

PENDING AMENDMENT

P08-39

Airport Overlay District

CASE HEADING:

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ADOPTION AND ESTABLISHMENT OF AN AIRPORT OVERLAY DISTRICT (AOD) BY AMENDING THE COUNTY ZONING MAP CREATING THE OVERLAY AREA LAYER; AND AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS AND DEFINITIONS; ARTICLE III, ZONING DISTRICTS; CREATING ARTICLE VIII.I, OVERLAY DISTRICTS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

CURRENT MEETING INFORMATION:

Planning Board Public Hearing, August 19, 2008, 7:00 pm, Room 118, Board of Commissioners Hearing Room, 117 Dick Street, Fayetteville

NOTE: The August 2008 Joint Planning Board meeting has been moved to the County Commissioners' Hearing Room due to ongoing maintenance at their regular meeting location.

ADDITIONAL INFORMATION:

The Planning & Inspections Staff, along with the staff from the Town of Hope Mills and the City of Fayetteville, have been working with the Fayetteville Regional Airport Director, Bradley Whited, and his assistant, Toney Coleman, concerning drafting an amendment to the County Zoning Ordinance that will protect the future viability of the airport and citizens and owners of property within the general vicinity of the airport.

A copy of the amendment for an "Airport Overlay District" is attached for your consideration. This amendment, if approved, essentially will require three things:

1. Factors are listed within the text that are proposed to be considered when/if any rezoning petitions are submitted within the overlay area;
2. Notice is to be given to the public by means of a statement on any recorded plat advising the public that the property is located within an area that is subject to high noise because of the airport; and
3. Reasonable height restrictions based on an incremental scale, and requirement to provide a copy of the FAA Form 7460-1 to Code Enforcement at the time of permit application. (Please note that this form is already a requirement by the FAA.)

AMEND Article II, Interpretations, Calculations and Definitions, Section 203, Definitions of Specific Terms and Words, by INSERTING the following in alphabetical order, as appropriate:

Approach Surface Zones: An inclined plane located directly above the approach area to the Fayetteville Regional Airport. The dimensions of the approach area are measured horizontally. The approach areas for each particular runway are symmetrically located with respect to the extended runway center lines and have lengths and widths as indicated on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan. The Airport Airspace Plan also shows the slopes of the respective approach surface zones.

Avigation Easement: An easement, recorded with the Cumberland County Register of Deeds, intended to protect property owners and residents of properties in close proximity to the Fayetteville Regional Airport and by providing for the free and unobstructed passage of aircraft in and through the air space above said properties thus providing for the safe, convenient and reasonable operation of the airport.

DNL: The A-weighted average day/night sound level in decibels during a 24-hour period.

Horizontal Surface Zone: A plane, circular in shape with its height 150 feet above the established Fayetteville Regional Airport elevation and having a radius from the airport reference point as indicated on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan.

Conical Surface Zone: An area that extends upward and outward from the periphery of the horizontal surface zone with a slope of 20:1 measured in a vertical plane passing through the Fayetteville Regional Airport reference point. Measuring radially outward, from the periphery of the horizontal surface zone, the conical surface extends for a horizontal distance as shown on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan.

Height: For purposes of determining vertical (height) limits related to the Airport Overlay District, established and regulated by the Federal Aviation Administration (FAA), the datum shall be *mean sea level* elevation unless otherwise specified.

DRAFT

Transitional Zone: The areas within the Fayetteville Regional Airport airspace that extends outward and upward from the sides of the approach zones for a horizontal distance as shown on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan.

AMEND Article III, Zoning Districts, by CREATING Section 308.1, entitled: Overlay Districts, to read as follows:

SECTION 308.1 OVERLAY DISTRICTS

Overlay districts establish area-specific provisions which are in addition to the regulations applying to the underlying general and conditional use districts and in addition to the minimum requirements of this Ordinance for Special Uses.

A. Airport Overlay District (AOD). The purpose of this district is to protect the public health, safety and welfare in the vicinity of the Fayetteville Regional Airport by minimizing exposure to and giving public notice of probable high noise levels and accident hazards generated by the airport operations and to encourage future development that is compatible with the continued operation of the airport and the economic well being of the County.

B. Reserved for future use.

AMEND by CREATING Article VIII.I, Overlay Districts and CREATING Section 8.101, Airport Overlay District (AOD), to read as follows:

ARTICLE VIII.I OVERLAY DISTRICTS

SECTION 8.101 AIRPORT OVERLAY DISTRICT (AOD)

A. Applicability. The provision of this Article shall apply to all new development within the Airport Overlay District (AOD) and any addition, remodeling, relocation or construction requiring a zoning or building permit. These provisions shall also apply to all trees located within the boundary of the AOD.

B. Airport Overlay District Map. The boundary of the AOD is established as a layer on the *Official Zoning Map, Cumberland County North Carolina* in digital format and is hereby adopted and made a part of the provisions of this Article as if the map itself were contained herein.

DRAFT

[Editor's note: See attached Exhibit 1 for a sketch map of the land area included within the AOD.]

C. Land Uses. The land uses allowed under the terms of this Ordinance shall continue to be allowed in the same manner as established by this Ordinance; however, upon the consideration of any petition for the rezoning of property within the AOD, the Planning & Inspections Staff, Joint Planning Board, and the Board of Commissioners shall give considerable weight to the following factors when formulating their recommendation/ruling:

1. All allowed uses within the district being requested should be compatible with the continued operation of the airport and consistent with the *2023 Off-Airport Land Use Plan*, or subsequent amendments to said plan, upon the subsequent amendments have been officially adopted by the Board of Commissioners;

2. Any petition for rezoning of properties located within the *Airport Impact Zones* – see map attached to this amendment as Exhibit 2 – should not be favorably considered except where such request is consistent with the following recommended land uses and densities:

a. *Airport Impact Zones 1, 2 and 5* are zones where the recommended land uses should prohibit residential development and allow low impact (less than five people per acre) non-residential development.

b. *Airport Impact Zones 3 and 4* should allow zero to low density residential development or non-residential development ranging from 25 to 40 people per acre.

c. *Airport Impact Zone 6* should generally allow low density residential development and non-residential development accommodating fewer than 100 people per acre.

3. Any district that would allow a use incompatible with the airport operations should not be favorably considered without a favorable recommendation for the Fayetteville Regional Airport Director, this includes uses that would cause the following:

a. A high concentration of residential dwelling units, specifically at a density of more than two dwelling units per net acre;

b. A use that would cause a high concentration of people, such as: indoor recreation, schools, medical facilities and the like;

c. Release into the air any substance that would impair aircraft visibility or otherwise interfere with its operation;

DRAFT

d. Produce light emissions, either direct or reflective, that would interfere with pilot vision, result in glare in the eyes of pilots using the airport or diminish the ability of pilots to distinguish between airport lights and other lights;

e. Create electrical interference with navigational signals or radio communication between the airport and aircraft;

f. Construct tall smokestacks or television, telecommunication and/or radio transmission towers; or

g. Attract birds or water fowl in such numbers as would create a hazard and interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport; such as storage of garbage, etc.

D. Height Limitations. Structures shall not be erected, altered, or maintained, and no tree shall be allowed to grow in to a height in excess of the applicable height limits established and regulated by the Federal Aviation Administration (FAA), and prior to application for any building/zoning permit the developer shall provide to the Coordinator a copy of the FAA's acknowledgement of receipt of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, as required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77). In the event, the FAA's acknowledgement indicates the proposed development would provide an obstruction and/or a hazard to air navigation, the developer must provide either written consent from the Airport Director as related to the proposed development or seek a variance under the provisions of this chapter. Notwithstanding the provisions of this Section, height limitations shall not apply to any structure or any vegetation that is 35 feet or less in height, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits of the FAA. The FAA height limitations generally include the following:

1. Approach Zone. Height limitations for Approach Zones shall be determined by measuring outward and upward at a 50:1 slope for Runway 4/22 and a slope of 50:1 for Runway 10/28. This measurement is commenced from the end of and at the same elevation as the end of the respective runway centerline to the prescribed horizontal distance.

2. Transitional Zone. Height limitations for the Transitional Zone shall be determined by measuring outward and upward at a 7:1 slope from the sides of and at the same elevation as the Approach Surface, and extending to the point of intersection with a horizontal surface or conical surface.

DRAFT

3. Conical Zone. Height limitations in the Conical Zone are established by measuring from the periphery of the horizontal zone and at 150 feet above elevation outward and upward at a 20:1 slope to a height of 350 feet above airport elevation.

4. Horizontal Zone. Height limitations in the Horizontal Zone are established at 150 feet above airport elevation (190 MSL).

E. Notice and Disclosure of Noise Impact. Any site plan, preliminary or final plat for property located within the AOD that is submitted for review and approval under the terms of this Ordinance and/or the County Subdivision Ordinance shall contain the following notice:.

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

F. Lighting/Marking.

1. Any allowed use, subdivision, or other development located within the AOD shall not have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations and in no case shall lighting be in contradiction to the provisions of Section 1102 M of this Ordinance.

2. The owner of any existing structure or vegetation that is currently penetrating any referenced surface within the AOD shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration or by the Director of the Fayetteville Regional Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the Fayetteville Regional Airport Director.

G. Avigation Easement. Property owners and residents of properties in which is encumbered by the avigation easement, recorded in Deed Book 520, page 186, at the Cumberland County Register of Deeds, shall not restrict the access of the Fayetteville Regional Airport Director or the director's designee to enter said properties for purposes of carrying out the provisions of the easement.

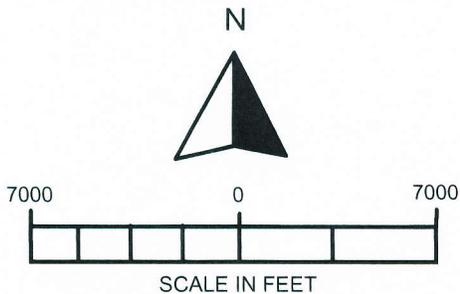
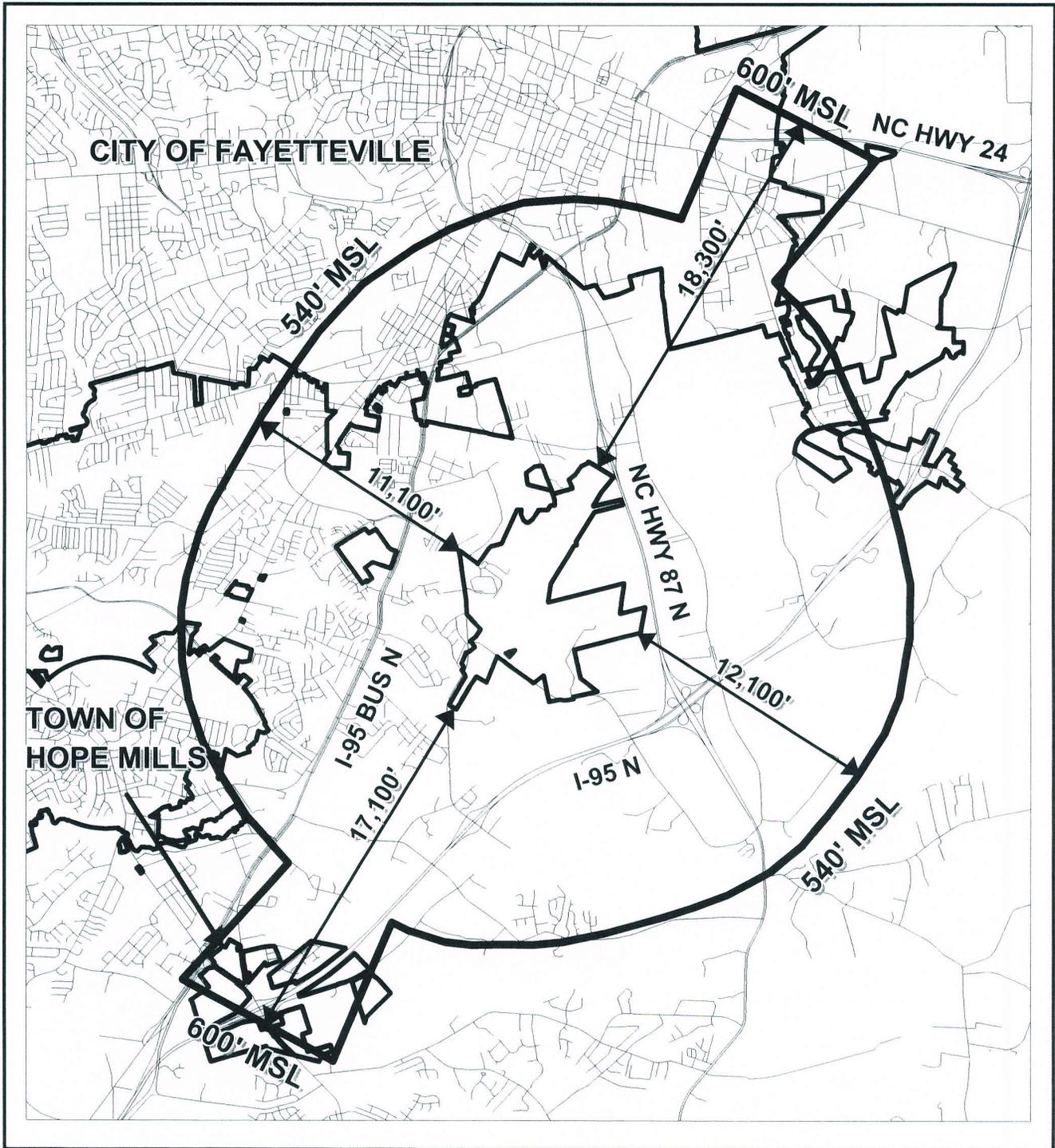
[Editor's note: A depiction of the easement location is attached as Exhibit 3 to this amendment for informational purposes only.]

