" private streets, flag lots into the street right-of-way to the public street shall count as a lot being served for access purposes by such private street.

7. *Private street certification of construction.* Upon completion of construction of any private street and the related facilities including drainage ways, the developer shall provide for an inspection of all such facilities by a registered surveyor or engineer, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the provisions of this ordinance and that all such facilities are adequate to serve the development. Such statement shall be affixed with the engineer's or surveyor's seal and submitted to the Planning and Inspections Department prior to the recording of the final plat or release of any construction guarantees as required under Section 2502. Upon receipt of the certification of construction and after the initial approval for recording of the final plat, the County has no enforcement responsibility as related to maintenance and encroachments within the right-of-way of any private street.



8. *Private street deed disclosure.* Every deed created for a lot served by a private street within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure: "It is hereby acknowledged that a *Subdivision Streets Disclosure Statement* has been executed in accordance with N. C. GEN. STAT. §136-102.6."

#### **SECTION 2305. SIDEWALKS.**

A. Sidewalks shall be required to be constructed when any subdivision or other development proposed is adjacent to an existing public school or public park property, the developer shall construct and dedicate to the affected public agency a walkway (sidewalk) not less than ten feet in width in such a location as to facilitate direct convenient access to the adjacent school or park.

B. Any required sidewalk shall be constructed with concrete or other approved surface material and shall comply with the provisions of the *Americans with Disabilities Act* standards. The required sidewalk shall be constructed with a minimum width of 36 inches, a minimum of four inches thickness for areas subject to pedestrian traffic, a minimum of seven inches thickness for areas subject to vehicular traffic, joints spaced every three feet, and a minimum 3,000 PSI compressive strength.

*(Amd. 12-19-11)*

#### **SECTION 2306. UTILITIES.**

A. *Water and sewer.* Where water and/or sewer systems are to be installed as part of the development improvements, such systems shall be designed and installed in accordance with the standards and specifications of the County Health Department and/or the provider responsible for the approval of such systems.

1. *Public water and sewer systems.*

a. *Generally.* Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2502.

b. *Connection to public water and sanitary sewer required.* When not predicated upon a prior mandatory annexation policy and where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposes two to ten lots or units is within 300 feet of public water or sewer, the public utilities shall be extended and connected. Where any portion of eleven to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended and connected. For more than twenty lots or units proposed within the Sewer Service Area and/or and where density is greater than two lots or units per acre, the extension of and connection to public water and sewer service is required. Sanitary sewer service outside of the Sewer Service Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.  
(Amd. 12-19-11)

c. *Exception to public water and sewer extension/connection.* The Planning and Inspections Director shall exempt connection to a public water and/or sewer system when any of the following conditions warrant:

- (1) Public sanitary sewer is within a different drainage basis or sub-basin;
- (2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;
- (3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;
- (4) Extensions exceeding 2,000 feet from existing public services; or
- (5) Property is located outside of the County's or a municipal government's approved utilities plan.  
(Amd. 12-19-11)

2. *On-site water and sewer systems.* When proposing lots or units to be served by on-site private water and/or sewer systems, the lot shall be of sufficient size to accommodate the utilities and providing for adequate building area. When either or both of such systems are proposed to be used, every plat must have a certification or disclosure as required by in Section 2504. Every deed created for a lot or unit to be served by an on-site water and/or sewer system within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure:



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

B. *Fire hydrants.* Fire hydrants are required when a subdivision or other development with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and when subject to the provisions of this ordinance or the County Zoning Ordinance is to be served by extension of a public water system where the provider is capable of supplying sufficient water pressure to operate the hydrants. The following are the minimum standards for hydrant installation:

1. Fire hydrants shall be located no more than 1,000 feet apart and at a maximum of 500 feet from any lot or unit;

2. Each fire hydrant shall have the minimum main supply line as required by the provider to adequately provide the appropriate amount of pressure to the hydrant;

3. Fire hydrants shall be maintained by the entity supplying water thereto; and

4. Standard hydrant design (National Standard Thread, 4½-inch steamer, (2) 2½-inch discharge connections, etc.) and proper maintenance shall be utilized.

*(Amd. 12-19-11)*

C. *Underground utilities required.* All subdivisions and other developments shall have utilities placed underground where practical. High voltage electrical lines as defined are exempt from this requirement.

D. *Stormwater.* New subdivisions and other developments that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Division of Water Quality, N. C. Department of Environment and Natural Resources (NCDENR).

## **SECTION 2307. OTHER REQUIREMENTS.**

A. *Required drainage.* Drainage systems shall be installed by the developer in accordance with the NC Carolina Department of Transportation (NCDOT) standards and specifications and in accordance with the NC Department of Environmental and Natural Resources' (NCDENR) *Manual on Best Management Practices* (BMP).

B. *Monuments.* Monuments of a permanent material shall be installed in accordance with the ~~N. C. GEN. STAT. § 39-32.1 et seq., and at such points as may be consistent with~~ good surveying/engineering practices set forth by the NC Board of Examiners for Engineers and Land Surveyors (NCBELS).

C. *Removal of rubbish.* All cut or fallen trees, stumps or rubbish shall be completely removed from the subdivision or development site.

D. *Watercourse protection.* During the construction, preparation, arrangement, and installation of improvements and facilities in subdivisions or other developments located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized stormwater drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.

#### **SECTION 2308. PARKS, RECREATION AND OPEN SPACE.**

Every newly proposed residential dwelling lot or unit shall provide a portion of land for the purpose of providing park, recreation and open space areas. For purposes of this section, the terms "recreation area" includes park, recreation and/or open space areas.

Whenever this section provides for the exercise of discretion by the Planning & Inspections Director, the Parks and Recreation Director, or an affected jurisdiction, such discretion shall be exercised consistent with the facts, policies and objectives set forth in the officially adopted Parks and Recreation Master Plan as it affects from time to time.

Any portion of a subdivision or other development that lies within an area designated in the officially adopted Parks and Recreation Master Plan or other officially adopted open space/greenway plan (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the recreation area requirements of this section. This area shall be dedicated to public use.

A. *Amount of land.* The amount of park, recreation or open space area shall be 800 square feet per dwelling lot or unit. The affected governing body must approve water bodies offered to a public entity for meeting these requirements. The recreation area may include a combination of land above the SFHA, land in the SFHA, water bodies within the development. Land area offered that contains five acres or more and is consistent with the adopted Parks and Recreation Master Plan must be accepted by the affected jurisdiction.



Recreation areas shall be of such dimensions as to be functionally useable and maintainable. Subdivisions or other developments that would require less than 25,000 square feet of recreation area may pay a fee in lieu of and be exempt from providing on-site recreation area when the Parks and Recreation Director determines that:

1. The onsite recreation area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or

2. The recreation needs of the subdivision or other development can be adequately met by existing or planned public recreation areas. In determining the size of a subdivision or other development for purposes of this section, the Planning and Inspections Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the subdivision or other development is constructed in phases or sections. The developer of any subdivision or other development that is exempt from providing on-site recreation area shall pay a fee to the affected jurisdiction in lieu thereof to be used to acquire recreation areas for any park type listed in the Parks and Recreation Master Plan to benefit the residents of the general area.

B. *Standards for recreation areas.* All recreation areas shall meet the standards established in the Parks and Recreation Master Plan unless waived by the Planning Board with a recommendation from the Planning & Inspections Director. These standards are as follows:

1. *Unity.* The dedicated land shall be a single parcel of land, whether or not the subdivision or other development is developed in phases or sections, except if the Planning & Inspections Director determines with a recommendation from the Parks and Recreation Director that multiple parcels would better serve the residents of the subdivision or other development and the public.

2. *Usability.* A maximum of one-half of the recreation area may be water. When one-half of the area offered is water, the remaining land must be useable land for a park. The usability of recreation area shall be determined by the Planning & Inspections Director, with a recommendation from the Parks and Recreation Director. The governing body of the affected jurisdiction shall make the final decision.

3. *Shape.* The area not water or wetland shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas or picnicking, etc.

4. *Location.* The offered land shall be located to reasonably serve the recreation

area needs of the residents within the subdivision or development. The Planning & Inspections Director, with a recommendation from the Parks and Recreation Director, may require that the recreation area be located on the periphery of the subdivision or development in order to allow its enlargement by combining the recreation area with that of adjacent subdivisions or other developments; when adjacent property is publicly owned; or when there are officially adopted plans that identify the area as future recreation area to be acquired by the affected jurisdiction. The affected jurisdiction's Parks and Recreation Director, with final approval from its governing body, may negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and that jurisdiction's long-range parks and recreation plan. This may include exchanging larger, more economical tracts of land offsite from the subdivision or other development for the tract within the subdivision or development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected subdivision or development's residents.

5. *Access.* All dwelling units in the subdivision or development shall have free, easy and convenient ingress and egress to and from recreation area within the subdivision or development via streets or public walkways or trails, with one access being a minimum width of 20 feet. Typically, recreation area should be accessible from a public street. -of-way for this access shall be shown on the preliminary plan. Recreation areas that do not have frontage on a public street but are adjacent to an existing public recreation area that has such access shall be exempt from this requirement.

6. *Landscaping.* Recreation areas shall have a sufficient natural or manmade buffer or screen to minimize negative impacts on adjacent residents.

7. *Additional minimum standards for public dedication of land.* In addition, all land area dedicated to the public must meet the following:

(a) Must not be a former site of or contain any remains of hazardous materials; and

(b) If the recreation area is to contain a developed facility, the facility and the recreation area must be approved by the affected governing body.

*C. Procedures for the dedication of recreation areas.*

1. *Designation of land to be dedicated.* The developer, on its submitted residential preliminary plan, shall indicate at that time its intent to dedicate land for public use, convey land to an owners' association or pay a fee in lieu thereof. The developer shall also designate on its preliminary plan the area or areas to be dedicated for recreation. If the developer intends to convey the recreation area to an owners' association, the area(s) to be designated shall also be labeled as "common area" on the preliminary plan and final



plat.

2. *Review of land to be dedicated.* The Planning and Inspections Staff shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit recommendations concerning the land to be dedicated or conveyed, to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan proposes 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

3. *Ownership.* The developer shall designate the entity owning land to be used for recreation area subject to approval from the Planning Board. Such entities may include, but shall not be limited to, the following:

(a) The County of Cumberland for use by the Fayetteville-Cumberland Parks and Recreation Department, subject to approval and acceptance by the County Board of Commissioners;

(b) Any municipality having jurisdiction over the tract, whether within its boundary or not, subject to acceptance by the governing body of the municipality;

(c) Other public jurisdictions or agencies, or nonprofit organizations, subject to agreement of the governing body; and

(d) Owners', condominium or cooperative associations or organizations.

4. *Required conditions of owners' associations.* Owners' associations or comparable legal entities that own and maintain recreation areas shall be established so that:

(a) The association or comparable entity is established prior to any lot or unit in the development being sold or any building being occupied. All legal documents regarding the association such as incorporation documents, by-laws, and covenants shall be approved by the County Attorney prior to final plat approval of any portion of a development approved under this section;

(b) Membership must be mandatory for each lot or unit owner and successors in interest;

(c) The association shall be responsible for providing liability insurance, if any, and maintenance of the common areas;

(d) Any sums levied by the association that remain unpaid shall become a lien

on the applicable lot or unit owner's property;

(e) If all or any portion of the common area held by the association is disposed of or if the association is dissolved, the recreation areas shall be first offered to the affected public jurisdiction or to any entity described in "Ownership" (sub-section 3) above; and

(f) The right to use the recreation area shall be an easement appurtenant in favor of each lot or unit owner, and their respective invitees, of the subdivision or development in good standing with the owners' association.

5. *Maintenance or areas.* The entity described in "Ownership" (sub-section 3) above shall be responsible for the continuing upkeep and proper maintenance of the recreation area.

6. *Provisions for payment in lieu of dedication.* When the Planning & Inspections Director determines that the recreation area needs of a development can be met by existing or proposed public community, regional or other park type classified in the Parks and Recreation Master Plan the Planning and Inspections Director with a recommendation from the affected jurisdiction's Parks and Recreation Director may allow the developer to pay a fee to the affected jurisdiction in lieu of dedication. The Planning and Inspections Director may also allow, with a recommendation from the affected jurisdiction's Parks and Recreation Director, a combination dedication/ conveyance and partial payment in lieu of dedication when the Director determines that it would be in the best interest of the residents of the subdivision or development and the public. The affected jurisdiction's governing body shall make the final decision.

(a) *Procedure.* The developer shall indicate on its preliminary plan application its request to make a payment in lieu of dedication. Upon receipt of the preliminary plan, the Planning and Inspections Director shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit a recommendation to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan contains 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

(b) *Amount of payment.* The fee in lieu of dedication shall be based on the required acreage in square feet times the raw land value as assessed for property tax purposes. If the developer disagrees with the Planning and Inspections Director's findings, the developer may appeal to the Planning Board for final disposition.

(c) *Use of payments in lieu of dedication.* All monies received as fees in lieu of dedication shall be used only for the acquisition of the closest un-purchased recreation



area for any park type as recommended in the officially adopted Parks and Recreation Master Plan that will serve the residents of the subdivision or development.

(d) *Required payment in lieu of dedication.* If land offered as required recreation area is inconsistent with the long-range plans for recreation space serving the needs of residents of the subdivision or development and the general area, as reflected in the officially adopted Parks and Recreation Master Plan or policies, the Planning and Inspections Director, with a recommendation from the affected Parks and Recreation Director, may require payment in lieu of dedication or conveyance. The Planning and Inspections Director may also require a fee in lieu of dedication or conveyance when the area offered is less than one-half acre in size, with the recommendation of the affected jurisdiction's Parks and Recreation Director. Where the preliminary plan does not indicate designated park, recreation or open space areas, the presumption shall be that the developer intends to pay a fee in lieu of dedication.

(e) *Time of payment.* A payment in lieu of dedication must be made with or prior to submission for final plat approval. If the subdivision or development is constructed in phases or sections, a payment relating to each phase or section must be made with or prior to submission for final plat approval for each phase or section.

(This page intentionally left blank.)



## ARTICLE XXIV SPECIAL DEVELOPMENTS

### SECTION 2401. GROUP DEVELOPMENTS.

The site plan for group developments shall show the locations and sites of buildings, streets, drives, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

A. *Lot area.* The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the County Zoning Ordinance.

B. *Yard setbacks.* Each building on the periphery of a group development shall observe the minimum yard setback requirements for the district in which the development occurs. The judgment of the Planning Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.

C. *Building separation.* Buildings within group developments under single ownership shall be separated by a minimum distance of 20 feet plus ten feet for each story above two stories. In no case shall any part of a principal residential building be located closer than 20 feet to any part of another principal building.

D. *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

E. *Dedication/Reservation of right-of-way.* Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication, if the development is such that requires a final plat to be prepared and recorded, or where no final plat is required, the land area within the right-of-way shall be reserved. No portion of the land area contained within the reserved or dedicated right-of-way may be used to satisfy calculation for density or other dimensional requirements.

F. *Off-street parking.* Off-street parking shall be provided in accordance with applicable zoning regulations. At least three-fourths of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than five feet to any existing or proposed street right-of-way line in accordance with the adopted Highway Plan or locally adopted Collector/ Feeder Street Plan. Each space shall be not less than nine feet by 20 feet in area. Compact car spaces may be utilized within a development in accordance with the provisions of the County Zoning Ordinance. Isles adjacent to the compact car spaces shall be standard width, and all compact car spaces shall be clearly marked. One-fourth of the required parking spaces may be in parking bays on minor public streets which are entirely within the development, provided that no space shall be in the turn-around portion of cul-de-sac. Bays shall not be longer than 80 feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half the combined width of both bays. No more than one-third of the total frontage of any such street shall be devoted to parking bays. Each off-street parking space for any residential building shall be located within 200 feet of said building.

G. *Swimming pools.* Swimming pools which are constructed within a multi-family development shall be located not less than 50 feet from any boundary of the project, including a public street. All swimming pools shall comply with the provisions of the County Zoning Ordinance.

H. *Recreation/Open space areas.* In residential group developments designated recreation/open space areas and facilities shall be provided on-site in accordance with the provisions of Section 2308 unless the developer can show, and the Planning and Inspections Director agrees after consulting with the Parks and Recreation Director, that the surrounding community has adequate public recreation area available. In the event that adequate public recreation is existing within the surrounding community, the developer shall pay a fee in lieu of providing on-site recreation as allowed in Section 2308. Areas within the required yard setbacks can be counted as part of the required recreation area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. On-site amenities outside the setback area such as indoor recreation centers and clubhouses may be counted to satisfy the provisions of this subsection. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 2308.

I. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas



J. All applicable provisions of the County Zoning Ordinance, to include buffers, signage, etc. is to be complied with and evidenced on the site plan.

#### **SECTION 2402. ZERO LOT LINE DEVELOPMENTS.**

Zero lot line developments shall comply with all the requirements of group developments when not specified herein and for the purposes of determining compliance with this ordinance and the County Zoning Ordinance, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the minimum lot size provisions of Section 1104 of the County Zoning Ordinance provided that the overall average density of the zoning district in which the development is located is not exceeded. In addition to the provisions for Section 2401 above, the following shall be complied with:

A. *Site plans.* Site plans for zero lot line developments shall show the locations of buildings and/or building sites, streets, drives, alleys, walks, parking, on-site recreation areas (if proposed), yards, the boundary of the development, maintenance easements and all common area.

B. *Building sites.* A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon and shall be sufficient in size to contain the structure proposed and any other proposed components of the property that are to be conveyed. Each building site shall abut and have direct access to a public street, private street or private drive, as permissible by this ordinance.

C. *Building yards.* Building sites, buildings, and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the County Zoning Ordinance for lot width, front yard, side yard, rear yard, and building area except:

1. Buildings have direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.

2. Buildings on the periphery of the development plan must meet all setback requirements of the zoning district in which the development is located. The judgment of the Planning Board as to what constitutes front, rear and side yard of each building on the periphery shall be final.

3. A minimum of ten foot separation between structures shall be provided for buildings on separate lots within developments that are creating individual "for sale" lots and seeking approval under this section.

D. *Density*. The total number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the zoning district in which the development is located, excluding public right-of-way and that public right-of-way which is dedicated and/or reserved.

E. *Owners association*. Establishment of an owners' association shall be mandatory when any portion of the development is to be held in common.

F. *Common areas*. All areas of the site plan, other than individual "for sale" lots/units and public rights-of-way shall be shown and designated as "common area", the fee simple title to which shall be conveyed by the developer to the owners' association. Any common area shall not be further subdivided, developed or conveyed by the owners' association, except where approved under the provisions of this ordinance and the County Zoning Ordinance. This stipulation shall be so stated in the declarations and noted on the final plat.

G. *Declaration of covenants and restrictions*. The developer shall file prior to submission for final plat approval of any portion of a development, a declaration of covenants and restrictions governing the common areas, the owners' association and the building sites, if required. The declaration of covenants and restrictions shall be approved by the County Attorney prior to recording of such documents, and prior to final plat approval for any portion or phase of the development. The restrictions shall contain, but not be limited to, provisions for the following as necessary:

1. The owners' association shall be organized and in legal existence prior to the sale of any lot or unit within the development.

2. Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit.

3. The owners' association shall be responsible for the provisions of liability insurance, any taxes, and maintenance of recreation area and other facilities located on the common area, payment of assessments for public and private capital improvements made to or for the benefit of the common area located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common area or assessments for public improvements to the common area, which default shall continue for a period of six months, each owner of a lot or unit in the development shall become personally obligated to pay to the County Tax Assessor a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of lots or units in the development. If such sum is not paid by the owner within thirty days following receipt of notice of the amount due,



then such sum shall become a continuing lien on the lot or unit of the then owner(s), the owner(s)' heirs, devisees, personal representatives and assigns, and the County Tax Assessor may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

4. The owners association shall be empowered to levy assessments against the owners of lots or units within the development for payment of expenditures made by the owners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the lot or unit of the owner.

5. Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common area and for parking areas shall be granted to each owner of any lot or unit within the development, unless expressly stated otherwise and classified as "limited common areas and facilities" with the declaration.

6. Common walls between any units shall be party walls, and provisions for the maintenance thereof, including restoration in the event of destruction or damage, shall be established within the covenants.

H. *Proof of subordinate mortgage.* The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual lot or unit owner or to the owners' association.

I. *Final plat.* A final plat shall be prepared in accordance with Article XV and also include the following:

(1) All building sites (lots/units) numbered with bearings and distances shown for their respective boundaries.

(2) All "common area" labeled as such with the facilities thereon indicated.

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

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

J. *Compliance with State law.* In addition to the above requirements, all zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N.C. General Statutes, as if the applicable provisions of Chapter 47A were incorporated herewith.

**SECTION 2403. UNIT OWNERSHIP (CONDOMINIUM DEVELOPMENTS).**

Before a declaration establishing a condominium development may be recorded in the office of the County Register of Deeds as prescribed in the *N.C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*), the declaration and plan shall be approved by the Planning and Inspections Department. Such declaration and plan shall conform to applicable subdivision or other development requirements as set forth in this ordinance and the County Zoning Ordinance. In addition, the following requirements shall be complied with:

A. The declaration shall be a complete legal document prepared strictly in accordance with the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and shall be submitted in final form in three copies to the Planning and Inspections Department at least ten days prior to the submission of the final plat.

B. The final plan of the proposed development shall contain the following particulars:

1. The unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;

2. Description of the general common areas and facilities as defined in the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and the proportionate interest of each unit owner therein;

3. Description of boundary lines between portions of the structures designed for different ownership;

4. Description of all garages, balconies, patios, etc., which form a part of any unit;

5. Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and

6. Statement of the purpose for which the building and each of the units are intended and restricted as to use.



C. The recordation of the declaration and plan shall be completed by the developer within one calendar year after approval by the Planning and Inspections Department.

#### **SECTION 2404. MANUFACTURED HOME PARKS.**

A. *Purpose.* The purpose of this section is to establish regulations and procedures for the initial construction and continued use of manufactured home parks, which is found to be necessary in order to protect the health, safety and welfare of the residents of the manufactured home park.

B. *Application of chapter.* The provisions contained herein are the minimum provisions every manufactured home park plan must comply with prior to allowing for the inhabitation of any manufactured home within the manufactured home park.

C. *Permits required.* It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of Cumberland County for a manufactured home park until application has been made and a permit has been issued by the Code Enforcement Coordinator. No on-site improvements may be made until after a permit has been granted by the Code Enforcement Coordinator in accordance with an approved manufactured home park site plan.

D. *Site plans.* Site plans for manufactured home parks in addition to all items required in Article 2203 for preliminary plans shall show the location of all proposed structures; pedestrian paths, type and location of the perimeter buffer, electric lighting plans, off-street parking areas, drainage facilities, and all other required provisions of this section.

E. *Dimensional criteria.*

1. *Lot area.* The minimum lot area for a manufactured home park shall be one acre, excluding publicly dedicated or reserved right-of-way for streets, and floodplain areas.

2. *Density.* The maximum density of individual manufactured home units within a manufactured home park shall be eight per acre excluding publicly dedicated or reserved right-of-way for streets.

3. *Location of manufactured home spaces.* Each proposed manufactured home proposed to be located within a manufactured home park must be located within a designated manufactured home space as approved on the manufactured home park site plan and every manufactured home space shall comply with the following minimum yard space provisions:

a. All manufactured home spaces shall be designed in such a manner that will allow for each manufactured home space to be a minimum of 25 feet apart longitudinally, 15 feet apart end-to-end or corner-to-corner, and when spaces are designed in such a manner that one space is angled toward another space, 20 feet apart;

b. All manufactured home spaces shall be located a minimum of 25 feet from any permanent building located within the manufactured home park;

c. All manufactured home spaces and structures, including buildings within the manufactured home park shall be located no closer than 25 feet of a public street right-of-way; and

d. All manufactured home spaces shall be located no closer than five feet of the internal drive within the manufactured home park.

F. *Street access.* All manufactured home parks shall have direct access to a public right-of-way. Direct access to any public right-of-way shall not be permitted for any single manufactured home space within the manufactured home park; all manufactured home spaces must be served internally by means of a private drive. Street access and entrance area designs shall conform to the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways* guidelines.

G. *Improvements.* In addition to all applicable improvements required by Article XXIII and the County Zoning Ordinance, the following improvements shall be constructed or implemented prior to application for the final building/park inspection:

1. *Parking.* Off-street parking spaces shall be provided in accordance with the applicable zoning district regulations; however, in no case shall there be less than two off-street parking spaces for each manufactured home space. Parking shall not be permitted on or along the internal drives in manufactured home parks.

2. *Internal drives.* All drives and courts shall be designed with a minimum 30 foot right-of-way and a minimum 20 foot paved traffic area which is adequately drained. Every dead-end drive more than 100 feet in length or serving more than four manufactured home spaces shall be provided with a paved turn-around having a radius of not less than 40 feet for a traffic surface.

3. *Drainage.* The manufactured home park spaces shall be situated on ground that is not designated as a *Special Flood Hazard Area* and designed and graded with drainage facilities installed to transport runoff to an appropriate outfall in such a manner as to comply with the N.C. Department of Environment and Natural Resources' *Manual of Best Management Practices* (BMP) for storm water control. When manufactured home parks abut an existing public drainage system, connection to the public system is mandatory.



