

PENDING AMENDMENT

P09-20

“Religious Worship Activity” Definition & Buffer Provisions

CASE HEADING:

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS AND DEFINITIONS, SECTION 203, DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE XI, LOT AND YARD REGULATIONS, SECTION 1102, YARD REGULATIONS, SUB-SECTION G, BUFFER REQUIREMENTS; AND AMENDING THE TABLE OF CONTENTS AS APPROPRIATE.

CURRENT MEETING INFORMATION:

Cumberland County Board of Commissioners’ Public Hearing, June 15, 2009, 6:45 pm, Room 118 Board of Commissioners Hearing Room (Main Courthouse) at 117 Dick Street, Fayetteville, North Carolina.

PREVIOUS HEARING INFORMATION:

At their meeting on June 2, 2009, the Cumberland County Joint Planning Board voted to unanimously recommend approval of the proposed amendment and to send it on to the Cumberland County Board of Commissioners for final public hearing.

ADDITIONAL INFORMATION:

The Land Use Codes Committee met on two occasions addressing the County Zoning Ordinance buffer provisions as these provisions were intended apply to religious worship activities. The Codes Committee unanimously voted to recommend the Joint Planning Board consider the attached amendments to the ordinance.

P09-20
County Zoning Ordinance Text Amendment

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203, DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE XI, LOT AND YARD REGULATIONS, SECTION 1102, YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS; AND AMENDING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND County Zoning Ordinance, Article II Interpretations, Calculations, and Definitions, Section 203, Definitions of Specific Terms and Words, specifically: *Religious Worship Activity*, as indicated below:

Religious Worship Activity: Any premises, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include without charge religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit (parsonage) but excluding day care facilities, food sales, second hand shops, festivals, bazaars and facilities for residence or training of religious order, unless otherwise authorized by this Ordinance.
(Amd. 02-19-08)

AMEND County Zoning Ordinance, Article XI Lot and Yard Regulations, Section 1102 Yard Regulations, sub-section G. Buffer Requirements, as indicated below:

G. Buffer Requirements.

1. A solid buffer shall be installed:
 - a. When a non-residential use abuts a residential ~~ly-~~ ~~or agricultural~~ zoned property along the side and/or rear property lines;
 - b. When any commercial off-street parking or loading space abuts a residential ~~or agricultural~~ district along the side or rear property lines;
 - c. When any use permitted in a residential or agricultural district other than a single- or multi-family dwelling abuts a residential ~~or agricultural~~ district along the side or rear property lines;
 - d. When any multi-family development of more than three residential units abuts a residential district or an existing single-family dwelling along the side or rear property lines; and

e. When any outside storage of materials, equipment or products is visible and/or abutting any residential district and/or public street.
(Amd. 02-19-08)

2. "Governmental uses" as defined herein and including public and private elementary, junior high/middle, and high schools, accredited by the State of North Carolina, and "religious worship activity" as defined herein shall be exempt from the buffer requirements of this Ordinance.
(Amd. 11-20-06)

3. For all All uses classified under sub-section "e" above and regardless whether or not the use was existing at the time of the adoption of this Ordinance, the property owner ~~and classified under "a — e" above~~ shall provide and maintain a solid buffer ~~completely surrounding the development~~ within two calendar years of said use being subject to this Ordinance in accordance with the standards of this sub-section ~~and the County Subdivision Ordinance~~.
(Amd. 02-19-08)

4. When required by this Ordinance and/or the County Subdivision Ordinance, the following standards shall apply:

a. A vegetative buffer shall be a minimum of three feet in height at time of planting to reach a height of six feet within three calendar years;

b. Solid non-vegetative fencing shall have a minimum height of six feet;

c. Buffer vegetation shall be located between any fence and the common property line.

d. Chain link fencing shall not be permitted as a screening alternative, regardless of type of modifications made to the chain link fence.
(Amd. 11-20-06; Amd. 02-19-08)