DRAFT

H. Nonconformities. The regulations prescribed in this Section shall not be construed to require the removal, lowering or other change or alteration of any existing structure that is found to be nonconforming to the provisions of this Section as of the effective date of this amendment, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which valid permits have been issued prior to the effective date of this amendment, and is diligently exercised. The provisions of this sub-section do not apply to any tree, which may be trimmed in the event the tree is found to be encroaching into the airspace zones established in sub-section "D" above.

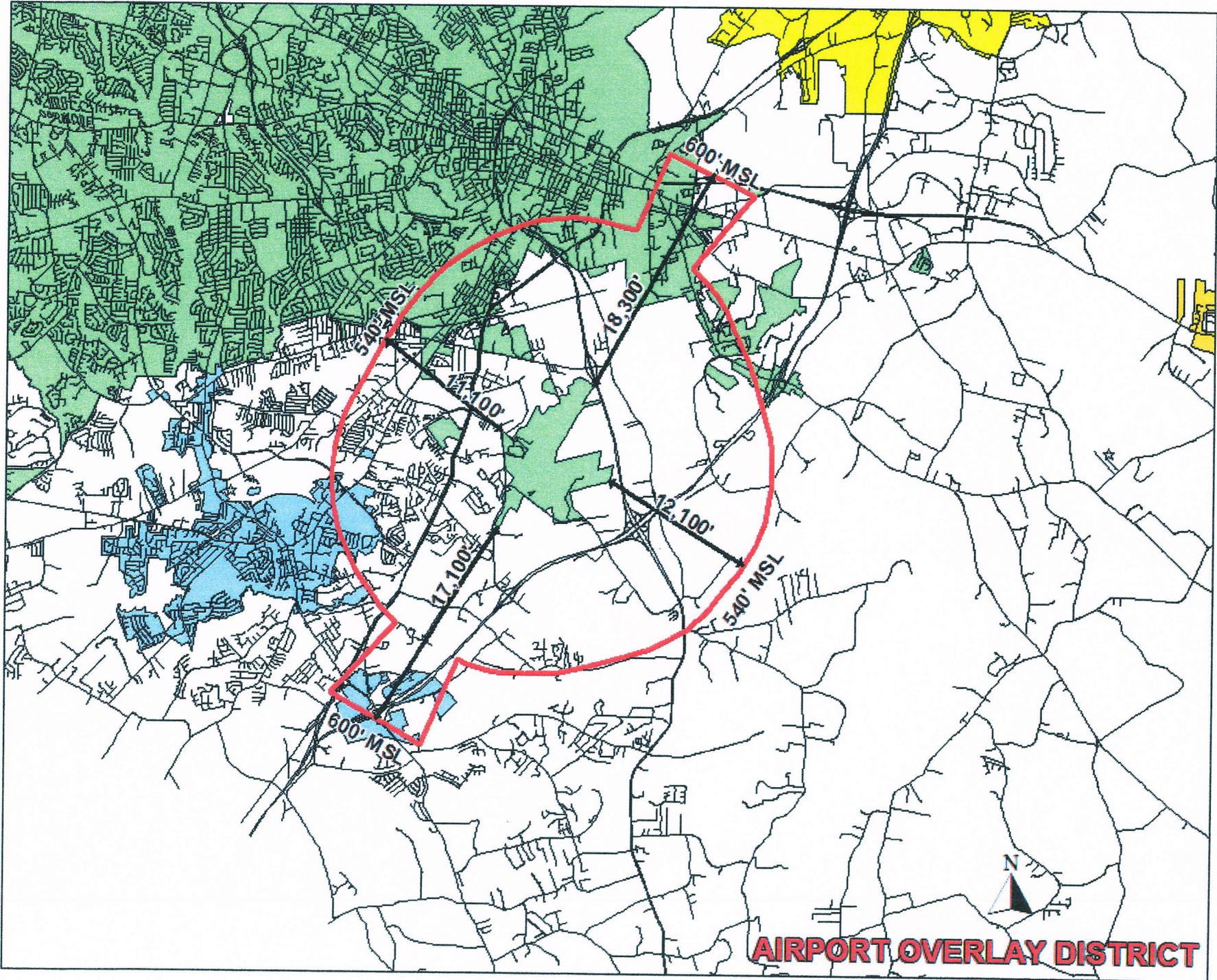
Whenever it is determined that a nonconforming tree or structure has been abandoned or more than 50% percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations within the AOD.

I. Conflicting Regulations. Where the provisions of this Section conflict with the remaining provisions of this Ordinance and any other provision of the County Code or other Federal, State or local regulation, the more restrictive regulation shall apply.

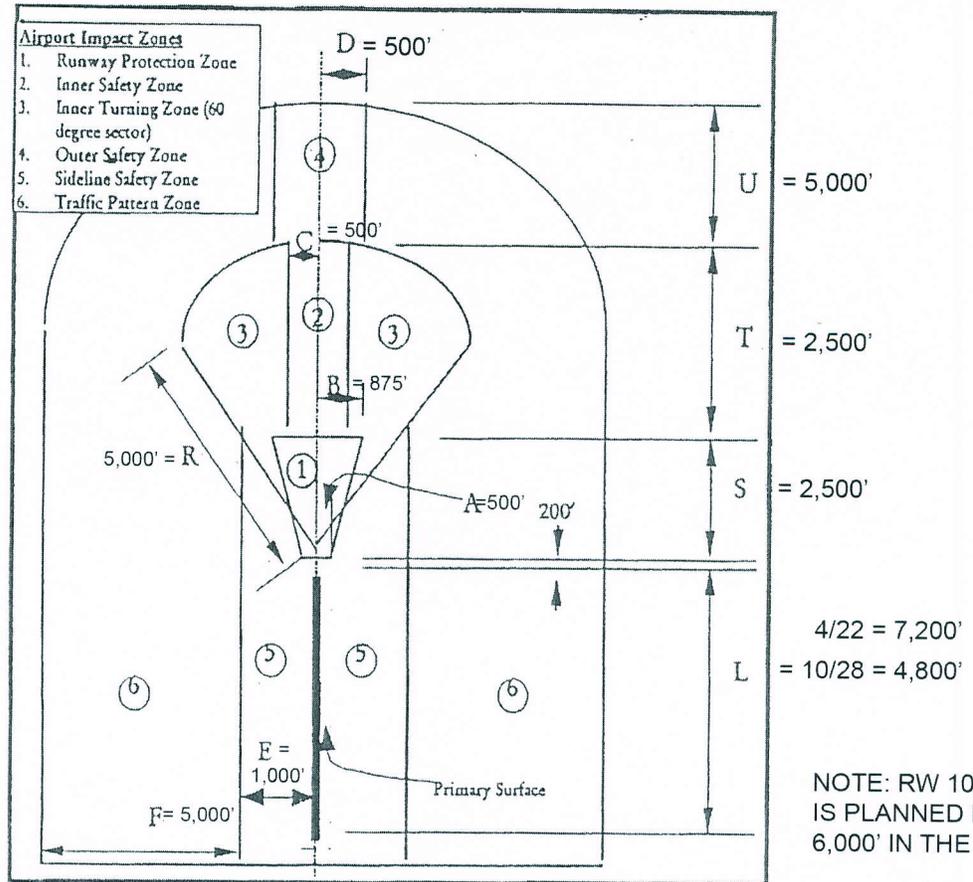


AMENDMENT AIRPORT OVERLAY DISTRICT

COUNTY ZONING ORDINANCE	HEARING NO: P08-39	
	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



Airport Impact Zones



Airport Impact Zone Dimension (in Feet)

Runway Length Category (L)	
Dimension	Runway 6,000 or more
A	500
B	875
C	500
D	500
E	1,000
F	5,000
R (60° Sector)	5,000
S	2,500
T	2,500
U	5,000

Exhibit 2, Airport Overlay District



**EXHIBIT 3: AVIGATION EASEMENT
DEED BOOK 520, PAGE 186**

PENDING AMENDMENT

P08-43

Falcon Zoning Ordinance

Enacting and Creating Provisions for Conditional Use Districts and Permits

CASE HEADING:

REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE ESTABLISHING AND ENACTING PROVISIONS FOR CONDITIONAL USE DISTRICTS AND PERMITS AMENDING ARTICLE II, GENERAL ZONING DISTRICT CLASSIFICATIONS, SECTION 2.1. STATEMENT OF INTENT, PURPOSE AND ZONE CHARACTERISTIC, CREATING SUB-SECTION 2.18, CONDITIONAL USE DISTRICTS; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1 TABULATION OF PERMITTED USES; AMENDING THE ENTIRE ORDINANCE BY REPLACING THE TERMS "SPECIFIED CONDITIONAL USE(S)" WITH "SPECIAL USE(S); AMENDING ARTICLE IV. OVERLAY DISTRICTS IN ITS ENTIRETY ESTABLISHING PROVISIONS FOR COMPANION DISTRICTS-CONDITIONAL USE DISTRICTS; AMENDING ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER AND AMENDING SPECIFIC TERMS RELATED TO THE CONDITIONAL USE DISTRICT PROVISIONS; ARTICLE XII. ADMINISTRATIVE PROVISIONS, SUB-SECTION (B), SECTION 12.5. AMENDMENTS, SUB-SECTION 12.51. SUBMISSIONS TO AND CONSIDERATION THEREOF BY THE PLANNING BOARD AND SUB-SECTION (C) OF 12.53. APPROVAL BY THE TOWN COUNCIL; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE AND MODIFYING THE TOWN'S ADOPTED FEE SCHEDULE.

PURPOSE:

This amendment is being proposed to give the Falcon Board of Commissioners an additional tool for consideration of rezoning cases. Only those uses specifically requested in the rezoning application are allowed and no use is permitted by right in the Conditional Use District. If approved, a Conditional Use District, by means of conditions placed on the Permit, enables the Town Board to ensure the citizens of the Town that development will occur as promised by the rezoning applicant.

CURRENT MEETING INFORMATION:

Joint Planning Board hearing on August 19, 2008, at 6:55 pm, in Room 118, Board of Commissioners Hearing Room (Main Courthouse) at 117 Dick Street, Fayetteville.

ADDITIONAL INFORMATION:

A complete copy of the proposed amendment is attached.

P08-43

REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE ESTABLISHING AND ENACTING PROVISIONS FOR CONDITIONAL USE DISTRICTS AND PERMITS AMENDING ARTICLE II, GENERAL ZONING DISTRICT CLASSIFICATIONS, SECTION 2.1. STATEMENT OF INTENT, PURPOSE AND ZONE CHARACTERISTIC, CREATING SUB-SECTION 2.18, CONDITIONAL USE DISTRICTS; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1 TABULATION OF PERMITTED USES; AMENDING THE ENTIRE ORDINANCE BY REPLACING THE TERMS "SPECIFIED CONDITIONAL USE(S)" WITH "SPECIAL USE(S); AMENDING ARTICLE IV. OVERLAY DISTRICTS IN ITS ENTIRETY ESTABLISHING PROVISIONS FOR COMPANION DISTRICTS-CONDITIONAL USE DISTRICTS; AMENDING ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER AND AMENDING SPECIFIC TERMS RELATED TO THE CONDITIONAL USE DISTRICT PROVISIONS; ARTICLE XII. ADMINISTRATIVE PROVISIONS, SUB-SECTION (B), SECTION 12.5. AMENDMENTS, SUB-SECTION 12.51. SUBMISSIONS TO AND CONSIDERATION THEREOF BY THE PLANNING BOARD AND SUB-SECTION (C) OF 12.53. APPROVAL BY THE TOWN COUNCIL; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE AND MODIFYING THE TOWN'S ADOPTED FEE SCHEDULE.

AMEND Article II. General Zoning District Classifications, Section 2.1. Statement of Intent, Purpose and Zone Characteristic, by CREATING sub-section 2.18, entitled: Conditional Use Districts, as follows:

2.18 Conditional Use Districts

2.181. Companion Districts. Each district includes a companion Conditional Use District (e.g. R15 has R15/CUD) where no uses are permitted by right. All uses in the companion Conditional Use Districts also require a Conditional Use Permit.