4. *Water and sewer.* Every manufactured home space shall be provided with water and sewer services to meet providing agency's standards, if public, or County Public Health Department requirements, and all such plans shall be approved by the appropriate agencies.

5. *Underground utilities.* All wiring serving new or remodeled manufactured home parks shall be placed underground, except as outlined in Section 2306 D.

6. *Lighting.* All interior drives and off-street parking areas within the manufactured home park shall be lighted and in compliance with Section 1102 M, County Zoning Ordinance. The plans for lighting and all other electrical hookups and wiring shall be approved by a County Electrical Inspector.

7. *Trash receptacles/dumpsters.* All manufactured home parks shall provide trash and garbage storage receptacles for each manufactured home space that complies with the standards of the County Department of Solid Waste Management. The manufactured home park owner is responsible for proper storage, collection and disposal of the trash.

8. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas.

9. *Recreation and open space.* Each manufactured home park shall provide on-site recreation/open space areas to service the needs of the residents of the park complying with the provisions of Section 2308. Irregular shaped areas will be judged for usefulness considering the intent of this ordinance. Each recreation/open space area shall be delineated on the site plan. Areas within the yard setbacks can be counted as part of the required recreation/open space area provided these areas are developed, which could include such items as tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. No portion of the fifteen-foot perimeter buffer/landscaped area, required below, shall be counted as part of the required recreation/open space area. On-site amenities outside of the yard setbacks, such as indoor recreation centers, clubhouses, etc. may be utilized for calculation to satisfy the recreation/open space area requirements.

10. *Perimeter buffer.* All manufactured home parks shall have a minimum fifteen-foot wide natural or landscaped buffer area around the perimeter of the park, excluding entrance drives within which no temporary or permanent structures shall be permitted. All manufactured home parks shall have a physical barrier (i.e. fencing, hedge, etc.) defining the boundaries of the park. Additionally, if earth berms, fences or walls are located within the buffer area, the buffer width shall not be reduced.

11. *Fire protection.* Fire protection standards shall be provided in accordance with the rules and regulations of the fire district in which they are located. All manufactured home park plans shall be submitted and approved by the County Fire Marshal prior to occupancy.

12. *Pedestrian circulation.* All manufactured home parks shall contain and maintain minimum three-foot wide internal pedestrian paths to central facilities, such as pools, office areas, laundry facilities, recreation areas, bus stops, etc. These paths, at a minimum, shall consist of a top layer of sand, crushed gravel or similar approved material. The location of these paths shall be shown on the site plan. No building/park final inspection can be accomplished until these paths are installed.

H. *Highway Plan.* Any manufactured home park site impacted by a proposed right-of-way shall reserve (or dedicate, if final plat required) the right-of-way up to 80 feet in width. Until the reservation is utilized, the developer is allowed to use the area for manufactured home park development. However, this area shall be designated so that it can exist independently from the remainder of the manufactured home park so that when the roadway construction commences, it will have little impact on the rest of the park.

I. *Manufactured home classification.* All manufactured home park spaces developed and approved after July 1, 1996 shall be restricted to Class A and Class B manufactured homes, as defined by this ordinance.

J. *Replacement homes.* When manufactured home park owners intend to replace a manufactured home, they shall first notify the Code Enforcement Coordinator and stake out the site of the new manufactured home showing the required setbacks, buffers and separation areas.



**ARTICLE XXV**  
**FINAL APPROVAL**

**SECTION 2501. FINAL APPROVAL –GENERALLY.**

A. *Installation/Construction of improvements required.* Before any plat shall be eligible for final approval, the improvements proposed by the developer and required by this ordinance must have been installed or assured to be installed in accordance with the provisions of Section 2502. In addition, improvements meeting or exceeding those standards required by this ordinance and the County Zoning Ordinance shall be installed in accordance with the standards and requirements for acceptance of the N. C. Department of Transportation (NCDOT), the standards of the Environmental Health Department, the standards of the Planning Board, or the officially adopted standards of other public agencies, whichever is applicable.

B. *Final plat.* The final plat shall conform to the preliminary plan as approved. The developer may submit as a final plat that portion of the approved preliminary plan which he proposes to develop immediately, provided that, such action on the preliminary plan by the Planning & Inspections Department (hereinafter “Department”) shall expire and be of no further effect unless the final plat is submitted to the Department for final approval within two years from the date on which preliminary plan approval was granted, or within two years from the date an extension of the preliminary plan approval was obtained.

C. *Final approval required with no final plat required.* For developments not requiring final plat approval, the preliminary approval shall expire and be of no further effect if the development has not been completed or if there are no active open permits within two years from the date on which preliminary approval was granted by the Department, or within two years from the date an extension of the preliminary plan approval was obtained.

**SECTION 2502. FINAL PLAT - GUARANTEES OF IMPROVEMENTS.**

Developers must satisfy one of the following guarantees of improvements prior to submission for final plat approval of any portion of an approved preliminary plan:

A. All required improvements have been installed by the developer in accordance with the requirements of this ordinance and the County Zoning Ordinance; or

B. A surety bond or certified check has been posted by the developer, payable to the County, and against which the County may draw upon default in the installation of all required improvements. The surety bond or certified check along with a sealed estimate of the cost of improvements submitted by a certified engineer or a licensed contractor shall be submitted to the Department. Upon receipt of the surety bond or certified check and the estimate of cost of construction, the Department will submit the surety bond or certified check to the County Attorney for approval of legal sufficiency and to the County Engineer for approval of the estimate. The developer and the Planning & Inspections Director (hereinafter "Director") shall set a reasonable time within which the improvements are to be installed and completed. Unless an extension of that time is granted by the Director and a new estimated date of completion approved, in case of default the County shall cause the improvements to be completed, making use of the certified check or calling upon the surety of the bond; or

C. An irrevocable letter of credit issued by a bank or other lending institution reasonably satisfactory to the County, or a deposit of funds into escrow, may be accepted in lieu of a bond or check subject to the same terms as "b" above; or

D. The Department may approve the initial and succeeding sections of an approved preliminary plan, submitted as a final plat, without installation of improvements or financial guarantee of improvements, but final plat approval of any other section of the development will be withheld until required improvements have been installed as required by this ordinance and the County Zoning Ordinance. Final plats approved under this procedure shall be limited to a maximum of 25 lots or 50 percent of the total number of building lots of the approved preliminary plan remaining prior to submission, whichever is less.

A final plat of the final section of a development submitted under this procedure or a final plat constituting an entire subdivision/development may be of any size and shall be granted final approval only under (a), (b) or (c) above.

### **SECTION 2503. FINAL PLAT – SUBMISSION AND APPROVAL.**

The final plat shall be submitted to the Department in such a form as required below. The Director, or the Director's designee, shall review the final plat for compliance with the provisions of this ordinance, the County Zoning ordinance and other conditions of approval of the preliminary plan. The final plat shall not be approved until the improvements required by the preliminary plan approval or required by this ordinance or the County Zoning Ordinance have been installed or guaranteed to be installed in accordance with Section 2502. The following must be shown on the final plat:

A. *General.* The final plat shall conform to the approved preliminary plan and to the



requirements of North Carolina General Statute 47-30.

B. *Map form.* The final plat shall be submitted as a reproducible map, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute); shall be drawn to a scale of not larger than 20 feet to the inch, and not less than 200 feet to the inch; and shall have an outside margin size of either 18 by 24 inches or 24 by 36 inches. Where size of land areas require, maps may be shown on two or more sheets with appropriate match lines and each section shall contain a key map showing the location of the sections.

C. *Surveyor's certificate.* There shall appear on each final plat a certificate by the person under whose supervision the survey or final plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references and any other recorded data shown thereon; and the ratio of precision before any adjustments. Any lines on the final plat not actually surveyed be clearly indicated and a statement included indicating the source of information. Where a final plat consists of more than one sheet, only one sheet need contain the certification, but all other sheets shall be signed and sealed.

This certificate shall indicate the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

"I, \_\_\_\_\_, certify that this plat was drawn under my supervision from actual survey made under my supervision (deed description recorded in Book \_\_\_, Page \_\_\_; Book \_\_\_, Page \_\_\_; etc.,) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_, page \_\_\_; that the ratio of precision as calculated is 1: \_\_\_; that this plat was prepared in accordance with N.C. GEN. STAT. 47-30 as amended. Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_."

(Seal or Stamp) \_\_\_\_\_

Surveyor Registration No.:

Nothing in this section shall prevent the recording of a final plat that was prepared in accordance with a previous version of N.C. GEN. STAT. 47-30 as amended, properly signed and notarized, pursuant to the statues applicable at the time of the signing of the final plat. However, it shall be the responsibility of the person presenting the final plat to prove that the final plat was so prepared and signed.

D. *Certificate of ownership and dedication.* The following notarized owner certificate shall appear on the final plat along with the owner(s) signature:

"The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of the County of Cumberland and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat."

\_\_\_\_\_  
Owner's Signature(s)

E. *Director's certificate of approval.* The following certificate shall appear on the final plat with the signature of the Director prior to submission of the final plat to the Plat Review Officer:

"Approved by the Cumberland County Planning & Inspections Department on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_."

Signed: \_\_\_\_\_ (seal)  
Planning & Inspections Director

F. *Plat Review Officer certification.* The Plat Review Officer shall certify the final plat, if it complies with all statutory requirements for recording, with the following certificate on the face of the final plat:

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

"I, \_\_\_\_\_, Plat Review Officer of Cumberland County, certify that the plat to which this certificate is affixed meets all statutory requirements for recording.

Signed: \_\_\_\_\_ (seal)  
Plat Review Officer

Date: \_\_\_\_\_



G. *Certificate of registration.* Space shall be provided on the final plat for the certificate of registration by the Cumberland County Register of Deeds as required by law.

**SECTION 2504. DISCLOSURES REQUIRED.**

A. *Disclosure of private street status.* The following disclosures shall appear on any final plat containing a private street as approved under the provisions of Section 2304, if applicable:

1. *All Private Streets.*

“Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right(s)-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; any governmental agency or personnel or equipment thereof granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible; any agency or organization designated by a governmental agency to perform a designated function shall also be granted access the same as that government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.

2. *Class “C” private streets.*

“All current and future owners of the tracts served by and having access to the Class “C” private street(s) shown on this plat are responsible for the maintenance of the Class “C” private street(s).”

3. *Class “B” or “C” private streets, if applicable.*

“All current and future owners of the tracts served by and having access to the Class “B” or “C” private street(s) shown on this plat shall not be permitted to further divide the tracts without upgrading the Class “B” or “C” private street(s) to \_\_\_\_\_ standards.”

B. *Farmland Protection Area disclosure.* All final plats for subdivision or other development located within a designated *Rural Area*, as defined in the Land Use Plan in effect at the time of recordation, and depicted on the Land Use Plan map, or subsequent comparable officially adopted plan and map, shall contain a disclosure notice that states:

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

C. *On-site water and/or sewer disclosure.* The following statement shall be on any final plat for property not served by public water and/or sewer, as applicable:

"Individual lots shown on this plat do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording."

D. *Nonconforming structure disclosure.* All structures existing on the subject property at the time of the recording shall be shown on the final plat or the final plat shall include the following certification signed by the owner(s):

"Nonconforming structures have not been created by this subdivision/development/recombination plat."

E. *Proposed public street disclosure.* When the streets proposed within a subdivision or development do not qualify for acceptance by the NC Department of Transportation for addition to the State system, the following disclosure shall be included on the final plat:

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

(Amd. 12-19-11)

#### **SECTION 2505. APPROVAL OF PLAT NOT ACCEPTANCE OF DEDICATION**

The approval of a plat pursuant to this ordinance shall not be deemed to constitute or effect the acceptance by the County, other public agency or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.



**SECTION 2506. FINAL PLAT – RECORDING.**

The developer or the developer’s agent shall record the final plat in the Cumberland County Registry within one year after approval of the final plat by the Director. Failure of the developer or the developer’s agent to record the final plat in the Cumberland County Registry within one year after the final approval shall cause such final approval to be null and void and of no further force or effect.

(This page intentionally left blank.)



## ARTICLE XXVI LEGAL PROVISIONS

### SECTION 2601. WAIVERS.

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

A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and

B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and

C. The property owner would not be afforded a special privilege denied to others.

In granting waivers [through a quasi-judicial hearing and decision](#), the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

### SECTION 2601.1. VIOLATIONS.

A. *Statutory authority.* This ordinance may be enforced by any appropriate equitable action, including but not limited to, injunction and abatement, in addition to any other remedy authorized by N.C. GEN. STAT. §153A-123.

B. *Notice of ~~civil citation~~ violation.* If the Planning and Inspections Director or the Director's designee (hereinafter *Director*) finds that any provision of this ordinance is being violated, the Director shall cause to be served upon the [holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval](#) ~~offender or its agent~~, by certified mail, return receipt requested, or by personal service, a notice of ~~civil citation~~ violation. [The notice of violation may be posted on the property.](#) The notice of ~~civil citation~~ violation shall indicate the nature of the violation and order the action necessary to correct it. The ~~citation~~ [notice of violation](#) shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the Planning Board within ten days from the date of service of the ~~citation~~ [notice of violation](#).

C. *Responsible parties.* The owner, lessee, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or any other person who participates in, assists, directs, creates or maintains any violation of the provisions of this ordinance may be held responsible for the violation and be liable for the penalties and be subject to the remedies provided in Section 2602 below.

D. *Separate offense.* Each day that any violation continues after notification by the Director that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified herein.

E. *Appeal of ~~citation~~ Notice of Violation.* If the offender files notice of appeal to the Planning Board within the ten-day time period, the appeal shall stay the collection of the penalty so imposed as well as the corrective action prescribed in the citation. Appeals to the Planning Board shall be in writing and submitted in the same manner and cost as for an appeal of a zoning matter to the County Board of Adjustment; however, the time for perfecting the appeal shall be ten days as hereinbefore stated. A violation of this ordinance may not be appealed to the Planning Board if the offender did not perfect an appeal to the Planning Board within the ten-day time period set forth herein.

F. *Emergency enforcement.* Notwithstanding the forgoing, in cases where delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Director may seek enforcement of this ordinance without prior written notice by invoking any of the penalties or remedies herein authorized.

(Amd. 12-19-11)

#### **SECTION 2602. PENALTY.**

A person who violates any of the provisions of this ordinance shall be subject to revocation of any permits and a civil penalty in the sum of \$500.00 following the issuance of a civil citation. The penalty shall be recovered by the County in a civil action if the offender fails to pay the penalty to the Finance Director, Cumberland County, Post Office Drawer 1829, Fayetteville, North Carolina 28302, within ten calendar days after being cited for the violation. The civil action of recovery shall be in the nature of an action to recover a debt and shall include as an additional sum to be recovered the full costs of the action, including but not limited to, filing, service and attorney fees. Second and subsequent violations shall subject the offender to a \$500.00 penalty. Nothing in this section shall preclude the enforcement of this ordinance pursuant to the all of the provisions of N.C. GEN. STAT. §14-4 where appropriate.



From and after the effective date of this ordinance, any person who being the owner, or agent of the owner, of land located within the jurisdiction of this ordinance as established in Section 2004, thereafter transfers or sells such land by reference to a plat showing a subdivision or development of land before such plat has been properly approved under the terms of this ordinance and recorded in the office of the Register of Deeds shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer, shall not exempt the transaction from such penalties. The County, through its County Attorney or other official designated by the Board of Commissioners, may enjoin such illegal transfer or sale by action for this jurisdiction.

State statute reference: N. C. GEN. STAT. § ~~153A-334~~ [160D-807](#).

### **SECTION 2603. VALIDITY.**

If any article, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, section, sub-section, sentence, clause, or phrase be declared invalid.

### **SECTION 2604. RESPONSIBILITY OF THE REGISTER OF DEEDS.**

From and after the adoption of this ordinance, or any amendment thereto, by the Board of Commissioners and the filing of a copy with the Commissioners' Clerk, no subdivision plat of land within the County's subdivision and development regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Planning and Inspection Department and until such approval shall have been entered on the face of the plat in writing, by the Director of the Planning and Inspections Department. The Register of Deeds shall not file a plat of subdivision land located within the territorial jurisdiction of Cumberland County as defined in Section 2103, which has not been approved in accordance with these provisions nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

### **SECTION 2604.1. AMENDMENT CLAUSE.**

This ordinance, upon its effectiveness as provided by law, amends in its entirety the previously existing Cumberland County Subdivision Ordinance, originally adopted July 1, 1970, including all subsequent amendments to said previously existing ordinance, except where otherwise expressly stated within this ordinance.

**SECTION 2605. EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Cumberland County this the 19th day of August 2008, and each subsequent amendment to this ordinance shall be effective the day following adoption of the amendment.



## Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Parks, Recreation & Open Space Areas (PROSA)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body  *May pay fee in lieu  (Sec. 25-33)	Land area per residential unit*: 1250 sq ft**  *May pay fee in lieu  **Water bodies must be approved by the Town  Also see "Group Development" below  [Sec. 86A-501(h)]	Land area per residential unit*: 500 sq ft unit; cannot include any land area subject to flooding or land area used to satisfy any other regulation  *No fee in lieu  Also see "Group Developments" below  [\$155.67(H)]	Pending - currently same as County	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body  *May pay fee in lieu  Also see "Group Developments" below  (Sec. 3.13.1)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body  *May pay fee in lieu  Also see "Group Developments" below  (Sec. 3.13.1)	Land area per residential unit*: 800 sq ft**  *May pay fee in lieu  **Water bodies must be approved by the Town  Also see "Group Development" below  (Sec. 408)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body  *May pay fee in lieu  Also see "Group Developments" below  (Sec. 313.1)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000sqft if within SFHA; 3. 2000 sq ft if water body  *May pay fee in lieu  Also see "Group Developments" below  (Sec. 313.1)
All Streets (Public or Private)	NCDOT - more restrictive standard applies  Minor & residential streets: 50" min r/w width  Concrete curbs and gutters  [Sec. 25-31(2)]	Town standards & specifications (Sec. 86A-404)  Local streets, min width of 50'  Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'  Streets must be certified by Town as being acceptable for future maintenance (\$155.510)	Town standards & specifications  Local streets, min width of 50'  Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'  Streets must be certified by Town as being acceptable for future maintenance (\$155.510)	Pending - currently same as County	Town Engineer approval required  Minor T-fare (collector) min width: 60'  Minor T-fare (residential) min width: 50'  Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'	NCDOT standards  Minimum width: 50'  Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17)  Block lengths, max of 1800' (Sec. 3.18)	NCDOT standards w/ Town specified widths dependent upon type of street  Cul-de-sac: 1400' max length; 40' min width; turnaround radius, 50' [Sec. 404(10)]  Block lengths, max of 1800' [Sec. 404(10)]	NCDOT standards (Sec. 4.1)  Minimum width: 50'  Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17)  Block lengths, max of 1800' (Sec. 3.18)	NCDOT standards (Sec. 4.1)  Minimum width: 50'  Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17)  Block lengths, max of 1800' (Sec. 3.18)

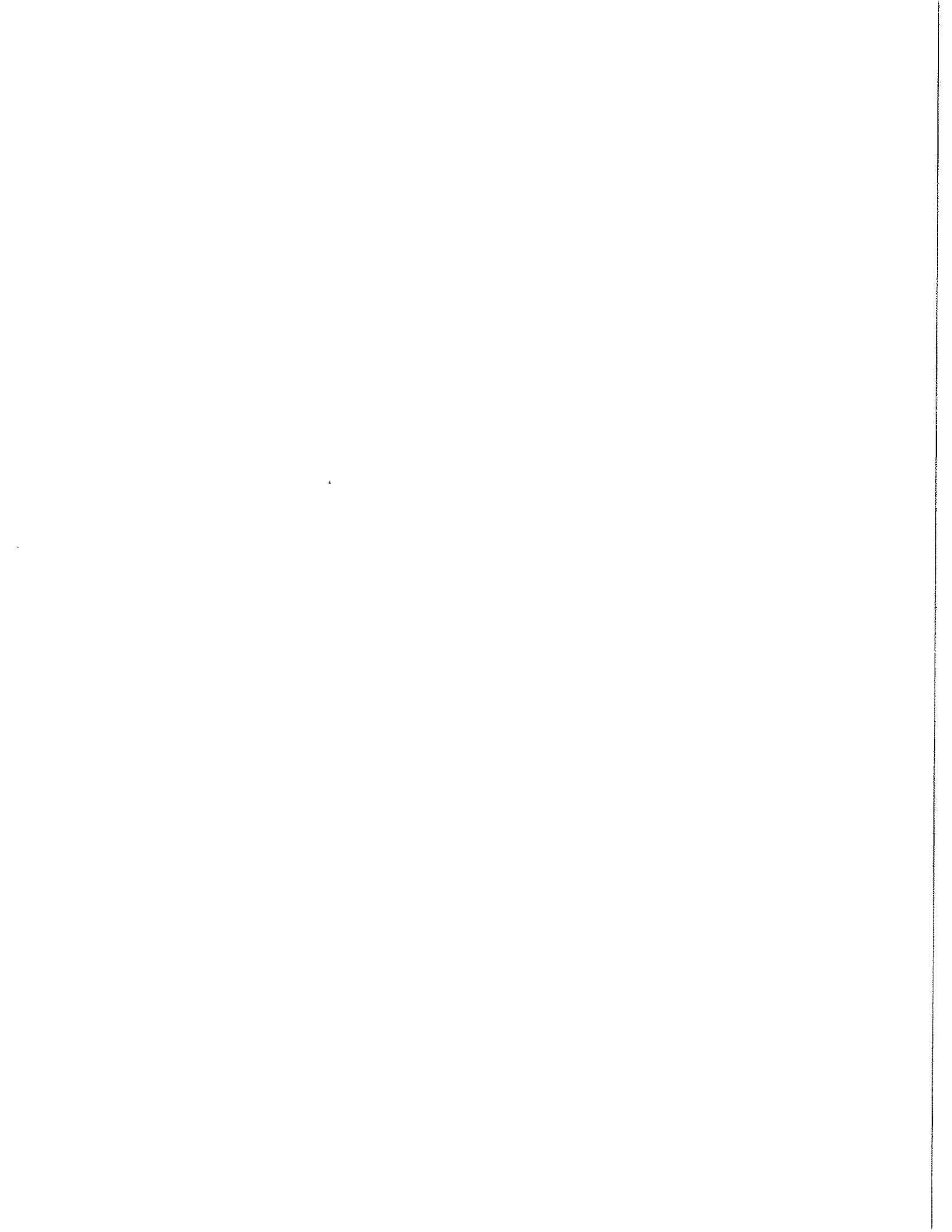
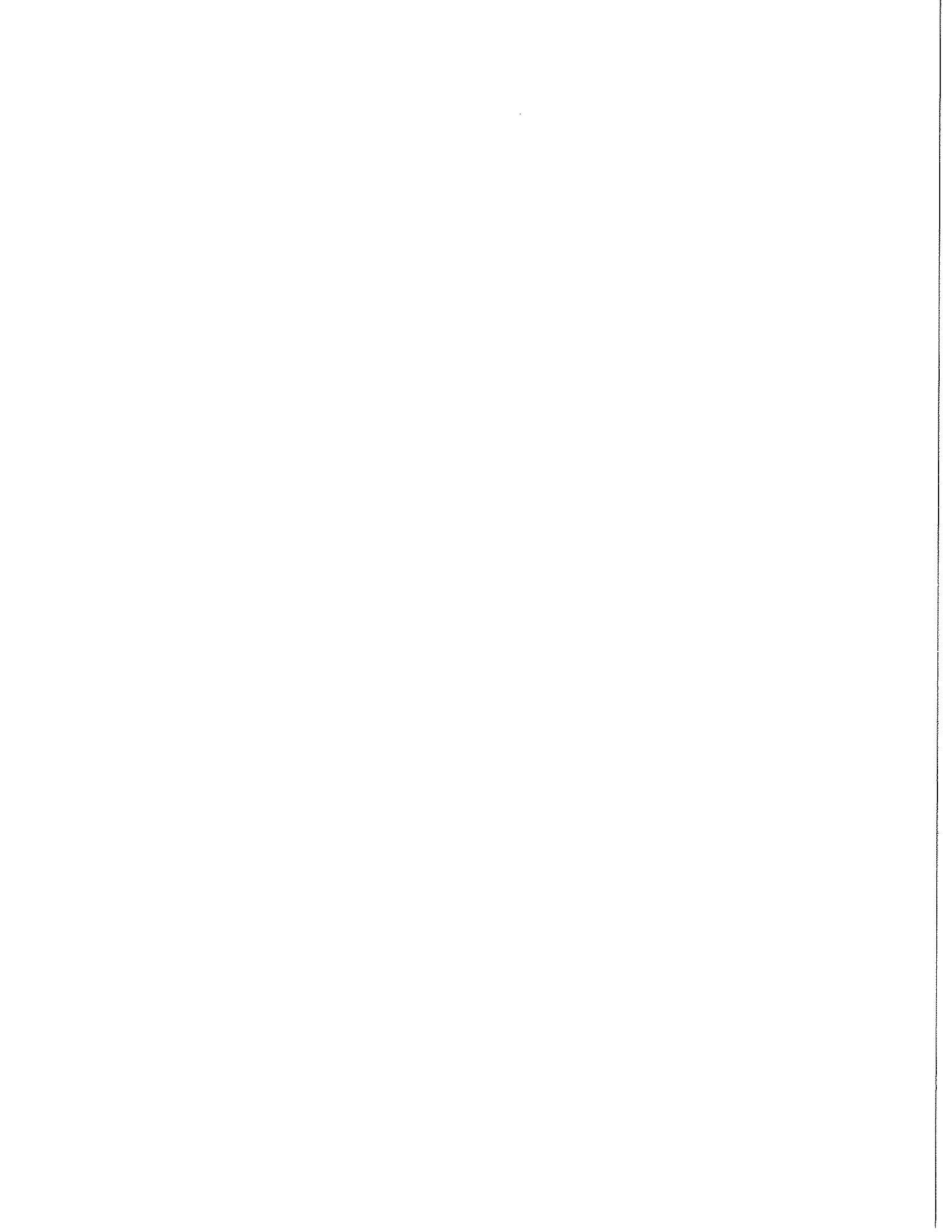




