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## **CUMBERLAND COUNTY JOINT PLANNING BOARD**

### **AGENDA January 17, 2023 6:00 PM Hearing Room #3**

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING WITHDRAWALS / DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. DEADLINE/MEETING SCHEDULE
- VIII. PUBLIC MEETING CONSENT ITEMS
- IX. PUBLIC MEETING CONTESTED ITEMS

#### **TEXT AMENDMENT**

- A. **ZON-22-0086: Text Amendment to the Cumberland County Subdivision and Zoning Ordinances to update and revise standards associated with Zero Lot Line developments and to create standards for Variable Lot Residential Developments; submitted by Cumberland County Planning & Inspections Dept. (applicant).**
- X. DISCUSSION
- XI. ADJOURNMENT
- XII. SUBDIVISION WAIVERS

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**PLANNING AND INSPECTIONS DEPARTMENT**

**MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF JANUARY 17, 2023**

**TO: JOINT PLANNING BOARD**

**FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT**

**DATE: 1/11/2023**

**SUBJECT: ZON-22-0086: TEXT AMENDMENT TO THE CUMBERLAND COUNTY  
SUBDIVISION AND ZONING ORDINANCES TO UPDATE AND REVISE  
STANDARDS ASSOCIATED WITH ZERO LOT LINE DEVELOPMENTS  
AND TO CREATE STANDARDS FOR VARIABLE LOT RESIDENTIAL  
DEVELOPMENTS; SUBMITTED BY CUMBERLAND COUNTY  
PLANNING & INSPECTIONS DEPT. (APPLICANT).**

**ATTACHMENTS:**

Description

Case ZON-22-0086

Type

Backup Material



# CUMBERLAND COUNTY

## PLANNING & INSPECTIONS

### PLANNING STAFF REPORT

**ZONING REGULATIONS- CASE # ZON-22-0086**

**Planning Board Meeting: January 17, 2023**

**Jurisdiction: Cumberland County**

#### EXPLANATION OF THE REQUEST

This request is a staff-driven text amendment to the Cumberland County Subdivision Ordinance to amend the standards associated with Zero Lot Line developments. These new standards include introducing a new development type called Variable Lot Residential Developments. The amendment also proposes supplementary changes to the Zoning Ordinance to ensure consistency across both ordinances regarding this development type.

This amendment primarily involves reinstating prior standards and parameters for this development process found in previous ordinances. In addition to prior standards being reintroduced, the amendment also includes standards for allowing fee-in-lieu for open space dedication and provisions for septic and well usage for this new type of development.

This amendment comes at the direction of the Cumberland County Board of Commissioners at their December 8<sup>th</sup>, 2022 Agenda Session to amend the standards as presented by staff and to include provisions for well, septic usage, and open space.

#### STAFF RECOMMENDATION

In Case ZON-22-0086, Staff **recommends approval** of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address an update to the County's Subdivision or Zoning Ordinances, a current ordinance that is in compliance with state statutes allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is an update to clarify standards and review processes for the public.

#### Attachments:

ZON-22-0086 Text Amendment

# **Case ZON-22-0086: Ordinance Text Amendment - Variable Lot Residential Developments**

## **Cumberland County Subdivision Ordinance**

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

**Variable Lot Residential Development:** A development that consists of single-family residential structures on individual lots where the developer may reduce the minimum lot size of such lots in accordance with Section 2405 of this Ordinance while maintaining applicable overall density standards for the zoning district in which it is located.

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

### **SECTION 2405. VARIABLE LOT RESIDENTIAL DEVELOPMENTS.**

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

1. Utilities. Any subdivision submitted as a variable lot residential development shall be served by adequate water and sewer systems in accordance with Section 2306 of this ordinance.
2. Maximum number of lots. The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:
  - a. From the gross land area of land to be committed to the development, subtract all land covered by water, designated wetlands, and designated floodways as defined by the Federal Emergency Management Agency (FEMA).
  - b. From the remainder, subtract 20% as allowance for normal street right-of-way. This standard shall apply regardless of the amount of

land that would have been placed in the street right-of way.

