

Clarence Grier
County Manager

Sally Shutt
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA December 19, 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

A. MINUTES OF NOVEMBER 21, 2023

- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- B. Case ZON-23-0029: Rezoning from M2 Heavy Industrial District to M(P)/CZ Planned Industrial District Conditional Zoning or to a more restrictive zoning district for 0.315 +/- acres; located at the west side of Elva Wallace Road, approximately half-mile north of Wade Stedman Road and west of I-95, submitted by Capital Outdoor Advertising (applicant) on behalf of Cousins Realty NC, LLC (owner).**
- C. Case ZON-23-0033: Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for two parcels comprising 4.75 +/- acres; located at 10932 Ramsey Street, submitted by Jeff Riddle (agent) and Cape Fear Investment Properties, LLC (owner).**

VIII. PUBLIC MEETING ITEM

- D. Case ZON-23-0034: Text Amendment to the Cumberland County Zoning Ordinance to regulate tobacco and hemp retail products within Cumberland County, submitted by Planning & Inspections Staff (applicant).**

- IX. DISCUSSION
- X. ADJOURNMENT

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 |
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631
www.cumberlandcountync.gov



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF DECEMBER 19, 2023

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 12/19/2023

SUBJECT: MINUTES OF NOVEMBER 21, 2023

ATTACHMENTS:

Description

MINUTES OF NOVEMBER 21, 2023

Type

Backup Material



Cumberland County Joint Planning Board

MINUTES

November 21, 2023

Members Present	Members Absent	Others Present
Mrs. Jami McLaughlin, Chair	Mr. Tom Lloyd, Vice-Chair	Mr. Rawls Howard
Mrs. Susan Moody	Mr. William Walters	Mr. David Moon
Mr. Stan Crumpler	Ms. Kasandra Herbert	County Attorney Rick Moorefield
Mr. James Baker		Mrs. Cherice Hill
Mr. Gary Burton		
Mr. Todd Mobley		
Mr. Mark Williams		

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Mobley delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

There were none.

Mrs. Moody made a motion, seconded by Mr. Crumpler to approve the agenda, as submitted. Unanimous approval.

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.



Cumberland County Joint Planning Board

V. APPROVAL OF THE MINUTES OF OCTOBER 17, 2023

Mr. Baker made a motion, seconded by Mrs. Moody to approve the minutes, as submitted. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

All cases remained on the consent agenda and the welcome and rules of procedure were not needed.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **ZON-23-0026:** Rezoning from RR Rural Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for .23 +/- acres; located at 5250 Maxwell Road, submitted William McPhail (Owner).

In Case ZON-23-0026, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to C1(P) Planned Local Business District and find that: 1. Approval is an amendment to the adopted, current Stedman Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. 2. The request would expand an existing commercial site and does not represent a substantial increase or impact to nearby residential areas. 3. The use of the parcel for a stand-alone use would be limited due to the parcel's unique size and configuration. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-23-0026, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from RR Rural Residential District to C1(P) Planned Local Business District and find that: 1. Approval is an amendment to the adopted, current Stedman Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. 2. The request would expand an existing commercial site and does not represent a substantial increase or impact to nearby residential areas. 3. The use of the parcel for a stand-alone use would be limited due to the parcel's unique size and configuration. The Board finds the request is reasonable and in the public interest as the requested district would be compatible



Cumberland County Joint Planning Board

to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- B. **ZON-23-0027:** Rezoning from R40 Residential District to R40A Residential District or to a more restrictive zoning district for 1.12 +/- acres; located at 3400 Nash Road, submitted Calvin Wilkerson (Owner).

In Case ZON-23-0027, Planning and Inspections staff recommends approval of the rezoning request from R40 Residential District to R40A Residential District. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-23-0027, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R40 Residential District to R40A Residential District. The Board finds the request is consistent with the South-Central Land Use Plan which calls for "Farmland" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- C. **ZON-23-0028:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for 2.74 +/- acres; located at 4804 Grays Creek Church Road, submitted Sylvester and Hattie McKoy (Owners).

In Case ZON-23-0028, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-23-0028, Mrs. Moody made motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds the request is consistent with the South-Central Land Use Plan which calls for "Farmland" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.



Cumberland County Joint Planning Board

VIII. DISCUSSION

Mr. Howard advised the board that he was given direction by County leadership to develop an ordinance amendment to regulate tobacco and hemp retail uses in the County. He advised that a draft of the County's Tobacco and Hemp Retail Ordinance was being developed based on Wake County's recently adopted ordinance.

Mr. Howard further advised that he spoke with Public Health Director, Dr. Jennifer Green, for guidance in relation to the ordinance, based on the Board of Commissioner's direction. Dr. Green advised that she presented the draft ordinance to the Board of Health and received unanimous consensus to move forward with the proposed ordinance. He further advised he would bring this proposed draft to the December Joint Planning Board Meeting for their review and comments.

Mrs. Moody inquired about the neon signs and vibrant lights attached to hemp stores and if they fall under the County's sign ordinance. Mr. Howard confirmed that they would be regulated by the sign ordinance.

Mr. Howard assured Mrs. Moody that spacing requirements will be in place for specific usage. He further advised he would go into detail next month once he provides a copy of the draft to the board.

Mr. Crumpler suggested when writing the Hemp and Retail Ordinance to include all cannabidiol, excluding those that are exempt from the hemp plant to avoid constant updates to the ordinance.

Mr. Howard reassured Mr. Crumpler and the Board that staff would certainly look into the matter and make sure it is covered in the ordinance.

Mr. Howard and the Board discussed the other town/municipalities hemp and retail ordinances.

Mr. Howard advised the board of next month's expected case load.

Mrs. McLaughlin congratulated Mr. Howard on updated technological advances he introduced to the Planning Department. She noted that Mr. Howard gave a presentation about the department and the County's permitting processes to the local Chamber of Commerce Governmental Affairs Committee. She noted that the presentation was well-received by the membership, but noted concerns about staffing



Cumberland County Joint Planning Board

levels. Mrs. McLaughlin noted new staff in the audience and asked for an introduction to the Board.