Exhibit 5 - MIA Development Standards

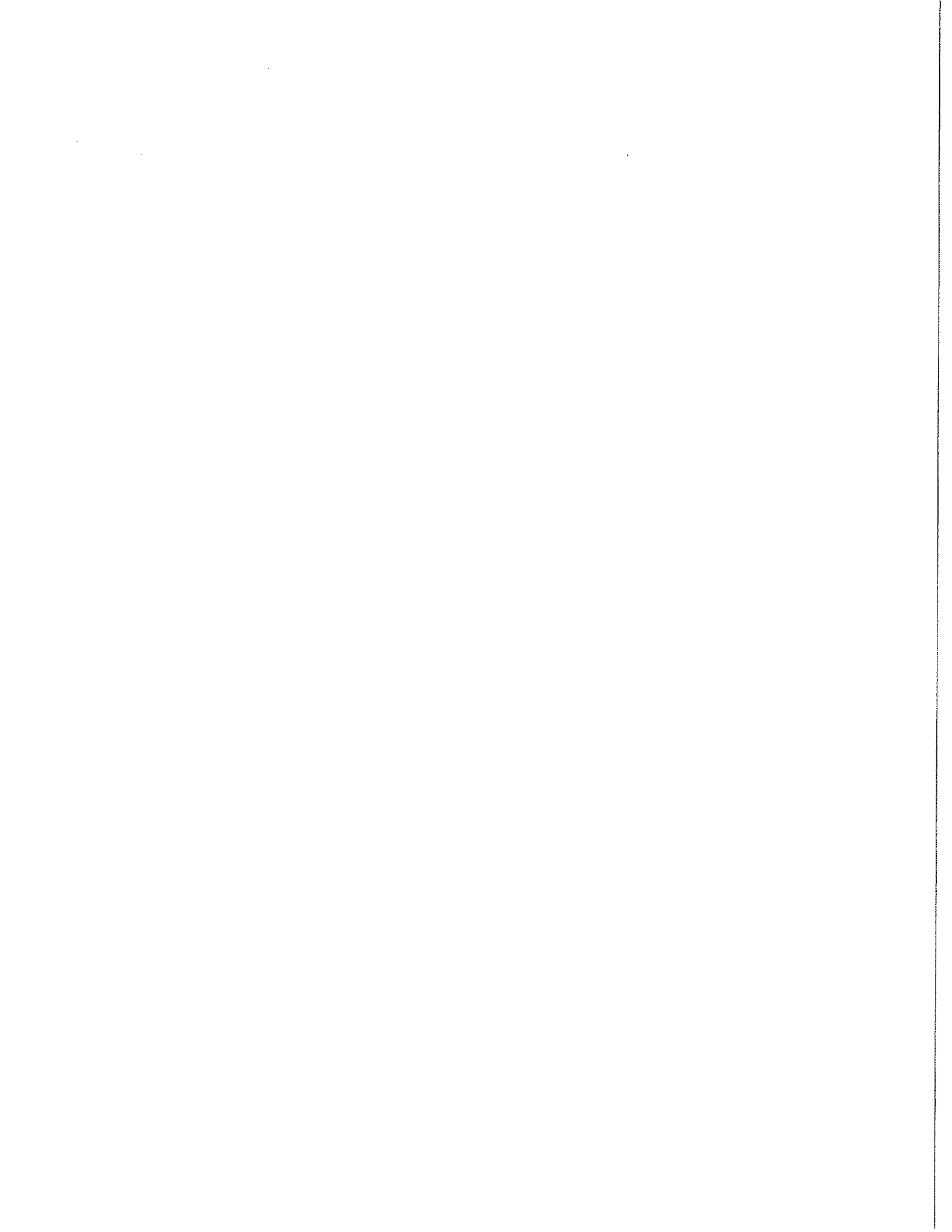
DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
All Streets (Public or Private), <i>continued</i>					Driveways comply w/ stormwater requirements, pipe min inside diameter 15" w/1' cover (Sec. 3.18)				
Public Streets	NCDOT standards more stringent than Fayetteville's, NCDOT standards apply	Pavement widths: 40' minimum for collector and 30' minimum for minor streets (Sec. 86A-404(b))  Greater than 2 units per acre, concrete curb & gutter, equal to 2 units per acre, concrete or rolled asphalt curb & gutter; less than 2 units per acre, NCDOT standards (Sec. 86A-404(b)(3))	Roadway base to Town required width, surface must be standards of the Town (\$155.510)	Pending - currently same as County	NCDOT Subdivision Roads, Min Construction Standards compliance (Sec. 3.17)  Surfacing required (Sec. 4.1.(c))  Concrete curb & gutter, all new streets - 2 ft rolled or valley type concrete for residential streets and 2 ft. 6in. 90 degree vertical high back for non-residential [Sec. 4.1(e)]	Approved by the Town Roadway surface 2" of 1-2 asphalt with a min. width of 20'  Asphalt curbs and gutters (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 404(b)(1))	NCDOT standards, approved by the Town (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 4.1)
Private Streets	Class A and Class B per County/NCDOT standards;  Class C(dirt) not permitted	Asphalt or other permanent surface private streets w/ a minimum 45' r/w width, 20' minimum travel way		Pending - currently same as County		Paved private allowed for residential developments only  60' minimum r/w w/ 20' pavement	Class A only w/ standards same as County [Sec. 404(c)(4)]	NCDOT standards w/ asphalt curb & gutter  Minimum width, 60' with a 20' travel way	NCDOT standards w/ asphalt curb & gutter  Minimum width, 60' with a 20' travel way





**Exhibit 5 - MIA Development Standards**

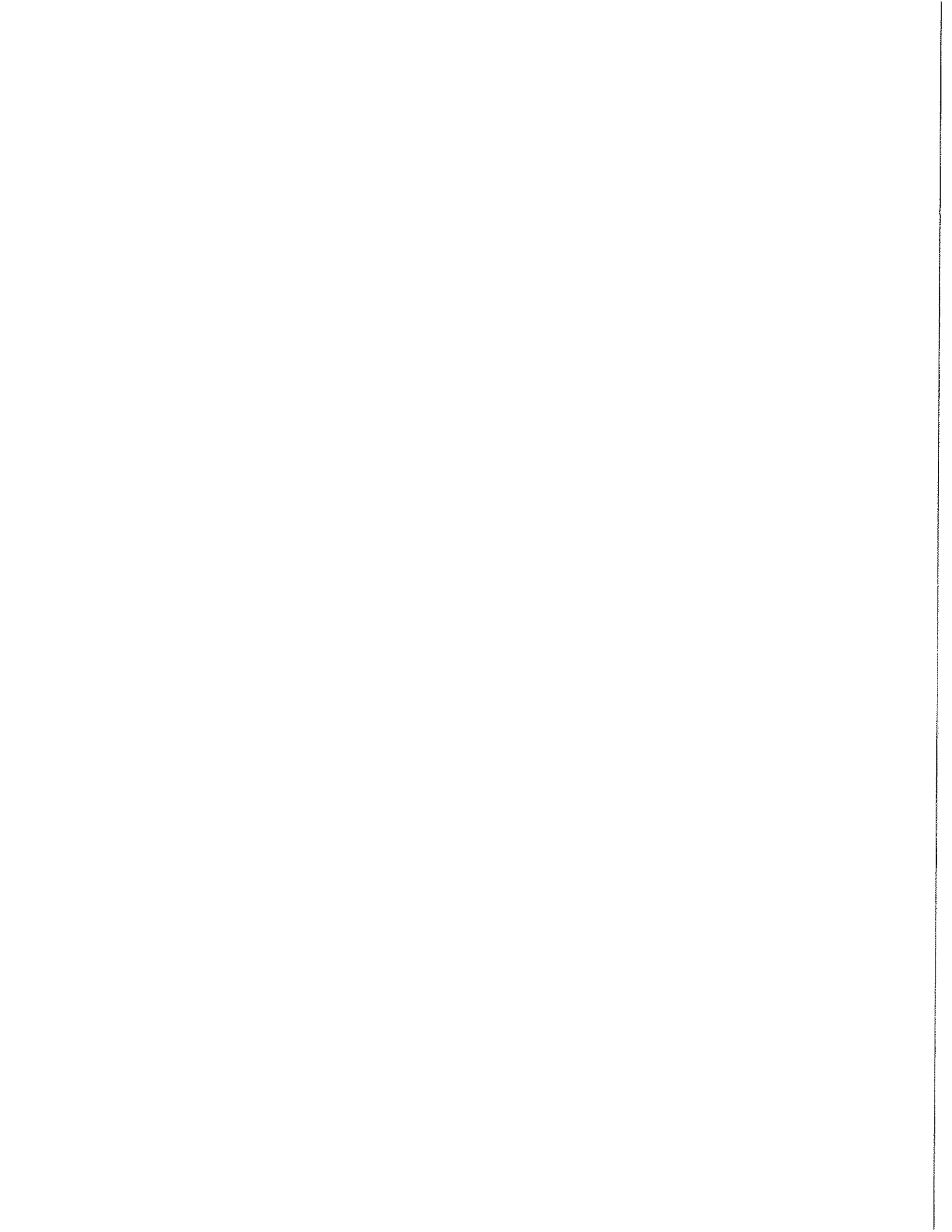
DEVELOPMENT STANDARD	FAYETTEVILLE.	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Private Streets <i>continued</i>		Town street standards Class B & C (gravel or dirt) not permitted				Asphalt curbs & gutters No property lines in r/w (Sec. 4.2)		Owners' association mandatory No property lines in r/w (Sec. 4.2)	Owners' association mandatory No property lines in r/w (Sec. 4.2)
Utilities	Same as County [Sec. 25-31(10)]	Same as County [Sec. 86A-406(c)]		Pending - currently same as County	Same as County (Sec. 4.3.i)	Same as County (Sec. 4.3.g)	Same as County [Sec. 406(c)]	Same as County (Sec. 4.3.g)	Same as County (Sec. 4.3.g)
Utility Easements		10' (5' each side of rear lot line or other location where necessary) [Sec. 86A-403(e)(1)]	10' (5' each side of rear lot line or other location where necessary) (§ 155.45)	Pending - currently same as County	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) [Sec.403(e)(1)]	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)
Water/Sewer Extension	Same as County w/in MIA (Per interlocal agreement - within SSA, public water for 2.2 units per acres. Le., R20; public water and public sewer, greater than 2.2. units per acre	Same as County w/in MIA [Sec. 86A-406(a)(1)2]	Same as County w/in MIA	Pending - currently same as County	Same as County w/in MIA	Same as County (Sec. 4.3.d)	Same as County [Sec. 406(a)]	Same as County (Sec. 4.3.d)	Same as County (Sec. 4.3.d)
Fire Hydrants	Same as County	Single family detached, 500'; multi-family, 400'; commercial, 300'; business district, 250' [Sec. 86A-406(b)(1)]		Pending - currently same as County	Same as County (Sec. 4.3.f)	Same as County (Sec. 4.3.f)	Same as County [Sec. 406(b)]	Same as County (Sec. 4.3.f)	Same as County (Sec. 4.3.f)





**Exhibit 5 - MIA Development Standards**

<b>DEVELOPMENT STANDARD</b>	<b>FAYETTEVILLE</b>	<b>HOPE MILLS</b>	<b>SPRING LAKE</b>	<b>EASTOVER</b>	<b>STEDMAN</b>	<b>WADE</b>	<b>LINDEN</b>	<b>FALCON</b>	<b>GODWIN</b>
Storm Drainage	In compliance with NCDENR Manual for Best Management Practices	In compliance with NCDENR Manual for Best Management Practices	In compliance with NCDENR Manual for Best Management Practices	Pending - currently same as County	In compliance with NCDENR Manual for Best Management Practices	In compliance with NCDENR Manual for Best Management Practices	In compliance with NCDENR Manual for Best Management Practices	In compliance with NCDENR Manual for Best Management Practices	In compliance with NCDENR Manual for Best Management Practices
Sidewalks (complying w/ ADA standards)  Note: Sidewalks are only required in the MIA if the affected municipality agrees to be responsible for maintenance of the sidewalks and signs a three-party encroachment agreement w/ the NCDOT	One side of all streets w/in development; along existing collector or arterial street adjacent to development [Sec. 25-61(5)] [Per interlocal agreement, in SSA on one side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares]	Both sides of all proposed streets, internal drives for non-residential & multi-family and along existing street(s) adjacent to development; sidewalks standards shall not apply in the Cumberland Industrial Center [Sec. 86A-405]	One side of street, location determined by town building inspector	Pending - currently same as County	4' wide along all streets whether proposed (new) or existing, except cul-de-sac serving 8 or less lots/units  When adjacent to parking area, 6' wide (Sec. 4.3.g)	4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec. 4.1.h)	Density equal to or greater than 2.2 units per acre, one side of all streets; when less than 2.2 & greater than 1 dwelling units per acre, required along any abutting minor thoroughfare or higher-class street; when site adjacent to public park/school; & all non-residential adjacent to minor thoroughfare or higher class street (Sec.405) Sidewalks cannot be located over <b>Town-owned</b> water lines & Town will not accept existing system with sidewalks over lines	Required when development adjacent to public park or school (Sec. 3.13)	Required when development adjacent to public park or school (Sec. 3.13)





**Exhibit 5 - MIA Development Standards**

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Group Development Provisions	Same as County	1,250 sq ft per unit BOC can accept fee in lieu  Parking space size: 9'x20"; compact spaces allowed (Sec. 86A-501)	500 sq ft of recreation area per unit on site, Bd of Aldermen can accept fee in lieu  Parking space size: 9'x20"; compact spaces allowed (\$155.53)	Pending - currently same as County	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)	Same as County (Sec. 501)	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)
ZLL Provisions	Same as County	Same as County (Sec. 86A-502)	Same as County (\$155.54)	Pending- currently same as County	Same as County (Sec. 3.24)	Same as County (Sec. 3.21.1)	Same as County (Sec. 502)	Same as County (Sec. 3.21.1)	
MHP Provisions	Same as County	Same as County except plan must also be approved by HM Fire Department (Sec. 86A-504)	Min of one acre and max of 8 MHs per acre  Min 3,000 sq ft MH space for each unit  Drives: min of 30' wide w/ paving min 20'  Min 60' frontage w/ direct access on public street Min 140 sq ft concrete or hard surface patio with min 30" wide concrete or hard surface walkway  Must comply with Town landscaping provisions (Chpt 153)	Pending- currently same as County		Same as County (Sec. 3.23)	Same as County (Sec. 504)	Same as County (Sec. 3.23)	Same as County (Sec. 3.23)

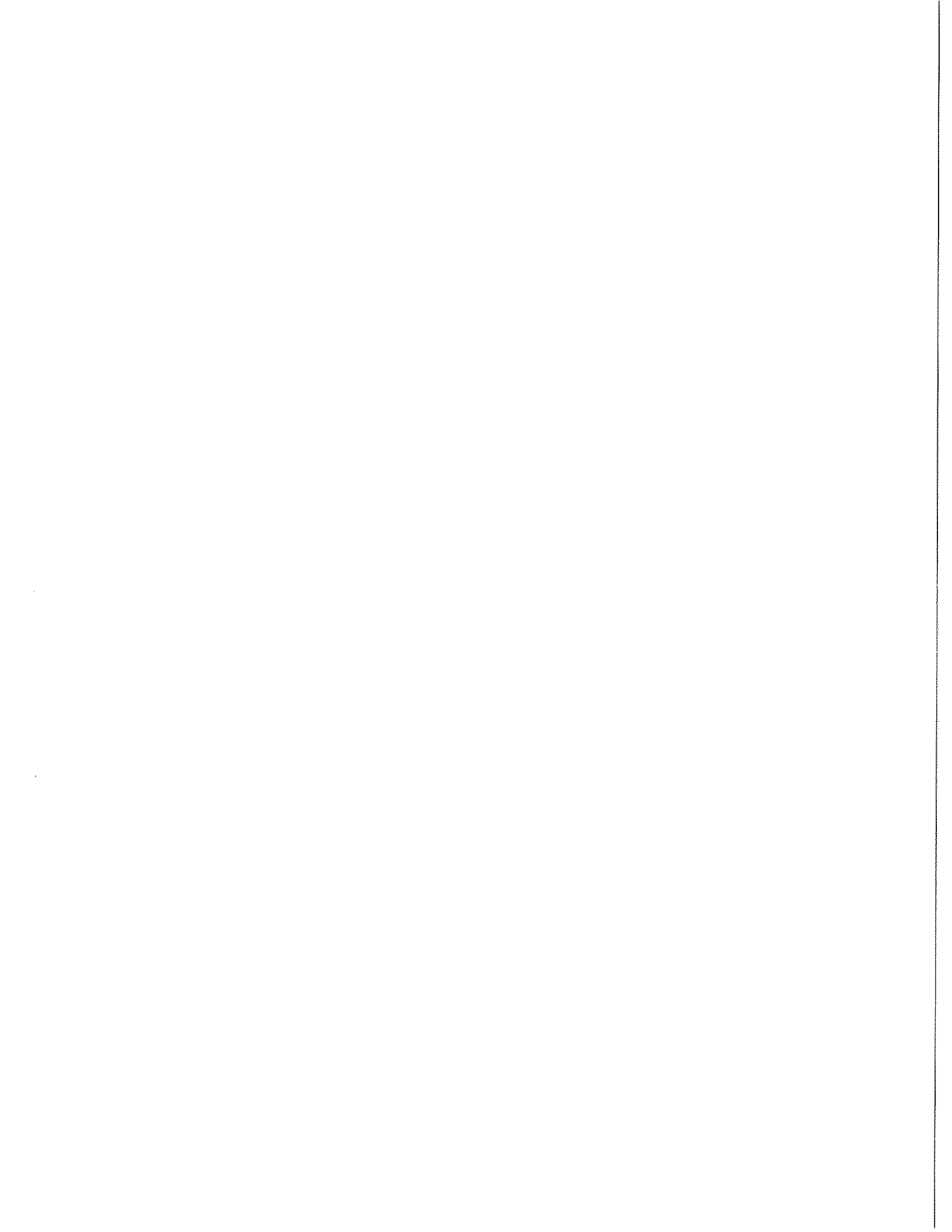




Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Guarantee of Improvements	Same as County	Same as County (Sec. 86A-602)	Same as County (§ 155.23)	Pending- currently same as County	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)	Same as County (Sec. 602)	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)
Lot Frontage	Same as County	20' minimum [Sec. 86A-403(c)]	35' minimum [§ 155.52(C)]	Pending- currently same as County	20' minimum (Sec. 3.20.c)	20' minimum (Sec. 3.20)	20' minimum [Sec. 403(c)]	20' minimum (Sec. 3.20)	20' minimum (Sec. 3.20)
Development Access Points		Two separate access points, generally [Sec. 86A-404(a)](16)1		Pending- currently same as County					
Schools, Parks Public Access		NLT 10' walkways dedicated (Sec. 86-74)	NLT 10' walkways dedicated (§ 155.47)	Pending- currently same as County	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated [Sec. 405(a)3]	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)
Subdivision Definition	Same as County (effective 1961)	Same as County (effective Jan 1, 1985) (Sec. 86A-203)	Similar to County except: 5 acre tracts (as opposed to 10 acres) where no right-of-way dedication (§ 155.06)	Pending - currently same as County	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)	Same as County (Sec. 203)	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)
Streetscape Landscaping - subdivisions/group developments					Street trees: 1 tree per 50 linear ft of street frontage and no more than 50' separation Located between back of curb and sidewalk (Sec. 4.3.h)				
Greenway Standards					Compliance w/ Greenway Plan (Sec. 3.13.2)				

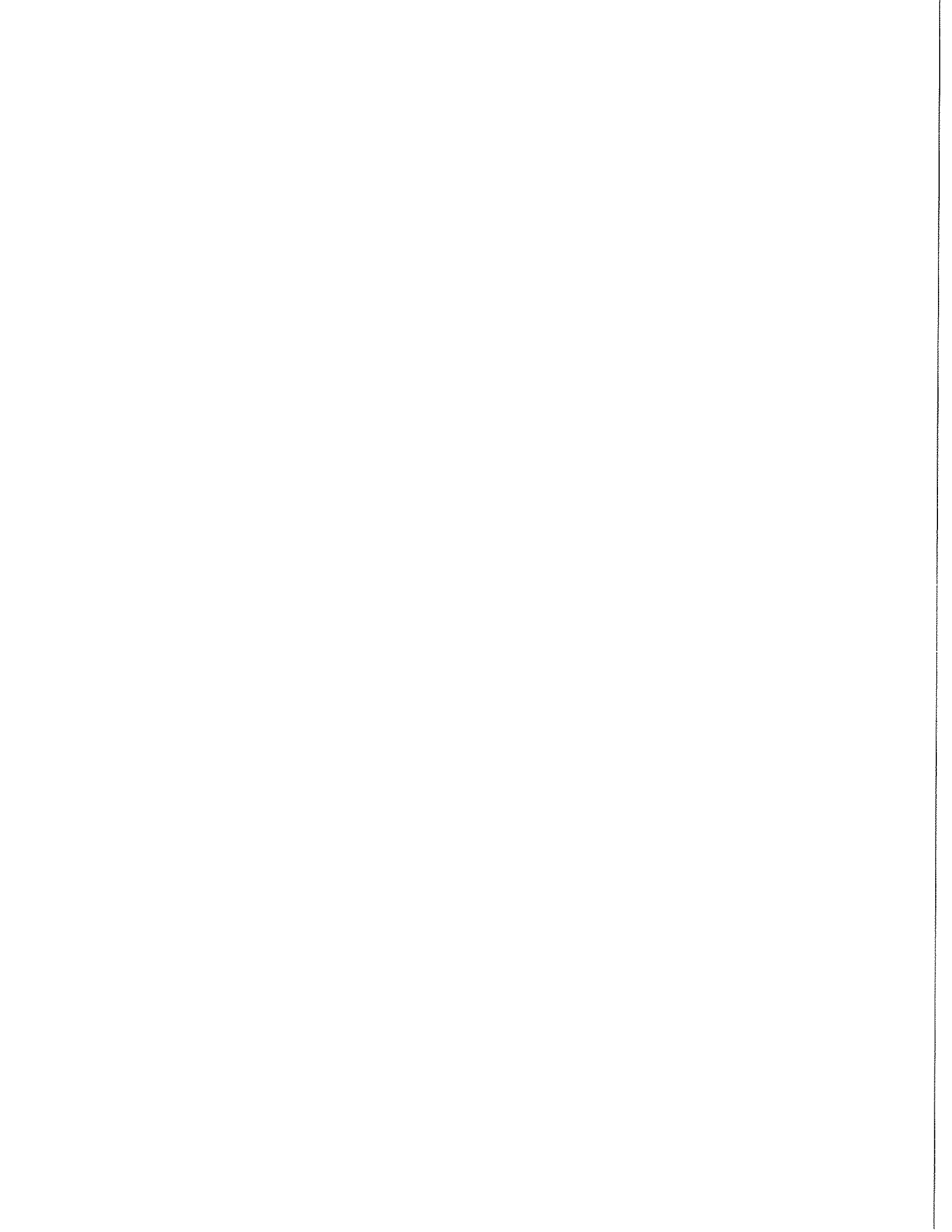
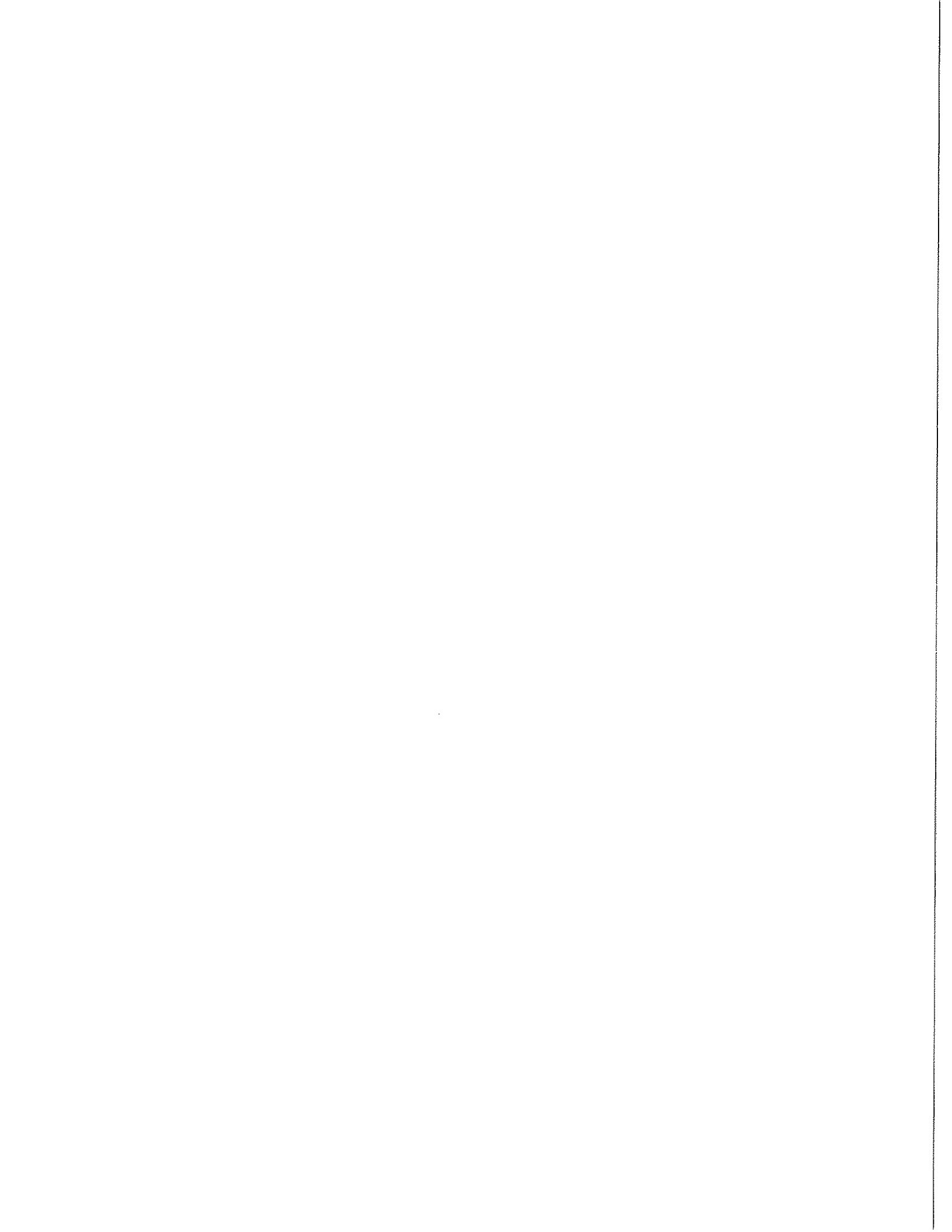




Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Tree Preservation		Encouraged and can be credited toward landscaping provisions	Encouraged and can be credited toward landscaping provisions						
Exceptions w/in MIA					Concrete curb & gutter not required when 3 or less lots out of same parent and where new street not being constructed or existing street w/o concrete curb & gutter being extended  Greenway standards not applicable where residential does not abut designated Greenway Corridor & where 3 or less contiguous lots from the same parent  Sidewalks not required if 3 or less lots from the same parent abutting street w/o				



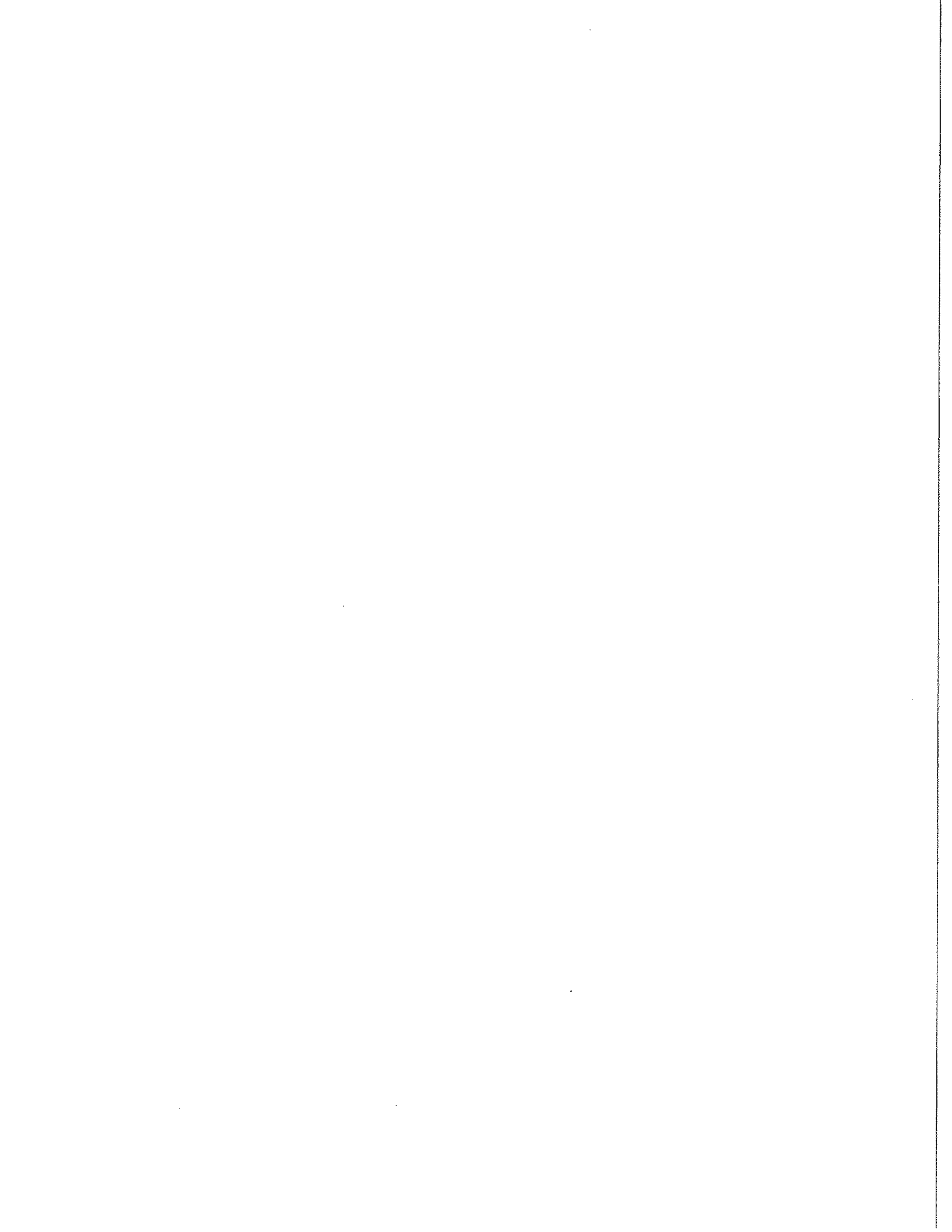
## Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Exceptions w/in MIA continued					existing sidewalks and a new street not being constructed (Sec. 3.1.1)				

**Disclaimer:** The material contained within this document, Exhibit § 4, *Development Standards of All Municipalities within Cumberland County*, is intended to reflect and summarize applicable municipal subdivision design standards and is provided for general reference and informational purposes only and is not to be construed or used in place of the officially adopted development standards for any municipality, nor does it replace any officially adopted development standard of any municipality. While, the information contained herein is believed to be accurate and the County will make every effort to maintain current information in this Exhibit, users of this exhibit should contact the County Planning & Inspections Department to verify the contents before application for any permits.

August 18, 2008  
 Cumberland County  
 Subdivision & Development Ordinance  
 (Amendments Through August 21, 2017)





**EXPLANATION OF THE REQUEST**

**Change of Zoning From: R10 To C1(P)**

Applicant requests a change of zoning from Residential R10 to C1(P) Planned Local Business District for approximately 2.36 acres of land at 6234 Camden Road. The purpose of the request is to assign a commercial zoning that can accommodate the applicant's intention for a trade contractor to establish at this site. This request is a straight zoning C1(P), Planned Local Business District. This district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. Additionally, this district is customarily located adjacent to an arterial street and generally surrounded by residential areas. To promote the essential design features with the C1(P) district, plan approval is a requirement for development proposed for the district. Should this rezone be approved, a site plan must be submitted for review and approval to the Cumberland County Planning and Inspections Department. Exhibit "A" identifies the location of the property and the zoning currently assigned to it.

**PROPERTY INFORMATION**

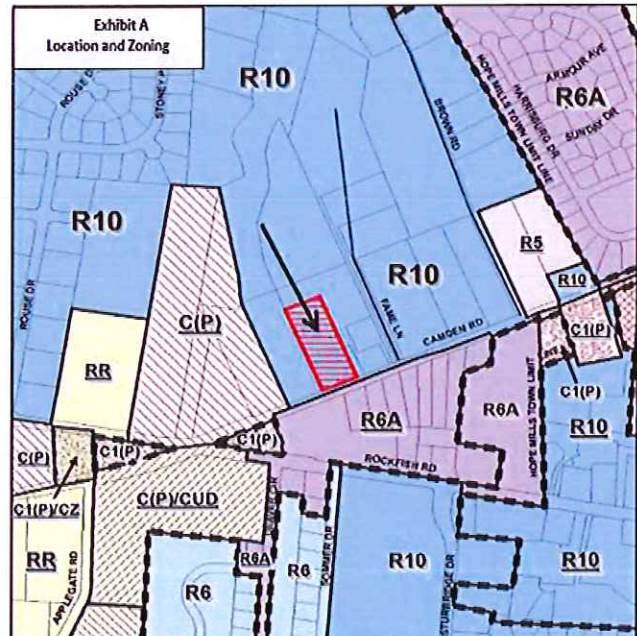
**OWNER/APPLICANT:** Sharon A. Edwards (owner).

**ADDRESS/LOCATION:** 6234 Camden Road,

**SIZE:** The parcel is 2.36 acres.

**Road Frontage:** Approximately 200' feet of frontage along north side of Camden Road and a lot depth of 500'.

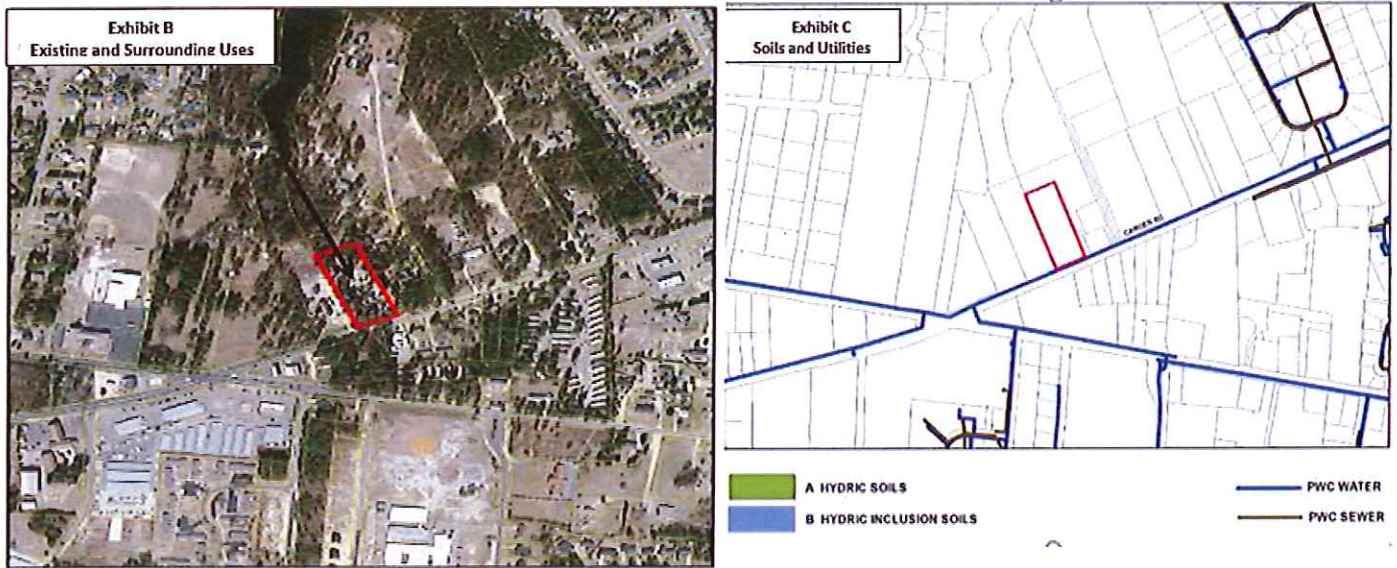
**Existing Zoning:** The parcel is zoned R10, this district zoning is a dormant district and requires corresponding to R7.5 zoning district requirements. The R7.5 Residential District is designed primarily for single-family dwellings on lots with a minimum lot area of 7,500 square feet or above with a minimum lot width of 75'. Required setbacks: Front: 30', Side: 10' (one story) and Rear: 15' (two story), and Rear: 35'.



**EXISTING LAND USE:** The property currently includes a double wide mobile home. Exhibit "B" provides an aerial photograph showing the current use of the subject properties as well as uses occurring on surrounding properties.

**SURROUNDING LAND USE:** Uses in the surrounding area are a mix of single-family residential neighborhoods, commercial retail and service businesses across the street and further to southwest along Camden Road, and at the intersection of Camden Road and Rockfish Road.





Surrounding uses are shown within Exhibit "B" and depicted as follows:

- North: Residential homes.
- West: Church.
- East: Single Family Residential Homes.
- South: Across Camden Road Retail Service.

**OTHER SITE CHARACTERISTICS:** The properties are not located within a 100-Year Flood Zone nor situated within a watershed. There are no hydric and hydric inclusion soils on the property, as shown in Exhibit "C".

**DEVELOPMENT REVIEW:** Site plan review is required prior to any change in use of this property. This site is in the Hope Mills MIA, and no comments have been received.

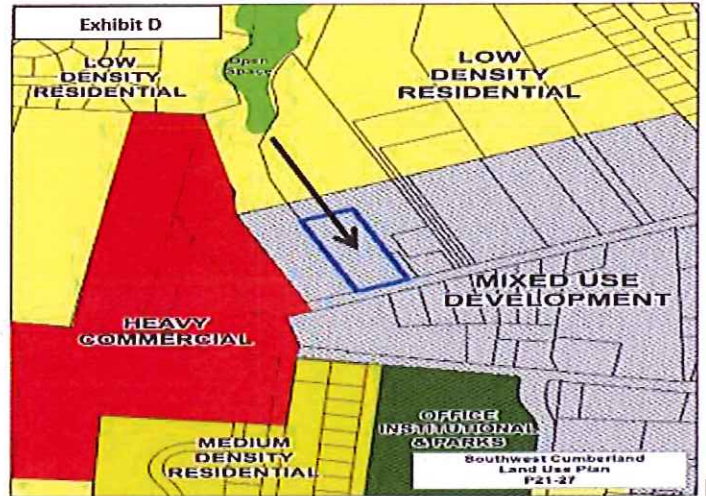
**UTILITIES:** The existing use residential is currently served by well and septic. Water is available from PWC utilities, but not central sewer. However, sewer will be addressed through review at site plan whether existing on-site septic tank or sewer connection may require if feasible. Existing sewer line is located further northeast of the site along Camden Road. Exhibit "C" provides information on utilities available to the subject property.

This site is in the Hope Mills MIA. For informational purposes, for non-contiguous parcels within the Hope Mills Municipal Influence Area, the extender of utilities will be required to enter into an agreement with Public Works Commission and/or the Town of Hope Mills agreeing to voluntary annexation of the tract as same becomes eligible for annexation and upon request by the Town of Hope Mills to so annex (Refer to Section 20.1 of agreement).

**MINIMUM YARD SETBACKS:** If the rezoning request is approved, the parcel would be subject to the C1(P) Commercial minimum setback standards: Front yard: Measured from ROW 45' or measured from center line of roadway: 75', Side setback: 15', and Rear setback: 20'.



**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area "Urban". Located in the Southwest Cumberland Land Use Plan area (Adopted in 2013), the subject property is designated as "Mixed Use Development". Associated zoning districts: High Density Residential Districts and Light Commercial. The Land Use designations are illustrated in Exhibit "D". **The request is consistent with the adopted land use plan.**



This request is consistent with the policies in the Southwest Cumberland Land Use Plan for mixed use development. Proposed change of use to a commercial use of the site will require a plan approval. Additionally, public water and sewer are required. Site should have direct access to a least a collector street and site should provide adequate space for required buffering and screening.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES**

**TRAFFIC:** The subject property is located on Camden Road, which is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan. Camden Road is identified in the Transportation Improvement Plan as U-3422, a widening project from US 2519 to Hope Mills Road. Right of way is scheduled for FY 2020, and construction is scheduled for FY 2023.

Camden Road is classified as a Minor Arterial. The Camden Road street segment north of Rockfish has a 2019 AADT of 22,000, while the segment south of Hope Mills Road has a 2019 AADT of 25,500.

**SCHOOLS CAP/ENROLL:** The change of zoning to C1(P) will not generate additional school-age children.

School	Cap	Enrollment
C. Wayne Collier Elem	600	442
South View Mid	900	648
South View High	1,800	1,400

**ECONOMIC DEVELOPMENT:** No comment. No issues or concerns were raised.

**EMERGENCY SERVICES:** Fire Department has provided the following comments:

1. Ensure all fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code.
2. Submit building plans to scale for new construction and building renovation.
3. Ensure emergency responder radio coverage is achieved.

**SPECIAL DISTRICTS:** The subject property is not located within five miles of Fort Bragg Military base and is not located within or near the Fayetteville Regional Airport Overlay District.

## STAFF RECOMMENDATION

For Case P21-27, the Planning & Inspections staff **recommends approval** of the rezoning request from **R10 to C1(P)** and finds the request consistent with the *Southwest Cumberland Land Use Plan* area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning.

Attachments:

Notification Mailing List

Zoning Application

**ATTACHMENT**

**Mailing List**



OWNER_NAME	ADDRESS	CITYSTATEZIP
CAM ROCKS LLC	3116 DEAVER CIR	HOPE MILLS, NC 28348
ENNIS, DOROTHY	219 VALLEY RD	FAYETTEVILLE, NC 28305
MCCAULEY & MCDONALD INVEST INC	PO BOX 361	FAYETTEVILLE, NC 28302
MOORE, ALEXANDER JR;MOORE, ANNETTE W	6421 ROCKFISH RD	HOPE MILLS, NC 28348
VENDETTI, ROXIE	PO BOX 122	LUMBER BRIDGE, NC 28357
KOONCE, CHARLES E;HUTTON, TANNA KIM;KOONCE, DONALD C HEIRS;KOONCE, PEGGY D	298 ST JOHNS WOOD	FAYETTEVILLE, NC 28303
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
CONGREGATIONAL CHRISTIAN CHURCH IN AMERICAN SAMOA	6252 CAMDEN RD	FAYETTEVILLE, NC 28306
SAUNDERS, DAVID;SHEILA, .	5212 FAME LN	FAYETTEVILLE, NC 28306
EDWARDS, SHARON ANN	6234 CAMDEN RD	FAYETTEVILLE, NC 28306
FLOWERS, MARY J	PO BOX 901	HOPE MILLS, NC 28348
BROWN, SAMUEL H;BROWN, JANE G	6350 SPRINGRUN RD	FAYETTEVILLE, NC 28306
BURNSIDE, JOHN P.;POSTLE, MONIQUE KAY	5181 FAME LN	HOPE MILLS, NC 28348
CUMBERLAND COUNTY BD OF ED	PO BOX 2357	FAYETTEVILLE, NC 28302
HAYWORTH, SABRINA;HAYWORTH, DAVID CLYDE	5864 ROCKFISH RD	HOPE MILLS, NC 28348
LEWIS, LOIS LONG	6217 CAMDEN RD	FAYETTEVILLE, NC 28306
YOWELL, BELINDA	5067 C ARCTURUS CIR	EIELSON AFB, AK 99702
TAVAREZ, NIXON;TAVAREZ, CARMEN	4704 BEAUFORT DR	FAYETTEVILLE, NC 28304
KOONCE, CHARLES E, MARILYN E;HEIRS, DONALD C;PEGGY, D	298 ST JOHNS WOOD	FAYETTEVILLE, NC 28303
SIMMONS, LUISE P HEIRS	6165 CAMDEN RD	FAYETTEVILLE, NC 28306
LENGKEEK, KATHRYN LORRAINE	6157 CAMDEN RD	FAYETTEVILLE, NC 28306
CHRISTIAN TABERNACLE OUTREACH MINISTRY	3425 MASTERS DR	HOPE MILLS, NC 28348
ATKINS, DAHLIA L STRATTON;TURLINGTON, RANEY GLENN	5750 HWY 52	GILLSVILLE, GA 30543
MUNSON, LES A	2595 LAKEVIEW DR	FAYETTEVILLE, NC 28306
EHLE, ELLIS E JR	PO BOX 48121	CUMBERLAND, NC 28331
EDWARDS, SHARON ANN	6234 CAMDEN RD	FAYETTEVILLE, NC 28306
HAM, MELISSA;CHARLES, .	5278 FAME LN	FAYETTEVILLE, NC 28306
BURNSIDE, JOHN P.;POSTLE, MONIQUE KAY	5181 FAME LN	FAYETTEVILLE, NC 28306
NUNNERY, PETER J;NUNNERY, MELISSA B	5181 FAME LN	FAYETTEVILLE, NC 28306
STOUGH, KEITH;STOUGH, JOYCE	6142 CAMDEN RD	FAYETTEVILLE, NC 28306
LINDE, EDITH K	4413 BELFORD RD	FAYETTEVILLE, NC 28314
SEAGO, JOANN M	2212 TURTLE POINT DR	RALEIGH, NC 27604
EMANUEL, JAMES E	7523 ABATOR DR	HOPE MILLS, NC 28348
BROWN, DANIEL C	4902 BROWN ST	FAYETTEVILLE, NC 28306

600' Road

P21-27 3rd class

CONGREGATIONAL CHRISTIAN CHURCH  
IN AMERICAN SAMOA  
6252 CAMDEN RD  
FAYETTEVILLE, NC 28306

- EDWARDS, SHARON ANN  
6234 CAMDEN RD  
FAYETTEVILLE, NC 28306

FLOWERS, MARY J  
PO BOX 901  
HOPE MILLS, NC 28348

HAYWORTH, SABRINA; HAYWORTH,  
DAVID CLYDE  
5864 ROCKFISH RD  
HOPE MILLS, NC 28348

KOONCE, CHARLES E; HUTTON, DONALD  
C HEIRS; PEGGY D; TANNA KIM  
298 ST JOHNS WOOD  
FAYETTEVILLE, NC 28303

LEWIS, LOIS LONG  
6217 CAMDEN RD  
FAYETTEVILLE, NC 28306

- AMIE CROUTER  
2731 HOPE MILLS RD  
FAYETTEVILLE, NC 29306

Pa-27 1st class

ATKINS, DAHLIA L  
STRATTON;TURLINGTON, RANEY GLENN  
5750 HWY 52  
GILLSVILLE, GA 30543

BROWN, DANIEL C  
4902 BROWN ST  
FAYETTEVILLE, NC 28306

BROWN, SAMUEL H & JANE G  
6350 SPRINGRUN RD  
FAYETTEVILLE, NC 28306

BURNSIDE, JOHN P.;POSTLE, MONIQUE  
KAY  
5181 FAME LN  
FAYETTEVILLE, NC 28306

CAM ROCKS LLC  
3116 DEAYER CIR  
HOPE MILLS, NC 28348

CHRISTIAN TABERNACLE OUTREACH  
MINISTRY  
3425 MASTERS DR  
HOPE MILLS, NC 28348

CUMBERLAND COUNTY BD OF ED  
PO BOX 2357  
FAYETTEVILLE, NC 28302

EHLE, ELLIS E JR  
PO BOX 48121  
CUMBERLAND, NC 28331

EMANUEL, JAMES E  
7523 ABATOR DR  
HOPE MILLS, NC 28348

ENNIS, DOROTHY R  
219 VALLEY RD  
FAYETTEVILLE, NC 28305

HAM, MELISSA;CHARLES  
5278 FAME LN  
FAYETTEVILLE, NC 28306

LENGKEEK, KATHRYN LORRAINE  
6157 CAMDEN RD  
FAYETTEVILLE, NC 28306

LINDE, EDITH K  
4413 BELFORD RD  
FAYETTEVILLE, NC 28314

MCCAULEY MCDONALD INVEST INC  
PO BOX 361  
FAYETTEVILLE, NC 28302

MOORE, ALEXANDER JR & ANNETTE W  
6421 ROCKFISH RD  
HOPE MILLS, NC 28348

MUNSON, LES A  
2595 LAKEVIEW DR  
FAYETTEVILLE, NC 28306

NUNNERY, PETER J & MELISSA B  
5181 FAME LN  
FAYETTEVILLE, NC 28306

SAUNDERS, DAVID & SHEILA  
5212 FAME LN  
FAYETTEVILLE, NC 28306

SEAGO, JOANN M  
2212 TURTLE POINT DR  
RALEIGH, NC 27604

SIMMONS, LUISE P HEIRS  
6165 CAMDEN RD  
FAYETTEVILLE, NC 28306

STOUGH, KEITH & JOYCE  
6142 CAMDEN RD  
FAYETTEVILLE, NC 28306

TAVAREZ, NIXON & CARMEN  
4704 BEAUFORT DR  
FAYETTEVILLE, NC 28304

VENDETTI, ROXIE  
PO BOX 122  
LUMBER BRIDGE, NC 28357

YOWELL, BELINDA  
5067 C ARCTURUS CIR  
EIELSON AFB, AK 99702

3rd class P2127



OWNER\_NAME

KOONCE, CHARLES E;HUTTON, TANNA KIM;KOONCE, DONALD C HEIRS;KOONCE, PEGGY D  
CONGREGATIONAL CHRISTIAN CHURCH IN AMERICAN SAMOA  
EDWARDS, SHARON ANN  
FLOWERS, MARY J  
HAYWORTH, SABRINA;HAYWORTH, DAVID CLYDE  
LEWIS, LOIS LONG  
EDWARDS, SHARON ANN

ADDRESS

298 ST JOHNS WOOD  
6252 CAMDEN RD  
6234 CAMDEN RD  
PO BOX 901  
5864 ROCKFISH RD  
6217 CAMDEN RD  
6234 CAMDEN RD

CITYSTATEZIP

FAYETTEVILLE, NC 28303  
FAYETTEVILLE, NC 28306  
FAYETTEVILLE, NC 28306  
HOPE MILLS, NC 28348  
HOPE MILLS, NC 28348  
FAYETTEVILLE, NC 28306  
FAYETTEVILLE, NC 28306

1st class

P21-27

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

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

1. Requested Rezoning from R-10 to CP C7P
2. Address of Property to be Rezoned: 6234 Camden Road
3. Location of Property: Camden Rd by Rockfish Intersection  
could be wide with chain link fence
4. Parcel Identification Number (PIN #) of subject property: 0404-47-8243-  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.36 Frontage: 200 Depth: 500
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank Yes PWC No
8. Deed Book 6777, Page(s) 077, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: ~~Storage or Restoration~~  
Equipment Delivery warehouse Storage
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

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

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

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

Sharon A. Edwards  
NAME OF OWNER(S) (PRINT OR TYPE)

Camden Rd  
ADDRESS OF OWNER(S)

910-263-3726 HOME TELEPHONE #      WORK TELEPHONE #

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

2731 Hope Mills Rd Fayetteville NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

amie@capefearflooring.com  
E-MAIL

910-527-0863 HOME TELEPHONE #      910-527-0863 WORK TELEPHONE #

Sharon A. Edwards  
SIGNATURE OF OWNER(S)

Amie Crouter  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

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

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



**CUMBERLAND COUNTY  
FEE SCHEDULES**

REQUESTED ZONING DISTRICTS <sup>1</sup>	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CD A1 A1A R40 R40A R30 R30A R20 R20A RR R15 R7.5 R6 R6A R5 R5A				
O&I(P) C1(P) C2(P) C(P) M1(P) M(P)				
CONDITIONAL ZONING ____ DISTRICTS <sup>2</sup> RESIDENTIAL DD/CZ MODIFICATION OF CONDITIONS				
CONDITIONAL ZONING ____ DISTRICTS <sup>2</sup> NONRESIDENTIAL PND/CZ MXD/CZ MODIFICATION OF CONDITIONS				
SUBDIVISION WAIVERS ALL TEXT AMENDMENTS ORDINANCE TEXT				
<b>BOARD OF ADJUSTMENT*</b>				
SPECIAL USE PERMITS VARIANCES WATERSHED ADMINISTRATIVE REVIEW/APPEALS INTERPRETATIONS NONCONFORMING USES				
* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance				

<sup>1</sup>If more than one zoning district is requested in the same applications, the highest fee for the district requested will apply.

