

P15-29

PENDING AMENDMENT

Hope Mills Subdivision and Zoning
Sidewalks and Walkways

CURRENT MEETING INFORMATION:

County Joint Planning Board, May 19, 2015 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2nd floor hearing room

CASE HEADING:

P15-29. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS SUBDIVISION AND ZONING ORDINANCES TO MODIFY THE SIDEWALK PROVISIONS PERTAINING TO DEVELOPMENTS WITHIN THE TOWN; SPECIFICALLY AMENDING THE HOPE MILLS SUBDIVISION ORDINANCE, ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, SECTION 86A-405. SIDEWALKS AND WALKWAYS; AND AMENDING THE HOPE MILLS ZONING ORDINANCE, ARTICLE I ADMINISTRATIVE PROVISIONS, SECTION 102A-107. ZONING PERMIT AND ARTICLE XV PLANNED DISTRICTS, SECTIONS 102A-1501. GENERAL OBJECTIVES, 102A-1502. DETAILED SITE PLAN SPECIFICATIONS, 102A-1503. SITE PLAN REVIEW, 102A-1504. BOARD OF COMMISSIONERS' CONSIDERATION; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

ADDITIONAL INFORMATION:

Complete text is attached.

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P15-29
Town of Hope Mills
Subdivision and Zoning Ordinances
(Sidewalks & Walkways)

P15-29. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS SUBDIVISION AND ZONING ORDINANCES TO MODIFY THE SIDEWALK PROVISIONS PERTAINING TO DEVELOPMENTS WITHIN THE TOWN; SPECIFICALLY AMENDING THE HOPE MILLS SUBDIVISION ORDINANCE, ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, SECTION 86A-405. SIDEWALKS AND WALKWAYS; AND AMENDING THE HOPE MILLS ZONING ORDINANCE, ARTICLE I ADMINISTRATIVE PROVISIONS, SECTION 102A-107. ZONING PERMIT AND ARTICLE XV PLANNED DISTRICTS, SECTIONS 102A-1501. GENERAL OBJECTIVES, 102A-1502. DETAILED SITE PLAN SPECIFICATIONS, 102A-1503. SITE PLAN REVIEW, 102A-1504. BOARD OF COMMISSIONERS' CONSIDERATION; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

AMEND the Hope Mills Subdivision Ordinance, Article IV Development Improvement and Design Standards, Section 86A-405. Sidewalks and walkways, as indicated below:

HOPE MILLS SUBDIVISION ORDINANCE
ARTICLE IV
DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS

Sec. 86A-405. Sidewalks and walkways.

(a) Sidewalks and walkways required. ~~Sidewalks shall be required to be constructed in the following instances:~~

(1) Except as described herein, sidewalks shall be installed along public and private right(s)-of-way within and adjacent to any development located in the town's jurisdiction, and shall be constructed in accordance with the town's sidewalk specifications and construction standards, and good engineering practices. Sidewalks shall be located according to the following:

a. For proposed residential subdivisions or developments, sidewalks shall be installed on both sides of all proposed streets and drives, and along the existing street right-of-way to which the project abuts. For multi-family developments, sidewalks shall be provided along the building side of the off-street parking area in addition to other sidewalk requirements of this ordinance.

b. For existing residential subdivisions or developments, if a sidewalk exists along the same side of the street abutting the new development or redevelopment of a principal structure, including situations where a principal structure is destroyed by more than 50%, regardless of distance away from the proposed development, a sidewalk shall be required along the lot to be developed; if no sidewalk

exists on the same street side, payment of a fee in-lieu of sidewalk construction shall be mandatory as regulated in sub-section (b) of this section.

c. For all non-residential development with no new streets proposed, sidewalks are required along internal drives and along the existing street(s) adjacent to the subject property. Where new streets are proposed in conjunction with any non-residential development, sidewalks are required along all proposed street(s) and internal drives, and along the existing street(s) adjacent to the subject property. For non-residential developments, sidewalks shall be provided along the building side of the off-street parking area in addition to other sidewalk requirements of this ordinance.

~~When a residential development with a density greater than or equal to 2.2 units per acre is proposed, sidewalks are required on one side of all streets proposed within the development and along any existing minor thoroughfare or higher classification street. Streets ending with a cul-de-sac or hammerhead turnaround when less than 500 feet in length are not required to have sidewalks. Sidewalks are also not required around the bulb of any cul-de-sac or t-type ending of any hammerhead.~~

(2) A walkway shall be installed when ~~When~~ any subdivision or development proposed is adjacent to an existing or proposed public school or park property. ~~The ,the developer~~ shall construct and offer for dedication to the affected public agency owning the affected park or school property a walkway ~~(sidewalk)~~ not less than ten feet in width in such a location as to facilitate direct convenient access to the adjacent school or park property from the proposed subdivision or development.