Mr. Howard introduced new Planning staff to the board and advised that the Current Planning Division is nearly fully staffed and remains committed to ensuring a quick and efficient development review process.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 6:09 pm



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF DECEMBER 19, 2023

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 12/19/2023

SUBJECT: CASE ZON-23-0029: REZONING FROM M2 HEAVY INDUSTRIAL DISTRICT TO M(P)/CZ PLANNED INDUSTRIAL DISTRICT CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 0.315 +/- ACRES; LOCATED AT THE WEST SIDE OF ELVA WALLACE ROAD, APPROXIMATELY HALF-MILE NORTH OF WADE STEDMAN ROAD AND WEST OF I-95, SUBMITTED BY CAPITAL OUTDOOR ADVERTISING (APPLICANT) ON BEHALF OF COUSINS REALTY NC, LLC (OWNER).

ATTACHMENTS:

Description	Type
ZON-23-0029	Backup Material



PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-23-0029
Planning Board Meeting: Dec. 19, 2023

Location: West side of Elva Wallace Rd.
Jurisdiction: County-Unincorporated

REQUEST

Conditional Rezoning M2 to M(P)/CZ

Applicant requests a conditional rezoning from M2 Heavy Industrial District to M(P)/CZ Planned Industrial District Conditional Zoning District for approximately 0.315 acres of a 4.19 acre parent parcel that abuts the west side of Elva Wallace Road, approximately half a mile north of Wade Stedman Road and west of I-95, as shown on Exhibit "A". The intent of the applicant is to place an outdoor advertising sign (billboard) on the lot, which is currently allowed under the M(P) Planned Industrial District if a Conditional Zoning is approved. A conditional zoning site plan is found within the Conditions of Approval (Exhibit "F" attached).

The M2 Heavy Industrial District is dormant and corresponds with the requirements of the M(P) Planned Industrial District. Should the Conditional Rezoning request be approved, the applicant shall be required to subdivide the parent parcel to place the .315-acre billboard site into its own separate lot prior to the issuance of a building permit. This requirement complies with the regulatory requirements set forth in the Cumberland County Zoning Ordinance relating to outdoor advertising, Section 1309.F and the Conditional Zoning is only applicable to the .315 acres.

PROPERTY INFORMATION

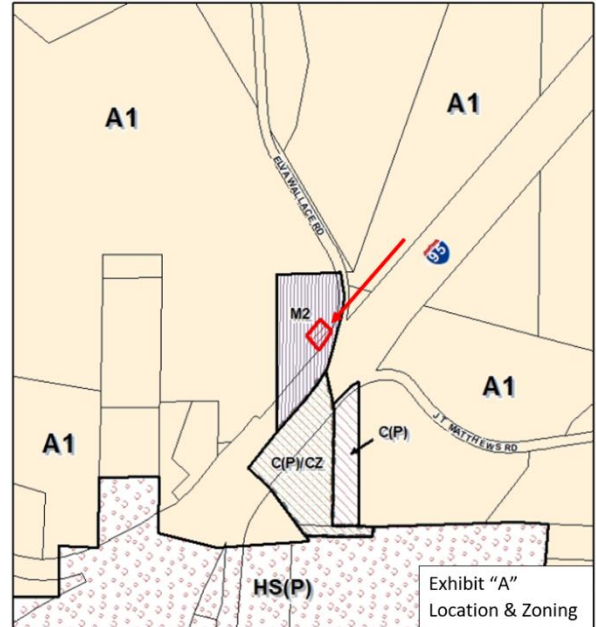
OWNER/APPLICANT: Cousins Realty NC, LLC (Owner);
Capital Outdoor Advertising (Applicant).

ADDRESS/LOCATION: West side of Elva Wallace Road, approximately a half-mile north of Wade Stedman Road and west of I-95 Refer to Exhibit "A", Location and Zoning Map. REID number: 0581651052000

SIZE: The site contains approximately 0.315 acres, as defined within a legal description provided in Exhibit "A". Road frontage along Elva Wallace Rd. is 140.67 feet in length and is approximately 100 feet in length at its deepest point. The conditional zoning is only applicable to the 0.315 acres as depicted in the conditional zoning site plan.

EXISTING ZONING: The subject property is currently zoned M2 Heavy Industrial District. This district is currently dormant and corresponds with the requirements of the M(P) Planned Industrial District. This district is designed primarily for basic manufacturing and processing industries, all of which normally create a high degree of nuisance and are not generally compatible with surrounding or abutting residential or commercial areas.

The general intent of this district is to permit uses confined to service, wholesaling, manufacturing, fabrication and processing activities that can be carried on in an unobtrusive manner characterized by low concentration and limited external effects with suitable open spaces, landscaping, parking and service areas. This district is customarily located on larger tracts of land with good highway and rail



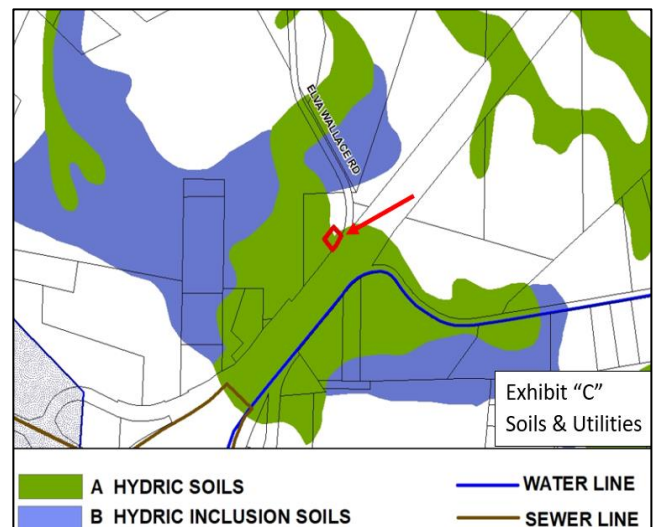
access buffered from residential districts by other more compatible uses. Commercial activities are not permitted except those having only limited contact with the general public and those not involving the sale of merchandise at retail except for items produced on the premises or for the purpose of serving employees, guests and other persons who are within the district with an industrial activity. To promote the essential design features within the M(P) district, site plan approval is a requirement.

EXISTING LAND USE: The subject parcel is currently vacant, wooded land. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Farmland
- **East:** Interstate 95 and farmland
- **West:** Farmland and wooded lands
- **South:** Interstate 95, Commercial, wooded lands

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates the presence of hydric soils at the property.



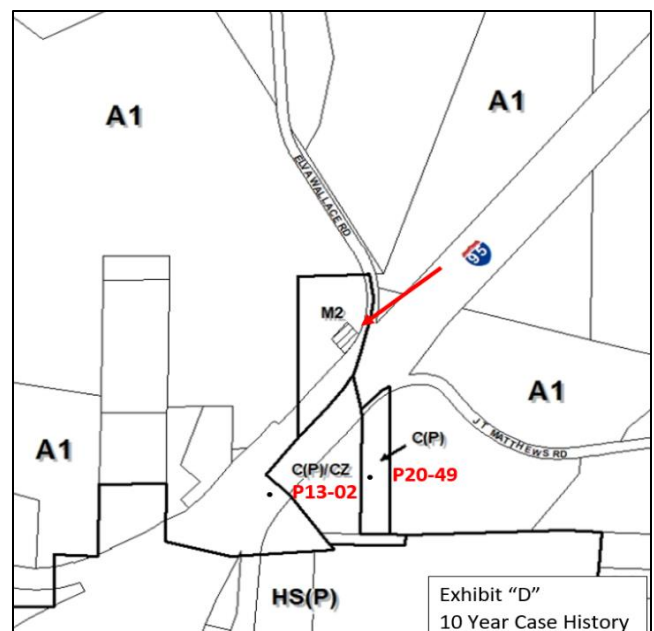
TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- **P13-02:** A1 & HS(P) to C(P)CZ; **Approved;** 4.21 acres.
- **P20-49:** A1 to C(P); **Approved;** 2.5 acres.

DEVELOPMENT REVIEW:

- A subdivision must be reviewed and approved by Current Planning prior to building permit or electrical permit issuance by Code Enforcement/Central Permitting.
- The site must be at least 2,500 linear feet from the nearest billboard. The nearest billboard is approximately 3,950 feet away along I-95 to the north.
- The proposed lot must be sufficient to reasonably accommodate other uses commonly found in the district. The proposed area can accommodate another use.



- The site is within 660 feet of an interstate highway (I-95).

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

	M2 (Existing Zoning)	M(P)/CZ (Proposed)
Front Yard Setback	100 feet	40 feet
Side Yard Setback	50 feet	50 feet
Rear Yard Setback	50 feet	15 feet
Lot Area	N/A	0.315 acres
Lot Width	N/A	140 feet

Development Potential:

Existing Zoning (M2)	Proposed Zoning M(P)/CZ
0 dwelling units	0 dwelling units

- Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS:

This property is located within the Wade Area Land Use Plan (2003). The future land use classification of the property is "Farmland", as shown in Exhibit "E". Associated zoning districts for this classification are R40, R40A, A1 & A1A.

The proposed rezoning request not consistent with the adopted Land Use Plan.

Farmland Classification Development Goals:

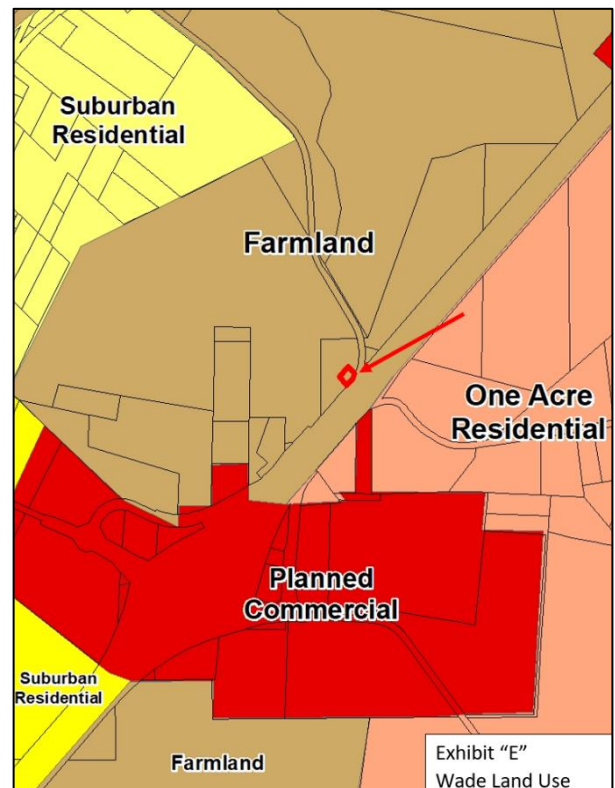
- To protect and preserve natural resources, the environment, and the rural character.
- To enhance and protect farming and the agricultural industry.
- To enhance and protect the quality of life of rural residents.

Associated plan goals and policies that may be considered include the following:

-Policy 10.1: The important economic, tourism, and community image benefits of attractive major travel corridors through the area shall be recognized. Such entryway corridors shall receive priority attention for improved appearance and development standards, including landscaping, signage, tree preservation, underground utilities, streetlights, and sidewalks.

-Policy 10.2: Billboards-Additional billboards along existing major thoroughfares shall be limited.

-The subject parcel is identified as State & Locally Important Farmland in the Wade Land Use Plan.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Sewer lines are not available near the subject property. It is the applicant's responsibility to determine if the utility provider will serve their development. Eastover Sanitary District has a water line to

the south of the subject property across Interstate 95 along JT Matthews Road. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property is located outside of FAMPO boundaries. The billboard will not generate any significant traffic.