<sup>2</sup>If a general rezoning is requested and based on recommendations of the Joint Planning Board or County Commissioners, a Conditional Zoning District and Permit application is to be filed; the original application fee will be credited toward the Conditional Zoning District and Permit application fee.

Revised October 26, 2011

FAME LN

CLKC

6205

6217

6227

5278

5266

Property in Question

6234

CAMPEN RD

6252

Church



5266

*Properties  
In  
Question*

6548

6516

6252

6234

CAM

54

62

CAMDEN  
RD

CAMDEN  
RD

6301

6305

6235

6454

6309

6313

ROCKFISH RD

CAMDEN  
RD ON  
RAMP

ROCKFISH RD

6428

CAMDEN RD

ROCKFIS

6405

3110

6421

6407

6411

AMER CIR

AMER DR

6415

3123

3106

DEAVER



BK 7PG077

RECEIVED

1-28-2005 PM 1:03:44

LF298-04

03979

J. LEE WARREN JR.  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

**QUITCLAIM DEED**

*Grant to Grantee*

THIS QUITCLAIM DEED, executed this *10* day of *December*, *2004* (year),

by first party, Grantor, *James R. Edwards Jr. Shanon A. Edwards*

whose post office address is *P.O. Box 727, Hope Mills, N.C. 28348*

to second party, Grantee, *Shanon Ann Edwards*

whose post office address is *6234 Camden Road, Fayetteville, N.C. 28306*

WITNESSETH, That the said first party, for good consideration and for the sum of *0*

*nevenue* Dollars (\$ ) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of *Cumberland* State of *North Carolina* to wit:

*Tract I & II - see attached copy*

*45/20*

x x x x x x

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Jason Blithe  
Signature of Witness

Jason Blithe  
Print name of Witness

Cindy Jacobs  
Signature of Witness

Cindy Jacobs  
Print name of Witness

James R. Edwards Jr  
Signature of First Party

James R. Edwards Jr  
Print name of First Party

Sharon A Edwards  
Signature of First Party

Sharon A Edwards  
Print name of First Party

State of North Carolina  
County of Cumberland

On Oct 30, 2005 before me, Angela D. Landry  
I have personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.



Angela D. Landry  
Signature of Notary

Affiant  Known  Produced ID   
Type of ID \_\_\_\_\_  
(Seal)

State of North Carolina  
County of Cumberland

On Oct 30, 2005 before me, Angela D. Landry  
I have personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.



Angela D. Landry  
Signature of Notary

Affiant  Known  Produced ID   
Type of ID \_\_\_\_\_  
(Seal)

Dana Soule  
Signature of Preparer  
DANA Soule  
Print Name of Preparer  
5748 Ridgeway, Hope Mills, NC  
Address of Preparer 28348

The foregoing Certificate of Angela D. Landry

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By Steve Warren, Jr. REGISTER OF DEEDS FOR CUMBERLAND COUNTY,  
Deputy/Assistant/Registrar of Deeds

TRACT I: LYING on the North margin of Camden Road and (East of the Stony Point Church intersection road #1112) this is in the (W.A. Brown Tract, see Book 111, Page 13) Cumberland County, North Carolina, Registry. This lot is bounded on the East by Ave B, Greenwood Tract and on the West by lot of William J. Brown Tract. The control for this tract is the North-east margin of Rockfish Road #1112 as it is intersected by the northern right-of-way margin of Camden Road. Thence with the margin of Camden Road North 70 degrees 22 minutes East 759.55 feet to an iron stake (this is the beginning corner of this lot). Thence North 20 degrees 53 minutes East 500 feet to an iron pipe. Thence North 70 degrees 11 minutes East 500 feet to an iron pipe, the Ave B, Greenwood eastern line. Thence with the Greenwood line South 20 degrees 53 minutes East 500 feet to an iron pipe on the margin of Camden Road. Thence with the margin of Camden Road South 70 degrees 11 minutes West 200 feet to the Beginning. Containing .36 acres, more or less.

TRACT II: BEGINNING at a stake in the Northern right-of-way margin of the Camden Road, which beginning corner may be reached by starting at the intersection of the North right-of-way margin of the Camden Road, with the Northeastern right-of-way margin of Rockfish Road (State Road No. 1112) and running thence North 70 degrees 22 minutes East 697 feet; thence North 70 degrees 11 minutes East 262.55 feet to the point and place of Beginning; and running thence for a first call North 20 degrees 53 minutes West 179.21 feet to an iron stake; thence North 70 degrees 11 minutes East 37.13 feet to an iron stake; thence south 20 degrees 53 minutes East 179.21 feet to an iron stake in the Northern right-of-way margin of the Camden Road; thence with the Northern right-of-way margin of the Camden Road, south 70 degrees 11 minutes West 37.13 feet containing .15 of an acre, more or less



**EXPLANATION OF THE REQUEST** **Change of Zoning: A1 to R30/CZ Conditional Zoning**

Applicant requests to rezone 48 +/- acres from A1 Agriculture to R30 Residential/Conditional Zoning for up to a 52 lot, Zero Lot Line Subdivision for property located south of Bainbridge Road, between Mary McCall Rd and John Nunnery Rd. This request would increase the allowed density from 1 unit per 2 acres (87,120 sq. ft.) to 1 unit per 30,000 square feet. This is a conditional rezoning with conditions proposed.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Molice Farms, LLC (owner)

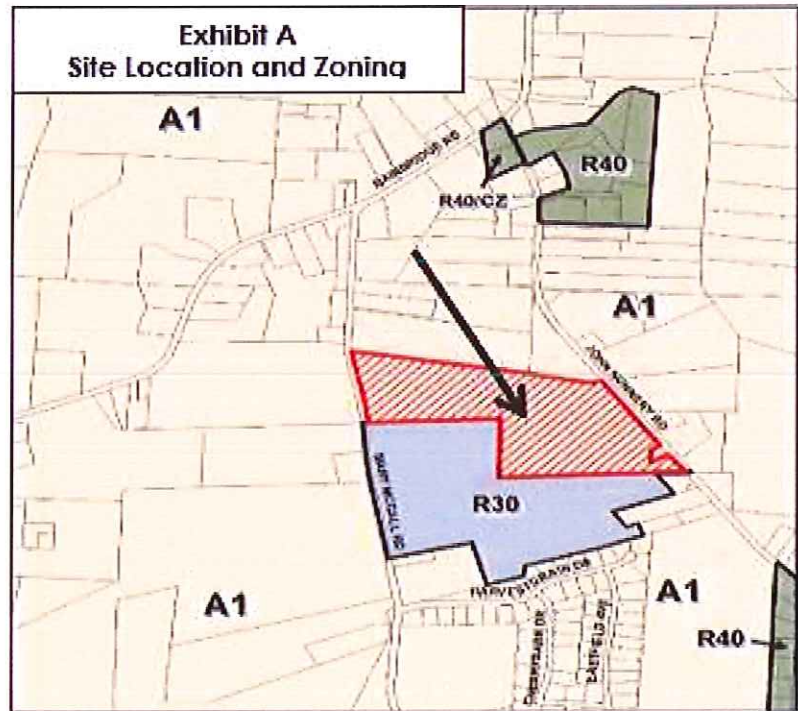
**ADDRESS/LOCATION:** Located south of Bainbridge Road, between Mary McCall Rd and John Nunnery Rd. REID: Portion of Parcel of REID # 049654737600, located on the east side of MCall Rd, and Reid # 0496834950000 on the west side of John Nunnery Rd). Refer to Exhibit "A", Site Location.

**SIZE:** Two parcels combined for a total of 48 +/- acres. The property has 746 +/- linear feet of street frontage along McCall Road, and 1,173 +/- feet of linear street frontage along John Nunnery Rd. The property has a depth of 2,130 +/- in feet with both parcels.

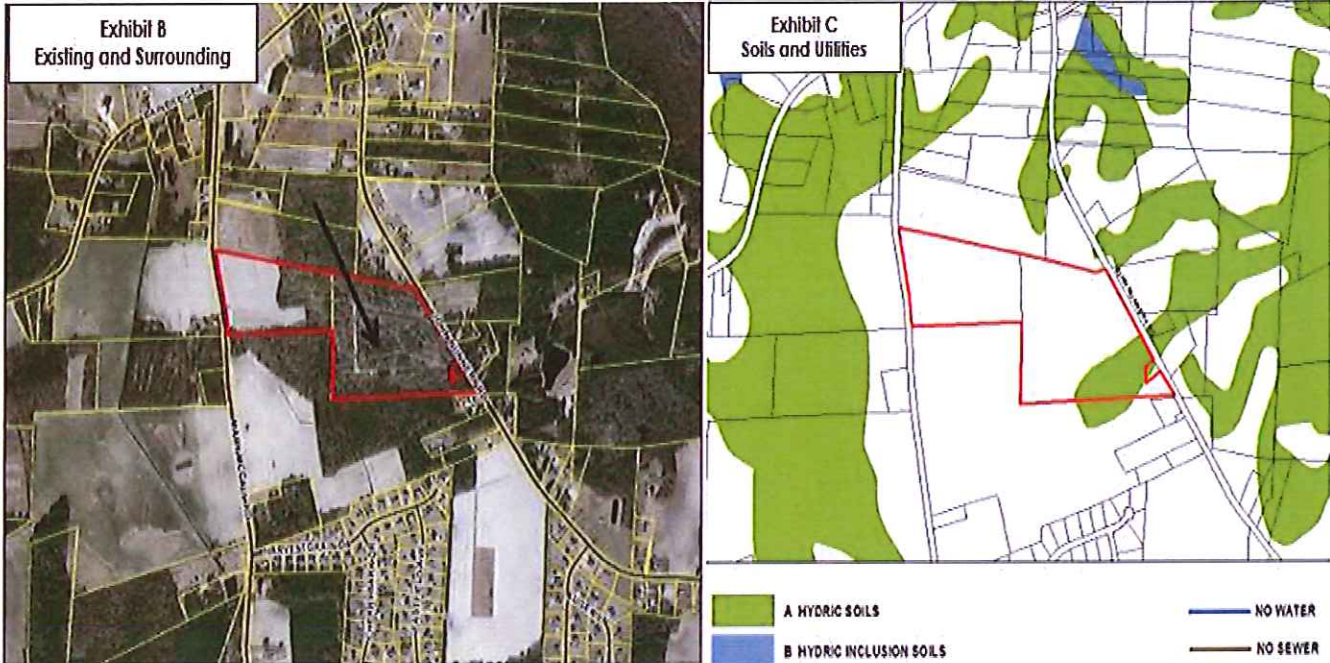
**EXISTING ZONING:** Both parcels are zoned A1 as depicted in Exhibit "A".

The A1 Agricultural District is a zoning category designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

The density associated with A1 zoning consists of one dwelling units per two acres, with a minimum lot width of 100'. Additionally, required setbacks for A1 zoning district: Front: 50', Side: 20' (one story) 25' (2 story) and Rear: 50'.







**EXISTING LAND USE:** The site is vacant. A portion of the site is located on the eastside of McCall Rd and appears to be used for farmland and wooded. The parcel on the westside of John Nunnery Rd is wooded in nature as depicted in Exhibit "B".

**OTHER SITE CHARACTERISTICS:** The property is not located within the watershed area or within the Special Flood Hazard Area. The south eastern side of the property has presence of hydric soils abutting John Nunnery Road as shown in Exhibit "C". No hydric inclusion soils are found on either parcel on the site.

**DEVELOPMENT REVIEW:** Subdivision review requirement is being fulfilled by the conditional zoning of the property. A portion of the site off of McCall Road falls within the Town of Stedman MIA, the Town of Stedman was contacted, but we have received no comments.

**SURROUNDING LAND USE:** Farmland is the predominate land use occurring in the area surrounding the subject property with single family residential homes occurring along both sides of McCall Road and John Nunnery Rd on larger parcels, including single and double wide mobile homes. To the south is Wheatland Subdivision single-family residential homes with lots consisting of half an acre or more. Exhibit "B" illustrates the surrounding uses. Additionally, the adjacent property to the south is zoned R30 and vacant refer to Exhibit A.

**UTILITIES:** The property is proposed to be served by septic and well. There is no public sewer or water lines available. Exhibit "C" shows no adjacent utilities to the site or nearby.

**MINIMUM YARD SETBACKS:** If approved, the parcel would be subject to R30 setbacks, except for the interior lot lines (interior lots at the right-of-way line must meet front setback requirements):

- Front yard: 30 foot,
- Side yard: 15 foot,
- Rear yard: 35 foot.

Setback minimum standards for A1 zoning currently assigned to the subject property are: Front yard: 50 feet, Side yard: 20 feet (one story) and 25 feet (two story), Rear yard: 50 feet.

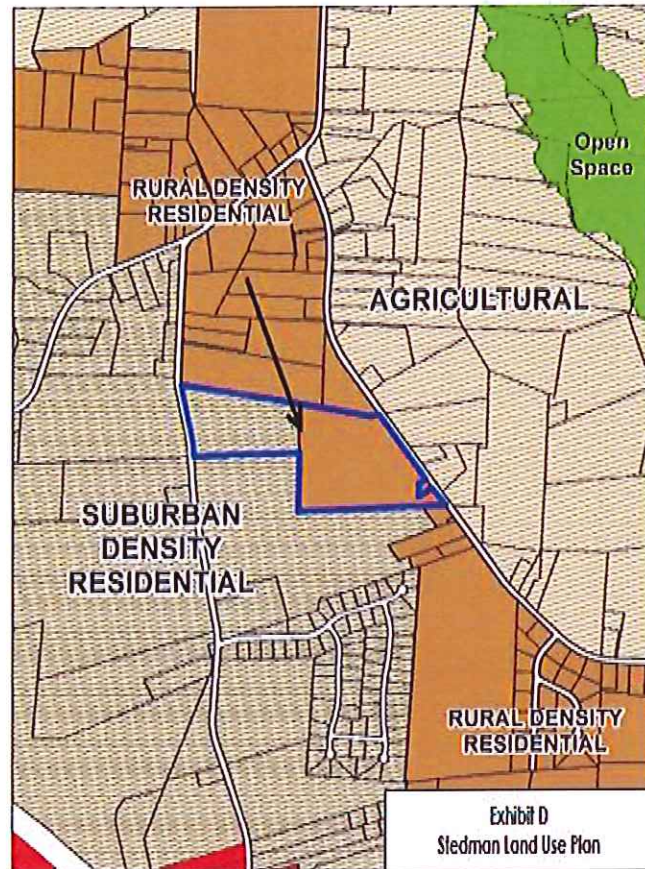


**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan identifies this area as "Rural Areas". This site falls within the Stedman Area Land Use Plan (Adopted in 2020). The Classification: Split between Suburban Density Residential and Rural Density Residential Associated Zoning Districts: Suburban Density Residential (R30, R30A, R20, R20A & RR) Rural Density Residential (A1, A1A, R40, R40A, R30, R30A). Exhibit "D" illustrates the Stedman Land Use Plan. **The request is consistent with the adopted land use plan.**

Additional comments are provided regarding applicable Plan policies. By utilizing Density Developments and planning techniques that preserve rural character and appearance are highly recommended to further protect working agricultural operations through site design.

In order to attempt to preserve rural character in the portion of the development located in the Rural Residential classification (East side) of the adopted land use plan, staff suggests the following conditions be incorporated with Exhibit A:

1. Require all lots that have a lot line that touches the internal subdivision street, have their driveway access only from that internal street.
2. Require front yard setbacks of 40' or greater on lots along John Nunnery Road instead of the minimum requirement of 30'.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES**

**TRAFFIC:** The site is located outside of FAMPO boundaries. Mid-Carolina RPO may have more information on this facility and was contacted, but we have received no comment.

The road network in the area identifies Bainbridge Rd (located north of this site), Mary McCall Rd, and John Nunnery Rd are all classified as local roads. Local roads are the lowest level of roadway in the NCDOT functional class.

The subject property abuts McCall Rd and John Nunnery Rd and proposes entrances on both roadways into and out of the proposed 52 Zero Lot Line Subdivision.

The 2019 AADT for Mary McCall Rd is 200 from Bainbridge to Harvestgrain Dr. The 2019 AADT on Bainbridge Rd is 1,100 from Mary McCall to Hwy 24. There is no AADT conducted for John Nunnery at Bainbridge, probably because it is insignificant. But there is a AADT of 550 at John Nunnery south of the site from Tyndallwood Dr to Hwy 24.

**SCHOOLS CAP/ENROLL:**

School	Cap	Enrollment
Stedman Prim	200	102
Stedman Elem	300	275
Mac Williams Mid	1,270	1,076
Cape Fear High	1,425	1,400



**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has no issues at this time.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District and is not within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** As the rezoning request is for Conditional Zoning, Exhibit "B" includes the conditions that the property owner must meet through an approved site plan, site development, and use of the property should this request be approved.

**Code Deviations:** To the best of the staff and applicant's knowledge, there are no violations to the code in this design.

#### **STAFF RECOMMENDATION**

For Case P21-28, the Planning & Inspections staff **recommends approval** of the rezoning request from **A1 Agriculture to R30 Residential Conditional Zoning** and finds the request consistent with the Stedman Area Land Use Plan designations of "Suburban Density Residential" and "Rural" Density Residential". Approval of the request is reasonable and in the public interest as the district requested will ensure the site plan will be in harmony with surrounding existing land uses and zoning.

Attachments:

Exhibit "A" Subdivision Plan Proposal for Zero Lot Line Subdivision


Exhibit "B" Conditions

Notification Mailing List

Zoning Application

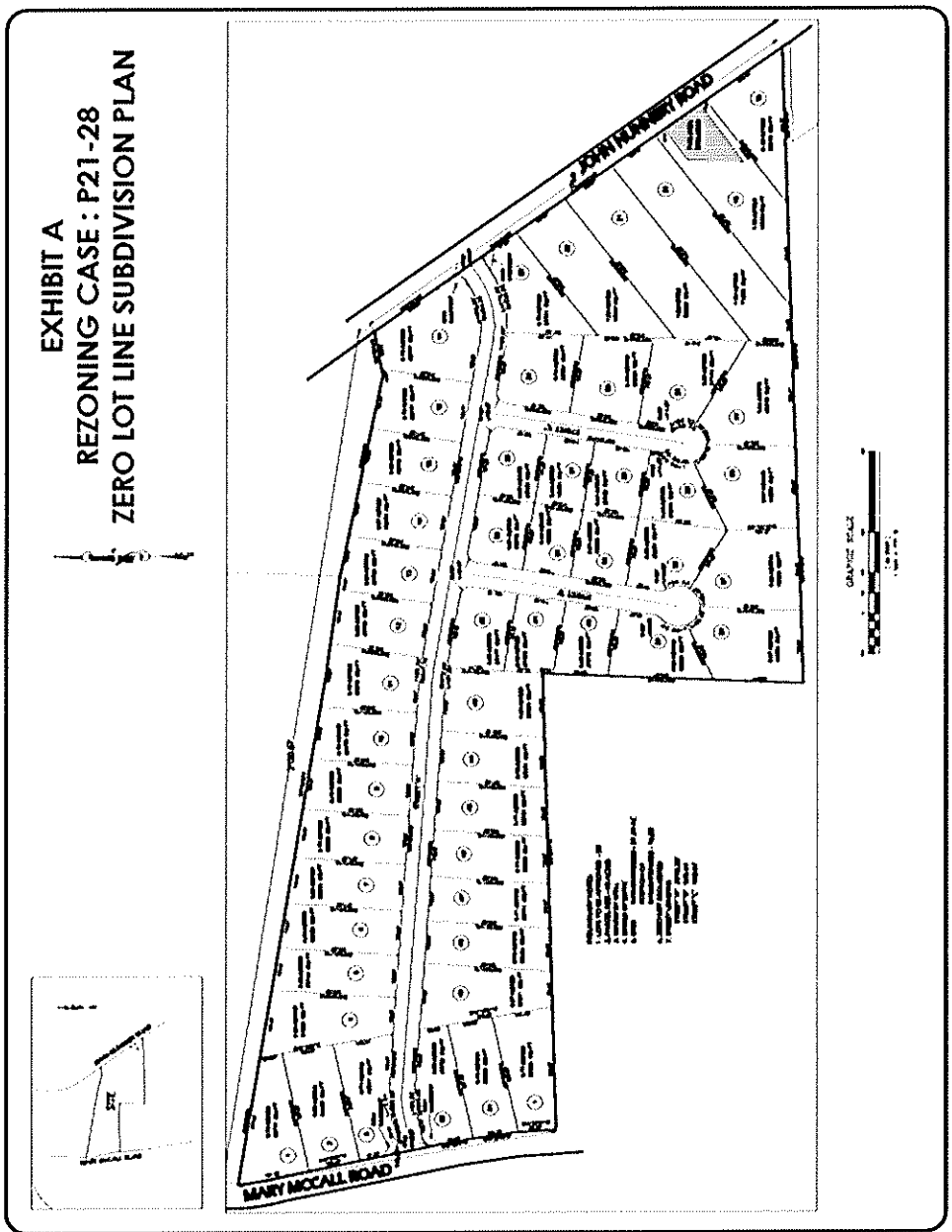
**EXHIBIT "A"**  
**SUBDIVISION PLAN**

(Full scale subdivision plan is available in the office of the Current Planning Division of the  
Planning & Inspections Department.)