2.182 Reserved for future use.

2.183 Reserved for future use.

AMEND Article III. Permitted Principal Uses and Structures, Section 3.1 Tabulation of Permitted Uses, as follows:

Within the various use districts, as established in Article II and subject to the requirements of this ordinance, no land, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part for any use other than the uses permitted by the various districts as established herein. The use regulations for the various districts are intended to be permissive in nature and none other than those specifically listed shall be construed as being allowable uses. ~~Permitted uses in the various districts are indicated in the appropriate column of the following tables. Specified~~

~~conditional uses allowed in certain districts, after approval of the Board of Adjustment, are indicated in the following tables. "Some land uses, which in general may be compatible with other uses permitted in general zoning districts, may be allowed through conditional use district and approval of a permit or by issuance of a special use permit only upon findings that circumstantially have an adverse impact under certain conditions exist or should be applied, and is requested and agreed to by the property owner. The Their establishment of these uses shall be allowed only after review through appropriate measures and approval of plans and they shall be called specified conditional uses."~~

Permitted uses in the various districts are indicated under the appropriate heading of the following tables. Special uses, with Board of Adjustment approval and issuance of the permit, and some conditional use districts, after Board of Commissioner approval and issuance of the permit, are also indicated in the tables. All proposed uses in any planned district require site plan review and approval and shall be in compliance with the standards of this ordinance and the Town's Subdivision Ordinance.

AMEND the entire remainder of the Falcon Zoning Ordinance by REPLACING the terms "specified conditional use" and "specified conditional uses" with "special use" and "special uses" as appropriate; also REPLACING all the specified conditional use identifiers (C) in the tables contained within Article III. Permitted Principal Uses and Structures, with the identifier (S).

AMEND Article IV. Overlay Districts its entirety, as follows:

ARTICLE IV. COMPANION DISTRICTS – CONDITIONAL USE OVERLAY DISTRICTS

SECTION 4.1. GENERAL

The conditional use zoning districts set forth herein are authorized by N.C. GEN. STAT. §160A-382, and are intended to modify the use to which the parallel zoning district is restricted. Generally, an applicant, by seeking to rezone property to a Conditional Use District, will propose to restrict or eliminate Permitted, Conditional or Special Uses. Request for Conditional Use District rezoning shall be processed administratively in the same manner as for amendments to this Ordinance as established in Article 12.5.

Conditional Use Districts are floating districts that parallel general zoning districts. Conditional Use Districts are identical to their corresponding general zoning districts in all respects except that a Conditional Use Permit is required as a prerequisite to any use (Permitted, Conditional or Special) or development within them.

Parallel Conditional Use Districts are provided as a voluntary alternative method of petitioning the Board of Commissioners for a zoning map or classification change. The owner may submit conditions that restrict the uses that would otherwise be allowed in the zoning

district and only those uses specifically requested in the application shall be considered.

SECTION 4.2. RESTRICTIONS ON FILING OF APPLICATIONS

A request for a Conditional Use District rezoning shall be initiated only by an application [petition] signed by all current record owners of the property.

SECTION 4.3 CONTENT OF APPLICATIONS AND CONDITIONS

A properly submitted application for a Conditional Use District incorporates a petition for rezoning and an application for a Conditional Use Permit, which may be combined in one application. The Conditional Use District application shall provide the minimum information requirements set forth below, however, additional information may be required by the Planning and Inspections Staff, Planning Board or the Board of Commissioners when requested if any of the aforementioned deem it necessary in order to be able to make a recommendation on, or decision regarding, a required finding. Such requests may include a requirement for a more detailed site plan, or one modified in accordance with additional or modified conditions and other performance criteria.

- (a) Proposed Uses: Proposed uses shall be set forth in detail, including the compatibility with the uses in the neighboring districts. Any limitations or conditions to be placed on the proposed uses to enhance compatibility with and benefit to surrounding areas shall also be set forth.
- (b) Dimensional Requirements: The application shall show that the uses comply with dimensional requirements for the district requested. If the applicant proposes to vary the dimensional requirements for the district requested, it shall be demonstrated that the public purposes to be accomplished by any such dimensional requirement are met to an equal or greater degree.
- (c) Sign Requirements: The application shall indicate the location of signs in accordance with Article IX, Sign Regulations. If the applicant proposes to vary the sign provisions for the district requested, it shall be demonstrated that the public purposes to be accomplished by any such provisions are met to an equal or greater degree.
- (d) Off-Street Parking Requirements: The application shall indicate the location of all off-street parking and internal drive areas in accordance with Article VIII, Off-Street Parking and Loading, provisions. If the applicant proposes to vary the off-street parking provisions of this ordinance for the use requested, it shall be demonstrated that the public purposes to be accomplished by any such provisions are met to an equal or greater degree.
- (e) Miscellaneous Provisions: The application for a Conditional Use Permit may also set forth other conditions and performance criteria, such as days and hours of operation, numbers of employees, exterior lighting, and noise, odor and smoke emission

controls or other environmental conditions, which might be proposed to make the use of the property compatible with surrounding areas and uses allowed therein.

- (f) Site Plan Requirement: The application shall include a site plan drawn to the specifications of Section 12.45. If the proposed uses involve development subject to the Town's 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 Town's Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff, the Planning Board, and the Board of Commissioners to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings to be placed on the site, the proposed number of stories, and the location and number of off-street parking and loading spaces. The site plan shall show proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences shall be included on the site plan.

SECTION 4.4. ACTION BY THE JOINT PLANNING BOARD

The Joint Planning Board may hold a public hearing during which the applicant may voluntarily make modifications to the Conditional Use Permit request. The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, avoiding ex parte contact and bias, and basing findings of fact on evidence in the record. Board members shall disclose on the record at the public hearing any site visit they may have made to the affected property or any incidental ex parte contact he/she may have had with an affected party. The Planning Board shall review the request for a Conditional Use Permit and Conditional Use District rezoning and make a recommendation to the Board of Commissioners. When favorably recommending approval of the Conditional Use District, the Planning Board shall issue a statement addressing the reasonableness of the proposed rezoning, in addition to addressing the request's consistency with the current Land Use Plan. In recommending the Conditional Use Permit, the Planning Board shall find that:

- (a) The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- (b) The use meets all required conditions and specifications;
- (c) The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- (d) The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with the Town's most recent Land Use Plan and adopted planning policies.

SECTION 4.5. ACTION BY THE FALCON BOARD OF COMMISSIONERS

The Board of Commissioners shall hold a public hearing to consider the Conditional Use District rezoning and Conditional Use Permit. The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, avoiding ex parte contact and bias, and basing findings of fact on evidence in the record. Board members shall disclose on the record at the public hearing any site visit they may have made to the affected property or any incidental ex parte contact he/she may have had with an affected party.

The Board of Commissioners shall review the application, recommendations from the Joint Planning Board, suggested conditions, and other information presented at the public hearing. If the Board of Commissioners approves the rezoning application, a statement analyzing the reasonableness of the proposed rezoning along with addressing the consistency of the request with the current Land Use Plan shall be made a part of the record. Only upon approval of the Conditional Use District shall the Board of Commissioners consider approval of the Conditional Use Permit.

In approving the application, the Board of Commissioners, by separate motion, shall approve the Conditional Use Permit and may attach such reasonable requirements in addition to those specified in the Joint Planning Board's recommendation, and shall find that the application meets the findings listed in Section 4.4. Sub-sections (a) through (d). All conditions shall be stated in the permit and no condition shall be less restrictive than the standards of the parallel general use district. The conditions may include, but shall not be limited to:

- (a) The location of the proposed use on the property;
- (b) The number and location of structures;
- (c) The location and extent of accessory and support facilities, such as parking lots, driveways, fences and access streets;
- (d) The location and extent of buffer areas and other special purpose areas on the property;
- (e) The height of any structure;
- (f) The phasing of development;
- (g) Other restrictions on the use of the property that adhere to the purposes of this ordinance and maintain the public health, safety and welfare; and
- (h) Such other matters as the applicant shall propose.

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

SECTION 4.6. MODIFICATION TO APPROVED CONDITIONAL USE DISTRICTS & PERMITS

All modifications, including changes in use and/or increase in density, to approved Conditional Use Districts and Permits, other than those listed below, shall be reviewed in the same manner as a new project.

The following minor modifications to the Conditional Use Permit may be approved by the Planning and Inspections Staff without re-approval by the Board of Commissioners, provided no variance is required, the use does not change, the intent and layout of the approved plan is generally followed, density is not increased, conditions of approval are not violated, and such changes do not cause a significant adverse impact:

- (a) Slight variations in the building dimensions that do not depart from the general approved layout and not exceeding ten percent of the original approved dimensions;
- (b) Minor changes in parking lot or traffic lane dimensions;
- (c) Minor dimensional changes to individual lots;
- (d) Minor site modifications due to necessary engineering requirements;
- (e) Change of location of elements included on the site plan that generally maintains relative alignment and orientation to the approved site plan; and
- (f) Other similar insignificant changes.

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

SECTION 4.7. TIME LIMIT

Once the Conditional Use District rezoning and Conditional Use Permit are approved, all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved permit and conditions. Since the intent of this type of district is to provide for workable alternative uses of property, it is intended that land will be zoned in accordance with firm plans to develop. Therefore, at the end of two years from the date of approval, the Board of Commissioners may examine progress made to determine if active efforts are proceeding. If the Board of Commissioners determines that active efforts to develop are not proceeding, the board may institute proceedings to rezone the property to its previous zoning classification.

SECTION 4.8. FAILURE TO COMPLY

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

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

SECTION 4.9. VALIDATION OF EXISTING CONDITIONAL USE OVERLAYS

Nothing in this ordinance shall be interpreted to affect or impair any rights accrued pursuant to any Conditional Use Overlay District and Permit, under the Town Zoning Ordinance of March 5, 1991, and subsequent amendments, prior to the effective date of this amendment. All valid and legally approved Conditional Use Overlay Districts and Permits shall continue to be valid provided that terms of the permit are not substantially or materially altered or expanded in any manner, that all conditions and requirements of the permit are and continue to be complied with and that the use does not cease for a period of one year. Failure to comply with the conditions of the Permit for the Conditional Use Overlays will subject the developer and/or current owner to possible revocation pursuant to Section 4.8 above.

SECTION 4.1. GENERAL

~~The zoning districts set forth herein are authorized by N.C.G.S., Section 153A-382, and are intended to modify the restrictions of the underlying general zoning district. As appropriate, more than one overlay district may be used with any general zoning district. Any use permitted or allowed as a specified conditional use in the underlying general zoning district shall be permitted or allowed as a specified conditional use in the overlay district, unless disallowed by specific conditions or performance criteria imposed on the overlay district. The overlay district and the uses allowed therein also shall be subject to any conditions and performance criteria~~

~~imposed by this ordinance or otherwise by law in the underlying general zoning district, except as these may be modified by conditions and performance criteria imposed on the overlay district.~~

SECTION 4.2. ~~CONDITIONAL USE OVERLAY DISTRICT (-/CU)~~

~~The purpose of the conditional use overlay district is to permit flexibility of land use regulation by allowing certain uses which are not permitted uses or specified conditional uses in the underlying general zoning districts, but which meet the locational criteria of or are otherwise compatible with the Land Use Policies Plan, the Comprehensive Land Use Plan, or any land use plan now or hereafter adopted by the Town Council and which do not adversely impact on the uses allowed in the underlying district. It is intended in particular, but not exclusively, that a conditional use overlay district be established to allow a use or uses which are a permitted or specified conditional use in a general zoning district other than the underlying district without changing the general zoning district classification and thereby allowing all the permitted and specified conditional uses in such other district, which under the circumstances of the case may not be warranted. This district is further intended to be established only where special review and specific conditions and other performance criteria controlling the proposed uses of the property are necessary to insure that the proposed use is reasonable, neither arbitrary nor unduly discriminatory, benefits the public and is otherwise compatible with land use plans and with uses allowed in the surrounding area. The district shall be referred to by a symbol consisting of the two or three letter code designation of the underling district followed by a slash mark and the letters CU; for example R15/CU. Conditional use overlay zoning districts shall be established in accordance with the procedures, standards and criteria set forth in the following subsections:~~

Section 4.21. ~~Establishment of Conditional Use Zoning Districts~~

~~The establishment of a conditional use overlay district is an amendment of this ordinance. A conditional use overlay district may be proposed by petition from all the owners of property to be included in the district or by recommendation of the Planning Board or motion of the Town Council on their own respective initiatives. Such petitions, recommendations and motions shall be made and processed in accordance with Section 12.5, Amendments, as supplement by Section 4.23, below. Review by the Board of Adjustment and the conditional use permit required for specified conditional uses pursuant to Section 3.5 are not required for uses authorized in a conditional use overlay district.~~

Section 4.22. ~~Petitions for Conditional Use Overlay Districts~~

~~A petition for conditional use overlay zoning shall provide the minimal informational requirements set forth below. Additional information may be required from the petitioner by the Planning Department, the Planning Board or the Town Council and shall be provided when requested. Such requests may include a requirement for a more detailed site plan or one modified in accordance with additional or modified conditions and other performance criteria.~~