(3) Sidewalks and walkways shall be constructed by the developer and inspected by the town staff prior to the completion of any building final inspection or submission of final plat approval for recordation, except where a guarantee has been approved and posted as authorized in Section 86A-602.

(4) The developer shall be responsible for the entire cost of installing sidewalks and walkways within and adjacent to the subdivision or development. Payment in-lieu of sidewalk construction may be considered by the Board of Commissioners in accordance with sub-section (b) of this section. ~~When a non-residential development is proposed along a minor thoroughfare or higher classification street, sidewalks are required along the thoroughfare or higher classification street.~~

(b) Payment in-lieu of sidewalk construction.

(1) General. The payment of fees in-lieu of installing a required sidewalk or walkway may be made upon written request of the developer with approval from the Board of Commissioners upon the board finding that:

a. The street is designated as a state or local road subject to widening or improvement on an officially adopted plan;

b. The right-of-way, developing lot, or lot abutting a proposed sidewalk is not suitable for sidewalks due to floodplains, wetlands, riparian buffers, required tree preservation areas, slopes exceeding 25 percent, or other unique site conditions; or

c. The area to be subdivided or developed is too small for the construction of sidewalks or walkways to be practicable.

(2) Procedure for approval. The payment of such fees in-lieu shall be reviewed and approved as part of the subdivision or development application submittal. A sidewalk or walkway easement shall be included on the plan in the general area where a sidewalk or walkway would have been built had the fee in-lieu not been paid. The easement shall be offered for dedication to the town or in the case of walkways required by sub-section (a)(2) above to the agency owning the public park or school. The request to pay the fee in lieu must be attached to the plan application, in letter form and include an itemized estimate of the expected costs of sidewalk construction sealed by the developer's engineer or other qualified licensed professional. At the meeting in which the plan approval occurs, the Board of Commissioners shall also consider the request for the payment in lieu of installing the sidewalk. If the letter requesting payment in lieu of sidewalk construction is submitted on a date after the date the application is submitted, a new and separate fee equal to one-half of the original subdivision/development submittal fee shall be charged.

(3) Time of payment. The fees in-lieu of sidewalks shall be paid prior to the building final inspection and/or approval of each phase of the subdivision or development submitted for final plat approval as directed by the Board of Commissioners.

(4) Use of funds. Payments in-lieu of sidewalk construction received in accordance with this sub-section shall be used only for the development of new sidewalks or multi-use pedestrian/bicycle paths.

~~Sidewalk construction standards. All required sidewalks shall be constructed with concrete or other pre-approved surface material and shall comply with the provisions of the Americans with Disabilities Act standards. The required sidewalks shall be constructed with a minimum width of 48 inches, a minimum of four inch thickness for areas subject to pedestrian traffic, a minimum of seven inch thickness for areas subject to vehicular traffic, joints spaced every three feet, and a minimum 3,000 psi compressive strength. When walks are installed adjacent to parking areas, the walks shall accommodate vehicular bumper overhang and be functional. The Town shall review and approve all sidewalk plans prior to commencement of construction of any sidewalk.~~

(c) Exemptions. The sidewalk and in-lieu fee requirements of this section do not apply to (i) new development consisting solely of an accessory residential structure (for example a pool, garage or shed) or (ii) the reconstruction of a damaged principal residential structure, provided that the damage to the structure is 50% or less than the value of the structure at the time it is damaged. The Town Planner may determine the value of the structure using tax assessment information, an appraisal or other similarly credible sources.

AMEND the Hope Mills Zoning Ordinance, Article I Administrative Provisions, Sec. 102A-107. Zoning permit, as indicated below:

HOPE MILLS ZONING ORDINANCE
ARTICLE I
ADMINISTRATIVE PROVISIONS

Sec. 102A-107. Zoning permit.

(a) *Zoning permit required.* It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to commence the moving, alteration or repair of any structure, or the use of any land or building, including accessory structures, until the Town Planner ~~Chief Building Inspector~~ has issued a zoning permit for such work or use. Such permit shall include a statement that the plans, specifications for, and intended use of such land or structure, in all respects, conform ~~to with~~ the provisions of this ordinance and the town's subdivision regulations ~~Chapter 86~~. Application for a zoning permit shall be made in writing to the Town Planner ~~Chief Building Inspector~~ on forms provided for that purpose. Zoning permits shall be void after six months from date of issue unless substantial progress on the project has been made by that time.

(b) *Approval of plans.* The Town Planner ~~Chief Building Inspector~~ shall review all applications for a zoning permit for any purpose regulated by this ordinance and the town's subdivision regulations ~~Chapter 86~~ for conformity with this ordinance and the town's subdivision regulations ~~Chapter 86~~. To this end, every application for a zoning permit shall be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Town Planner ~~Chief Building Inspector~~ to ascertain whether the proposed activity is in conformance with this ordinance and the town's subdivision regulations ~~Chapter 86~~:

- (1) The actual shape, location and dimensions of the lot;
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;
- (3) The existing and intended use of all such buildings or other structures; ~~and~~
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance and the town's subdivision regulations ~~Chapter 86~~ are being observed; and .
- (5) The plan or plat shall show the existing sidewalk location. In the event there is no sidewalk is present, the provisions of 102A-1503(j) of this ordinance and 86A-405 of the Hope Mills Subdivision Ordinance apply.

In any planned district, the Town Planner ~~Chief Building Inspector~~ shall not issue a zoning permit except in conformance with an approved site plan. The site plan shall also, without limitation, comply with all applicable standards of Article XV.

(c) *Issuance of zoning permit.* If the proposed activity as set forth in the application conforms ~~to~~ with the provisions of this ordinance and the town's subdivision regulations ~~Chapter 86~~, the Town Planner ~~Chief Building Inspector~~ shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Town Planner ~~Chief Building Inspector~~ shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this ordinance or of the town's subdivision regulations ~~Chapter 86~~ and the town reserves the right to rescind any zoning permit mistakenly issued in contravention of the provisions of this ordinance or of the town's subdivision regulations ~~Chapter 86~~.

AMEND the Hope Mills Zoning Ordinance, Article XV Planned Districts, Sections 102A-1501. General objectives; 102A-1502. Detailed site plan specifications; 102A-1503. Site plan review; 102A-1504. Board of Commissioners' consideration; as indicated below:

**HOPE MILLS ZONING ORDINANCE
ARTICLE XV
PLANNED DISTRICTS**

Sec. 102A-1501. General objectives.

This article recognizes that through ingenuity, imagination, and quality design community development can be improved. All development in any planned zoning districts shall be subject to site plan review and approval prior to application for any permits. The careful review of development plans by the town and county planning staffs is a process that will:

- (a) Permit creative approaches to the development of land, reflecting changes in the technology of land development;
- (b) Provide for an efficient use of land, which can result in smaller networks of utilities and streets and thereby lower development costs;
- (c) Provide and ensure an environment of stable character compatible with surrounding land uses;
- (d) Accomplish a more desirable environment than would otherwise be possible; and
- (e) Enhance the appearance of the community.

Sec. 102A-1502. Detailed site plan specifications.

In any planned district, permits shall not be issued by the Town Planner ~~Chief Building Inspector~~ except in conformance with a detailed plan submitted to the County Planning Staff, reviewed by the town and county planning staffs, and approved by the Board of Commissioners or where applicable, the Board of Adjustment. Plans submitted for approval shall be in the number as required by the County Planning Director, drawn to an engineering scale of not less than one inch equaling 200 feet, and shall show all information necessary for proper evaluation of the plan, including:

- (a) The dimensions and location of the property, all existing and proposed structures, including any existing and/or proposed freestanding signs, sidewalks and existing and proposed rights-of-way;
- (b) The parking and general circulation plan, including entrances, exits, pedestrian ways, and lateral access to adjoining commercial or industrial properties where practical.
- (c) The service area, including off-street loading facilities, service drives, and dimensions thereof and proposed uses of all structures;
- (d) The proposed location and material of fences, walls, buffer and landscaping; and
- (e) The name of the developer, the date, the scale, the north arrow, parcel identification number, general vicinity sketch map, and the person or firm preparing the plan.

Sec. 102A-1503. Site plan review.

Plans for development shall be submitted to the county planning staff and shall be processed in accordance with the terms of this ordinance ~~accordance with the schedule adopted by the Board of Commissioners~~. The county planning staff shall ensure the plan is in compliance with this ordinance and the town's subdivision regulations ~~Chapter 86~~ if applicable, and shall provide copies to the town staff for their review and comment prior to presentation to the board for final determination.

The burden shall be on the developer to show that their plans are in the best interests of the community and the users of the proposed developments. Site planning of the proposed development shall demonstrate that ~~provide~~ protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences is provided within the development. The development plan shall show, and careful review shall be given to, the following information:

- (a) Proposed land uses, the location of various land uses, their types, and densities;
- (b) Proposed circulation pattern for vehicles and pedestrians including providing for the interconnectivity of drives and parking areas by means of lateral access;

(c) Proposed parks, and other common open space areas, proposed means of dedication of any common open space areas and organizational arrangements for the ownership, maintenance, and preservation of common open space;

(d) Delineation of the units or phases to be constructed in progression;

(e) Relation to land uses in surrounding areas and to the general development plan;

(f) The layout of motor vehicle parking and loading areas, service areas, entrances, exits, yards, courts, landscaping, location of freestanding signs, and method control of lighting, noise or other potentially adverse influences in order to protect the residential character within and/or adjacent to the planned development;

(g) The yard setbacks and type of buffering and/or screening various land uses;

(h) The plan shall note and the developer shall ensure that all utilities are placed underground, except for 25kv or greater electrical lines; ~~and~~

(i) Extension and connection to public water and/or sewer, if extension and connection would be required under the provisions of [the town's subdivision regulations Chapter 86](#). If the development consists of non-residential uses or mixed use and utilities are present within the right-of-way or if any adjacent lot is served by utilities, extension and connection is mandatory ~~;~~ ~~and~~

(j) Sidewalks and walkways, complying with the Americans with Disabilities Act (ADA), shall be provided along the street right(s)-of-way; all such sidewalks shall be constructed in accordance with the town's sidewalk specifications and construction standards. Sidewalks and payments in-lieu shall be required in accordance with the provisions of Section 86A-405 of the Hope Mills Subdivision Ordinance.

Upon the planning and town staff review, the combined staff recommendations shall be forwarded to the Board of Commissioners; the staff shall either recommend approval of the site plan and state the conditions of recommendation, if any, or shall recommend disapproval of the site plan and state ~~their~~ ~~its~~ reasons.

Sec. 102A-1504. Board of Commissioners' consideration.

The Board of Commissioners shall hear and approve the plan and state the conditions of the approval, if any, or shall disapprove the plan and state its reasons. Where a development plan meets the provisions of [the town's subdivision regulations Chapter 86](#), approval of the development plan shall constitute preliminary subdivision plan approval for the purposes of [the town's subdivision regulations Chapter 86](#). The decision of the Board of Commissioners shall be the final decision on the plan. The approved plan shall be filed with the [Town Planner](#) ~~Chief Building Inspector~~ and may be amended in the same manner as provided for original plan approval.

The Board of Commissioners may approve alternate yard setbacks for developments in any planned zoning district if such approval will provide a more logically planned development. The board shall give careful consideration to the relation and effect on the surrounding properties and the intent of this ordinance prior to granting such approval.

AMEND the Hope Mills Zoning Ordinance, Article X Individual Uses, Section 102A-1001. Development standards for individual uses, as indicated below:

**HOPE MILLS ZONING ORDINANCE
ARTICLE X
INDIVIDUAL USES**

Sec. 102A-1001. Development standards for individual uses.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XV unless the use specifically requires approval of a special use permit or conditional ~~use~~ zoning permit. Those uses requiring approval as a special use permit (Section 102A-1706) or a conditional ~~use~~ zoning permit (Article V) shall also be subject to these standards and any additional standards or conditions required by the permit.

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

(a) All parking and loading areas shall comply with the minimum provisions established in this ordinance, Article XIII, Off-Street Parking and Loading;

(b) All lighting shall be directed internally and shall comply with Section 102A-1202(m);

(c) Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 34, Town of Hope Mills Code of Ordinances, Article II, entitled: "Noise" (also referred to as the 'Noise Ordinance');

(d) When any non-residential use is adjacent to property zoned for residential, a buffer shall be provided in accordance with Section 102A-1202(g);

(e) Unless otherwise specified within these individual sections, all signage shall be in compliance with this ordinance (Article XIV, Sign Regulations) for the specific district in which the subject property is located;

(f) All new non-residential development shall comply with the landscaping provisions of Section 102A-1202(n); ~~and~~

(g) Sidewalks and walkways, complying with the Americans with Disabilities Act (ADA), shall be provided along the street right(s)-of-way; all such sidewalks and walkways shall be constructed in accordance with the town's sidewalk construction standards. A payment of fees, in-lieu of sidewalk construction may be requested in accordance with the provisions of Section 86A-405(b), Hope Mills Subdivision Ordinance; and

(h ~~g~~) Compliance with all applicable Federal, State, and local regulations, including the town's subdivision regulations ~~Chapter 86~~, is mandatory.