<p>  <b>Tony King &amp; Associates, R.L.S., P.A.</b>                  ENGINEERING, SURVEYING, INSPECTION, AND TESTING                  P.O. Box 33787                  1333 Morgan Road, Suite 201                  Fayetteville, North Carolina 28305                  P: (719) 453-4300 F: (719) 453-4002                  NC Reg. License C-0067                  www.tkingda.com             </p>	<p>                 Owner:  <b>MOLICE FARMS LLC</b>                  CONTACT: [REDACTED]                  [REDACTED]             </p>
--	---

<p>                 Project:  <b>CONDITIONAL ZONING APPLICATION</b>                  MAPS FOR ALL LOTS AND EXHIBIT BOUNDARY             </p>	<p>                 PLAT NO. P21-023                  CASE: 08062207                  Project by: LSE                  Survey by: N/A                  Checked by: N/A                  APPROVED: [REDACTED]             </p>
--	---

**PRELIMINARY**  
**DO NOT USE FOR CONSTRUCTION**  
 THIS DRAWING HAS NOT BEEN REVIEWED BY ANY AGENCY AND IS NOT FOR CONSTRUCTION. ANY DEVELOPER OR OTHER PERSON USING THIS DRAWING FOR CONSTRUCTION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



**EXHIBIT B**  
**CONDITIONAL ZONING TERMS**

**R30/CZ RESIDENTIAL/CONDITIONAL ZONING DISTRICT**

**Ordinance Related Conditions**  
*For up to a 52 Lot Zero Lot Line Subdivision*

**Pre- Permit Related:**

1. The owner/developer(s) of this property lots must obtain detailed instructions from the County Current Planning Section in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance regarding the final site plan submittal requirements.
2. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.)
3. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

*If a plan is not required, per 15ANCAC 04B.0105* "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

4. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

**Permit-Related:**

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

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to



construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

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

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

[§ 136-18(29), NCGS]

8. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
9. The County Health Department must approve water plans if not connected to central water system. Property not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

**Site-Related:**

10. All uses, dimensions, setbacks and other related provisions of the County Zoning Ordinance for the R30/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the site plan appearing in Exhibit "A". Any conditions set forth herein this ordinance, including Exhibit "A", shall supersede the Zoning Code. Additionally, lots 17, 18, 19, 20, 21, and 23 fronting John Nunnery Road shall require a 40' front setback requirement from the Right-Of-Way Line. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
11. This conditional approval is not approval of 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.) (Art. XIII, County Zoning Ord.)
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
14. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot high fence with a lockable gate, and

is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)

15. This review does not constitute a “subdivision” approval by NC Department of Transportation (NCDOT). The NC Department of Transportation’s (NCDOT) approval of the driveway plans is required and any street improvements are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
16. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

17. The subdivision plan must provide an internal access any the stormwater facility serving the site, to allow the HOA to have the ability to access the stormwater facility.

**Plat-Related:**

18. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to Telly Shinas, [tshinas@co.cumberland.nc.us](mailto:tshinas@co.cumberland.nc.us) of the following documents :
  - a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for \_\_\_\_\_ by the owners’ association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Sec. 2402.G., County Subdivision Ord.)

**Note: A copy of the recorded deed or deeds conveying all common area to the owners’ association as shown on each plat must be provided to the Current Planning prior to submission for approval for recordation of the next succeeding phase/section of this development.**

19. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
20. “\_\_\_\_\_” must be labeled as “\_\_\_\_\_” on the final plat. (Section 2203.C & D, County Subdivision Ord.)

21. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$6,639.36 (Per Lot Amount of \$127.68 x 52 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Parks and Rec District #2)
22. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to the Current Planning Section prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
23. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
24. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
25. Corner lots abutting Mary McCall Road and John Nunnery Road shall only have driveway access from internal subdivision roads unless otherwise approved by NCDOT.
26. A 10' x 70' sight distance easement is required at the intersection of Mary McCall Road and John Nunnery Road. This easement shall be illustrated on the final plat, unless another standard is required by NCDOT.
27. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

28. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

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

29. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance).
30. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
31. The developer's engineer must submit to Cumberland County Planning and Inspection Department a sealed document certifying that the streets have been constructed to the NC Department of Transportation (NCDOT) standards for secondary roads.



32. The final plat must be submitted to the Current Planning Section 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.
33. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

**Plat-Required Statements:**

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

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

35. The final plat must reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision and Development Ordinance):

- a. “Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible, and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”
- b. “All current and future owners of these tract be aware that maintenance for the Class “C” private street(s) shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class “C” private street(s).”
- c. “All current and future owners of these tracts be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class “B” / “C” private street(s).”

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

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

**Advisories:**

37. The applicant is advised to consult an expert on wetlands before proceeding with any development.
38. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact

the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.

39. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
40. 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.
41. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
42. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
43. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

**Other Relevant Conditions:**

44. This conditional approval is contingent upon continued compliance with the County's Zoning Ordinance and the conditions set forth herein.

**Stedman MIA Requirements.** (Portion of Parcel of REID # 049654737600 falls within Stedman MIA), located on the east side of MCall Rd).

45. Prior to final plat approval, a four-foot wide concrete sidewalk, or as required by ADA standards shall be required fronting (public or private street) along the existing street and all new streets, except for cul-de-sacs serving eight or less residential lots, per Section 4.3.g Stedman MIA requirements, Stedman Subdivision Ordinance.
46. Prior to submission for final plat approval, one tree for every 50 linear foot of street frontage must be planted in an area three foot in width from the back of the right-of-way – see Section 4.3.h, Stedman Subdivision Ordinance, for more specific details regarding this condition. Required trees shall be installed prior to issuance of Certificate of Occupancy for each lot.

**ATTACHMENTS**

**Mailing List**



CAMPBELL, DEWEY GOVAN  
DEBRA LEWIS  
1132 JOHN NUNNERY RD  
STEDMAN, NC 28391

GARLAND, RISA  
921 BAINBRIDGE RD  
STEDMAN, NC 28391

HUBBARD, DAVID MITCHEL  
TEACHEY NANCY HUBBARD  
2848 SKYE DR  
FAYETTEVILLE, NC 28303

SMITH, JOHNNY M LIFE ESTATE  
1365 JOHN NUNNERY RD  
STEDMAN, NC 28391

► MOLICE FARMS, LLC  
PO BOX 53943  
FAYETTEVILLE, NC 28305

FREEMAN, RICHARD E  
1164 JOHN NUNNERY RD  
STEDMAN, NC 28391

HALL, MARY B (REALE)  
6463 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

HUBBARD, LINWOOD RAY  
PO BOX 482  
STEDMAN, NC 28391

WHITE, ANTHONY LYNN  
PEGGY ROSSER  
1207 BAINBRIDGE RD  
STEDMAN, NC 28391

● RHETT BUNCE  
340 WADE STEDMAN RD  
STEDMAN, NC 28391

FREEMAN, RICHARD  
EMILY HONEYCUTT  
175 DEER RUN LN  
AUTRYVILLE, NC 28318

HORNE, BILLY DAVIS  
PO BOX 205  
FAYETTEVILLE, NC 28302

NORDWALL, ANDREW M  
1206 JOHN NUNNERY  
STEDMAN, NC 28391

● WHITESELL, BONNIE C C, GLORIA S C  
PENUEL; DANNA, L C KELLY  
110 SUSAN CIR  
GOLDSBORO, NC 27530

AUTRY, BOBBY DALE  
SAMANTHA RING  
1289 BAINBRIDGE RD  
STEDMAN, NC 28391

AUTRY, BRETT H  
1088 JOHN NUNNERY RD  
STEDMAN, NC 28391

AUTRY, BRETT H & MICHEL T  
1075 JOHN NUNNERY RD  
STEDMAN, NC 28391

AUTRY, BRETT H & MICHEL T  
PO BOX 447  
STEDMAN, NC 28391

AUTRY, EDDIE DEAN & BELIVIA WHITE  
1289 BAINBRIDGE RD  
STEDMAN, NC 28391

BROWN, ALAN D & DONNA J  
7201 HARVESTGRAIN DR  
STEDMAN, NC 28391

BUNCE, DONALD S & DEIDRE H  
PO BOX 53943  
FAYETTEVILLE, NC 28305

BUTLER, CARRIE H & WARREN J  
7218 HARVESTGRAIN DR  
STEDMAN, NC 28391

CARROLL, KEVIN & KIMBERLY H.  
630 MARY MCCALL RD  
STEDMAN, NC 28391

CASHWELL, JERRY P II  
1012 JOHN NUNNERY RD  
STEDMAN, NC 28391

CASHWELL, JERRY P & BARBA  
1032 JOHN NUNNERY RD  
STEDMAN, NC 28391

COLEMAN, WILLIAM WAYNE  
PO BOX 586  
STEDMAN, NC 28391

COX, JUNIOR DEVON  
PO BOX 481  
STEDMAN, NC 28391

FISHER, JIMMY LAMAR & RUBY DARLENE  
1064 BAINBRIDGE RD  
STEDMAN, NC 28391

FRANK, MATTHEW S & ASHLEY G  
7225 HARVESTGRAIN DR  
STEDMAN, NC 28391

GOFF, KENNETH D  
7213 HARVESTGRAIN DR  
STEDMAN, NC 28391

HAWKINS, JOYCE  
7219 HARVESTGRAIN DR  
STEDMAN, NC 28391

HENDERSON, MARILU ANN  
LARRY BRUCE SMITH  
1352 JOHN NUNNERY RD  
STEDMAN, NC 28391

HORNE, JONATHAN  
STEPHANIE SUZANNE  
1064 BAINBRIDGE RD  
STEDMAN, NC 28391

JOHNSON, CYNTHIA & DERRICK  
483 JOHN NUNNERY RD  
STEDMAN, NC 28391

KING, KRISTEN A & DUSTIN LEE RAMSON  
7125 HARVESTGRAIN DR  
STEDMAN, NC 28391

KINLAW, TRAVIS LYNN & HEATHER  
7212 HARVESTGRAIN DR  
STEDMAN, NC 28391

LOEVEN, RUTH A; PASCHALL, AMANDA  
ESTHER & DANIEL ANTONIO  
7224 HARVESTGRAIN DR  
STEDMAN, NC 28391

LOIS HUBBARD FAMILY LTD PRTRNSHP  
6090 JAKE RD  
STEDMAN, NC 28391

MANNING, WALTER S & SYLVIA D  
7240 HARVESTGRAIN DR  
STEDMAN, NC 28391

MAYKOVICH, ANNETTE M & ANDREW E.  
6232 AZELIA DRIVE  
STEDMAN, NC 28391

MCCALL, BETTY; MOZINGO, KERI; SHUPE,  
KIMBERLY H; HUGHES, WILLIAM DWIGHT  
PO BOX 148  
STEDMAN, NC 28391

MCNEILL, CALVIN  
PO BOX 627  
STEDMAN, NC 28391

MORRIS, DAVID & MARGARET HALL  
1744 WADE STEDMAN RD  
STEDMAN, NC 28391

3rd class 2-21-20

MORRIS, J P JR & CLARIS S LIFE ESTATE  
6726 OAK GROVE CHURCH RD  
STEDMAN, NC 28391

NICHOLS, ANDREW J JR & CARLA  
7207 HARVESTGRAIN DR  
STEDMAN, NC 28391

POPE, EDGAR R & CELESTE  
1130 BAINBRIDGE RD  
STEDMAN, NC 28391

RABON, DONNIE J JR & DAWN L  
954 BAINBRIDGE RD  
STEDMAN, NC 28391

ROCK, DAVID L  
7234 HARVESTGRAIN DR  
STEDMAN, NC 28391

SMITH, JOHNNY MINSON  
1365 JOHN NUNNERY RD  
STEDMAN, NC 28391

SMITH, MARIE FAIRCLOTH, UNENA  
WALLACE;RITA, ARREDONDO  
147 MARY MCCALL RD  
STEDMAN, NC 28391

THOMPSON, ALEXANDER  
1 TOWNELEY CT  
GREENSBORO, NC 27455

THOMPSON, DANIEL B;THOMPSON,  
CLARISSA A  
7115 HARVESTGRAIN DR  
STEDMAN, NC 28391

TROTTER, LARRY & CONSTANCE C  
7241 HARVESTGRAIN DR  
STEDMAN, NC 28391

VINSON, KIMBERLY MORRIS  
PO BOX 46  
STEDMAN, NC 28391

WAITE, ROBERT D & PATRICIA L  
7206 HARVEST GRAIN DR  
STEDMAN, NC 28391

WATSON, IDA KAY TAYLOR  
3417 WARPATH RD  
MACON, GA 31201

WHITE, ARIZONA  
161 SEMPLE ARM RD 17  
HAMPTON, VA 23666

WHITE, BETTY P  
1293 BAINBRIDGE RD  
STEDMAN, NC 28391

WILLIAMS, CHRISTOPHER & LAUREN  
7235 HARVESTGRAIN DR  
STEDMAN, NC 28391



owner_name	address	citystatezip
WHITESELL, BONNIE CHRISTINE CAMPBELL;PENUEL, GLORIA SUSAN CAMPBE	110 SUSAN CIR	GOLDSBORO, NC 27530
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY	110 SUSAN CIR	GOLDSBORO, NC 27530
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY	110 SUSAN CIR	GOLDSBORO, NC 27530
COLEMAN, WILLIAM WAYNE	PO BOX 586	STEDMAN, NC 28391
RABON, DONNIE J JR;RABON, DAWN L	954 BAINBRIDGE RD	STEDMAN, NC 28391
COLEMAN, WILLIAM WAYNE	PO BOX 586	STEDMAN, NC 28391
JOHNSON, CYNTHIA N;DERRICK, .	483 JOHN NUNNERY RD	STEDMAN, NC 28391
FISHER, JIMMY LAMAR;FISHER, RUBY DARLENE	1064 BAINBRIDGE RD	STEDMAN, NC 28391
MAYKOVICH, ANNETTE M.;MAYKOVICH, ANDREW E.	6232 AZELIA DRIVE	STEDMAN, NC 28391
GARLAND, RISA	921 BAINBRIDGE RD	STEDMAN, NC 28391
HORNE, JONATHAN E;HORNE, STEPHANIE SUZANNE	1064 BAINBRIDGE RD	STEDMAN, NC 28391
POPE, EDGAR RAY;POPE, CELESTE P	1130 BAINBRIDGE RD	STEDMAN, NC 28391
POPE, EDGAR R;POPE, CELESTE	1130 BAINBRIDGE RD	STEDMAN, NC 28391
MCNEILL, CALVIN	PO BOX 627	STEDMAN, NC 28391
WHITE, ARIZONA	161 SEMPLE ARM RD 17	HAMPTON, VA 23666
WHITE, BETTY P	1293 BAINBRIDGE RD	STEDMAN, NC 28391
AUTRY, BOBBY DALE;AUTRY, SAMANTHA RING	1289 BAINBRIDGE RD	STEDMAN, NC 28391
AUTRY, EDDIE DEAN;AUTRY, BELIVIA WHITE	1289 BAINBRIDGE RD	STEDMAN, NC 28391
THOMPSON, DANIEL B;THOMPSON, CLARISSA A	7115 HARVESTGRAIN DR	STEDMAN, NC 28391
KING, KRISTEN A;KING, DUSTIN LEE RAMSON	7125 HARVESTGRAIN DR	STEDMAN, NC 28391
HUBBARD, DAVID MITCHEL;TEACHEY, NANCY HUBBARD	2848 SKYE DR	FAYETTEVILLE, NC 28303
WHITE, ANTHONY LYNN;WHITE, PEGGY ROSSER	1207 BAINBRIDGE RD	STEDMAN, NC 28391
SMITH, JOHNNY M LIFE ESTATE	1365 JOHN NUNNERY RD	STEDMAN, NC 28391
WATSON, IDA KAY TAYLOR	3417 WARPETH RD	MACON, GA 31201
WHITE, BETTY P	1293 BAINBRIDGE RD	STEDMAN, NC 28391
BROWN, ALAN D;BROWN, DONNA J	7201 HARVESTGRAIN DR	STEDMAN, NC 28391
NICHOLS, ANDREW J JR;NICHOLS, CARLA	7207 HARVESTGRAIN DR	STEDMAN, NC 28391
WAITE, ROBERT D;WAITE, PATRICIA L	7206 HARVEST GRAIN DR	STEDMAN, NC 28391
GOFF, KENNETH D	7213 HARVESTGRAIN DR	STEDMAN, NC 28391
KINLAW, TRAVIS LYNN;KINLAW, HEATHER	7212 HARVESTGRAIN DR	STEDMAN, NC 28391
BUTLER, CARRIE H;BUTLER, WARREN J	7218 HARVESTGRAIN DR	STEDMAN, NC 28391
HAWKINS, JOYCE	7219 HARVESTGRAIN DR	STEDMAN, NC 28391
FRANK, MATTHEW S;FRANK, ASHLEY G	7225 HARVESTGRAIN DR	STEDMAN, NC 28391
LOEVEN, RUTH A;PASCHALL, AMANDA ESTHER;LOEVEN, DANIEL ANTONIO	7224 HARVESTGRAIN DR	STEDMAN, NC 28391
WILLIAMS, CHRISTOPHER D.;WILLIAMS, LAUREN H.	7235 HARVESTGRAIN DR	STEDMAN, NC 28391
TROTTER, LARRY;TROTTER, CONSTANCE C	7241 HARVESTGRAIN DR	STEDMAN, NC 28391
ROCK, DAVID L	7234 HARVESTGRAIN DR	STEDMAN, NC 28391
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY	110 SUSAN CIR	GOLDSBORO, NC 27530
SMITH, JOHNNY M LIFE ESTATE	1365 JOHN NUNNERY RD	STEDMAN, NC 28391
MORRIS, DAVID I;MORRIS, MARGARET HALL	1744 WADE STEDMAN RD	STEDMAN, NC 28391
SMITH, JOHNNY MINSON	1365 JOHN NUNNERY RD	STEDMAN, NC 28391
VINSON, KIMBERLY MORRIS	PO BOX 46	STEDMAN, NC 28391
MORRIS, J P JR;MORRIS, CLARIS S LIFE ESTATE	6726 OAK GROVE CHURCH RD	STEDMAN, NC 28391
HENDERSON, MARILU ANN;HENDERSON, LARRY BRUCE SMITH	1352 JOHN NUNNERY RD	STEDMAN, NC 28391
WATSON, KAY V	3417 WARPETH RD	MACON, GA 31201
LOIS HUBBARD FAMILY LIMITED PARTNERSHIP	6090 JAKE RD	STEDMAN, NC 28391
MANNING, WALTER S;MANNING, SYLVIA D	7240 HARVESTGRAIN DR	STEDMAN, NC 28391
BUNCE, DONALD S;BUNCE, DEIDRE H	PO BOX 53943	FAYETTEVILLE, NC 28305

1,100' Road

P 21-28

AUTRY, BRETT H;AUTRY, MICHEL T  
HALL, MARY B (REALE)  
AUTRY, BRETT H;AUTRY, MICHEL T  
FREEMAN, RICHARD E  
HORNE, BILLY DAVIS  
SMITH, MARIE FAIRCLOTH, UNENA WALLACE;RITA, ARREDONDO  
CAMPBELL, DEWEY GOVAN;CAMPBELL, DEBRA LEWIS  
COX, JUNIOR DEVON  
HUBBARD, LINWOOD RAY  
AUTRY, BRETT H  
FREEMAN, RICHARD G;FREEMAN, EMILY HONEYCUTT  
NORDWALL, ANDREW M  
VINSON, KIMBERLY MORRIS  
CASHWELL, JERRY P;CASHWELL, BARBA  
CASHWELL, JERRY P II  
HUBBARD, LINWOOD RAY  
THOMPSON, ALEXANDER  
AUTRY, BRETT H  
CARROLL, KEVIN;CARROLL, KIMBERLY H.  
MCCALL, BETTY W;MOZINGO, KERI A;SHUPE, KIMBERLY H;HUGHES, WILLIAM PO BOX 148

1075 JOHN NUNNERY RD  
6463 WINDY CREEK WAY  
PO BOX 447  
1164 JOHN NUNNERY RD  
PO BOX 205  
147 MARY MCCALL RD  
1132 JOHN NUNNERY RD  
PO BOX 481  
PO BOX 482  
1075 JOHN NUNNERY RD  
175 DEER RUN LN  
1206 JOHN NUNNERY  
PO BOX 46  
1032 JOHN NUNNERY RD  
1012 JOHN NUNNERY RD  
PO BOX 482  
1 TOWNELEY CT  
1088 JOHN NUNNERY RD  
630 MARY MCCALL RD

STEDMAN, NC 28391  
FAYETTEVILLE, NC 28306  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
FAYETTEVILLE, NC 28302  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
AUTRYVILLE, NC 28318  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
GREENSBORO, NC 27455  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
STEDMAN, NC 28391

1,100' Rad

P21-28

owner\_name

WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY  
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY  
GARLAND, RISA  
HUBBARD, DAVID MITCHEL;TEACHEY, NANCY HUBBARD  
WHITE, ANTHONY LYNN;WHITE, PEGGY ROSSER  
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY  
SMITH, JOHNNY M LIFE ESTATE  
HALL, MARY B (REALE)  
FREEMAN, RICHARD E  
HORNE, BILLY DAVIS  
CAMPBELL, DEWEY GOVAN;CAMPBELL, DEBRA LEWIS  
HUBBARD, LINWOOD RAY  
FREEMAN, RICHARD G;FREEMAN, EMILY HONEYCUTT  
NORDWALL, ANDREW M

address

110 SUSAN CIR  
110 SUSAN CIR  
921 BAINBRIDGE RD  
2848 SKYE DR  
1207 BAINBRIDGE RD  
110 SUSAN CIR  
1365 JOHN NUNNERY RD  
6463 WINDY CREEK WAY  
1164 JOHN NUNNERY RD  
PO BOX 205  
1132 JOHN NUNNERY RD  
PO BOX 482  
175 DEER RUN LN  
1206 JOHN NUNNERY

citystatezip

GOLDSBORO, NC 27530  
GOLDSBORO, NC 27530  
STEDMAN, NC 28391  
FAYETTEVILLE, NC 28303  
STEDMAN, NC 28391  
GOLDSBORO, NC 27530  
STEDMAN, NC 28391  
FAYETTEVILLE, NC 28306  
STEDMAN, NC 28391  
FAYETTEVILLE, NC 28302  
STEDMAN, NC 28391  
STEDMAN, NC 28391  
AUTRYVILLE, NC 28318  
STEDMAN, NC 28391

021-28 1<sup>st</sup> Class



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

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

1. Applicant/Agent Molie Farms LLC
2. Address: PO Box 53943 Zip Code 28305
3. Telephone: (Home) 910 824 1954 (Work) \_\_\_\_\_
4. Location of Property: John Nunnery Rd Mary McCall Rd
5. Parcel Identification Number (PIN #) of subject property: 0496-83-4950 / 0496-54-7376  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ~~74~~ 48 <sup>RD</sup> Frontage: 1825 Depth: 2850
7. Water Provider: Well Septage Provider: Septic
8. Deed Book 11081, Page(s) 0487 0490, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farmland / Timber
10. Proposed use(s) of the property: Housing Development

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes X No \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: A1

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R30  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Housing Development

- 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.

48 Acres 52 Lots

2. DIMENSIONAL REQUIREMENTS:

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

See site plan

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See site plan

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

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

6. SITE PLAN REQUIREMENTS:

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



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

Molcie Farms LLC  
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 53943 Fayetteville NC 28305  
ADDRESS OF OWNER(S)

910-824-1954 HOME TELEPHONE #      WORK TELEPHONE #

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

340 Wade Stedman Rd Stedman NC 28391  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

rhett.bunce@gmail.com  
E-MAIL

HOME TELEPHONE #      WORK TELEPHONE #

Rhett Bunce  
SIGNATURE OF OWNER(S)

Rhett Bunce  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

FILED	Apr 06, 2021
AT	10:23:32 AM
BOOK	11081
START PAGE	0481
END PAGE	0491
INSTRUMENT #	15667
RECORDING	\$26.00
EXCISE TAX	\$1,910.00

*This property is not the primary residence of Grantors*  
*Return to: Attorney Randall Faircloth*  
*1515 Mockingbird Lane, Suite 4115*  
*Charlotte, NC 28209*

Excise Tax: \$1,910.00

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

*SPECIAL WARRANTY DEED*  
*Tax Parcel No.: 0496547376*  
*Tax Parcel No.: 0496523312*  
*Tax Parcel No.: 0496834950*  
*Tax Parcel No.: 0496539656*

THIS SPECIAL WARRANTY DEED, made the 30<sup>th</sup> day of March, 2021, by and between BONNIE CHRISTINE CAMPBELL WHITESELL and husband, BOB J. WHITESELL, 110 Susan Circle, Goldsboro, North Carolina 27530, and GLORIA SUSAN CAMPBELL DURHAM (formerly known as GLORIA SUSAN CAMPBELL PENUEL) (formerly known as SUSAN CAMPBELL KEEL) and husband, RICHARD E. DURHAM, 411 Green Drive, Goldsboro, North Carolina, 27534, and DANNA LYNNE CAMPBELL KELLY and husband, RHETT FAVER, 8390 US Highway 25/70, Marshall, North Carolina 28753, parties of the first part; and MOLCIE FARMS, LLC, a North Carolina limited liability company, P. O. Box 53943, Fayetteville, North Carolina 28305, party of the second part;

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars

*Prepared by:*

*L. E. (Trey) Taylor III, Attorney at Law*

*Warren, Kerr, Walston, Taylor & Smith, L.L.P.*

*Post Office Box 1616, Goldsboro, North Carolina 27533-1616*

submitted electronically by "Regent Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Cumberland County Register of Deeds.

- 2 -

(\$10.00) and other valuable consideration paid by the said party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, those certain tracts or parcels of land situated in Cedar Creek Township, Cumberland County, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

This conveyance is made subject to all easements and restrictions, if any, appearing of record in the chain of title, and the 2021 Cumberland County ad valorem taxes which shall be prorated between the parties.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereto belonging to the said party of the second part, its successors and assigns, to their only use and behoof forever.

And the said parties of the first part covenant to and with the said party of the second part, that the parties of the first part have done nothing to impair such title as they received, and the parties of the first part will warrant and defend the title to the same against the lawful claims of all persons claiming by, under or through the parties of the first part, except for the exceptions hereinabove stated.