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposal.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no objections to the rezoning request.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District:	n/a

n/a – not applicable

KEY CONDITIONS OF APPROVAL: The conditions of approval, provided in Exhibit "F" are attached to this report with a conditional zoning site plan. Key conditions include:

- The .315 acre site shall only be used for outdoor advertising consistent with the County Sign Code, Section 1309.F.
- Development of the site must be consistent with the Conditional Zoning Site Plan.
- Access to the site must be provided at the building permit either by a NCDOT-approved driveway or an internal easement through the parent parcel.

STAFF RECOMMENDATION

In Case ZON-23-0029, Planning and Inspections staff **recommends approval** of the conditional rezoning request from M2 Heavy Industrial District to M(P)/CZ Planned Industrial Conditional Zoning District and find that:

1. Approval is an amendment to the adopted, current Wade Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
2. The use of the parcel for farmland would be limited due to the parcel's size, configuration, and location.
3. The proposed use would meet all required location requirements for such use and have limited impact on other neighboring properties or uses along the Interstate highway.

The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Conditions of Approval
Conditional Site Plan
Notification Mailing List
Application

Exhibit "F"
Conditions of Approval

M(P) Planned Industrial District / CZ Conditional Zoning District
Case ZON-23-0029
Ordinance Related Conditions for Outdoor Advertising (Billboard)

A. Applicability: All use and development of the property applicable to this Conditional Zoning (ZON-23-0029), as delineated in Exhibit "A", shall occur consistent with the standards and requirements of the M(P) Planned Industrial Zoning District unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A". If not expressly stated herein the M(P) Planned Industrial standards shall apply. This ordinance applies only to the legal description provided in Exhibit "A" of this Ordinance.

B. Permitted and Prohibited Uses.

Use of the site within the .315 +/- acre portion of the parent parcel is limited to outdoor advertising configured for viewing primarily by persons travelling in an automobile on an interstate or primary commercial highway. Outdoor advertising shall direct attention to a business, commodity, service or entertainment that is conducted, sold, or offered either on the premises or off the premises where the sign is located.

C. Development Standards.

1. Prior to the issuance of a building permit for outdoor advertising, the site within Exhibit "A" must have access to Elva Wallace Road via a driveway permit approved by NCDOT or a cross access easement through the abutting parent parcel that leads to a public or private street.

2. Setback Standards. Minimum setback standards for this development shall be as follows:

Front Yard Setback	40 feet
Side Yard Setback	50 feet
Rear Yard Setback	15 feet
Lot Area	0.315 acres
Lot Width	140 feet

3. All outdoor advertising (billboard) shall be subject to Section 1309.F of the Cumberland County Zoning Ordinance at the time of a building permit application as described below:

- a. The maximum sign face area shall not exceed 700 square feet.
- b. The maximum sign height shall not exceed 35 feet.
- c. If the sign is to include changeable copy, then such copy shall be non-animatic, the minimum static hold between different images or messages shall not be less than 60 seconds and shall have a transition period of no more than 2 seconds.

D. Development Review Process:

- a. Prior to issuance of a building permit for outdoor advertising at this site, a final plat shall be recorded with the County Register of Deeds to establish the 0.315 +/- acres within a legal lot that conforms with the Cumberland County regulatory requirements set forth in Section

1309.F.i. The entire lot containing an outdoor advertising use shall maintain the same conditional zoning district designation; split zoning is prohibited. Prior to recording a final plat, it must be submitted to and approved by the Current Planning Division.

- b. In the event the requirements or conditions from a State or Federal Agency or utility provider creates an inconsistency with the conditional zoning site plan in any manner, a revised conditional site plan must be submitted to the Current Planning Division for review. Any change determined by the County to represent a substantial change to the conditional zoning site plan, Board of County Commission approval may be required, as shall be determined by the Planning Director.
- c. Developer must coordinate with the Current Planning Division prior to making any changes to the conditional zoning site plan. Any changes to the conditional zoning site plan must be reviewed by the Current Planning Division to determine if any change is considered an insubstantial or substantial modification.

E. Other Conditions:

- a. The owner/developer is responsible for maintenance and upkeep of this site, all structures, and appurtenances, including the billboard and its support structure, and shall ensure that the site is kept free of litter and debris, and that all grass areas mowed, all buffers and shrubbery kept trim and maintained so that the site remains in a constant state of being aesthetically and environmentally pleasing.
- b. The owner/developer(s) of the lot 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.
- c. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- d. 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 responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
- e. Any substantial modification made to this approved conditional zoning site plan or conditions of approval, other than those set forth in the above conditions, must be approved by the Board of Commissioners as set forth by Section 506 of the Zoning Ordinance.
- f. No clearing or grading shall occur until authorized by the Code Enforcement Manager.
- g. Pursuant to Section 507, County Zoning Ordinance, two years after the date of the Board of County Commissioners approves this Conditional Zoning, the Planning Board may examine progress made to determine if active efforts are proceeding. If the Planning Board determines that active efforts to develop are not proceeding, it may institute proceedings to rezone the property to its previous zoning classification.
- h. All applications and plan submittals shall be submitted via the County online permitting self-service portal at the following website address:
https://selfservice.co.cumberland.nc.us/EnerGov_Prod/SelfService#/home

Property Owner/Agent Acceptance of Conditions

(Print Name)

(Signature)

Date

Issued by:

David B. Moon, AICP, CZO
Deputy Director

Date

[illegible]

ATTACHMENT – MAILING LIST

COUSINS REALTY NC LLC
107 OWENSBORO CT
RALEIGH, NC 27603

CORNETT PROPERTIES LLC
6463 FLOWERS RD
WILSON, NC 27893

CORNETT PROPERTIES LLC
6463 FLOWERS RD
WILSON, NC 27893

MOORE, RONALD CLEO;MOORE
HAMILTON, SARAH FRANCES
P O BOX 516
DUNN, NC 28335

WOOD, EDDIE C;WOOD, BETTY
H;BAREFOOT, SHANNON
5409 ELVA WALLACE RD
GODWIN, NC 28344

WOOD, EDDIE CALVIN
5413 ELVIA WALLACE RD
GODWIN, NC 28344

MOORE, RONALD C;MOORE, BETTY H
5566 ELVA WALLACE DR
GODWIN, NC 28344

MOORE, RONALD C;MOORE, BETTY H
5566 ELVA WALLACE DR
GODWIN, NC 28344

PRESLER, SHELBY MATTHEWS
5606 SMITHFIELD RD
WADE, NC 28395

BETHEA, ROBERT E;BETHEA, HENRIETTA
C;DAUGHTRY, SANDRA U
PO BOX 250
WADE, NC 28395

JOHNSON, WILLENE MILLER
6360 SMITHFIELD RD
WADE, NC 28395

ATTACHMENT: APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #: ZON-23-0029

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 10/16/2023

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
CONDITIONAL ZONING DISTRICT
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

Upon receipt of this application (petition), the County Planning & Inspections Staff will present to the Joint Planning Board the application at a hearing. In accordance with state law and board's policy, the staff will provide notice of the hearing to the appropriate parties and in the proper manner.

The Joint Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold their public hearing in the month following the meeting of the Planning Board. The Conditional Zoning District shall not be made effective until the request is heard and received approval by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ 400.00

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7627. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

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

1. Applicant/Agent CAPITAL Outdoor Advertisers
2. Address: PO Box 309 Zip Code 28601 NC 2784
3. Telephone: (Home) _____ (Work) 919-815-7660
4. Location of Property: I-95 West Side North of Wake-Stedman Rd PIN # 0581-65-1052
5. Parcel Identification Number (PIN #) of subject property: 0581-45-6704
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 4.19 Frontage: 435.36' Depth: 717.42'
7. Water Provider: N/A
8. Sewer Provider: N/A
9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Open Property (undeveloped)
11. Proposed use(s) of the property: Billboard (off premise sign)

NOTE: Be specific and list all intended uses.

12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: m2
TO: (Select one)
Conditional Zoning District, with an underlying zoning district of mp
(Article V)
Mixed Use District/Conditional Zoning District (Article VI)
Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

off Premise sign
(Billboard)

- 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.

TOTAL of 4.19 Acres

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district (Sec. 1004) or list the proposed setbacks.

40 set back

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

1309.F

4. LANDSCAPE AND BUFFER REQUIREMENTS:

Will do any landscaping
required.

- 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.

Not Required by
County Regulations

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

40'

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.

Sign will be illuminated
with 50 WATT LED fixtures

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the Godwin 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 County Planning and Inspections Staff, and the Joint 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. STATEMENT OF ACKNOWLEDGMENT:

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

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

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case. The undersigned hereby acknowledge that the County Planning & Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Cousins Realty NC LLC

Name of Owner(s) (Print or Type)

107 Owensboro Court, Raleigh, NC

Address of Owner(s)

frank.lopiccolo1223@gmail.com

E-Mail

732-943-6775

Home Telephone

Work Telephone

Frank LoPiccolo

Signature of Owner(s)

Signature of Owner(s)

Al Harkins For Capital Outdoor Inc

Name of Agent, Attorney, Applicant (by assign) (Print or Type)

PO Box 309 Zebulon NC 27597

Address of Agent, Attorney, Applicant

Home Telephone

Work Telephone

E-Mail Address

Fax Number

AlHarkins@capitaloutdoor.com

Signature of Agent, Attorney,
or Applicant

* **ALL** record property owners must sign this petition.

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF DECEMBER 19, 2023

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 12/19/2023

SUBJECT: CASE ZON-23-0033: REZONING FROM A1 AGRICULTURAL DISTRICT TO R40 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR TWO PARCELS COMPRISING 4.75 +/- ACRES; LOCATED AT 10932 RAMSEY STREET, SUBMITTED BY JEFF RIDDLE (AGENT) AND CAPE FEAR INVESTMENT PROPERTIES, LLC (OWNER).

ATTACHMENTS:

Description

ZON-23-0033

Type

Backup Material

Location: 10932 Ramsey Street
Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to R40

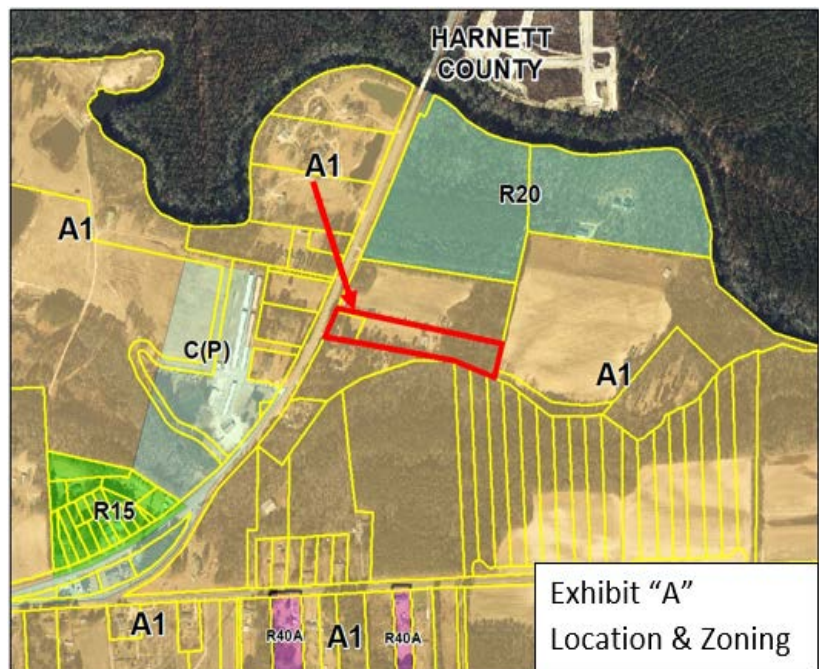
Applicant requests a rezoning from A1 Agricultural District to R40 Residential District at 10932 Ramsey Street and an abutting parcel for approximately 4.75 +/- combined acres. Both parcels currently have a residential structure on each. The intent of the property owner is to develop the parcels for residential homes.

PROPERTY INFORMATION

OWNER/APPLICANT: Cape Fear Investment Properties, LLC (Owner); Jeff Riddle (Applicant)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID numbers: 0564691265000 & 0564697117000

SIZE: 4.75 +/- combined acres within 2 parcels. The western parcel contains 0.75 +/- acres, and the eastern parcel contains 4.00 +/- acres. Road frontage along Ramsey Street is approximately 200 feet. The property is approximately 1,115 feet in length at its deepest point.

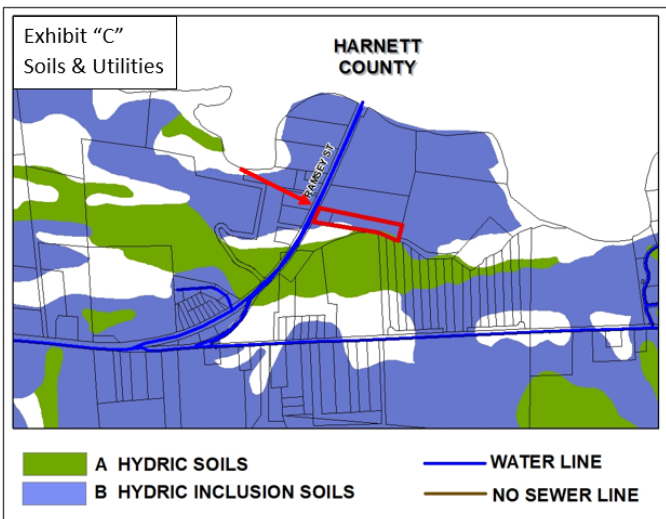
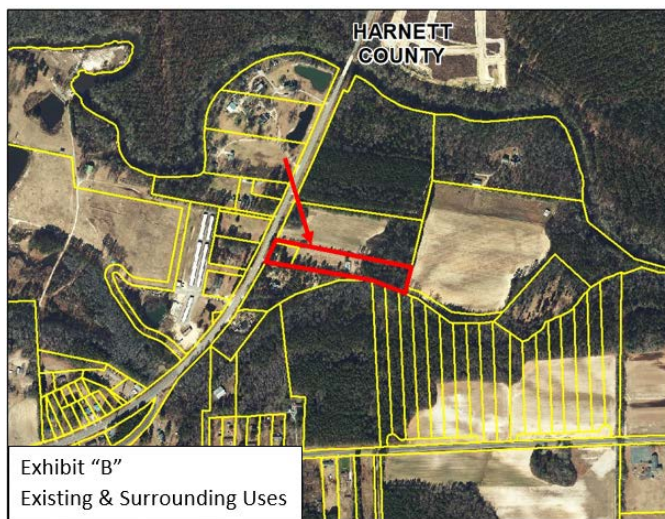


EXISTING ZONING: The subject property is currently zoned A1 Agricultural District. This district is designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development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

EXISTING LAND USE: The subject parcels each currently have a residential dwelling on them. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Farmland & wooded lands
- **East:** Farmland
- **West:** Farmland and single family homes
- **South:** Wooded lands and single family homes



OTHER SITE CHARACTERISTICS: The site is not located in a Watershed nor within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates the presence of hydric inclusion soils on both properties and hydric soils on the southeast corner of the western property.

DEVELOPMENT REVIEW: Subdivision review by County Planning & Inspections will be required before any development.

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R40 (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 Acres	40,000 sq. ft.
Lot Width	100'	100'

Development Potential*:

Existing Zoning (A1)	Proposed Zoning (R40)
2 dwelling units	5 dwelling units**

*Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

** Lots must meet minimum lot size of 40,000 sq. ft. but 5 dwellings may be obtainable through a group development, subject to well and septic system approval by Environment Health.

COMPREHENSIVE PLANS:

This property is located within the North Central Land Use Plan (2011). The future land use classification of the property is "Farmland". Associated zoning districts for this classification are A1, A1A, R40, and R40A.

The proposed rezoning request is consistent with the adopted land use plan.

Farmland Development Goal:

- Protect and preserve prime farmland, the farming and agri-business industry, and sensitive natural areas. This protection will provide critical mass for farming operations, which inherently creates a sustainable environment for agricultural operations (North Central Land Use Plan 2011, pg. 65).

Associated plan goals, policies and notes that may be considered include the following:

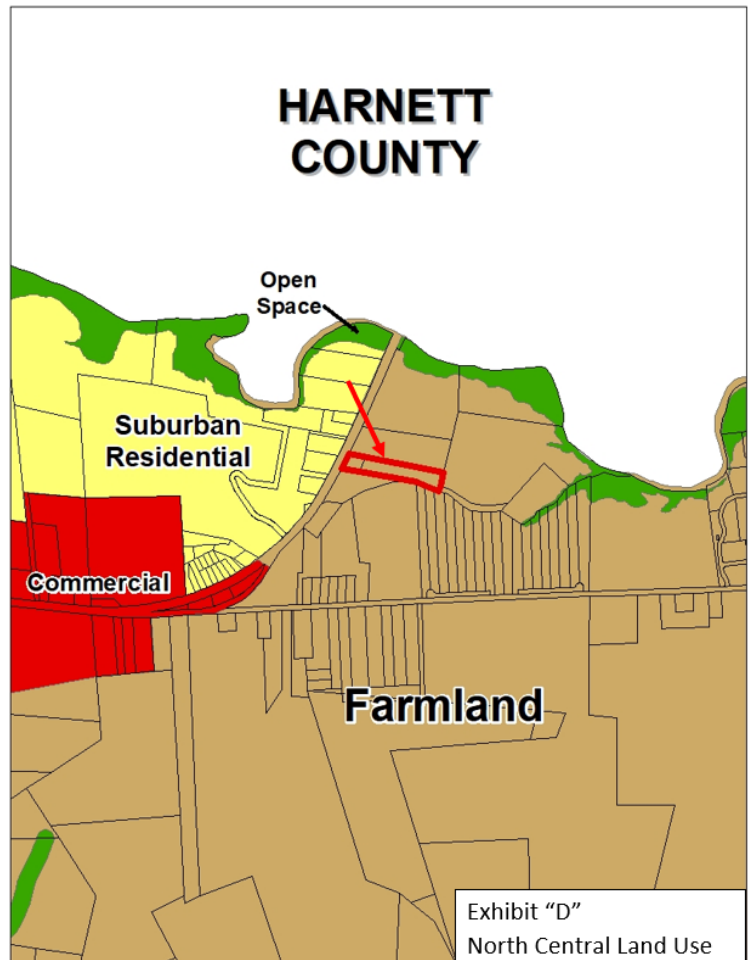
- Limit the proliferation of residential and other types of development in predominantly farming areas and maintain a rural atmosphere in proximity to farming operations (North Central Land Use Plan 2011, pg. 65).

- Preserve the rural character of the County (Land Use Policies Plan 2009, pg. 27)

- The property is located within ~200 feet east of property classified for Suburban Residential (R30, R30A, R20, R20A, RR).

- The property is located within ~1200 feet north of property classified for Commercial (C1, C1(P), and C2(P)).

- The property is located within ~1500 feet south of property classified for Open Space (CD) and Harnett County.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Town of Linden water lines are available along the front of the subject property. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water are shown on Exhibit "C". Sewer lines are not available near the subject property. Septic will likely be required, and the lot size must meet the minimum area necessary to accommodate.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property, Ramsey Street, Linden, NC, is located outside of FAMPO boundaries. The Mid-Carolina RPO did not provide any comments.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Long Hill Elementary	516	475
Raleigh Rd Elementary	179	230
Pine Forest Mid	804	740
Pine Forest High	1712	1713

ECONOMIC DEVELOPMENT: The proposal would have no impact on economic development initiatives.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no objections to the rezoning request.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD)	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District:	n/a

n/a – not applicable

CONDITIONS OF APPROVAL: This is a conventional zoning and there are no conditions at this time.

STAFF RECOMMENDATION

In Case ZON-23-0033, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds the request is consistent with the North Central Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

CLEMENT, CHARLTON CLAY;CLEMENT,
CLAYTON GRAY
2501 DUNHAVEN DR
GARNER, NC 27529

BARTON, PHILIP W HEIRS
538 TRIPP RD
LILLINGTON, NC 27546

O & M HOLDINGS LLC
1901 S ELM ST
GREENVILLE, NC 27858

DRUMM, PATRICIA LYNN
24914 STRAND DR
ALBEMARLE, NC 28001

BENJAMIN STOUT REAL ESTATE SERVICES
INC
1786 METRO MEDICAL DR
FAYETTEVILLE, NC 28304

BENJAMIN STOUT REAL ESTATE SERVICES
INC
1786 METRO MEDICAL DR
FAYETTEVILLE, NC 28304

BENJAMIN STOUT REAL ESTATE SERVICES
1786 METRO MEDICAL DR
FAYETTEVILLE, NC 28304

AGS LAND LLC
1786 METROMEDICAL DR
FAYETTEVILLE, NC 28304

BENJAMIN STOUT REAL ESTATE SERVICES
1786 METRO MEDICAL DR
FAYETTEVILLE, NC 28304

AGS LAND LLC
1786 METROMEDICAL DR
FAYETTEVILLE, NC 28304

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1786 METROMEDICAL DR
FAYETTEVILLE, NC 28304

BENJAMIN STOUT REAL ESTATE SERVICES
1786 METRO MEDICAL DR
FAYETTEVILLE, NC 28304

BENJAMIN STOUT REAL ESTATE SERVICES
1786 METRO MEDICAL DR
FAYETTEVILLE, NC 28304

A & G RESIDENTIAL LLC
916 ARSENAL AVE
FAYETTEVILLE, NC 28305

A & G RESIDENTIAL LLC
916 ARSENAL AVE
FAYETTEVILLE, NC 28305

HALL LITTLE RIVER FARM LLC
3163 CAMDEN RD
FAYETTEVILLE, NC 28306

HALL LITTLE RIVER FARM LLC
3163 CAMDEN RD
FAYETTEVILLE, NC 28306

STURTZ, JOSH;STURTZ, CANDACE F
531 SHAWCROFT RD
FAYETTEVILLE, NC 28311

BABB, KENNETH RAY;BABB, TRAVIS ANN
10915 RAMSEY ST
LINDEN, NC 28356

RAYNOR, SUE BRINSON
PO BOX 70
LINDEN, NC 28356

JOHNSON, BENJAMIN FRANKLIN
10870 RAMSEY ST
LINDEN, NC 28356

WOOD, GETA LYNN;WOOD, DIANNA LYNN
11153 RAMSEY ST
LINDEN, NC 28356

BABB, TRAVIS ANN;BABB, KENNETH R
10975 RAMSEY ST
LINDEN, NC 28356

ELLIOTT, PAMELA COLLIER;TUOHEY, JOHN
10986 RAMSEY ST
LINDEN, NC 28356

CLIFTON, TODD CHANNEN;CLIFTON,
STEPHEN CRAIG
10904 RAMSEY ST
LINDEN, NC 28356

SARDIS CHURCH OF LINDEN NC
PRESBYTERIAN CHURCH USA INC
P O BOX 99
LINDEN, NC 28356

SARDIS CHURCH OF LINDEN INC
PO BOX 99
LINDEN, NC 28356

BABB, TRAVIS ANN;BABB, KENNETH R
10915 RAMSEY ST
LINDEN, NC 28356

STURTZ, DON CARLESS;STURTZ, KATHY
3771 LINDEN RD
LINDEN, NC 28356

BABB, KENNETH R;BABB, TRAVIS ANN
10975 RAMSEY ST
LINDEN, NC 28356

JANSSEN, PHILLIP T;JANSSEN, PHYLLIS A
3640 OLD ROUTE 15A
LINDEN, NC 28356

WOOD, LINDA T LIFE ESTATE
11011 RAMSEY ST
LINDEN, NC 28356

BABB, KENNETH R;BABB, TRAVIS ANN
BENNETT
10975 RAMSEY ST
LINDEN, NC 28356

TUOHEY, JOHN;TUOHEY, PAMELA
10986 RAMSEY ST
LINDEN, NC 28356

TUOHEY, JOHN M;TUOHEY, PAMELA C
10986 RAMSEY ST
LINDEN, NC 28356

CAPE FEAR INVESTMENT PROPERTIES LLC
7397 RIDDLE ROAD
ST PAULS, NC 28384

CAPE FEAR INVESTMENT PROPERTIES LLC
7397 RIDDLE ROAD
ST PAULS, NC 28384

247 STORE IT LINDEN LLC
15 PERRY ST STE 366
NEWNAN, GA 30263

ATTACHMENT: APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 250.⁰⁰.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from A1 to R40
2. Address of Property to be Rezoned: 10932 Ramsey Street
3. Location of Property: 10932 Ramsey Street on
Ramsey Street
4. Parcel Identification Number (PIN #) of subject property: 0564-69-1265
(also known as Tax ID Number or Property Tax ID) 0564-69-7117
5. Acreage: 4.75 Frontage: 200 Depth: 1115
6. Water Provider: Well: _____ PWC: _____ Other (name): Harnett County
Water
7. Septage Provider: Septic Tank ✓ PWC _____
8. Deed Book 11839, Page(s) 840, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

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

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

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

Kevin B. Riddle - Cape Fear Investment Properties, LLC
NAME OF OWNER(S) (PRINT OR TYPE)

7397 Riddle Road St. Pauls, NC 28384
ADDRESS OF OWNER(S)

910-624-1152
HOME TELEPHONE #

910-624-1152
WORK TELEPHONE #

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

5965 Hall Park Road, Fayetteville NC 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

riddle3653@gmail.com
E-MAIL

910-308-9330
HOME TELEPHONE #

WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF DECEMBER 19, 2023

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 12/19/2023

**SUBJECT: CASE ZON-23-0034: TEXT AMENDMENT TO THE CUMBERLAND
COUNTY ZONING ORDINANCE TO REGULATE TOBACCO AND
HEMP RETAIL PRODUCTS WITHIN CUMBERLAND COUNTY,
SUBMITTED BY PLANNING & INSPECTIONS STAFF (APPLICANT).**

ATTACHMENTS:

Description

ZON-23-0034

Type

Backup Material



PLANNING STAFF REPORT

ZONING REGULATIONS CASE # ZON-23-0034
Planning Board Meeting: December 19, 2023

Jurisdiction: Cumberland County

EXPLANATION OF THE REQUEST

This request is a staff-driven text amendment to the Cumberland County Zoning Ordinance to regulate tobacco and hemp retail products within Cumberland County.

Preemptive language in NC law prohibits local governments from adopting regulations regarding the sale, distribution, display and promotion of tobacco, including e-cigarettes. However, NC governments have clear authority to regulate land uses through zoning, including regulating where certain land uses are permitted. Under land use regulation, local governments can regulate the location of retailers selling tobacco products. The 1976 Supreme Court case *Young v. American Mini Theaters* established the “secondary effects doctrine”, which upheld zoning regulations intended to limit the adverse effects associated with a particular land use. Essentially, a local government can put some restrictions, although cannot restrict a use entirely, on a particular land use to mitigate negative effects of proximity.

This text amendment would add use standards in Article IX of the County’s Zoning Ordinance. The use standards set distance requirements from youth sensitive areas and from populations with identified dependency conditions. The amendment also defines this particular use type and limits these uses to the County’s more intensive commercial zones. This amendment was taken before the Cumberland County Board of Health on November 14, 2023 and was unanimously endorsed.

Staff believes the amendment is not overly restrictive and would not prohibit the use from developing within the county’s unincorporated jurisdiction. The proposed changes do not impact any existing Tobacco & Hemp Retailers in unincorporated Cumberland County. The proposed standards align with the County’s land use policies and the Department of Public Health efforts on youth tobacco & hemp activity. Several jurisdictions have already established similar standards for this type of use.

STAFF RECOMMENDATION

In Case ZON-23-0034, Planning & Inspections Staff **recommends approval** of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not specifically address regulations for Tobacco and Hemp Retail uses, a current ordinance that promotes County-wide public health, safety, and welfare achieves 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.

ARTICLE IX
INDIVIDUAL USES

926.1 Tobacco and Hemp Retail

- A. The site of the establishment must be located at least 1,000 feet— measured in a straight line from property line to property line—from the site of any other Tobacco and Hemp Retail establishment that exists or has been permitted.
- B. The site of the establishment must be located at least 1,000 feet—as measured in a straight line from property line to property line— from any of the following uses: schools (public, private, elementary or secondary), day care facilities, group homes, public parks, group quarters (halfway house), or residential habilitation support facilities.
- C. There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Tobacco and Hemp Retail: means the principal sales and/or distribution of:

- A. Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4). As used in this subchapter, “tobacco product” includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. Tobacco product does not include nicotine replacement products approved by the USFDA for treatment of tobacco use and dependence.
- B. Any product that contains tetrahydrocannabinol (THC), irrespective of whether the THC is hemp derived or synthetic. Products that contain no greater than .3% THC are exempt.
- C. Any product that contains Mitragyna speciosa, commonly known as kratom.
- D. Any electronic device that delivers nicotine, THC or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vape, or electronic hookah.
- E. Tobacco and hemp retail shall also mean any person who primarily sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.

CUMBERLAND COUNTY ZONING ORDINANCE
P = PERMITTED USE
S = SPECIAL USE (Sec. 1606 Board of Adjustment)
Z = CONDITIONAL ZONING (Article V – County BOC)

LAND USES		ZONING CLASSIFICATIONS																					
		CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
TOBACCO AND HEMP RETAIL (Sec. 926.1)																				P	P		