

**CITY COUNCIL AGENDA**

**CITY OF SANFORD, NORTH CAROLINA**

**August 16, 2016, 7:00 P.M., CITY HALL**



**A. MEETING CALLED TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. PUBLIC COMMENT**

**E. APPROVAL OF AGENDA**

**F. CONSENT AGENDA**

**G. SPECIAL AGENDA**

**H. CASES FOR PUBLIC HEARING: to be held jointly with the Planning Board.**

**1. Consideration of multiple text amendments to the Unified Development Ordinance to allow for “Wine Shops”.**

- Amendment to Article 4, Table 4.6.-1 Permitted Use Matrix, to add a new land use for “Wine Shops” and further indicate that wine shops shall be permitted in the Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2), Central Business District (CBD), Light Industrial (LI) and Heavy Industrial (HI) zoning districts with supplemental development regulations. – (Pages 4 – 8)
- Amendment to Article 5, Supplemental Development Regulations, to create a new SECTION 5.43 WINE SHOPS, in order to add supplemental standards for wine shops allowed in Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2), Central Business District (CBD), Light Industrial (LI) and Heavy Industrial (HI) zoning districts. – (Pages 9 – 10)  
Amendment to Appendix A Definitions, to add a definition for Wine Shops  
*(See attached memo for a summary of the proposed amendments)*

City Council Agenda  
August 16, 2016

- Consideration of an amendment to Article 11, Sign Regulations, Section 11.9 Outdoor Advertising (Billboard) Signs, to amend SECTION 11.9.1 STANDARDS FOR THE CITY OF SANFORD AND THE TOWN OF BROADWAY, by adding new Subsections and standards to allow nonconforming off-premises outdoor advertising (billboard) signs that existed as of July 1, 2016 within the City of Sanford to be modernized which may include replacement of the billboard sign with a new electronic/digital billboard sign, provided the modernization meets the Outdoor Advertising Control Act, and provided the sign is located in the same physical location of the pre-existing nonconforming sign. Note, SECTION 11.9.2 STANDARDS FOR LEE COUNTY shall remain in effect as written. Also, in conjunction with this amendment, Article 12, Section 12.5.1 Expansion of Nonconforming Structures, shall be amended to add a new Subsection 12.5.1.3 EXCEPTION FOR MODERNIZATION OF BILLBOARDS IN THE CITY OF SANFORD in accordance with Section 11.9. (*See attached memo for a summary of the proposed amendments*) – (Pages 11 - 16)
2. Consideration of an Application by Ameer Rental Properties, LLC - to rezone one 2.02 ± acre tract of land with frontage on Gunter Street and an unimproved portion of Poplar Street from the current zoning of Light Industrial (LI) to Multifamily (MF-12). The property is the same as depicted on Lee County Tax Map 9643.15 as Tax Parcel 9643-64-6390 Lee County Land Records and as illustrated as a 2.02 acre tract of land on a survey map recorded in Plat Cabinet 10, Slide 50-A of the Lee County Register of Deeds Office. – (Pages 17 – 37)

*The Planning Board shall retire to the West End Conference Room.*

**I. REGULAR AGENDA**

1. Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2016-2017 (Reappropriations) – (Pages 38 - 39)
2. Consider Reimbursement Resolution – Streetscape Capital Project – (Page 40)
3. Consider Approval of Ordinance Amending the Annual Operating Budget for Fiscal Year 2016-2017 – (Page 41)
4. Consider Capital Project Ordinance Amendment – Streetscape – (Page 42)
5. Consider Ordinance to Enact Two-Hour Parking on Certain Streets and to Amend Section 36-113, 36-114, 36-115, 36-141, and 36-147 of the City of Sanford Code of Ordinances Chapter 36, Traffic – (Pages 43 - 44)
6. Consider Approval for Fireworks Demonstration – (Pages 45 - 54)
7. Consider A Supplemental Agreement with the Department of Transportation for the Nash and Bragg Street Sidewalk Project – (Pages 55 – 57)

**J. DECISIONS ON PUBLIC HEARINGS:**

**A. Consideration of Adoption of an Ordinance Regarding Multiple Text Amendments to the Unified Development Ordinance to Allow for “Wine Shops”.**