*Signatures To Follow On Next Page*



IN WITNESS WHEREOF, BONNIE CHRISTINE CAMPBELL WHITESELL and husband, BOB J. WHITESELL, being two of the parties of the first part, have caused this Special Warranty Deed to be duly executed, this the day and year first above written.

Bonnie Christine Campbell Whitesell (SEAL)  
BONNIE CHRISTINE CAMPBELL WHITESELL

Bob J. Whitesell (SEAL)  
BOB J. WHITESELL

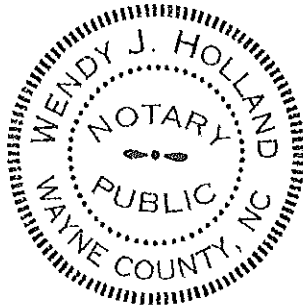
STATE OF NORTH CAROLINA  
COUNTY OF WAYNE

I, Wendy J. Holland, a Notary Public for Wayne County, North Carolina, do hereby certify that BONNIE CHRISTINE CAMPBELL WHITESELL and husband, BOB J. WHITESELL, each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

Wendy J. Holland  
Notary Public

My commission expires:

May 23, 2024



IN WITNESS WHEREOF, GLORIA SUSAN CAMPBELL DURHAM and husband,  
RICHARD E. DURHAM, being two of the parties of the first part, have caused this Special  
Warranty Deed to be duly executed, this the day and year first above written.

Gloria Susan Campbell Durham (SEAL)  
GLORIA SUSAN CAMPBELL DURHAM

Richard E. Durham (SEAL)  
RICHARD E. DURHAM

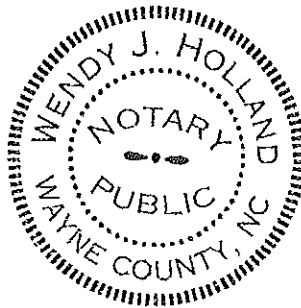
STATE OF NORTH CAROLINA  
COUNTY OF WAYNE

I, Wendy J. Holland, a Notary Public for Wayne County, North Carolina, do hereby  
certify that GLORIA SUSAN CAMPBELL DURHAM and husband, RICHARD E. DURHAM,  
each personally appeared before me this day and executed the foregoing and annexed instrument  
for the purposes therein expressed.

Wendy J. Holland  
Notary Public

My commission expires:

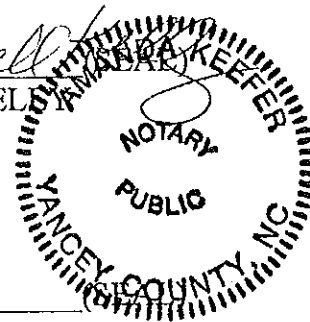
May 3, 2024



IN WITNESS WHEREOF, DANNA LYNNE CAMPBELL KELLY and husband, RHETT FAVER, being two of the parties of the first part, have caused this Special Warranty Deed to be duly executed, this the day and year first above written.

Danna Lynne Campbell Kelly  
DANNA LYNNE CAMPBELL KELLY

Rhett Faver  
RHETT FAVER



STATE OF NORTH CAROLINA

COUNTY OF Madison

I, Amanda Keefe, a Notary Public for Yancey County, North Carolina, do hereby certify that DANNA LYNNE CAMPBELL KELLY and husband, RHETT FAVER, each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

Amanda Keefe  
Notary Public

My commission expires:

7/17/2024



EXHIBIT A

**TRACT ONE: Campbell Parcel D1 West: Tax Parcel Identification Number: Portion of 0496-54-7376**

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT WHICH IS SITUATED WEST OF THE CENTERLINE OF NCSR #1852 (MARY MCCALL ROAD) WHICH WESTERN PORTION CONSISTS OF APPROXIMATELY 31.06 ACRES:

BEGINNING at a stake by a pine stump, W. H. Ringgold's corner, and running thence North 74 East 7 chains 35 links to a stake and pointers; thence South 85 East 20 chains 60 links to a stake in the McAlpin line; thence South 4  $\frac{3}{4}$  West 1 chain 10 links to a stake; thence South 78  $\frac{1}{2}$  East 31 chains to a pine stump; thence north 84  $\frac{1}{2}$  East 19 chains 50 links to a stake; thence South 4  $\frac{1}{2}$  West 7 chains 10 links to a stake and pointers; thence West 77 chains 50 links to a stake and pointers; thence North 4  $\frac{1}{2}$  East 11 chains 25 links to the beginning, containing 72 acres, more or less.

Excepting, however, 22 acres, more or less, conveyed to C. M. Jordan; for excepted 22 acres, see deed recorded in Book 262, Page 190, Cumberland County Registry.

The above 50 acres being the same land described in a deed from J. W. McMillian and wife, to Alexander McCall. See Cumberland County Registry, Book 330, Page 234.

See deed C.C. Howard, Commissioner, to Cumberland County Drainage District Number Three, dated September 16, 1940, and registered in Book 433, Page 80, Cumberland Registry.

Excepting 2 acres, more or less which was previously conveyed to Daney Crumpler by deed recorded in Book 573, Page 63, Cumberland County Registry.

Excepting 1-8/10 acres which was previously conveyed to Leroy Wiggs and wife, Estelle Wiggs by deed recorded in Book 495, Page 267, in the office of the Register of Deeds of Cumberland County.

And being the same property conveyed to Daniel G. Campbell and wife, Christine M. Campbell, by Alexander McCall and wife, Mallie McCall, by deed dated December 4, 1954, and recorded in Book 658, Page 234, of the Cumberland County Registry.

**TRACT TWO: Campbell Parcel D1 East: Tax Parcel Identification Number: Portion of 0496-54-7376**

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT WHICH IS SITUATED EAST OF THE CENTERLINE OF NCSR #1852 (MARY MCCALL ROAD) WHICH EASTERN PORTION CONSISTS OF APPROXIMATELY 16.94 ACRES:

BEGINNING at a stake by a pine stump, W. H. Ringgold's corner, and running thence North 74 East 7 chains 35 links to a stake and pointers; thence South 85 East 20 chains 60 links to a stake in the McAlpin line; thence South 4  $\frac{3}{4}$  West 1 chain 10 links to a stake; thence South 78  $\frac{1}{2}$  East 31 chains to a pine stump; thence north 84  $\frac{1}{2}$  East 19 chains 50 links to a stake; thence South 4  $\frac{1}{2}$  West 7 chains 10 links to a stake and pointers; thence West 77 chains 50 links to a stake and pointers; thence North 4  $\frac{1}{2}$  East 11 chains 25 links to the beginning, containing 72 acres, more or less.

Excepting, however, 22 acres, more or less, conveyed to c. M. Jordan; for excepted 22 acres, see deed recorded in Book 262, Page 190, Cumberland County Registry.

The above 50 acres being the same land described in a deed from J. W. McMillian and wife, to Alexander McCall. See Cumberland County Registry, Book 330, Page 234.

See deed c. c. Howard, Commissioner, to Cumberland County Drainage District Number Three, dated September 16, 1940, and registered in Book 433, Page 80, Cumberland Registry.

Excepting 2 acres, more or less which was previously conveyed to Daney Crumpler by deed recorded in Book 473, Page 63, Cumberland County Registry.

Excepting 1- $\frac{8}{10}$  acres which was previously conveyed to Leroy Wiggs and wife, Estelle Wiggs by deed recorded in Book 495, Page 267, in the office of the Register of Deeds of Cumberland County.

And being the same property conveyed to Daniel G. Campbell and wife, Christine M. Campbell, by Alexander McCall and wife, Mallie McCall, by deed dated December 4, 1954, and recorded in Book 658, Page 234, of the Cumberland County Registry.

**TRACT THREE: Campbell Parcel A2: Tax Parcel Identification Number: Portion of 0496-52-3312**

BEGINNING at a pine stump on a ditch and runs South 79 degrees West 29 chains to a stake; thence North 5 degrees East 9.60 chains to a stake; thence South 73 degrees 30 minutes West 6.50 chains to a stake; thence North 5 degrees 30 minutes East 7 chains to a stake, Duncan McColl's corner; thence his line South 89 degrees East 33 chains to the road in a field near a cemetery; thence with the road South 7 degrees 30 minutes East 8.40 chains to a ditch bank; thence with the ditch bank South 77 degrees West 1.10 chains to the Beginning, containing 35.4 acres, more or less, and being the same land described in deed from Minnie J. Jordan, et al, to R. A. McColl dated January 30, 1933, recorded in Book 475, Page 371, in the Office of the Register of Deeds for Cumberland County, North Carolina.

And being the same property described as the First Tract in a deed to D. G. Campbell and wife, Christine M. Campbell, from Roy A. McCall, dated November 23, 1962, and recorded in Book 958, Page 128, of the Cumberland County Registry.

**TRACT FOUR: Campbell Parcel A3: Tax Parcel Identification Number: Portion of 0496-52-3312**

BEGINNING at a stake and pointers, the fourth corner of Lot Number 2, the same being the beginning corner of the tract of which this is a part and running thence with the line of said tract East 31 chains 50 links to a stake in the middle of a public road; thence with the middle of said public road South 7 degrees 15 minutes East 10 chains to a stake in the southern line of the tract of which this is a part; thence with said southern line West 33 chains 53 links to a stake and pine pointers, the southwest corner of said tract; thence with the old line North 4 degrees 30 minutes East 10 chains to the beginning, containing 32.4 acres more or less, and being a part of a tract of land conveyed to c. L. McCall by C.C. Howard, Commissioner, recorded in Book 424, Page 167, Cumberland County Registry, being all of said tract lying and being on the West side of the said public road and being also the same land described in deed from c. A. McColl and wife, to A. R. McColl dated December 12, 1942, recorded in Book 453, Page 267, in the Office of the Register of Deeds for Cumberland County, North Carolina.

And being the same property described as the Second Tract in a deed to D. G. Campbell and wife, Christine M. Campbell, from Roy A. McCall, dated November 23, 1962, and recorded in Book 958, Page 128, of the Cumberland county Registry.



**TRACT FIVE: Campbell Parcel A4: Tax Parcel Identification Number: Portion of 0496-52-3312**

BEGINNING at a stake and pointers in the eastern line of what was formerly known as the W. H. Jordan land, the same being the second corner of the tract of which it is part, and running thence with the first line of the tract of which it is a part North 87 degrees West 6 chains 33 links to a stake; thence North 3 degrees East parallel to the second line of the tract of which it is a part, 17 chains to the run of Muddy Branch; thence up the run of said branch North 40 degrees East about 2 chains to the fifth corner of the tract of which it is a part; thence North 63 degrees East 5 chains 75 links to the fourth corner of the tract of which it is a part; thence South 4 degrees 30 minutes West 2 chains 60 links to a stake, McColl's corner; thence South 3 degrees West 19 chains to the beginning, containing 12.5 acres, more or less. And being the first tract described in a certain deed from G. G. Kelly and wife, to Roy McCall, bearing date of March 10, 1948, and recorded in Book 529, Page 111, in the Office of the Register of Deeds for Cumberland County, North Carolina, to which deed and the deeds therein referred to, reference is hereby made for a more particular description.

Bearing date of March 10, 1948, and recorded in Book 529, Page 111, in the Office of the Register of Deeds for Cumberland County, North Carolina, to which deed and the deeds therein referred to, reference is hereby made for a more particular description.

**TRACT SIX: Campbell Parcel A5: Tax Parcel Identification Number: Portion of 0496-52-3312**

BEGINNING at a stake on the run of Muddy Branch, the beginning corner of the tract of which it is a part and runs thence with the first line of the tract of which it is a part South 87 degrees East 12 chains 67 links to a stake, the southwest corner of 12.5 acres conveyed to Burdette Martin; thence with the line of said tract North 3 degrees East 17 chains to the run of Muddy Branch; thence down the various courses of the run of said branch to the beginning, containing 12.5 acres, more or less. And being the second tract described in a certain deed from G. G. Kelly and wife, to Roy McCall, bearing date of March 10, 1948, and recorded in Book 529, Page 111, in the Office of the Register of Deeds for Cumberland County, North Carolina, to which deed and the deeds therein referred to, reference is hereby made for a more particular description.

And being the same property described as the Fourth Tract in a deed to D. G. Campbell and wife, Christine M. Campbell, from Roy A. McCall, dated November 23, 1962, and recorded in Book 958, Page 128, of the Cumberland County Registry.

**TRACT SEVEN: Campbell Parcel A/Dearl Bunce: Tax Parcel Identification Number: Portion of 0496-52-3312**

BEGINNING at an iron stake in the field located North 0-41-35 West 634.57 feet from the Charles G. Hubbard tract described in a deed recorded in Book 4693, Page 423; and runs thence from said beginning corner with the line of the 108.45 acre Ashley Carr Tract South 71 degrees 17 minutes 03 seconds West 433.94 feet to a pipe corner; thence North 5 degrees 08 minutes 53 seconds East 172.31 feet to a pipe corner; thence North 4 degrees 59 minutes 17 seconds East 235.0 feet to a stake; thence South 84 degrees 42 minutes 12 seconds East 373.84 feet to an existing pipe corner in the field; thence South 0 degrees 41 minutes 35 seconds East 232.04 feet to the point of BEGINNING, containing 2.84 acres, and being the same property being conveyed to Grantors by Deed recorded in Book 5129, Page 531, Cumberland County Registry, North Carolina, and also being the same property conveyed to Dearl L Bunce and wife, Betty G Bunce by Deed recorded in Book 5129, Page 535.

And being the same property conveyed by Dearl L Bunce and wife, Betty G Bunce to Christine McCall Campbell, owning a  $\frac{1}{2}$  interest; Bonnie Christine Campbell Whitesell, owning a  $\frac{1}{6}$  interest, Susan Campbell Keel, owning a  $\frac{1}{6}$  interest and Danna Lynne Campbell Kelly, owning a  $\frac{1}{6}$  interest by Deed recorded in Book 5297, Page 782.

There is excepted from Campbell Parcels A1, A2, A3, A4, A5 and A/Dearl Bunce all of that tract conveyed to the Department of Transportation by deed from Christine McCall Campbell etal as recorded in Book 8962, Page 148.

**TRACT EIGHT: Campbell Parcel E6: Tax Parcel Identification Number: 0496-83-4950**

BEGINNING at an iron pipe set in a dead longleaf pine in the old line, said beginning point being the original southwest corner of the old C. M. Jordan lands more particularly described by deed recorded in Book 262, Page 190, Cumberland County Registry, and proceeding thence with said old line North 0 degrees 45 minutes 10 seconds East 493.45 feet to an iron pipe, the northwest corner of said tract; thence with the northern line of said tract South 77 degrees 48 minutes 15 seconds East 747.56 feet to an iron pipe set in a stump, an old corner; thence North 85 degrees 04 minutes 05 seconds East 125.79 feet to an iron pipe in the western margin of State Road 1853 and continuing thence North 85 degrees 04 minutes 05 seconds East 34.52 feet to a point in the center line of State Road 1853; thence with the center line of state Road 1853 South 34 degrees 34 minutes 05 seconds East 1173.67 feet to a point in the center line of said State Road 1853; thence to and along the southern line of said tract North 89 degrees 24 minutes 05 seconds West 1571.28 feet to the southwest corner of that certain tract described in Book 718, Page 12, Cumberland County Registry, and continuing thence with the western margin of said tract North 0 degrees 45 minutes 10 seconds East 601 feet to the place and point of BEGINNING. For reference of title, see deeds recorded in Book 2159, Page 147, Book 2159, Page 163, and 2159, Page 172, Cumberland County Registry.

This deed is made subject to the existing right-of-way in favor of the N. C. State Highway Commission for NCSR #1853 (John Nunnery Road).

And being the same property conveyed to Daniel G. Campbell and wife, Christine M. Campbell, by Rockfish Investments, Inc., by deed dated September 14, 1970, and recorded in Book 2225, Page 461, of the Cumberland county Registry.

There is excepted from the tract described above as Campbell Parcel E6 all of that tract conveyed by Daniel G Campbell and wife, Christine M Campbell to Roland G Hall and wife, Mary B Hall by deed recorded in Book 2426, Page 185 which tract was subsequently conveyed by Roland G Hall and wife, Mary B Hall, by deed recorded in Book 2491, Page 456 which tract is identified on the 2020 Cumberland County Tax Records with Tax Parcel Identification Number 0496-93-1695.

**TRACT NINE: Campbell Parcel B7: Tax Parcel Identification Number: 0496-53-9656**

BEGINNING at a Railroad Spike in the center of Secondary Road Number 1852, said Railroad Spike being in the Northern line of the tract of which this is a part and runs thence as the center of said Secondary Road Number 1852; South 1 degree 52 minutes West 294.15 feet to a Railroad Spike in the center of said Road; thence, North 89 degrees 26 minutes West 297.27 feet to an iron; thence, South 9 degrees 07 minutes East 306.75 feet to a point in the Southern Line of the tract of which this is a part and runs thence as a portion of the Southern Line of the tract of which this is a part, North 85 degrees 02 minutes West 1183.45 feet to an iron, the Southwest corner of the tract of which this is a part; thence as the Western line of said tract, North 8 degrees 48 minutes East 614.65 feet to an iron, the Northwest corner of the tract of which is a part; thence as a portion of the Northern line of said tract, South 85 degrees 02 minutes East 1348.25 feet to the point of beginning, containing 17.59 acres more or less according to a survey made by A. L. Lewis, Registered Lane Surveyor, and being the Western portion of the 34.8 acre tract conveyed to C.L. McCall by deed dated September 1, 1949 and recorded in Book 558, Page 250 of the Cumberland County Registry.

And being the same property conveyed to Daniel G. Campbell and wife, Christine M Campbell, by Charles Lane McCall etal, by deed dated December 31, 1979 and recorded in Book 2750, Page 841, of the Wayne County Registry.

This conveyance is made subject to all restrictions, easements, and rights of way of record, if any.

**EXPLANATION OF THE REQUEST** Change of Zoning: RR to R7.5/CZ

*Summary of Modifications from the April 20 JPB meeting: Applicant has reduced total number of lots from 33 to 23; increased minimum lot size from 7,500 sq. ft. to 8,750, and increased minimum side yard setback standard from 5 feet to 7.5 feet.*

Applicant requests a rezoning of four parcels, totaling approximately 12.61 acres, from RR Rural Residential to R7.5 Residential/CZ Conditional Zoning and located west of the intersection of NC Hwy 87 and Butler Nursery Road. This request would increase the allowed density from 1 unit per 2 acres to 1 unit per 7,500 1 unit per 0.54 per acre. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

Applicant proposes a single-family residential subdivision with up to ~~33~~ 23 residential lots having a typical minimum lot size of ~~7,500~~ 8,500 sq. ft. and a minimum lot width of ~~sixty (60)~~ seventy (70) feet. Zero-Lot Line Development is requested with a minimum side yard setback of ~~5~~ 7.5 feet and a minimum lot width of ~~60~~ 70 feet. The R7.5 conventional zoning requires a minimum lot width of 75 feet and a minimum side-yard setback of 10 feet. The proposed deviations are allowed under the Zero Lot Line Development Standards. Illustration of the proposed subdivision plan is presented in Exhibit "B" with the Ordinance Conditions (attached).

**PROPERTY INFORMATION**

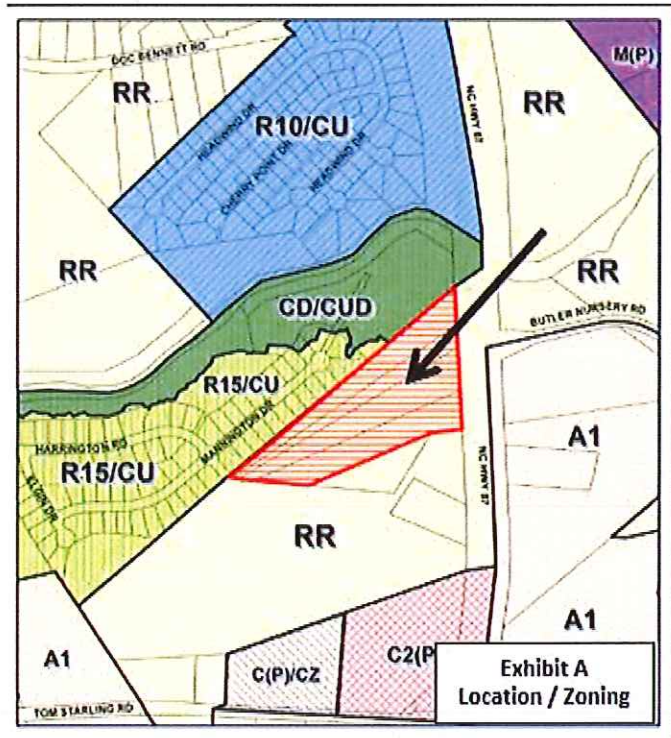
**OWNER/APPLICANT:** Eleanor Yates J. Bunnells, Eleanor R. Bunnells, Josephine P. Lyle, Charles J. Pate and Jessie M. Pate (owners) / Blayze DiPasquale on behalf of Mekee Homes, Inc.

**ADDRESS/LOCATION:** The subject property is located at the westside of the intersection of NC Hwy 87 and Butler Nursery Road. REID: 0443680495000, 0443680097000, 0443680292000. Refer to Exhibit "A", Site Location. Exhibit "A" shows the location of the subject property.

**SIZE:** 12.61 +/- acres within four parcels. The property has approximately 742' +/- of street frontage along NC Hwy 87. The property has a depth extending as from 842 feet +/- to 1,522 feet +/- in depth.

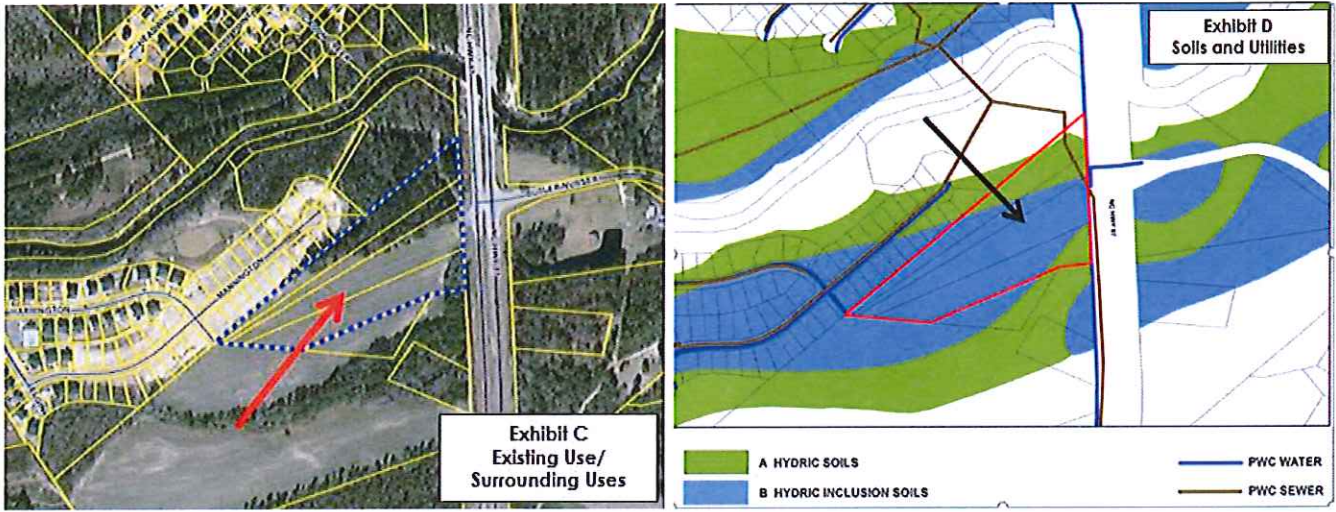
**EXISTING LAND USE:** The parcel is currently used for agriculture with undeveloped wooded areas at its northeast corner. Exhibit "C" shows the existing use of the subject property.

**SURROUNDING LAND USE:** Abutting the north and northwest side of the subject property is the Village at Rockfish residential subdivision with typical minimum lots at 70-foot width and 130 depth. Further to the north of the Village at Rock Fish is the Grays Creek Villas





residential subdivision with typical minimum lot size at 70-foot wide and 105-foot deep, approximately. To the south and southwest are agriculture lands while to the east on the opposite side of NC Hwy 87 are undeveloped lands. Character of the surrounding area is single-family residential neighborhoods. Exhibit "C" shows the use and character of the surrounding area.