~~(a) Proposed Uses: The petition shall set forth in detail and with specificity the uses~~

~~which are to be permitted in the proposed district. The standard for specificity shall be the terms for uses contained in the tables of permitted and specified conditional uses in Section 3.1 of this ordinance; more specific descriptive terms may be used. The proposed uses shall be justified in terms of their need, their benefit to the surrounding community and their compatibility with uses in the underlying and neighboring zoning districts. Any limitations or conditions to be placed on the proposed uses to enhance compatibility with and benefit to surrounding areas shall also be set forth.~~

~~(b) Proposed Densities: If the proposed uses are residential in nature, the petition shall set forth the proposed density for such uses. This may be accomplished by reference to density allowances in general residential zoning districts or by proposing specific density requirements, appropriate to the contemplated use, other than standard allowances.~~

~~(c) Dimensional Requirements: The petition shall set forth dimensional requirements proposed for the uses requested in the petition. Off-street parking and loading facilities shall be included in this requirement. This may be done by reference to the dimensional provisions for specific general zoning districts as outlined in Section 7.3 or by proposing specific dimensional requirements, appropriate to the contemplated uses, other than standard allowances.~~

~~(d) Sign requirements: The petition shall set forth the sign regulations to be applied in the district by referencing applicable subsections of Section 9.4 or proposed variances therefrom, appropriate to the contemplated use.~~

~~(e) Miscellaneous Provisions: The petition may also set forth other conditions and performance criteria, such as days and hours of operation, numbers of employees, exterior lighting, and noise, odor and smoke emission controls, which might be appropriate to make the proposed uses of the property compatible with surrounding areas and uses allowed therein.~~

~~(f) Site Plan Requirements: The petition shall have attached a site plan, drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, or any subsequent subdivision regulations adopted by the Town Council, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed uses. If the proposed uses involve development not subject to subdivision regulations, the site plan will be of sufficient detail to allow the Planning Department and Planning Board to analyze the proposed uses and arrangement of uses on the site and shall include an outline of all buildings to be placed on the site, the proposed number of stories, the location and number of off-street parking spaces, proposed points of access to existing streets and internal circulation patterns, and the location of all proposed buffers and fences.~~

~~(f) Signature Requirements: The petition shall be submitted in the name of and executed by all the owners of the property included in the proposed conditional use overlay district or their agents or attorneys in fact. The petition shall contain a statement that the owners understand and agree that upon review by the Planning Board and action by the Town Council, the uses proposed in the petition may be modified and conditions and limitations placed upon them to insure compatibility of the uses with land use plans and uses in the surrounding area.~~

Section 4.23. Review, Recommendation and Approval of Petitions and Motions.

~~(a) Guidelines for review:~~ Each petition, recommendation, or motion for establishment of a conditional use overlay district shall be reviewed by the Planning Department and the Planning Board to determine whether or not the proposed zoning is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest. In making such a determination, the following factors shall be considered: (i) the size of the tract in question; (ii) the compatibility of the proposed uses with the existing land use plans; (iii) the benefits and detriments which might result from the proposed amendment for the owners of the property in the proposed district, their neighbors, and the surrounding community; (iv) the relationship and compatibility between the uses proposed for the district and the uses currently present in adjacent property; and (v) any other relevant factors peculiar to the facts and circumstances of the particular case.

~~(b) Recommendations and approval:~~ Following a public hearing, the Planning Board may recommend approval of and the Town Council shall approve a proposed conditional use overlay district and the conditions and other performance criteria imposed upon the uses to be allowed in the district only upon a finding that the proposed zoning and performance criteria are reasonable, neither arbitrary or unduly discriminatory, and in the public interest. Failure to approve proposed zoning shall constitute a denial. Approval of a conditional use overlay district shall constitute a conditional use permit authorizing the implementation of the uses approved subject to the conditions and other performance criteria imposed thereon.

~~Uses allowed in a conditional use overlay district shall be subject also to any conditions and performance criteria imposed by this ordinance or otherwise by law in the underlying general zoning district, unless any such general condition or performance criteria is expressly precluded or modified by the specific conditions and performance criteria imposed on the conditional use.~~

~~(c) Modifications of proposals:~~ During the process of review and approval the Planning Department and Planning Board may consider and recommend modifications of the proposed uses and impose conditions and other performance criteria, or modifications thereof, on such uses in order to make the determinations and findings required for approval of the proposed zoning. Such modifications and conditions and other performance criteria may include, but are not limited to, physical improvements and maintenance requirements; reduction of dwelling units allowed by the underlying zoning district; limitation on the maximum building height and coverage of the site; requirements for access to the site, off-street parking and loading, and internal circulation; landscaped or open space buffers; and operational limitations such as days and hours of operation, numbers of employees, exterior lighting, and noise, odor and smoke emission controls. Submission of site plans reflecting all approved performance criteria to the Planning Department or Inspections Department may be required for use by such departments for subdivision approvals and the issue of zoning and construction permits.

AMEND Article X. Definition of Terms, Section 10.2. Definitions of Specific Terms and Words, by INSERTING the following:

Board of Commissioners: The governing body of Town of Falcon.

Code Enforcement Coordinator: The individual assigned the position with this title within the Cumberland County's job position classifications that is charged with the day-to-day interpretation and enforcement of this ordinance.

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

Coordinator: See Code Enforcement Coordinator.

Town Subdivision Ordinance: The Falcon Subdivision Ordinance, which governs the division and development of property located within the jurisdictional boundary of the Town of Falcon.

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

Director: See Planning and Inspections Director.

Loading area or space, off-street: An area logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Ordinance: This, the Town of Falcon Zoning Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date and the effective date of any amendment to the Town Zoning Ordinance. This ordinance consists of two parts – a text and a map, in hardcopy or digital format.

Planning and Inspections Department: The County agency that is contracted with the Town for planning and inspections services and is responsible for and tasked with planning, land use and inspections matter for the Town and the surrounding area.

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. Throughout this ordinance, references to Director include the individual assigned to this position and/or the Director's designee.

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

Site plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance and the Town's Subdivision Ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, buildings, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in Section 12.45.

Special Use: Those uses for which a permit is required for the proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review at a quasi-judicial public hearing by the Town's Board of Adjustment and which may be allowed only after the findings of fact and the imposition of reasonable conditions.

Zoning: A police power measure, enacted by the Town Board of Commissioners pursuant to enabling statutes, in which the Town is divided into districts or zones within which Permitted, Conditional, and Special Uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

Zoning district: An area established by this ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

AMEND Article X. Definition of Terms, Section 10.2. Definitions of Specific Terms and Words, as follows:

Joint Planning ~~b~~ Board (also Planning Board): The Cumberland County Joint Planning Board created by and with members appointed by the Town, County Board of Commissioners and other municipalities within Cumberland County for purposes of offering recommendations to the Commissioners and the governing body of contracted municipalities on planning and land use matters and issuing final rulings on matters specifically delegated to the board by the Town Commissioners.

AMEND Article XII. Administrative Provisions, Sub-section (b) of Section 12.5. Amendments, Sub-section 12.51. Submissions to and Consideration Thereof by the Planning Board, as follows:

12.51. Submissions to and Consideration Thereof by the Planning Board

(b)The planning board, upon receipt of a proposal for amendment, by petition or otherwise, and upon notice to land owners as by law required, will consider each proposed amendment or change and may hold public hearings, public notice of which shall be given, for such consideration. Upon petition or other proposal for an amendment of the ordinance for the purpose of establishing a specific zoning district or specifically establishing a specific zoning district or for the purpose of establishing a Conditional Use District or specifically changing the

classification of a existing district or part thereof, the planning board may consider amending the ordinance to provide a classification or reclassification other than that specifically requested, and so recommend, provided that the notice to land owners and notice of public hearing required by law states that classifications or reclassifications other than that requested will be considered. If, upon receipt of a proposal to reclassify one type of general zoning district to another, the planning board proposes or has received a proposal from the Town Board of Commissioners ~~town council in lieu thereof~~ to consider establishment of a Conditional Use District ~~an overlay district~~, it must refer such proposal to the owners of the property to be included in such ~~overlay~~ district for submission of a petition in accordance with the provisions of Article IV hereof; no consideration of such a proposal can be made unless and until such a petition is received.

AMEND Article XII. Administrative Provisions, Sub-section (c) of Section 12.5. Amendments, Sub-section 12.53. Approval by the Town Council, as follows:

12.53. Approval by the Town Board of Commissioners ~~Council~~

(c) To approve any amendment, supplement, change, modification, or repeal of any provision of this ordinance, the Town Board of Commissioners ~~Council~~ shall address the consistency of the action with the current Land Use Plan; and make a finding and determination, entered in the minutes of the meeting, that such action is reasonable, neither arbitrary or unduly discriminatory ~~discriminating~~, and in the public interest. In the case of the approval of the establishment of a general zoning district or the reclassification of an existing general zoning district to another type of general zoning district, the board shall make an additional finding and determination that the property within the district is suitable for all uses permitted by the new classification. Consideration of any Conditional Use District is governed by Article IV of this ordinance.

**TOWN OF FALCON ZONING ORDINANCE
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
R40A R20 R20A R15 R15A R10 R6	\$200	\$400	\$500	\$500
O&I C1 C(P) & C3 M	\$400	\$500	\$600	\$800
CONDITIONAL USE OVERLAY DISTRICTS ² RESIDENTIAL	\$500	\$500	\$500	\$500
CONDITIONAL USE OVERLAY DISTRICTS ² NON-RESIDENTIAL	\$700	\$800	\$800	\$800
ALL TEXT AMENDMENTS	\$100			
ZONING ORDINANCE TEXT	\$ 5			
SUBDIVISION ORDINANCE TEXT	\$ 5			
<u>BOARD OF ADJUSTMENT*</u>				
SPECIAL SPECIFIED CONDITIONAL USES		\$200		
VARIANCES				
ADMINISTRATIVE REVIEW		\$100		
INTERPRETATIONS				
NONCONFORMING USES				

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

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

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

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

Revised: August 19, 2008

PENDING AMENDMENT

P08-44

Kennel Operations (Temporary Use of Residential Properties)

County Zoning Ordinance

Article II Interpretations, Calculations, and Definitions

Article IV Permitted, Conditional and Special Uses

Article IX Individual Uses

CASE HEADING:

P08-44. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS REGARDING THE DEFINITION OF "KENNEL"; ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403 USE MATRIX, CREATING A FOOTNOTE TO THE USE LISTED AS "KENNEL OPERATIONS"; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 912 KENNEL OPERATIONS, BY CREATING SUB-SECTION G TO ALLOW IN CERTAIN CIRCUMSTANCES THE TEMPORARY USE OF RESIDENTIALLY-ZONED PROPERTIES AS A KENNEL OPERATION.

PURPOSE:

This amendment is being proposed to allow in certain circumstances and provided that certain specific standards intended to protect neighboring properties are met, kennel operations as a temporary use in residential districts that generally do not allow for this type of use.

CURRENT MEETING INFORMATION:

Joint Planning Board hearing on August 19, 2008, at 6:55 pm, in Room 118, Board of Commissioners Hearing Room (Main Courthouse) at 117 Dick Street, Fayetteville.

ADDITIONAL INFORMATION:

A complete copy of the proposed amendment is attached.

P08-44

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS REGARDING THE DEFINITION OF “KENNEL”; ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403 USE MATRIX, CREATING A FOOTNOTE TO THE USE LISTED AS “KENNEL OPERATIONS”; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 912 KENNEL OPERATIONS, BY CREATING SUB-SECTION G TO ALLOW IN CERTAIN CIRCUMSTANCES THE TEMPORARY USE OF RESIDENTIALLY-ZONED PROPERTIES AS A KENNEL OPERATION.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words, specifically the definition of “Kennel” to read as follows:

Kennel: Any premises where four or more dogs which are five months old or older are kept permanently commercially or as pets or temporarily if approved under Section 912 G, excluding pet grooming shops, veterinary clinics and veterinary hospitals. (Section 912)

AMEND Article IV Permitted, Conditional, and Special Uses, Section 403 Use Matrix, by inserting a footnote to “Kennel Operations” to read:

¹See Section 912.g for allowed temporary use of a kennel operation in all residential zoning districts.

AMEND Article IX Individual Uses, Section 912 Kennel Operations, by creating sub-section G to read as follows:

G. Occupants of property in residential districts which do not allow kennel operations may submit an application to the Director to allow the temporary housing/boarding of four or more dogs, but in no circumstance more than six dogs, more than five months of age or older, for a period not to exceed 12 calendar months, renewable for a maximum period of 12 additional calendar months. The Director shall consider other relevant County Code of Ordinances pertaining to the housing of dogs including but not limited to noise, sanitation, etc. when permitting or denying any request under this section. Factors that the Director shall consider include, but shall not be limited to:

1. The nature of the hardship and purpose of the request;
2. Duration of housing/boarding the dogs;
3. The accommodations available for housing/boarding the dogs to be temporarily housed;

4. Whether the dogs to be temporarily housed/boarded are neutered;

5. Any history the applicant has of being cited for violations of the County's noise, zoning or animal control ordinances or of animal cruelty laws;

6. Any history the dog(s) to be temporarily housed/boarded have of aggressive behavior towards other pets or towards people, and

7. The effect on and character of surrounding property.

All applications must list the number of dogs, provide verification that the dogs are listed with the County Tax Department and all vaccinations are current. A zoning permit will be required for all approved temporary housing or boarding.

Any application for the temporary housing/boarding of dogs allowed under the provisions of this section shall be revoked if the temporary permit is found to be issued in error or due to fraud, or if at any time, the situation is found to be in contradiction with the factors considered by the Director which enabled or supported the issuance of the temporary permit. In the event that the Director denies or revokes the request for temporary housing/boarding of dogs, any aggrieved person/persons may file an appeal with the County Board of Adjustment pursuant to Section 1604 of this ordinance.

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 19, 2008 Board Meeting

P08-38: REZONING OF 0.92+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF DUNN ROAD, BETWEEN CHURCH STREET AND SCHOOL STREET, SUBMITTED BY CHUCK FURR, OWNED BY EASTOVER DEVELOPMENT PARTNERS, LLC. (EASTOVER)

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

1. The recommendation is consistent with the Eastover Area Detailed Land Use Plan, which calls for heavy commercial at this location;
2. The request, if approved, will allow for the property under the same ownership to have consistent zoning; and
3. The subject property is located on a major thoroughfare.

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

Attachments:
1 - Site Profile
2 - Sketch Map

P08-38
SITE PROFILE

P08-38: REZONING OF 0.92+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF DUNN ROAD, BETWEEN CHURCH STREET AND SCHOOL STREET, SUBMITTED BY CHUCK FURR, OWNED BY EASTOVER DEVELOPMENT PARTNERS, LLC. (EASTOVER)

Site Information:

Frontage & Location: 1,259.00'+/- on Dunn Road

Depth: 155.00'+/-

Jurisdiction: Town of Eastover

Adjacent Property: Yes, west side of subject property between Church Street & School Street

Current Use: Vacant tract

Initial Zoning: RR – December 14, 1979 (Area 10); Rezoned to C(P) November 27, 1984; O&I(P) August 20, 2007

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1, RR, R6A & C(P); East: RR, R10 & C(P); South: A1, RR, RR/CU(daycare facility), R10, C(P) & M(P); West: RR

Surrounding Land Use: Offices, nursing home, motor vehicle repair shop, and residential (including manufactured homes)

Eastover Area Detailed Land Use Plan: Heavy commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary: 450/426; Mac Williams Middle: 1270/1162; Cape Fear High: 1425/1470

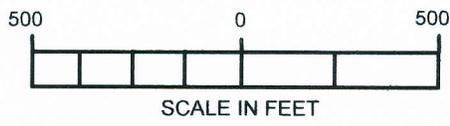
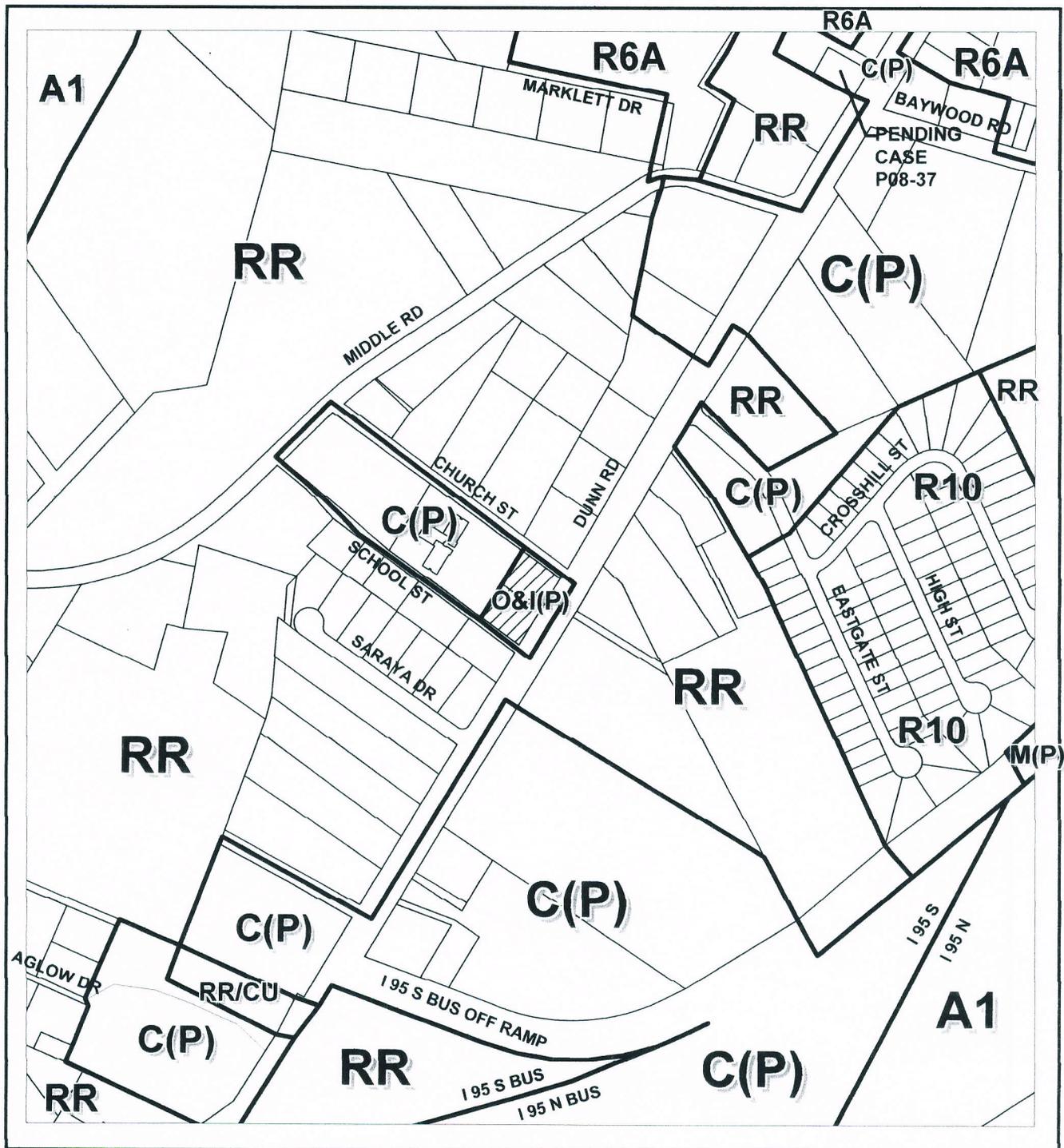
Subdivision/Site Plan: Site plan review required prior to permits

Average Daily Traffic Count (2006): 5,000 on Dunn Road (US HWY 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP. This is a Priority #3 in the Highway portion of the LRTP

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



**REQUESTED REZONING:
O&I(P) TO C(P)**

ACREAGE: 0.92 AC.+/-		HEARING NO: P08-38	
ORDINANCE: EASTOVER		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 19, 2008 Board Meeting

P08-32: REZONING OF 12.33+/- ACRES FROM R40A RESIDENTIAL/CU CONDITIONAL USE OVERLAY (EQUIPMENT STORAGE), R40A RESIDENTIAL AND M INDUSTRIAL DISTRICT TO M INDUSTRIAL/CUD CONDITIONAL USE DISTRICT (FOR ABATTOIR OPERATIONS AND OTHER PERMITTED USES) OR TO A MORE RESTRICTIVE ZONING DISTRICT AND THE PERMIT; LOCATED AT 6657 KING STREET; SUBMITTED BY ENOCH ENGINEERS, PA; OWNED BY MARTIN'S PORK PRODUCTS, INC. (FALCON)

The Planning & Inspections Staff recommends approval of the requested rezoning to M Industrial/Conditional Use District (M/CUD), for abattoir operations and other permitted uses; all other uses allowed within the M Industrial district being prohibited, based on the following:

- Although the request is only partially consistent with the 2010 Land Use Plan, which calls for heavy industrial and low density residential at this location, the request is compatible with the existing use and will allow for most of the property under the same ownership to have consistent zoning.

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted, though this type of operation is strictly monitored by the State and outside the scope of zoning, the applicant/property owner has agreed to all ordinance requirements;
2. The use will meet all required conditions and specifications if developed according to the site plan, application and conditions – a copy of the *Ordinance-Related Conditions* pertaining to this site is attached;
3. The Planning & Inspections Staff recommends that prior to application for any permits, the applicant/owner clean up the site which will enhance or maintain the value of the adjoining or abutting properties and the owner has agreed to construct or put in place all zoning measures intended to protect adjacent properties – see attached *Ordinance-Related Conditions*; and
4. The location and character of the use if developed according to the plan as submitted and recommended will be in harmony with the area in which it is to be located and in general will be brought into conformance with the development ordinances and adopted planning policies.

The property owner has verbally agreed to all *Ordinance-Related Conditions*.

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

P08-32
SITE PROFILE

P08-32: REZONING OF 12.33+/- ACRES FROM R40A RESIDENTIAL/CU CONDITIONAL USE OVERLAY (EQUIPMENT STORAGE), R40A RESIDENTIAL AND M INDUSTRIAL DISTRICT TO M INDUSTRIAL/CUD CONDITIONAL USE DISTRICT (FOR ABATTOIR OPERATIONS AND OTHER PERMITTED USES) OR TO A MORE RESTRICTIVE ZONING DISTRICT AND THE PERMIT; LOCATED AT 6657 KING STREET; SUBMITTED BY ENOCH ENGINEERS, PA; OWNED BY MARTIN'S PORK PRODUCTS, INC. (FALCON)

Site Information:

Frontage & Location: 628.00'+/- on King Street

Depth: 940.00'+/-

Jurisdiction: Town of Falcon

Adjacent Property: Yes, north, east and west sides of subject property

Current Use: Meat processing plant, vacant lot, and equipment storage

Initial Zoning: R40A- November 25, 1980 (Area 14) /CU approved September 13, 1999

Nonconformities: Yes, existing nonconforming use (storage) on subject parcel north of main tract; storage of junk on western portion

Zoning Violation(s): None

Surrounding Zoning: North: R40A, R15, R15A & R15A/CU (Brooks St-allow operation of a photography studio); (Front St-allow woodworking/cabinet making shop); East: R15A; South: R40A & R20A; West: A1 (County)

Surrounding Land Use: Printing and reproduction, Martin's Pork Products office, residential (including manufactured homes) and farmland

2010 Land Use Plan: Heavy industrial and low density residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Falcon Water/NORCRESS Sewer

Soil Limitations: Yes, hydric: Woodington loamy sand (southern portion)

Subdivision/Site Plan: See attached "Ordinance-Related Conditions"

Average Daily Traffic Count (2006): 550 on Fayetteville Road; 390 on Sherrill Baggett Road

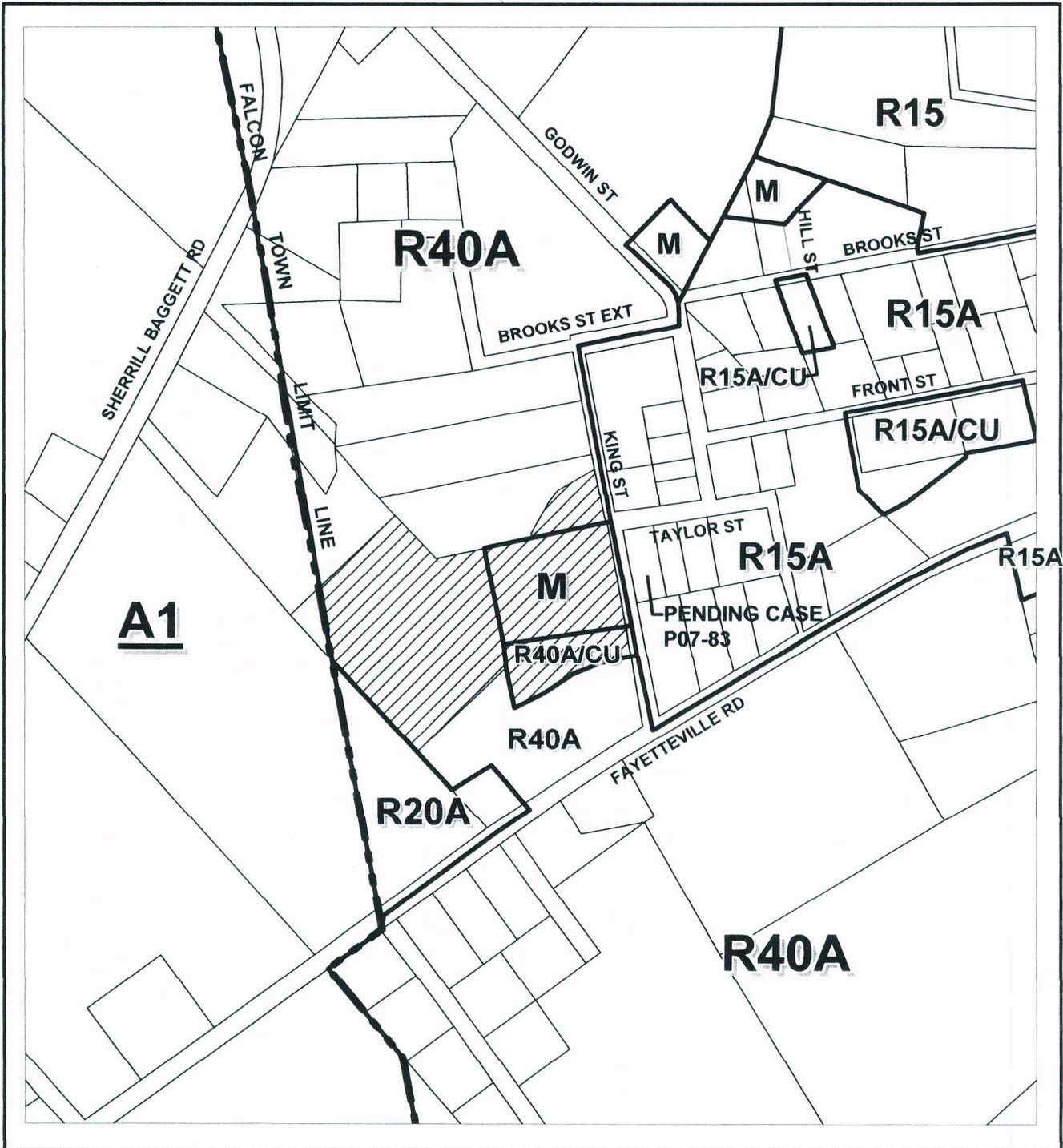
Highway Plan: No impact on the current Highway Plan or Transportation Improvement Program

Notes: Other requested permitted uses:

- Automobile Repair and/or Body Work, excluding commercial wrecking, dismantling or storage of junked vehicles (for company owned vehicles only)
- Automobile Washing (for company owned vehicles only)
- Bottled Gas Distributing, bulk storage
- Bottling
- Food Freezer Operations
- Ice Manufacturing
- Livestock Sales and Auctioning
- Machine Tool Manufacturing or Welding (for company use only)
- Public and Community Utility Station or Substations
- Sheet Metal Fabrication
- Storage-Flammable, Open, and Warehouse
- Tire Recapping(for company vehicles only)
- Truck Terminal Activities, repair, and hauling and/or storage

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



A1

R40A

R15

R15A

R15A/CU

R15A/CU

R15A

R15A

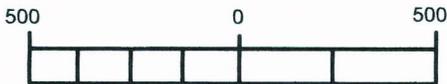
R40A/CU

R40A

R20A

R40A

PENDING CASE
P07-83



SCALE IN FEET

PORT OF PIN: 1502-23-6762

**REQUESTED REZONING:
R40A/CU, R40A & M TO M/CUD**

ACREAGE: 12.33 AC.+/-

HEARING NO: P08-32

ORDINANCE: FALCON

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

JM
6-23-08
7-2-08
7-8-08
8-6-08
8-11-08

DRAFT

Conditional Use District & Permit

Ordinance-Related Conditions

Revision Required:

Three copies of a revised site plan must be submitted to the Land Use Codes Section (Room 103, Historic Courthouse) for review for compliance with Town ordinance requirements, the following additional requirements must be addressed on the revised plans:

1. Two ornamental trees and 16 shrubs are required in the building yard area per the Town's landscaping provisions and must be shown on the site plan. In addition, the required plant materials must be maintained by the property owner, including replacing dead or unhealthy trees and shrubs, and all yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
2. A minimum of one off-street loading space is required for this development, the location of which must be shown on the site plan. The required loading space is required to measure 12' x 25' with 14' overhead clearance and must be in place prior to application for the building final inspection.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Falcon Zoning Ordinance and permits required to place any structure within this development from the County's Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. Connection to public water and sewer is required, the Town of Falcon must approve water and NORCRESS must approve the sewer plans prior to application for any permits. A copy of the Town of Falcon/NORCRESS approval must be provided to Code Enforcement at the time of application for building/zoning permits.
5. The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the Falcon Subdivision and Zoning Ordinances for the M/CUD & A1 zoning districts must be complied with, as applicable.

Note: The portion of land shown on the site plan as being subject to the County's jurisdiction is not considered a part of this application nor is it subject to the conditions of the permit. The uses for the A1 Agricultural zoning district generally do not allow any type of industrial use.

9. 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 IX of the Falcon 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.)
10. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
11. All utilities, except for 25kv or greater electrical lines, must be located underground.
12. If driveways are changed or added, the developer must obtain approval from the Town of Falcon prior to construction of any new driveways. If required, a copy of the approved driveway permit or other documentation from the Town must be provided to Code Enforcement at the time of application for building/zoning permits.
13. All lighting is required to be directed internally within this development.
14. A solid buffer must be provided and maintained along both sides and the rear property lines and to screen from view from any public street all outside storage of material, equipment and products in accordance with the provisions of Section 7.27, Buffer Requirements, Falcon Zoning Ordinance.
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 8 ½' x 20' and must be provided on site as shown on the site plan prior to application for the building final inspection. A minimum of one off-street space for each vehicle used directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift is required for this development.
17. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Other Relevant Conditions:

- 18. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 19. 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.
- 20. 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.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
Town of Falcon:	Belinda White	980-1355
Planning & Inspections, Falcon Rep.:	Denise Sykes	678-7629
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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

1. Requested Rezoning from R40,R40A,A-1 to M (Industrial).
2. Address of Property to be Rezoned: King Street, Falcon, NC
3. Location of Property: West side of King Street at the intersection with Taylor Street
4. Parcel Identification Number (PIN #) of subject property: 1502-23-6762
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 12.45 ^{9.69} ~~9.42~~ ^{9.57} Frontage: 628 +/- Depth: 1040 +/-
6. Water Provider: Well PWC Other (name) _____
8. Septage Provider: Septic Tank _____ PWC
9. Deed Book 7299, Page(s) 836, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Meat Processing Plant
11. Proposed use(s) of the property: Meat Processing Plant
12. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
13. 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 deed 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 authorized to complete the application.

W. of King St & W. of
intersection of Taylor St; King St

6.16.08
change OK
Email
Verbal per
Lisa Parker OK to
change per Lisa Parker
telephonic approval

7.02.08
7 verbal
change
per Beth
Holmes

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

See attached

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

N/A

2. DIMENSIONAL REQUIREMENTS:

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

per site plan

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

per site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Sign to be placed on building
to meet sign regulations of Town of Falcon

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.**

Per site plan

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

Per 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.

Days of Operation : Mon - Sat 4 AM - 5 PM

Employees : 85

Exterior lighting towards building

Odor have sometimes .

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

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

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

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

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

x Beth D. Holmes, President
NAME OF OWNERS (PRINT OR TYPE)

PO Box 56 8123 Fayetteville Rd Falcon
ADDRESS OF OWNER(S)

910-980-1913
HOME TELEPHONE #

910-980-1501
WORK TELEPHONE #

Beth Holmes, Pres.
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

MARTIN'S PORK PRODUCTS, INC.

6657 KING ST
FALCON, NC 28342

Establishment # 6720

Telephone (910) 980 - 1501
Fax (910) 892 - 1418

August 6, 2008

Cumberland County Joint Planning

To Whom It May Concern:

Application for conditional use permit proposed uses:

Abattoir Operations

Automobile Repair and/or body work, excluding commercial wrecking, dismantling or storage of junked vehicles (for company owned vehicles)

Automobile washing (for company owned vehicles)

Bottled gas distributing, bulk storage

Bottling

Food Freezer Operations

Ice Manufacturing

Livestock sales and auctioning

Machine tool manufacturing or welding (for company use)

Public and community utility station or substations (we have a substation on our property)

Sheet Metal Fabrication

Storage-Flammable

Storage-Open

Storage-Warehouse

Tire recapping (for company owned vehicles)

Truck terminal activities, repair and hauling and/or storage

Listed above are all in combination of running this processing facility.

If you have any questions, please contact us.

Thank You,



Beth Holmes,
President

The undersigned understands that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

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.

Martin's Pork Products Inc.

NAME OF OWNERS (PRINT OR TYPE)

PO Box 56 Falcon NC 28342

ADDRESS OF OWNER(S)

910-980-1913

HOME TELEPHONE #

910-980-1501

WORK TELEPHONE #

Enoch Engineers, PA

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

1403 NC Hwy 50 South, Benson, NC 27504

ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-894-7765 (Office #)

HOME TELEPHONE #

WORK TELEPHONE #

Beth Holmes, President

SIGNATURE OF OWNER(S)

Lisa Parker for Enoch Engineers

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

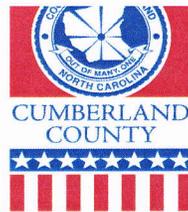
SIGNATURE OF OWNER(S)

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

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 19, 2008 Board Meeting

P08-36: REZONING OF 2.37+/- ACRES FROM R10 RESIDENTIAL AND CD CONSERVANCY DISTRICT TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF BINGHAM DRIVE, NORTH OF FISHER ROAD, SUBMITTED BY JAKE WILLIAMS, JR., OWNED BY JESUS WORLD OUTREACH CENTER, INC.

The Planning and Inspections Staff recommends denial of the request for C(P) Planned Commercial and recommends approval of R10 Residential for that portion of the request outside of the existing Special Flood Hazard Area (SFHA), with the relatively small portion inside the existing SFHA remaining CD Conservancy district based on the following:

1. The R10 Residential and CD Conservancy districts are consistent with the 2010 Land Use Plan, which calls for low density residential and open space at this location;
2. Rezoning to the C(P) Planned Commercial district at this location would be arbitrary and will not serve a viable public purpose and would promote strip commercial development in an area that is still primarily residential; and
3. Staff consulted with applicant on intended uses and based on the application and the statements made, all desired uses are allowed uses in the R10 Residential district.

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

Attachments:

- 1- Site Profile
- 2- Sketch Map

P08-36
SITE PROFILE

P08-36: REZONING OF 2.37+/- ACRES FROM R10 RESIDENTIAL AND CD CONSERVANCY DISTRICT TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF BINGHAM DRIVE, NORTH OF FISHER ROAD, SUBMITTED BY JAKE WILLIAMS, JR., OWNED BY JESUS WORLD OUTREACH CENTER, INC.

Site Information:

Frontage & Location: 205.00'+/- on Bingham Drive

Depth: 510.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant lot

Initial Zoning: R10 & CD – February 6, 1976 (Area 5)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R10 & PND (Fayetteville & County), CD & PND/CU (allow tailoring/custom window dressing, decorating items & hairdressing services); East: R6A, C(P) (Hope Mills & County); South: CD, R10, R6A, & C(P) (Hope Mills & County); West: CD & R10

Surrounding Land Use: Cemetery, single-family residential, convenience retail w/gasoline sales, woodlands, and open space

2010 Land Use Plan: Low density residential and open space

Special Flood Hazard Area (SFHA): Small amount at rear of subject property

Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes, hydric: Johnston loam

School Capacity/Enrolled: Cumberland Mills Elementary: 525/630; John Griffin Middle: 1340/1321; Douglas Byrd High: 1280/1470

Military Impact Area: Not located within an Accident Potential Zone (APZ) or critical noise area. Any structures, construction cranes, or communications towers of significant height associated with this case, applicant is advised to file FAA Form 7460-1 with the Federal Aviation Administration to determine any potential impact to Pope AFB/Ft Bragg flying operations

Subdivision/Site Plan: Review required if approved and/or for non-residential use

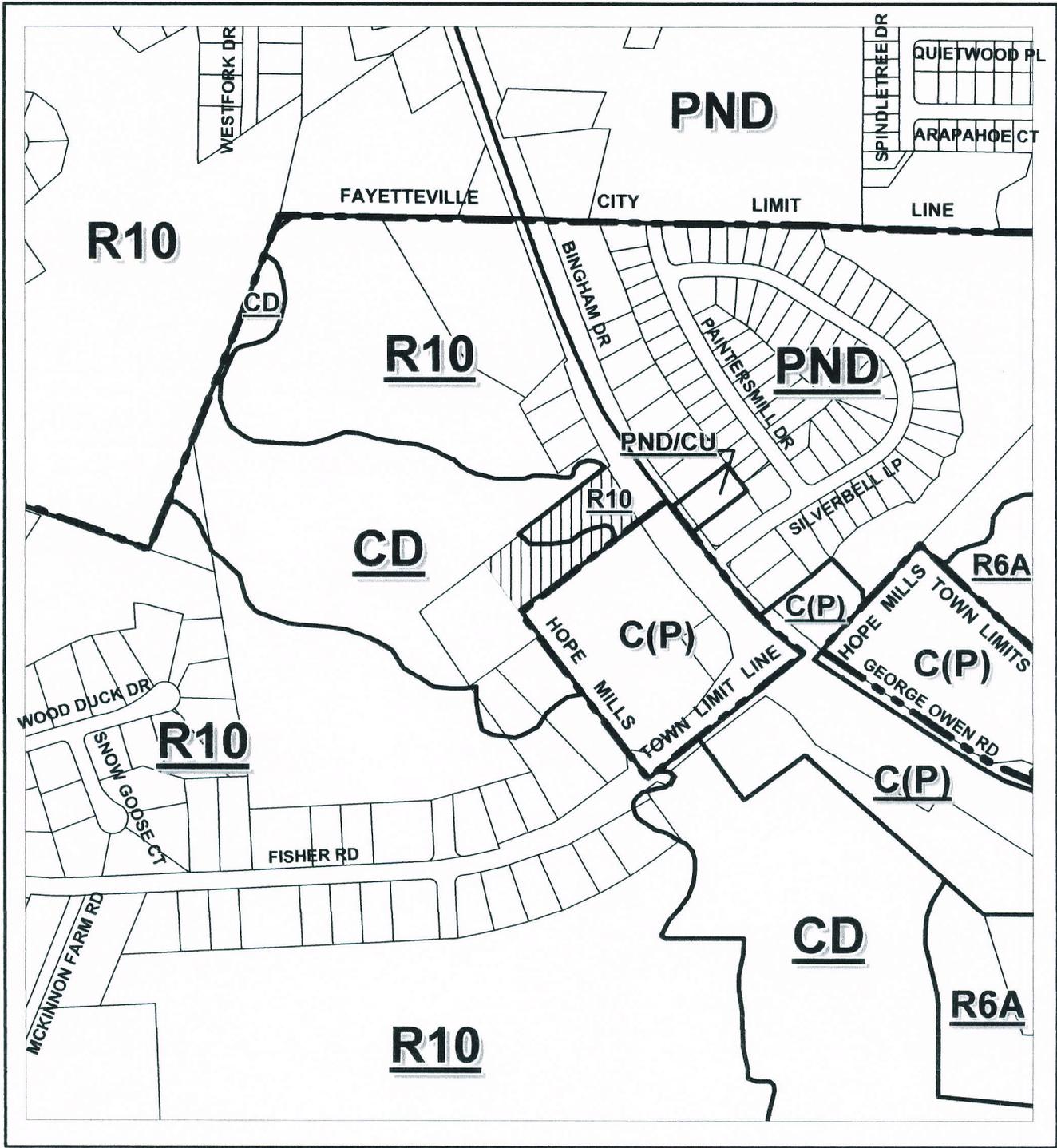
Average Daily Traffic Count (2006): 19,000 on Cumberland Road; 13,000 on Fisher Road

Highway Plan: This case has no impact on the current Highway Plan or Transportation Improvement Program.

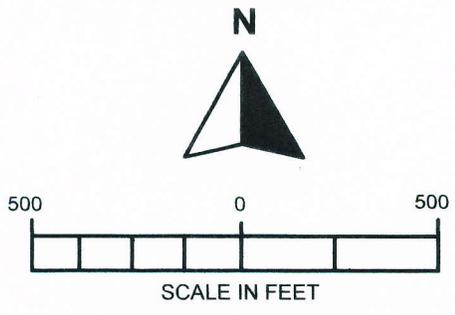
Note: The adjacent C(P) Planned Commercial zoning was denied by the County Commissioners on August 22, 1995; petition to annexation submitted to Hope Mills with the property being initially zoned to C(P) Planned Commercial on December 4, 1995.

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING: R10 & CD TO C(P)



ACREAGE: 2.37 AC.+/-		HEARING NO: P08-36	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 19, 2008 Board Meeting

P08-37: REZONING OF 0.34+/- ACRES FROM C(P) PLANNED COMMERCIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3849 DUNN ROAD, SUBMITTED AND OWNED BY PHILIP N. & JONI L. SMITH. (EASTOVER)

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

1. The request is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for heavy commercial at this location; and
2. Past decisions by the Town Council on development plans for the subject property and in the general area substantiate the Council's unwillingness to modify the established setbacks.

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

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P08-37
SITE PROFILE

P08-37: REZONING OF 0.34+/- ACRES FROM C(P) PLANNED COMMERCIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3849 DUNN ROAD, SUBMITTED AND OWNED BY PHILIP N. & JONI L. SMITH. (EASTOVER)

Site Information:

Frontage & Location: 100.00'+/- on Dunn Road

Depth: 150.00'+/-

Jurisdiction: Town of Eastover

Adjacent Property: No

Current Use: Commercial (vacant structure)

Initial Zoning: C(P) - December 14, 1979 (Area 10)

Nonconformities: Existing structure, legal nonconforming (year built 1964) for side yard (southern property line)

Zoning Violation(s): None

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

Surrounding Land Use: Residential (including multi-family & manufactured homes), convenience retail w/gasoline sales, restaurant, salon, shopping center, vacant commercial building, government & medical offices, and animal feed processing and distribution

Eastover Area Detailed Land Use Plan: Heavy commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary: 450/426; Mac Williams Middle: 1270/1162; Cape Fear High: 1425/1470

Subdivision/Site Plan: Any changes to approved site plan will require approval, [Case #'s 07-170(dtd December 4, 2007) & 08-082 (dtd June 3, 2008)]

Average Daily Traffic Count (2006): 9,300 on Dunn Road

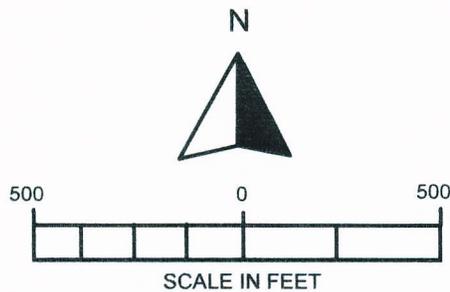
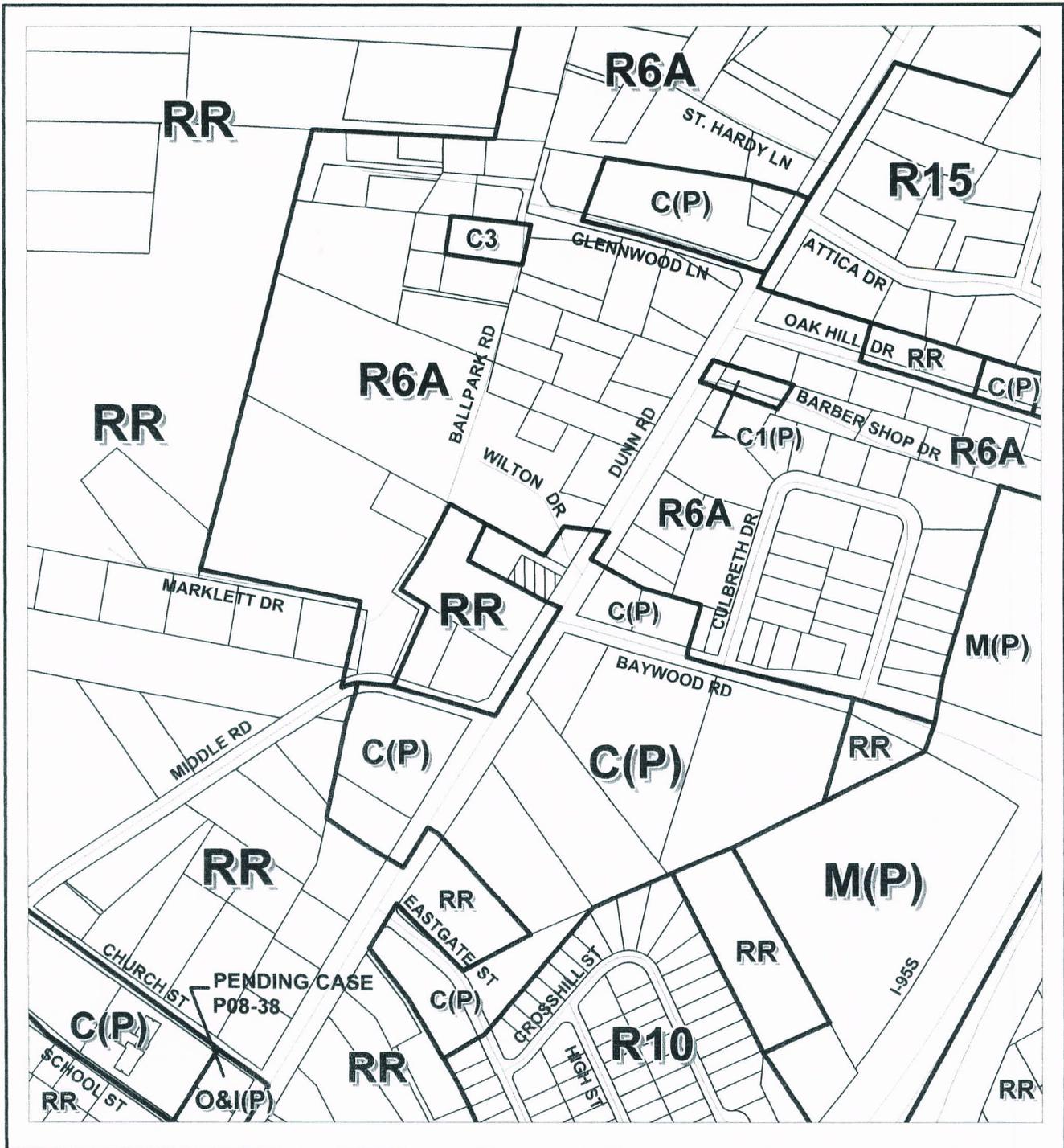
Highway Plan: Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP. This is a Priority #3 in the Highway Portion of the LRTP.

Notes: Request is submitted primarily due to less stringent yard setbacks:

	<u>C(P)</u>	<u>C1(P)</u>
Front yard:	50 ft.	45 ft.
Side yard:	30 ft.	15 ft.
Rear yard:	30 ft.	20 ft.

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



PIN: 0469-40-8612

REQUESTED REZONING C(P) TO C1(P)

ACREAGE: 0.34 AC.+/-	HEARING NO: P08-37	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

August 8, 2008

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Edward M. Byrne, Planner II, Land Use Codes *E.M.B.*

SUBJECT: CASE NO. 08-056. CONSIDERATION OF WEST HAMPTON, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER REQUEST FROM SECTION 3.20.2 MUNICIPAL INFLUENCE AREA COMPLIANCE, COUNTY SUBDIVISION ORDINANCE, REGARDING: CONCRETE SIDEWALKS ON BOTH SIDES OF ALL STREETS AND CONCRETE CURBS AND GUTTERS SECTIONS [86-122(G) & 86-128(C)] SUBDIVISION CHAPTER, HOPE MILLS CODE OF ORDINANCES; ZONING: R10 & RR; TOTAL ACREAGE: 36.6+/-; LOCATED ON BOTH SIDES OF HACKBERRY DRIVE, EAST SIDE OF MISSION HILL ROAD, SOUTH OF CHERRY BLOSSOM LANE AND RUSTIC RIDGE. (HOPE MILLS AND COUNTY)

The developer of the above referenced case is requesting your approval of a 116 lot zero lot line subdivision and waiver requests from the sidewalk, curb and gutter, and the requirements. The proposed subdivision is located within the jurisdictions of Hope Mills and Cumberland County. The developer's waiver request applications and the developer's justification for each request are attached to this memorandum

Because the County portion of this development is located within the Hope Mills Municipal Influence Area, the Planning & Inspections Staff recommends that the Planning Board's ruling be same as the Town Board's. This case is scheduled for the Hope Mills Board of Commissioners meeting on August 18, 2008; their decision will be presented to you at your August 19, 2008 meeting. The County Planning & Inspections Staff is also recommending, as shown on the draft condition sheet, that the developer submit for annexation of the County portion of the development into the Town of Hope Mills.

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

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**

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

Attached you will find the developer's waiver requests, recommended conditions of approval, subdivision sketch plan, and a vicinity map.

If you have any questions regarding this memorandum, please contact Ed Byrne at 678-7609, email: ebyrne@co.cumberland.nc.us.

Attachments

cc: GHM Group, LLC, Developer
Averette Engineering Co., P.A., Surveyor/Engineer
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes



Date Request Submitted: 7-18-08

Planning Board Meeting Date: _____

Received by: EMB 07-18-08

Hope Mills Subdivision Ordinance

Request for Variance

Case No.: 08-056 Case Name: West Hampton

Related Ordinance Section Number(s): Section 86-62

Summary of Request: Forego the extension of Streeter Drive

Section 86.7 of the Hope Mills Subdivision Ordinance governs the Board of Commissioner's authority to vary provisions of the Subdivision Ordinance.:

Section 86.7 Variances

The Board of Commissioners may vary the requirements of this Chapter where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or existence of other unusual physical conditions, strict compliance with the provisions of this Chapter would cause an unusual and unnecessary hardship on the subdivider.

In granting Variances, the Board may require such conditions as will secure, insofar as practicable, the objectives of the requirements varied. Any variance, thus granted is required to be entered in writing in the minutes of the Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written variance request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for variance. For example, if the request is based on topography or soils, the applicant is the responsible party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

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

Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Chapter would cause an unusual and unnecessary hardship on the subdivider, due to:

To utilize this land to its fullest potential, the main subdivision entrance
connects to Hackberry Drive. An additional connection to Streeter Drive
would undermine good design practices. A cul-de-sac termination of
Streeter Drive is also impractical because of the shape of the tract.
Therefore, we request a variance from Section 86-62 which requires the
extension of existing stub streets. Mike Bailey and his staff have indicated
that a cul-de-sac is not necessary because it would not sufficiently benefit
the single home on the stub section of Streeter Drive.

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

Michael E. Havel
Printed Name of Applicant/Agent

910-875-7560
Daytime Phone Number

Michael E. Havel
Signature of Applicant/Agent

7-10-08
Date Signed



Date Request Submitted: 6-25-08

Planning Board Meeting Date: _____

Received by: EMP

Hope Mills Subdivision Ordinance

Request for Variance

Case No.: 08-056 Case Name: _____

Related Ordinance Section Number(s): Section 86.7 Variances

Summary of Request: _____

Section 86.7 of the Hope Mills Subdivision Ordinance governs the Board of Commissioner's authority to vary provisions of the Subdivision Ordinance.:

Section 86.7 Variances

The Board of Commissioners may vary the requirements of this Chapter where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or existence of other unusual physical conditions, strict compliance with the provisions of this Chapter would cause an unusual and unnecessary hardship on the subdivider.

In granting Variances, the Board may require such conditions as will secure, insofar as practicable, the objectives of the requirements varied. Any variance, thus granted is required to be entered in writing in the minutes of the Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written variance request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for variance. For example, if the request is based on topography or soils, the applicant is the responsible party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

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

Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Chapter would cause an unusual and unnecessary hardship on the subdivider, due to:

see attached "Exhibit A" for explanation

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

Michael Howell
Printed Name of Applicant/Agent

910-263-2928
Daytime Phone Number

Michael Howell
Signature of Applicant/Agent

6-25-08
Date Signed

Exhibit "A"

Strict compliance with the requirement for the installation of sidewalks and curb and gutter would cause an unusual and unnecessary hardship on the applicant due to the size of the proposed subdivision, the nature of adjoining areas and is not the best environmental practice for subdivision due to its topography. Furthermore, the subject requirements are not consistent with this proposed subdivision. Nor are they consistent with adjoining areas and neighborhoods as adjoining areas do not have sidewalks or curb and gutter. The cost of complying with the subject ordinance is cost prohibitive and unfairly affects those desiring to purchase homes. The applicant desires to develop this property in the most environmentally favorable manner and to that end, the public purpose is not served by requiring the subject ordinance as the absence of sidewalks and rolled asphalt with slight dips are more environmentally friendly and allow for a more natural drainage. Additionally, the applicant would not be afforded a special privilege denied to others as adjoining areas are not affected by this request and others could likewise request a subdivision waiver similar to the subject waiver.

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

*Planning and Inspections Department
and*

TOWN OF HOPE MILLS

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

PLANNING STAFF DECISION: 07/24/08 COUNTY JOINT PLANNING BOARD: 08/19/08

HOPE MILLS BOARD OF COMMISSIONER'S DECISION: 08/18/08

CASE NO: 08-056 NAME OF DEVELOPMENT: WEST HAMPTON

ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: AT THE SOUTH AND NORTH ENDS OF HACKBERRY DRIVE, EAST ZONING: R10 & RR

SIDE MISSION HILL ROAD, SOUTH OF CHERRY BLOSSOM LANE & RUSTIC RDG PIN: 0404-22-5958-, 0404-33-0408-, 0404-43-2603-

OWNER OR DEVELOPER: GHM GROUP,LLC ENGINEER OR DESIGNER: AVERETTE ENGINEERING

STAFF RECOMMENDATION

- PRELIMINARY
- EXTENSION
- CONDITIONAL APPROVAL
- REVISION REQUIRED
- DENIED

TOWN BOARD ACTION

- PRELIMINARY
- EXTENSION
- APPROVED CONDITIONALLY
- REVISION REQUIRED
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION
- APPROVED CONDITIONALLY
- REVISION REQUIRED
- DENIED

The development plat/plan you submitted to this office is conditionally approved by the Hope Mills Board of Commissioners. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Chapter and permits required to place any structure within this development from the Hope Mills Inspections Department in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Inspector.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Town Inspector at the time of application for building/zoning permits.

The property owner is strongly encouraged to immediately submit an annexation petition to the Town of Hope Mills; per the agreement between the Public Works Commission (PWC) and the Town for provision of public water and sewer, a petition is required prior to the PWC's review and approval of the utility plans.

3. New development 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 (Phase II Stormwater Management Requirements) administered by the Town of Hope Mills. Since more than one acre of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the Town's approved Stormwater Post Construction permit must be provided to Town Inspections Department.

4. The developer may have to provide the Hope Mills Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by the County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Inspector at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Prior to clearing and/or removing any tree regulated by the Town's Landscape and Tree Preservation provisions, the developer must first obtain a tree removal permit from the Town's Inspections Department.
7. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County and/or Hope Mills Subdivision and Zoning Chapters for the R10 & RR zoning district must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. 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 X of the Hope Mills Zoning Chapter 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.)
11. All applicable provisions of Section 86-86, "Group Developments", Hope Mills Subdivision Chapter, must be complied with..
12. Concrete curbs and gutters must meet and be installed to the Town's standards and specifications in accordance with Section 86-128(c), Hope Mills Subdivision Chapter. (Note: The developer has requested a variance requesting to be able to forgo the construction of concrete curbs & gutters along the proposed streets within this development; in the event the request is approved, this condition will be removed.)
13. Concrete sidewalks must be constructed along both sides of all proposed streets within this development in accordance with the standards of the Town of Hope Mills, Section 86-122(g), Hope Mills Subdivision Chapter. The Town's Public Utility Department must approve all sidewalk plans. (Note: The developer has requested a variance requesting to forgo the requirement for providing sidewalk on both sides of all streets; in the event, the variance is granted in whole or in part, this condition will be modified and/or removed.)
14. An adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of the Town of Hope Mills , Section 86-122(f), Hope Mills Subdivision Chapter.
15. Fire hydrants must be installed along the proposed streets within this development in accordance with Section 86-128(a), Hope Mills Subdivision Chapter.
16. All utilities, except for 25kv or greater electrical lines, must be located underground.
17. 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.

18. The NC Department of Transportation (NCDOT) and Hope Mills Street Department must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads and the Town of Hope Mills standards.
19. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT) and the Town of Hope Mills. A copy of the approved driveway permit must be provided to Town Inspectors at the time of application for building/zoning permits.

Plat-Related:

20. The street portions of Thorton Street and Princess Amelia Lane located on PIN: 0404-31-3069 must be constructed prior to Lots 58 & 59 or the last phase of this development being submitted for final plat approval.
21. The recombination of the Spring Hill Missionary Baptist Church property must be approved for recording prior to submission for final plat approval of any lot within the area of the religious worship facility's property or included on the pertinent phase of the final plat for this area and must reflect a lot identifier, acreage and the bearing & distances.
22. Streeter Drive must be either redesigned to tie into Princess Amelia Lane, properly ended with a cul-de-sac turn around or be granted a variance that doesn't require the extension or termination of Streeter Drive. (Note: The developer has requested a variance from both extension and/or proper termination of Streeter Drive; in the event, this variance is granted, this condition will be removed. In the event the variance request is not granted, five copies of a revised plan must be submitted for review and approval prior to submission for final plat approval of any portion of this development and the revision must comply with the provisions of the subdivision regulations..)
23. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
24. 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 \$23,683.46 (\$205.94 per lot @ 115 lots) payable to "Town of Hope Mills". This condition is in accordance with Section 86-130, Parks, Open Space, Recreation Provisions, Hope Mills Subdivision Chapter, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District – Hope Mills). (Note: Park & Recreation fee must be paid at the Hope Mills Town Hall.)
25. 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 Hope Mills Inspections Department prior to issuance of any permits.
26. 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.
27. 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 Mission Hill Road on Lots 28 through 41.
28. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
29. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
30. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
31. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 86-36(1), (2), or (3), Hope Mills Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

32. The final plat must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Other Required Conditions:

33. The applicant is advised to consult an expert on wetlands before proceeding with any development.

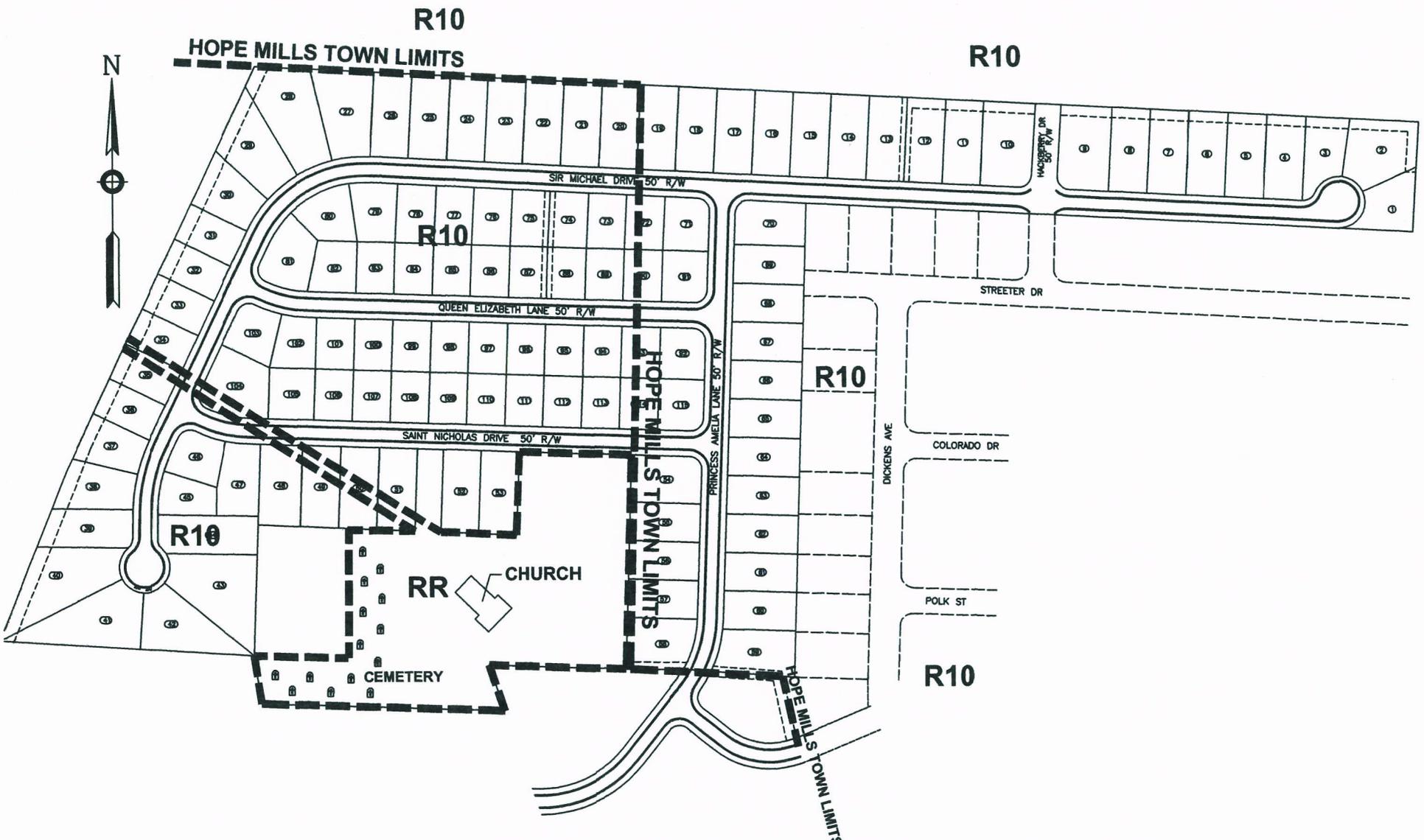
34. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat:	Ed Byrne (Land Use Codes)	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4774
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496

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



WEST HAMPTON
ZERO LOT LINE SUBDIVISION REVIEW
REQUEST FOR WAIVERS: SIDEWALKS, CURB & GUTTERS AND STREET EXTENSION
CASE: 08-056 ACREAGE: 36.62±
ZONED: R10 & RR SCALE: NTS

WEST HAMPTON ZERO LOT LINE SUBDIVISION REVIEW CASE NO. 08 - 056



PIN(S): 0404-22-5958-, 0404-33-0408-, 0404-43-2603-
Prepared by EMB - CCJPB
JULY 29, 2008

Map not to scale