- Amendment to Article 4, Table 4.6.-1 Permitted Use Matrix to add a new land use for “Wine Shops” and further indicate that wine shops shall be permitted in the Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2), Central Business District (CBD), Light Industrial (LI) and Heavy Industrial (HI) zoning districts with supplemental development regulations.
- Amendment to Article 5, Supplemental Development Regulations, to create a new SECTION 5.43 WINE SHOPS, in order to add supplemental standards for wine shops allowed in Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2), Central Business District (CBD), Light Industrial (LI) and Heavy Industrial (HI) zoning districts.
- Amendment to Appendix A Definitions, to add a definition for Wine Shops
- **Consider Adoption of Ordinance Amending the City of Sanford Unified Development Ordinance – (Pages 58 - 64)**

**B. Consideration of Adoption of an Ordinance Regarding an Amendment to Article 11 Sign Regulations, Section 11.9 Outdoor Advertising (Billboard) Signs, to amend SECTION 11.9.1 STANDARDS FOR THE CITY OF SANFORD AND THE TOWN OF BROADWAY, by adding new Subsections and standards to allow nonconforming off-premises outdoor advertising (billboard) signs that existed as of July 1, 2016 within the City of Sanford to be modernized which may include replacement of the billboard sign with a new electronic/digital billboard sign, provided the modernization meets the Outdoor Advertising Control Act, and provided the sign is located in the same physical location of the pre-existing nonconforming sign. Note, SECTION 11.9.2 STANDARDS FOR LEE COUNTY shall remain in effect as written. Also, in conjunction with this amendment, Article 12, Section 12.5.1 Expansion of Nonconforming Structures, shall be amended to add a new Subsection 12.5.1.3 EXCEPTION FOR MODERNIZATION OF BILLBOARDS IN THE CITY OF SANFORD in accordance with Section 11.9.**

- **Consider Adoption of Ordinance Amending Section 11.9 of the City of Sanford Unified Development Ordinance (Article 11) – (Pages 65 – 67)**
- **Consider Adoption of Ordinance Amending Article 12 of the City of Sanford Unified Development Ordinance – (Article 12) – (Page 68)**

**K. NEW BUSINESS – (Items for discussion and action will only be taken if necessary. Otherwise, these items will be placed on the next agenda for approval.)**

**L. OTHER BUSINESS**

**M. ADJOURNMENT**

# MEMORANDUM

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**TO:** Sanford City Council  
Sanford Planning Board  
Hal Hegwer, City Manager

**FROM:** Althea Thompson, Zoning Administrator

**DATE:** August 5, 2016

**REF:** Public Hearing regarding text amendments to the Unified Development Ordinance

The following are proposed text amendments to the UDO as recommended by planning staff. The amendments were presented to the Joint Planning Commission at their June 30, 2016 meeting. The Joint Planning Commission recommended that all the amendments be forwarded to the three jurisdictions for public hearings and consideration of adoption.

**PROPOSED AMENDMENT.** Based upon a recent request for a new business (wine shop) in downtown Sanford, staff determined that as proposed the use did not “fit” into an existing land use category. Under the current regulations in the UDO, the proposed use would be classified as an Entertainment Establishment. The business owner in conjunction with staff made a presentation to the Joint Planning Commission for consideration of adding a new category for “wine shops”. Staff is proposing an amendment to add “Wine Shops” as a new land use to the permitted use matrix and further indicate that such use shall be permitted in Highway Commercial (HC), Light Commercial and Office (C-1), General Commercial (C-2), and Central Business (CBD) zoning districts as well as in a Planned Unit Development (PUD) or Traditional Neighborhood Development (TND) with development regulations. The changes to the UDO include amendments to three sections: (1) **Article 4 Permitted Use Matrix**, (2) **Article 5 Supplemental Development Regulations** to add a new section and supplemental standards for Wine Shops, and (3) to **Appendix A** to add new Definitions for Wine Shops.

Below is the draft language for consideration of adding a new land use to **Table 4.6-1 Permitted Use Matrix** for a Wine Shop. (Changes in *bold italics*):

**Table 4.6 –1 PERMITTED USE MATRIX:**

Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column (i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
<i>General Sales or Service</i>																			
ABC Store (liquor Sales), incorporated areas only	2155		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420- 2440		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Agricultural equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (see § 5.3)	2418 2720		S/D	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Antique Shops	2145	2230	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Appliance Sales, Repair and Maintenance, (no outside storage)	2125		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Art dealers, supplies, sales and services	2142		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Auction Sales, vehicular sales			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Bicycle (non-motorized) Sales and/or Repair	2113		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Books, Magazines, music, etc.	2135		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Camera and Photographic Supplies	2132		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Car Washes and Car Care Centers (see § 5.5)		2593	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Clothing, Jewelry, Luggage, Shoes, etc.	2133		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Computer and Software Sales	2131		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Consumer Goods, not otherwise listed	2140		-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Convenience stores, without gas sales	2152	2591	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P
Convenience stores, with gas sales		2591	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Consignment Shops, Used Merchandise Store (not otherwise listed)	2145	2240	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Dry cleaning and laundry	2600		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Electronic equipment (small), sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) - (with indoor storage only)		2123	S	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P

Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column (i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	LBCS Function		LBCS Structure																
	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial		
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) - (with outdoor storage)	2123		S	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Farmers Markets and market shops, including open markets		2260	-	-	-	-	-	-	-	-	-	-	P	-	P	-	S	-	-
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	2200-2250		-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P	P
Flea markets (indoors)	2145	2580	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Flea markets (outdoors) (see § 5.14)	2145	2580	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-	-	
Florist	2141		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	
Freestanding Ice Vending Unit (see § 5.37)			-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-	-	
Furniture or home furnishing sales	2121		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Gasoline stations	2116	2270	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	-	
Hardware, home centers, lumber yard, heating and plumbing etc., outside storage	2122212635102127	2592	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Hardware, home centers, lumber yard, heating and plumbing etc., inside storage	2122212635102127	2592	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Heavy Equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	2333		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Leasing, Commercial and Industrial Machinery and Equipment	2334		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Gunshops and Gunsmiths	2134		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses	2144		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Manufactured home and /or storage building sales (see § 5.21)	2112		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Mini-warehousing/Self-service storage leasing (see § 5.22)	3600	2710 2720	-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Medical equipment sales, rental or leasing	2120		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Monument and cut stone sales			-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motion Picture, Video and Audio Production	4221 4223		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motorcycle, Motorized Scooters, ATV Sales and/ or Leasing/Rental (Indoor display)	2113		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motorcycle, Motorized Scooters, ATV Sales and/ or Leasing/Rental (Outdoor display)	2113		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motor Vehicles, (automobiles), Boats, RV's Sales	2111 211221132114		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D

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and/or Leasing/Rental (see § 5.24)	2311 231223132000																	
Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only	2115		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motor Vehicle, Motorcycle, ATV's, Boats, RV's, etc., repair and service	2110-2120	2280	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motor Vehicle Towing with incidental storage, excluding Salvage Yards & Junkyards	4138		-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P
Nurseries and greenhouses, commercial (see § 5.25)	9140	8400	S/D	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Office building (general)	2200-2455 5140-5160 6800-6820	2100	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Palmistry services, Fortune Tellers, Astrologers	2600		-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Pawnshops (as defined by NCGS 91A-2)			-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	2600		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pet store or pet supply store	2710		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Pharmacy or Drugstore, without drive through facility			-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pharmacy or Drugstore, with drive through facility			-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Printing and Publishing Services	4210		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)	241024162417		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Real Estate, Sales, Rental & Leasing	2300-2316		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district			P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Restaurants, with drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-
Restaurants, no drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	2100		-	-	-	-	-	-	-	-	S	P	P	P	-	S	P	P
Rural family occupation –Commercial/Industrial Unincorporated Lee County only (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage	2450-2455		-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P

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Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage	2450-2455		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center, less than 25,000 sq. ft.	2500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center/Superstore, 25,000 - 100,000 sq. ft. (see § 10.2)	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Shopping Center/Superstores, over 100,000 sq. ft. (see § 10.2)	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Sporting goods, toys, and hobby sales, excluding guns and gunsmiths	2134		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Tattoo Parlor/Tattoo Studio and/or Body Piercing	2600		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Tobacco or Tobacconist	2143		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Upholstery and furniture refinishing	2120		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
<b>Wine Shops</b>													P/D	P/D	P/D	P/D			
Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed	3500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P

Draft is the draft language for consideration of adding a new **Section 5.43 WINE SHOPS** with supplemental development regulations:

**5.43 WINE SHOPS**

**5.43.1 WINE SHOP**

*A wine shop is an establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine in the manufacturer's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine tasting on the premises and is further authorized to sell wine for on-premises consumption, as an accessory and incidental use to the wine shop, provided the establishment and operation is compliant with the supplemental regulations below.*

*A "wine shop" that does not meet the requirements of this section shall be deemed an entertainment establishment for the purpose of zoning and land use classification and shall have to comply with the standards of Section 5.26 of this Ordinance.*

### **5.43.2 APPLICABILITY**

*This section shall apply to any wine shop establishment as defined in Section 5.43.1.*

### **5.43.3 LOCATION**

*Wine Shops shall be permitted in the HC, C-1, C-2, CBD, PUD and TND zoning districts subject to design standards as set forth in section 5.43.4.*

### **5.43.4 STANDARDS**

*5.43.4.1 A wine shop may sell wine for consumption on the premises, provided that the on-premises consumption of wine constitutes an accessory and incidental use to the wine shop.*

*5.43.4.2 A wine shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premises consumption, in accordance with G.S.18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and incidental use to the primary retail use wine shop.*

*5.43.4.3 For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine shop's total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. The term "sale(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.*

*5.43.4.4 Records related to the wine shop's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises or may request that copies of the written records be delivered to the city. The requirements of this subsection shall be for the purpose of determining compliance with subsection (S) (3) above.*

*5.43.4.5 No wine shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved public or private club, or entertainment establishment, that includes the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine shop to the nearest property line of the parcel containing the existing or approved public or private club, and entertainment establishment, or other wine shop that includes the on-premises consumption of wine and malt beverages.*

*5.43.4.6 A wine shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.*

*5.43.4.7 A wine shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.*

*5.43.4.8 A wine shop in the HC, C-1, C-2, PUD, and TND districts shall not be located within two hundred (200) linear feet of a parcel or tract of land that contains any church or religious institution, daycare facility, or detached single-family dwelling structure. (Note: Like micro-brewery's – no spacing standards in CBD)*

*5.43.4.9 The provisions of this section shall apply to all wine shops whether operated as a principal or accessory use.*

Draft language to amend **APPENDIX A, A-3 DEFINITIONS** to add the following definitions:

*Wine Shop - A wine shop is an establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine in the manufacture's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine tasting on the premises and is further authorized to sell wine for on-premises consumption, as an accessory and incidental use to the wine shop, provided the establishment and operation is compliant with the supplemental regulations of Section 5.43.4.*

# MEMORANDUM

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**TO:** Sanford City Council  
Sanford Planning Board  
Hal Hegwer, City Manager

**FROM:** Althea Thompson, Zoning Administrator

**DATE:** August 5, 2016

**REF:** Public Hearing regarding text amendments to the Unified Development Ordinance

The following are proposed text amendments to the UDO as recommended by planning staff and City Attorney. The amendments were presented to the Joint Planning Commission at a special meeting held on August 3, 2016. The Joint Planning Commission recommended that the amendments be forwarded to the City of Sanford for a public hearing and consideration of adoption.

**PROPOSED AMENDMENT to Article 11 Sign Regulations, Section 11.9 Outdoor Advertising (Billboard) Signs.**

Staff was recently approached by a Billboard company regarding renovations/replacement of an existing outdoor advertising (billboard) sign located along South Horner Boulevard within the City of Sanford's zoning jurisdiction. New billboards are not allowed in Sanford or Broadway, therefore existing billboards are considered non-conforming (grandfathered) signs. Billboard signs are allowed in Lee County in HC, LI and HI zoning districts with very specific spacing and dimensional limitations.

A recent industry trend has been to approach communities with the intent to "modernizing" existing grandfathered billboards. This may include repair in place, or relocate and replace with a new sign and often includes newer digital technology. This is partly based on State law and related NCDOT rules that allow for such modernization. Planning staff has worked closely with the City Attorney in dealing with the specific request in Sanford and as a result we are recommending an update to the UDO to address this issue of modernizing/updating older, legal non-conforming billboard signs. In conjunction with this amendment, Article 12, Subsection 12.5.1 Expansion of Nonconforming Structures shall be amended to allow an exception for modernization of billboards in the City of Sanford.

Below is the draft language for consideration of amending **Article 11, Section 11.9** (Changes in *italics*):

**11.9 OUTDOOR ADVERTISING (BILLBOARD) SIGNS.**

**11.9.1 STANDARDS FOR THE CITY OF SANFORD AND THE TOWN OF BROADWAY.**

Outdoor Advertising (billboard) signs are prohibited within the City of Sanford and the Town of Broadway.