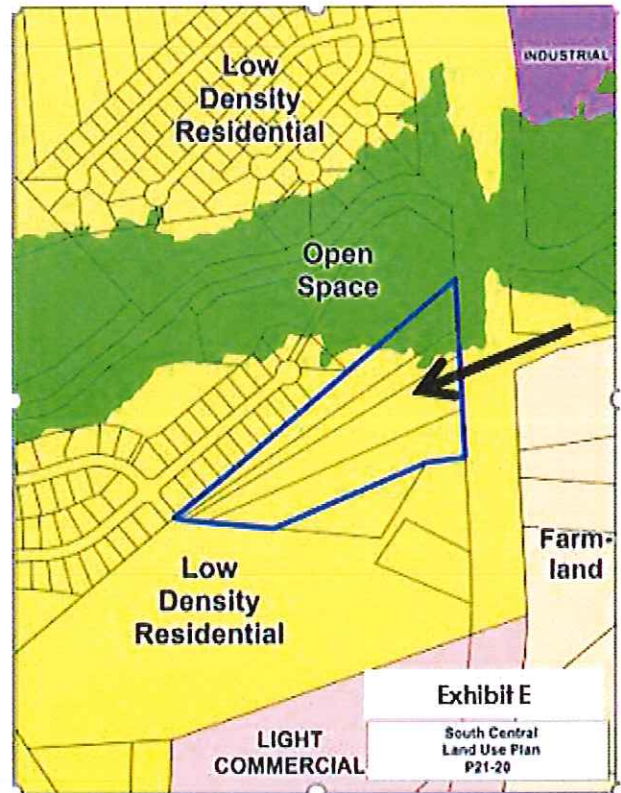
**OTHER SITE CHARACTERISTICS:** The property is not located within the watershed but a Special Flood Hazard Area and 100-Year Flood Plain does occur at the northeast corner of the property. The Site Plan directs development away from the flood plain area. All areas of the subject property have soil limitations with hydric or hydric inclusion soils, as illustrated in Exhibit "D".

**DEVELOPMENT REVIEW:** The four parcels were created by deed.

**UTILITIES:** The property has PWC central water and sewer lines adjacent to the property and will have to connect to this utility system. Exhibit "D" shows the proximity of PWC water and sewer lines to the eastern side of the subject property.

**MINIMUM YARD SETBACKS:** If approved, the Conditional Use Zoning with Zero Lot Line Development, based on the applicant's request, will have a minimum five-foot side yard setback and a minimum lot width of 60 feet. The front and rear setbacks standards will remain as the R7.5 requirements. Setback minimum standards for RR zoning are: Front yard: 30 feet, Side yard: 15 feet, Rear yard: 35 feet.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Urban/Conservation". Located in the South Central Land Use Plan area, the subject properties are designated as "Low Density Residential", as shown within Exhibit "E". The R7.5 zoning category is consistent with this LDR designation. **Request is compliant with the plans.**



## IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** The subject property is located at the intersection of Highway 87 and Harrington Road. Highway 87 is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan, and Harrington road is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

**SCHOOLS CAP/ENROLL:** Alderman Rd Elementary: 750/601; Gray's Creek Middle: 1200/1096; Gray's Creek High: 1470/1343

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated that all fire department access requirements are met where required in accordance with the 2018 NC fire code.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** As the rezoning request is for Conditional Zoning, Exhibit "B" includes the Conditions that the property owner must meet through an approved site plan, site development and use of the property.

### Code Deviations:

1. Lot Width. For the R7.5 zoning category, a minimum lot width of 75 feet is required. The applicant proposes a typical minimum lot width of ~~60~~ 70 feet by proposing a Zero lot line development. If the Conditional Zoning is approved, the minimum lot width will be ~~sixty~~ seventy feet or as shown on the Conditional Zoning Subdivision Plan.
2. Setbacks. For the R7.5 district, minimum setbacks on residential lots are: Front: 30 feet; Side: 10 feet; and Rear: 35 feet. The applicant is proposing the following minimum site-related setback standards: Front: 30 feet; Side: ~~5~~ 7.5 feet; and Rear: 35 feet.

## STAFF RECOMMENDATION

For Case P21-20, the Planning & Inspections staff **recommends approval** of the rezoning request from **RR Rural Residential to R7.5 Residential/CZ Conditional Zoning**, subject to the conditions of approval and conceptual subdivision plan, and finds the request consistent with the South Central Land Use Plan designation of "Low Density Residential" as the R7.5 zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding, existing land uses and zoning.

Attachments:  
Notification Mailing List  
Zoning Application



EXHIBIT B  
ORDINANCE CONDITIONS AND SUBDIVISION PLAN

Case: P21-20  
May 18, 2021

**R40 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

**Ordinance Related Conditions**  
*For a maximum 23-lot residential subdivision*

**Pre- Permit Related:**

1. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
2. The Current Planning Section must approve the individual plot plan for each lot prior to permit application. (Sec. 2402, County Subdivision Ord.)
3. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

*If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.*  
[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

4. The development shall connect to the central water and sewer systems available to it. No certificate of occupancy shall be issued until central water and sewer area available. On-site septic tanks are not allowed.

**Permit-Related:**

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

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

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

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

[§ 136-18(29), NCGS]

8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application. (Sec. 2304.B.2, County Subdivision Ordinance & Sec. 107, County Zoning Ord.)
9. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
10. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
11. Prior to application for the Certificate of Occupancy for the building or site, a Watershed Occupancy Permit must be issued for each lot/tract within this development. (Section 31A-29, County Watershed Ord.)
12. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

**Site-Related:**

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R7.5 Residential/CZ Conditional Zoning for up to a 23 lot Zero Lot Line subdivision zoning district must be complied with, as applicable, and as appearing with the conceptual subdivision plan appearing in Exhibit "A". Any conditions set forth herein this ordinance, including Exhibit "A", shall supersede the Zoning and Subdivision Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
14. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)
15. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
16. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)



17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
18. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
19. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development. (Sec. 2304B, County Subdivision Ord.)
20. The NC Department of Transportation's (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

22. All lots within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)
23. 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.
26. The subdivision plan must provide an internal access tract to the stormwater tract at the northeast portion of the subdivision, allowed the HOA the ability to access the stormwater facility.

**Plat-Related:**

24. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to the County's Current Planning Manager of the following documents :
  - a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the common area by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. One copy of each proposed final plat prior to the submission for final approval -- can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Sec. 2402.G., County Subdivision Ord.)

**Note: A copy of the recorded deed or deeds conveying all common area to the owners' association as shown on each plat must be provided to the Current Planning prior to submission for approval for recordation of the next succeeding phase/section of this development.**

25. All internal streets will require approved street names prior to approval of the final plat. Please contact County Location Services for the process of obtaining an approved street name.

26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
27. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
28. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
29. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
30. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along NC Hwy 87 for all lots or common areas abutting the highway.
31. A minimum 10' x 70' sight distance easement is required at the intersection of all internal streets and abutting streets and must be reflected on the final plat, unless another standard is required by NCDOT.
32. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

33. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

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

34. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
35. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
36. The final plat must be submitted to the Current Planning Section 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.
37. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.
38. Property owner shall include in the final plat the dedication of a portion of the open space tract at the western end of the project as public road right-way to accommodate the future continuation of Harrington Road, as shown in Exhibit "A".

**Plat-Required Statements:**

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

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

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

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

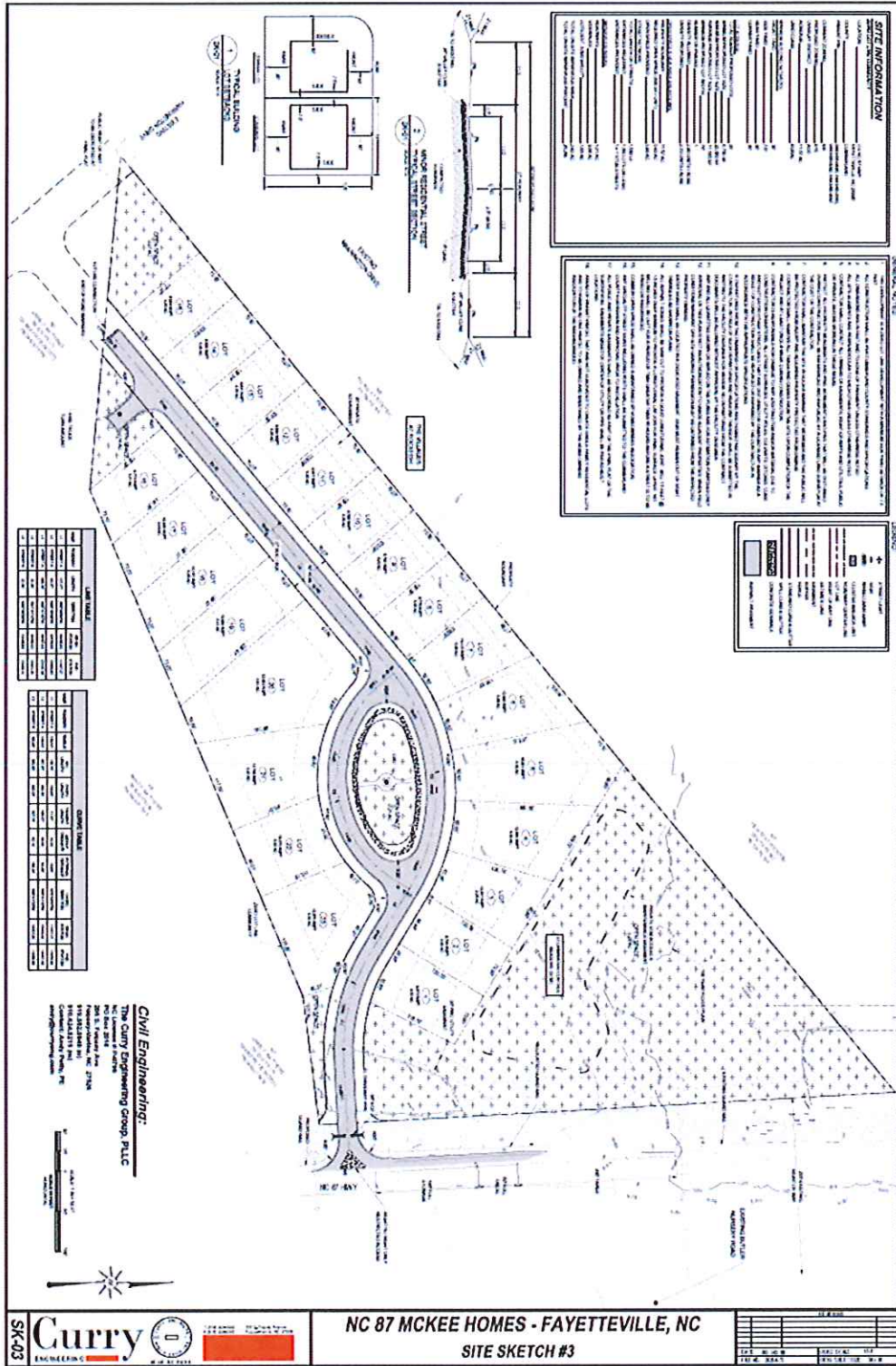
**Advisories:**

41. The applicant is advised to consult an expert on wetlands before proceeding with any development.
42. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
43. 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.
44. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
45. This conditional approval is not to be construed to encompass all the applicable rules, regulations, etc. which must apply to this development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
46. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.
47. The subject property is located at the intersection of Highway 87 and Harrington Road. Highway 87 is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan, and Harrington road is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
48. The HOA covenants should include a disclosure statement that road termini will be connected to other roads.

**Other Relevant Conditions:**

49. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Development Ordinance and Zoning Ordinance.

**EXHIBIT "A"**  
**SUBDIVISION PLAN- REVISED**  
**REZONING CASE 21-20**





**EXHIBIT "A"**  
**SUBDIVISION PLAN**  
**REZONING CASE 21-20**



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

Watershed Officer/Improvements: <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>	Jeff Barnhill	678-7765	
Current Planning Manager: <a href="mailto:blynd@co.cumberland.nc.us">blynd@co.cumberland.nc.us</a>	Betty Lynd	678-7605	
Subdivision/Site Plan/Plat <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>	Jeff Barnhill	678-7765	
Code Enforcement (Permits): <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>	Scott Walters	321-6654	
County Building Inspections: <a href="mailto:mnyaylo@co.cumberland.nc.us">mnyaylo@co.cumberland.nc.us</a>	Michael Naylor	321-6657	
Fire Marshal – Emergency Services <a href="mailto:klowther@co.cumberland.nc.us">klowther@co.cumberland.nc.us</a>	Kevin Lowther	321-6625	
<a href="mailto:wbooth@co.cumberland.nc.us">wbooth@co.cumberland.nc.us</a>	Gene Booth	678-7641	
County Engineer’s Office: <a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>	Wayne Dudley	678-7636	
County Health Department: <a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>	Fred Thomas	433-3692	
US Postal Service <a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>	Jonathan R. Wallace	(704) 393-4412	
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address: <a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>	Will Phipps	678-7666	
Street Naming/Signs: <a href="mailto:dshelton@co.cumberland.nc.us">dshelton@co.cumberland.nc.us</a>	Diane Shelton	678-7665	
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
Transportation Planning: <a href="mailto:iwyche@co.cumberland.nc.us">iwych@co.cumberland.nc.us</a>	Irvin Wyche	678-7615	
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

ATTACHMENTS – MIALING LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
VILLAGE AT ROCKFISH LLC	3400 WALSH PKWY	FAYETTEVILLE, NC 28311
AMES, SHAHRON LOUIS;JAMES, NATALIE MARIE	2148 MANNINGTON DR	FAYETTEVILLE, NC 28306
EREZ RIVERA, MANUEL E;PEREZ RIVERA, TAMARA ROSA	2204 MANNINGTON DR	FAYETTEVILLE, NC 28304
MATTHEWS, ANNIE P	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
AILEY, LISA	2208 MANNINGTON DR	FAYETTEVILLE, NC 28306
ALDWELL, TOWANIA L	2212 MANNINGTON DR	FAYETTEVILLE, NC 28306
HURTLEFF, ANGELA M;SHURTLEFF, MATTHEW S	2216 MANNINGTON DR	FAYETTEVILLE, NC 28306
ALMER, SHAQUANA TAMISHA;PALMER, JONATHAN TIMOTHY	2220 MANNINGTON DR	FAYETTEVILLE, NC 28306
ING, JOSEF	2224 MANNINGTON DR	FAYETTEVILLE, NC 28306
AVIS, STACY;DAVIS, JEFFREY	2228 MANNINGTON DR	FAYETTEVILLE, NC 28306
NDERSON, PHILLIP D;ANDERSON, GALINA	2232 MANNINGTON DR	FAYETTEVILLE, NC 28306
EIS, RYAN LEE	2236 MANNINGTON DR	FAYETTEVILLE, NC 28306
ICENTIRE, RASHAD;MCENTIRE, ASHLEY C	2240 MANNINGTON DR	FAYETTEVILLE, NC 28306
TERLING, CONSTANCE LAWANDA	2246 MANNINGTON DR	FAYETTEVILLE, NC 28306
UTLER, JOHN H III;BUTLER, CYRSTAL K	2248 MANNINGTON DR	FAYETTEVILLE, NC 28306
MATTHEWS, ANNE P	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
MATE, CHARLES J JR;PATE, JESSIE M	PO BOX 142	LAKE PLACID, FL 33862
WLE, JOSEPHINE P	PO BOX 367	MCKENNEY, VA 23872
UNNELLS, ELEANOR YATES J	3014 THROWER RD	HOPE MILLS, NC 28348
UNNELLS, ELEANOR R	3014 THROWER RD	HOPE MILLS, NC 28348
VILLAGE AT ROCKFISH HOMEOWNERS ASSOC INC	PO BOX 87209	FAYETTEVILLE, NC 28304
MATTHEWS, ANNIE PEARL;MATTHEWS, DONALD JOSHUA	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
MATE, WILLIAM JR V;PATE, PATRICIA MAYHEW	4045 S NC 87 HWY	FAYETTEVILLE, NC 28306

1<sup>st</sup> Class

P21-20



PEREZ RIVERA, MANUEL E; PEREZ RIVERA, TAMARA ROSA  
 MATTHEWS, ANNIE P  
 FRINK, CHARLENE D  
 MANNING, GEORGE R  
 SMITH, GLORIA; SHANUNDETTA, DIXON  
 BENNETT, OQUINDLE J; VIOLENE, K WILKERSON  
 ZAYAS, JANCARLOS LOPEZ; ZAYAS, DADMARY P BONILLA  
 BACK, JOSEPH JR; VALERIE, PETERSON  
 GRAYS CREEK VILLAS HOMEOWNERS ASSOC INC  
 BAILEY, LISA  
 CALDWELL, TOWANIA L  
 NESS, BRIAN  
 MAZURE, DAVID A; MAZURE, SYBIL S  
 SHURTLEFF, ANGELA M; SHURTLEFF, MATTHEW S  
 PALMER, SHAQUANA TAMISHA; PALMER, JONATHAN TIMOTHY  
 BRADSHER, GEORGE WILLIAM; BRADSHER, SHERRY K  
 FLETCHER, RUDOLPH; FLETCHER, BROOK  
 KING, JOSEF  
 DAVIS, STACY; DAVIS, JEFFREY  
 SMITH, MALAIKA A; SMITH, DARIUS  
 SMITH, BARRY; SMITH, GWENDOLYN R  
 ANDERSON, PHILLIP D; ANDERSON, GALINA  
 REIS, RYAN LEE  
 MEHMI, JAGJIT  
 MEHMI, JAGJIT  
 MCENTIRE, RASHAD; MCENTIRE, ASHLEY C  
 STERLING, CONSTANCE LAWANDA  
 BUTLER, JOHN H III; BUTLER, CRYSTAL K  
 THE VILLAGE AT ROCKFISH HOMEOWNERS ASSOCIATION, INC.  
 WILLIAMS, RASHINE A; WILLIAMS, SHANTA EVA T  
 SMITH, ANEILA; ROGERS, BRANDON  
 BARNES, KIMBERLY A  
 HUGER, MARQUISE T; HUGER, AMAZIAH BROWN  
 CARROLL, LAWRENCE D; CARROLL, STEPHANIE D  
 GAGE, JESSICA D'NEA  
 ZEGARRA, ELISABETH  
 HICKS, MICHAEL TAYLOR; HICKS, EMILEE TAYLOR  
 BROWN, KELLY J; BROWN, LESLIE Q  
 ALHASSAN, YUSIF; ALHASSAN, AYEISHA  
 MACE, BRIAN  
 SCOTT, JOHN D; SCOTT, ZARIAH NILSA  
 ELLIS, SAMUEL J  
 UNDERWOOD, STARLING B; PHELISA, R  
 BOWMAN, BRANDI ANNE  
 JSJ BUILDERS, INC.  
 SOLORZANO, AREADIO JR; SOLORZANO, CHENI VAZQUEZ  
 HAWLEY, TYLER AARON MARK; HANNAH, MARIE GODBOLO  
 TURNER, CHRISTOPHER J; TURNER, MEAGAN N  
 SPELL, MONICA K L; SPELL, WALTER WIDEMAN  
 JOHNSON, MAKISHA; JOHNSON, LEAH NICOLE LEWIS  
 COFFEY, JAMES W; COFFEY, FERNAVEL E  
 KBR 2 INVESTMENTS, LLC; O'BRIEN, NELSON T. II  
 MATTHEWS, ANNE P  
 MATTHEWS, DONALD L; MATTHEWS, CHRISTINA G  
 PATE, CHARLES J JR; PATE, JESSIE M  
 LYLE, JOSEPHINE P

2204 MANNINGTON DR FAYETTEVILLE, NC 28304  
 3274 BUTLER NURSERY RD FAYETTEVILLE, NC 28306  
 2146 HARRINGTON RD FAYETTEVILLE, NC 28306  
 2141 HARRINGTON RD FAYETTEVILLE, NC 28306  
 2145 HARRINGTON RD FAYETTEVILLE, NC 28306  
 2205 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2209 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2213 MANNINGTON DR FAYETTEVILLE, NC 28306  
 PO BOX 87209 FAYETTEVILLE, NC 28304  
 2208 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2212 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2217 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2221 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2216 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2220 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2225 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2229 MANNINGTON DR FAYETTEVILLE, NC 28314  
 2224 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2228 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2233 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2237 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2232 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2236 MANNINGTON DR FAYETTEVILLE, NC 28306  
 4812 ADDIE LN FAYETTEVILLE, NC 28306  
 4812 ADDIE LN FAYETTEVILLE, NC 28306  
 2240 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2246 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2248 MANNINGTON DR FAYETTEVILLE, NC 28306  
 3400 WALSH PKWY FAYETTEVILLE, NC 28311  
 4569 HEADWIND DR FAYETTEVILLE, NC 28306  
 1706 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1711 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1717 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1721 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1712 CHERRY POINT FAYETTEVILLE, NC 28306  
 1725 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1718 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1722 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1726 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1730 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1734 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1738 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1742 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1746 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1135 ROBESON ST FAYETTEVILLE, NC 28303  
 4813 HEADWIND DR FAYETTEVILLE, NC 28306  
 1750 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1754 CHERRY POINT DRIVE FAYETTEVILLE, NC 28306  
 4817 HEADWIND DR FAYETTEVILLE, NC 28306  
 4821 HEADWIND DR FAYETTEVILLE, NC 28306  
 PO BOX 72610 FORT BRAGG, NC 28307  
 7397 RIDDLE RD ST PAULS, NC 28384  
 3274 BUTLER NURSERY RD FAYETTEVILLE, NC 28306  
 690 EUGENIA RD VERO BEACH, FL 32963  
 PO BOX 142 LAKE PLACID, FL 33862  
 PO BOX 367 MCKENNEY, VA 23872

1,100' Road

021-20 3<sup>rd</sup> class







## County of Cumberland

Planning & Inspections Department

CASE: P 21-20

PLANNING BOARD  
MEETING DATE: 4-20-21

DATE APPLICATION  
SUBMITTED: 2-17-21

RECEIPT #: \_\_\_\_\_

RECEIVED BY: BP

### APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, which may be affected by the proposed Conditional Zoning. In addition, a sign will be posted on the property.

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold the public hearing four weeks following the Planning Board meeting. The Conditional Zoning District is not effective until the request is heard and approval granted by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ 540.00 (See attached Fee Schedule)

**NOTE:** Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan. For questions call (910)678-7603 or (910) 678-7602. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

AON: Portion of property  
MIA: N/A  
SM: N/A  
SSA: YES

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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0495  
(also known as Parcel Number or Property Tax ID)
6. Acreage: 3.09ac Frontage: 218' Depth: 1522'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 4602, Page(s) 232-233, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

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

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

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R7.5  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)



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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0383  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.85ac Frontage: 115' Depth: 1378'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 2981, Page(s) 7-9, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

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

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

- Conditional Zoning District, with an underlying zoning district of R7.5  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0292  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 3.25ac Frontage: 210' Depth: 1295'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 2981, Page(s) 10-12, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

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

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

TO: (Select one)

- ✓ Conditional Zoning District, with an underlying zoning district of R7.5  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0097  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 3.24ac Frontage: 199' Depth: 1140'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 5540, Page(s) 727-729, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

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

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

TO: (Select one)

- ✓ Conditional Zoning District, with an underlying zoning district of R7.5  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)



APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

- Accessory Uses
- Dwelling-Single Family
- Zero Lot Line Community

- 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.

Residential=11.43ac  
Total Residential Units Proposed=33 Units  
Non-Residential Units=0 Units

2. DIMENSIONAL REQUIREMENTS:

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

Front=30'  
Side=5'  
Rear=35'  
Corner=20'

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

2 Parking Parallel On-Street Spaces for Mailbox Kiosk  
to be constructed of same surface materials as street.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

All regulations from Article XIII shall be  
applicable to this rezoning.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

20' Landscape Buffer along Hwy 87 outside of driveway/  
street connection to Hwy 87 as approved by NCDOT.

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Charles J. Pate, Jr. & Jessie M. Pate  
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 142, Lake Placid, FL 33862  
ADDRESS OF OWNER(S)

CP 114 at COMCAST, NET  
E-MAIL

863 699-5657  
HOME TELEPHONE

WORK TELEPHONE

*Charles J. Pate, Jr.*  
SIGNATURE OF OWNER(S)

*Jessie M Pate*  
SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632  
HOME TELEPHONE

919-909-9632  
WORK TELEPHONE

bdipasquale@mckeehomesnc.com  
E-MAIL ADDRESS

N/A  
FAX NUMBER

  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Josephine P. Lyle Power of Attorney to Joseph w. Lyle  
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 342 Dinwiddie, VA 23841  
ADDRESS OF OWNER(S)

JELYLE@911RACH.COM  
E-MAIL

804-469-3940  
HOME TELEPHONE WORK TELEPHONE

Joseph W Lyle  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632 919-909-9632  
HOME TELEPHONE WORK TELEPHONE

bdipasquale@mckeehomesnc.com N/A  
E-MAIL ADDRESS FAX NUMBER

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Eleanor Yates J Bunnells  
NAME OF OWNER(S) (PRINT OR TYPE)

3014 Thrower Road, Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

\_\_\_\_\_  
E-MAIL

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

\_\_\_\_\_  
WORK TELEPHONE

Eleanor Yates J Bunnells  
SIGNATURE OF OWNER(S)

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

McKee Homes, Inc. - Blayze DiPasquale  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632  
HOME TELEPHONE

919-909-9632  
WORK TELEPHONE

bdipasquale@mckeehomesnc.com  
E-MAIL ADDRESS

N/A  
FAX NUMBER

  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Eleanor Bunnells  
NAME OF OWNER(S) (PRINT OR TYPE)

3014 Thrower Road, Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

\_\_\_\_\_  
E-MAIL

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

\_\_\_\_\_  
WORK TELEPHONE

Eleanor Bunnells  
SIGNATURE OF OWNER(S)

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

McKee Homes, Inc. - Blayze DiPasquale  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632  
HOME TELEPHONE

919-909-9632  
WORK TELEPHONE

bdipasquale@mckeehomesnc.com  
E-MAIL ADDRESS

N/A  
FAX NUMBER

  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT