

P14-52

PENDING AMENDMENT

Godwin Subdivision and Zoning Ordinance

Zero Lot Line Development

CURRENT MEETING INFORMATION:

County Joint Planning Board, October 21, 2014 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2nd floor hearing room

CASE HEADING:

P14-52. REVISION AND AMENDMENT TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, AMENDING ARTICLE I. SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED; SECTION 1.8. DEFINITIONS; SECTION 3.20. LOT STANDARDS; CREATING ARTICLE III, SECTION 3.24. ZERO LOT LINE DEVELOPMENTS; AND AMENDING THE TOWN OF GODWIN ZONING ORDINANCE, ARTICLE VI, MIXED USE DEVELOPMENT-CONDITIONAL ZONING DISTRICT, SECTION 603. USES ALLOWED; AND UPDATING THE TABLES OF CONTENTS OF EACH ORDINANCE AS APPROPRIATE. (GODWIN)

ADDITIONAL INFORMATION:

This amendment, if approved will allow for zero lot line development within the Town of Godwin.

Complete text is attached.

CONTACT INFORMATION:

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**Town of Godwin Subdivision and Zoning Ordinance
Text Amendments
(Zero Lot Line Developments)**

P14-52. REVISION AND AMENDMENT TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, AMENDING ARTICLE I. SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED; SECTION 1.8. DEFINITIONS; SECTION 3.20. LOT STANDARDS; CREATING ARTICLE III, SECTION 3.24. ZERO LOT LINE DEVELOPMENTS; AND AMENDING THE TOWN OF GODWIN ZONING ORDINANCE, ARTICLE VI, MIXED USE DEVELOPMENT-CONDITIONAL ZONING DISTRICT, SECTION 603. USES ALLOWED; AND UPDATING THE TABLES OF CONTENTS OF EACH ORDINANCE AS APPROPRIATE. (GODWIN)

AMEND ARTICLE I. PREAMBLE, SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED as follows:

All plats for the subdivision of land shall conform to the requirements of this ordinance, and shall be submitted in accordance with the procedures and specifications established herein. Plans for Mobile Home Parks, Group Developments, [Zero Lot Line](#), and Condominium Developments shall be submitted in the same manner as other plats.

AMEND ARTICLE I. PREAMBLE, SECTION 1.8. DEFINITIONS by amending sub-section “J” as follows:

j. Group Development. A group of [two or more](#) ~~than one (1)~~ principal [uses, structures, or dwelling units occupying, built on, or intended to occur](#) on a single lot, tract or parcel of land ~~designed for occupancy by separate families, business firms or other enterprises as regulated in Section 3.21 of this ordinance.~~

AMEND ARTICLE I. PREAMBLE, SECTION 1.8. DEFINITIONS by adding ZERO LOT LINE as follows:

[nn. Zero Lot Line Developments. A development including both residential and non-residential uses, consisting of one or more structure\(s\), whether attached or detached, and comprising at least two lots or units, intended for separate ownership, and developed in accordance with Section 3.24. Zero Lot Line Developments, of this ordinance.](#)

AMEND ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN by amending SECTION 3.20. LOT STANDARDS as follows:

[Except as otherwise provided for in Sections 3.21, 3.22. and 3.24, governing group developments, condominiums, and zero lot line developments, respectively, the district dimensional provisions](#) ~~Where a zoning ordinance is in effect, the lot dimensions, setbacks~~ and [other](#) standards of the zoning ordinance shall apply.

AMEND ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN, creating SECTION 3.24 ZERO LOT LINE DEVELOPMENTS as follows:

SECTION 3.24. REQUIREMENTS FOR ZERO LOT LINE DEVELOPMENTS.

