

**MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT**

**Conditions as approved by Cumberland County**

Ordinance Related Conditions

**Pre- Permit Related:**

1. Prior to any development on the multi-family and commercial portions of this Mixed Use Development, the developer must submit five copies of a site plan for staff review and approval; the revised plans must include:
  - a. Landscaping provided in accordance with the provisions in Section 1102.N, Landscaping, County Zoning Ordinance;
  - b. Location of all freestanding signs reflected on the site plan in accordance with provisions in Article XIII, Sign Regulations, County Zoning Ordinance;
  - c. Off-street parking in accordance with the provisions in Section 1203, Off-Street Parking, County Zoning Ordinance;
  - d. Buffer locations and type separating the multi-family area from the adjacent residentially zoned properties;
  - e. Drives and internal circulation patterns; and
  - f. Loading space(s) in accordance with the provision in Section 1203, Off-Street Parking, County Zoning Ordinance.

In addition, recombination plats and/or subdivision plats may be processed as the same time as the plan approvals and the approval(s) conditioned with standard subdivision ordinance related provisions.

2. Prior to any tree removal, the developer is required to conduct a cavity tree survey - this condition is necessary so that a forest canopy sufficient to sustain foraging habitat for red-cockaded woodpeckers is retained. The developer is to take measures to retain as many mature canopy height pines to protect the dispersal corridor of the woodpecker.

**Watershed-Related:**

3. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO and/or the County Board of Adjustment (high density) prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
4. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

**Permit-Related:**

5. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
6. Connection to public water and sewer is required, Harnett County Utilities (HCDPU) must approve water and sewer plans prior to application for any permits. The proposed development must meet the requirements of HCDPU Preliminary Subdivision Review prior to approval by Harnett County. The Harnett County ordinance can be found at: <http://www.harnett.org/utilities/downloads/HCDPU%20Rules%20Ordinance%202015.pdf> A copy of the Harnett County approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is

to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

9. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
10. At the time of preparation of these August 11, 2015 conditions, there is no *Special Flood Hazard Area* (SFHA) existing on the subject property; however, there is limits of a detailed study (floodplain) just south of the subject property that may/may not be influenced by the new flood maps which are expected to be published within the next year or two - currently there is no preliminary map that reflects this area. If SFHA is found to exist on the subject property at the time of permit application, any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits would be required, issued by the County Engineer, prior to any building/permit application. If applicable, a copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
11. 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.
12. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

13. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

**Site-Related:**

14. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the MXD/CZ zoning district must be complied with, as applicable. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

**Note:** A very limited type of retail and other uses are allowed in the MXD/CZ zoning district specifically all the uses permitted in the O&I(P) and C1(P) districts and the listed uses in Section 603.C, Uses Allowed, County Zoning Ordinance for the C2(P) and C(P) zoning districts; the developer/property owner is encouraged to contact Code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.

15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
16. This conditional approval is not approval of any freestanding or development signs. If a freestanding or development sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
17. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.



18. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
19. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
21. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
22. 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.
23. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
24. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
25. Turn lanes may be required by the NC Department of Transportation (NCDOT).
26. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.

**Plat-Related:**

27. If all plats are not recorded and if Special Flood Hazard Area (SFHA) is found to exist on any portion of the subject property, the final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com). Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
28. Prior to submission for final plat approval, fire hydrants must be installed along the proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance) *Also see Condition No. 41 below.*
29. "Ramsey Street" must be labeled as "US HWY 401" and "Elliott Bridge Road" must be labeled as "SR 1607 (Elliott Farm Road)" on all final plats.
30. The final plat must be labeled as a "Zero Lot Line" development, and all open space and common areas are required to be labeled as "common area".
31. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the common area by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

**These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.** In the event the developer phases the final plats for this development, the open space (common area) must be recorded incrementally so that the percentage of open space recorded is consistent with the ordinance standard of 15%. **Note: The developer is encouraged to consider the creation of a master association for the entire mixed use development, with separate subordinate associations for the proposed residential developments.**

32. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
33. The developer must contact the Location Services section of the Planning and Inspections Department for approval of street names within this development. The approved street names must be reflected on the final plat.
34. 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 Land Use Codes prior to issuance of any permits.
35. 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.
36. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 1607 (Elliot Farm Road) for the residential lots. If direct driveway access is not permitted to US HWY 401 (Ramsey Street) for the non-residential and multi-family portions of this development, a "no access" easement will also be required along those lots at the time of recording.
37. A 10' x 70' sight distance easement is required at the intersection of SR 1607 (Elliot Farm Road) with the development entrance streets and must be reflected on the final plat.
38. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
39. 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.
40. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
41. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
42. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

43. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

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

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



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

**Other Relevant Conditions:**

45. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
46. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
47. The subject property is located within a military aircraft high noise level area (65 decibels) and a flight limit of 1000 feet. This information is provided for developers' consideration of the type of construction material and building design.
48. 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.
49. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.