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

3. Minimum lot standards. As permitted by this ordinance and the County Zoning Ordinance, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than 75% of the minimum required for single family lots by this ordinance or by the County Zoning Ordinance for the district in which the development is located, whichever minimum is applicable, and all other dimensional requirements of the applicable ordinance shall be complied with. For the purposes of complying with this minimum lot standard, Section 2601 of the County's Subdivision Ordinance, Waivers, shall not be applicable to this requirement.

4. Open Space Standards. At the discretion of the developer, a variable lot residential development may utilize a range of lots sizes not in conflict with the minimums specified above.

- a. Where any reduction is made in lot size in accordance with these provisions, an amount of land equivalent to the difference in the required minimum lot sizes for the applicable zoning district and the proposed minimum lot sizes, shall be reserved. This open space reservation shall be in addition to and separate from any open space dedication or reservation requirements as provided for in Section 2308 of this ordinance. The subdivider may pay a fee-in-lieu of, and be exempt from, providing this open space as required by this section. However, the requirements for open space provision in Section 2308 of this ordinance shall still be applicable for the entire development. The calculation for the fee shall be in accordance with the procedures and standards provided for in Section 2308(C)(6)(b) in this ordinance.

- b. All such open space areas shall be physically a part of the area being subdivided. Such areas, as provided in accordance with these provisions, shall be held in nonprofit corporate ownership by the owners within the development. For the purposes of recording a subdivision plat, such open space areas shall be noted as "Common

Area” and subject to the standards found in Section 2402(F) of this ordinance.

- c. In consideration of the purposes served by a Variable Lot Residential Development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purpose. Recreational improvements clearly incidental to the purpose of these provisions may be made within the open space, provided that the maximum coverage of each type of improvement shall not exceed 20% of the total open space.
5. Access to Open Space. All lots created within the development shall have direct access to all parks or open spaces, as provided, by means of public or private streets or dedicated walkways or by fact of physical contiguity with other public lands or lands in common ownership by all residents.
6. Open Space Provisions. Where the open space is to be deeded to a homeowner’s association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space as common area in accordance with Section 2402 (G)-(J) of this ordinance.

## Cumberland County Zoning Ordinance

### **SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.**

**Zero Lot Line Development:** A ~~single~~ development including, but not limited to, patio houses, townhouses, ~~condominiums, businesses, individual lots~~ and non-residential structures including one or more structures comprising at least ~~two residences individual lots, dwelling units, or businesses-non-residential uses,~~ whether attached or detached, intended for separate ownership and developed in accordance with the standards of the County Subdivision Ordinance.

**Variable Lot Residential Development:** A development that consists of single-family residential structures on individual lots where the developer may reduce the minimum lot size of such lots in accordance with Section 2405 of the County’s Subdivision Ordinance while maintaining applicable overall density standards for the zoning district in which it is located.

## **SECTION 912. KENNEL OPERATIONS.**

E. Kennel operations shall not be allowed in residential districts if the minimum lot size required by the zoning district of the subject tract has been compromised or otherwise reduced in area as required by the zoning district, i.e., Zero Lot Line or Variable Lot Residential Developments.

## **SECTION 1103. SPECIAL DEVELOPMENTS.**

Special developments governed elsewhere in this ordinance and those governed by the County Subdivision Ordinance may be exempt from the lot and yard requirements of this ordinance, provided the development conforms to the special provisions of this ordinance and the County Subdivision Ordinance and the overall dwelling unit density is maintained for the district in which it is located except where specifically exempted elsewhere. This section shall include, but not be limited to Article V, Conditional Zoning District; Article VI, Mixed Use-Conditional Zoning District and Article VIII, Density Development-Conditional Zoning District; contained within this ordinance, Variable Lot Residential Developments, and Zero Lot Line Developments, Unit Ownership Developments, and Manufactured Home Parks, which are regulated by the County Subdivision Ordinance.