Zero lot line developments shall comply with all the requirements of group developments when not specified herein and for the purposes of determining compliance with this ordinance and the Godwin Zoning Ordinance, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the minimum lot size provisions of Section 1004 of the Godwin Zoning Ordinance provided that the overall average density of the zoning district in which the development is located is not exceeded. In addition to the provisions for Section 3.21 above, the following shall be complied with:

- a. Site plans. Site plans for zero lot line developments shall show the locations of buildings and/or building sites, streets, drives, alleys, walks, parking, on-site recreation areas (if proposed), yards, the boundary of the development, maintenance easements and all common area.
- b. Building sites. A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon and shall be sufficient in size to contain the structure proposed and any other proposed components of the property that are to be conveyed. Each building site shall abut and have direct access to a public street, private street or private drive, as permissible by this ordinance.
- c. Building yards. Building sites, buildings, and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the Godwin Zoning Ordinance for lot width, front yard, side yard, rear yard, and building area except:
 - (1) Buildings have direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.
 - (2) Buildings on the periphery of the development plan must meet all setback requirements of the zoning district in which the development is located. The judgment of the Planning Board as to what constitutes front, rear and side yard of each building on the periphery shall be final.
 - (3) A minimum of ten foot separation between structures shall be provided for buildings on separate lots within developments that are creating individual “for sale” lots and seeking approval under this section.
- d. Density. The total number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the zoning district in which the development is located, excluding public right-of-way and that public right-of-way which is dedicated and/or reserved.
- e. Owners association. Establishment of an owners’ association shall be mandatory when any portion of the development is to be held in common.

- f. Common areas. All areas of the site plan, other than individual “for sale” lots/units and public rights-of-way shall be shown and designated as “common area”, the fee simple title to which shall be conveyed by the developer to the owners’ association. Any common area shall not be further subdivided, developed or conveyed by the owners association, except where approved under the provisions of this ordinance and the Godwin Zoning Ordinance. This stipulation shall be so stated in the declarations and noted on the final plat.
- g. Declaration of covenants and restrictions. The developer shall file prior to submission for final plat approval of any portion of a development, a declaration of covenants and restrictions governing the common areas, the owners’ association and the building sites, if required. The declaration of covenants and restrictions shall be approved by the Town Attorney prior to recording of such documents, and prior to final plat approval for any portion or phase of the development. The restrictions shall contain, but not be limited to, provisions for the following as necessary:
- (1) The owners’ association shall be organized and in legal existence prior to the sale of any lot or unit within the development.
 - (2) Membership in the owners’ association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit.
 - (3) The owners’ association shall be responsible for the provisions of liability insurance, any taxes, and maintenance of recreation area and other facilities located on the common area, payment of assessments for public and private capital improvements made to or for the benefit of the common area located within the development. It shall be further provided that upon default by the owners’ association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common area or assessments for public improvements to the common area, which default shall continue for a period of six months, each owner of a lot or unit in the development shall become personally obligated to pay to the County Tax Assessor a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of lots or units in the development. If such sum is not paid by the owner within thirty days following receipt of notice of the amount due, then such sum shall become a continuing lien on the lot or unit of the then owner(s), the owner(s)’ heirs, devisees, personal representatives and assigns, and the County Tax Assessor may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.
 - (4) The owners association shall be empowered to levy assessments against the owners of lots or units within the development for payment of expenditures made by the owners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the lot or unit of the owner.

- (5) Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common area and for parking areas shall be granted to each owner of any lot or unit within the development, unless expressly stated otherwise and classified as “limited common areas and facilities” with the declaration.
- (6) Common walls between any units shall be party walls, and provisions for the maintenance thereof, including restoration in the event of destruction or damage, shall be established within the covenants.
- h. *Proof of subordinate mortgage.* The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual lot or unit owner or to the owners’ association.
- i. *Final plat.* A final plat shall be prepared in accordance with Section 2.5 and also include the following:
 - (1) All building sites (lots/units) numbered with bearings and distances shown for their respective boundaries.
 - (2) All “common area” labeled as such with the facilities thereon indicated.
 - (3) Any notes as required under this section, including maintenance easements when required.
 - (4) An indication as to the location (book and page number) of the covenants and restrictions governing the recorded plat.
- j. *Compliance with State law.* In addition to the above requirements, all zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N.C. General Statutes, as if the applicable provisions of Chapter 47A were incorporated herewith.

AMEND ARTICLE VI. MIXED USE DEVELOPMENT-CONDITIONAL ZONING DISTRICT, SECTION 603. USES ALLOWED by amending sub-section “A” as follows:

A. Any residential use ~~except manufactured homes and manufactured home parks~~ permitted in the R7.5 zoning district, including a variety of single family, multi-family, patio homes, townhouses, condominiums and zero lot line developments;