*11.9.1.1 City of Sanford Billboards Modernization. Nonconforming pre-existing off-premises outdoor advertising signs which existed as of July 1, 2016, can be modernized as follows, provided they also meet the Outdoor Advertising Control Act:*

- a. Replace multipole with monopole;*
- b. Change wooden supports to metal;*
- c. 50 feet or less in height;*
- d. 300 square feet maximum sign face;*
- e. Electronic digital displays;*
- f. Same number of sign faces; 1 face per side;*
- g. Stacked signs may only be replaced with one level of digital face;*

*and, provided the sign is located in the same physical location of the pre-existing nonconforming sign. Same location means in the footprint of, with the leading edge set back the same distance from the right of way of the highway.*

*No relocation of signs are allowed under the guise of modernization.*

*11.9.1.2 Permits. A sign permit is required to modernize a pre-existing nonconforming off premise outdoor advertising sign.*

*11.9.1.3 Digital signs. Upon the issuance of a sign permit, as specified in this section, owners of qualified pre-existing signs may replace existing face panels on qualified signs with digital faces as defined below, subject to the following conditions:*

- a. Digital signs shall not change or alternate displays (words, symbols, figures or images) more frequently than once every fifteen (15) seconds, except that digital changeable copy signs may change or alternate displays as frequently as once every eight (8) seconds if: (i) the sign displays public service announcements on a permanent basis once within every sixty (60) second period, and (ii) the sign operator displays as part of the normal advertising rotation public emergency messages hereinafter defined until such time as such message is no longer reasonably necessary. "Public emergency messages" shall mean: Amber Alert emergency information and information about terrorist attacks, natural disasters, public infrastructures failures, and public safety emergencies. Public emergency messages shall be displayed in accordance with protocols developed by the city in conjunction with the issuing agencies and the qualified sign owners. For the purposes of this section, a public service announcement shall be any announcement for which no charge is made and which promotes programs, activities, or services of federal, state or local governments or the programs, activities or services of nonprofit organizations and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.*

- b. *Any digital sign shall meet the following display requirements:*
- i. *The images and messages displayed shall be complete in themselves, without continuation in content to the next message or image, or to any other sign.*
  - ii. *The transition between images shall be instantaneous and without special effects. Special effects are those listed in iv. below.*
  - iii. *The display shall not be configured to resemble a warning, danger signal, official signage used to control traffic, or to cause a viewer to mistake the sign for a warning or danger signal.*
  - iv. *No electronic animation, movement, scrolling, flashing text, or streaming video shall be permitted.*
  - v. *All digital signs shall be designed and equipped to freeze the device in one (1) position or immediately discontinue the display if a malfunction occurs.*
  - vi. *No sign may be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of seven thousand five hundred (7,500) candela per square meter (cd/m<sup>2</sup>) during daylight hours and one thousand (1,000) cd/m<sup>2</sup> during non-daylight hours. No sign shall display such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal or is distracting to drivers. All digital signs shall be equipped with both a dimmer control and photocell that automatically adjusts the intensity of the display according to natural ambient light conditions.*
  - vii. *Prior to the issuance of a sign permit, the applicant shall provide written evidence that the light intensity has been factory pre-set not to exceed seven thousand five (7,500) cd/m<sup>2</sup> and that the intensity level is protected from end-user manipulation by password-protected software or other method determined appropriate by the Department of Community Development.*

11.9.1.4. *Reserved.*

11.9.1.5 *Maintenance.*

1. *All signs shall be maintained in a state of good repair.*
2. *Whenever it shall appear to the Department of Community Development that any sign has been constructed or is being maintained in violation of the terms of this section or is unsafe or unsecured, such sign shall either be made to meet all sign regulations, or shall be removed at the expense of the owner, within ten (10) days after written notification thereof by the Department of Community Development or City Manager, or his designee.*

11.9.1.6 *Inspection.* *The owner and the Department of Community Development shall inspect all off-premise outdoor advertising signs periodically to determine that the same are in a safe condition and meet the requirements set forth in this section.*

11.9.1.7 *Penalties.* *In addition to removal or conformity with section 11.9.1.5 above, violations of this section shall be enforced in accordance with Article 1, Section 1.6.6. of the Unified Development Ordinance.*

**PROPOSED AMENDMENT to Article 12, Section 12.5 Nonconforming Structures.**

Below is the draft language for consideration of amending **Article 12, Section 12.5.1** by adding a new Subsection 12.5.1.3 EXCEPTION FOR MODERNIZATION OF BILLBOARDS IN THE CITY OF SANFORD. (Changes in *italics*):

**12.5.1 EXPANSION OF NONCONFORMING STRUCTURES**

12.5.1.1 Except as stated below, no person may engage in the physical alteration of a nonconforming structure if such activity results in:

- An increase in the total amount of space devoted to a nonconforming use, or
- Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

12.5.1.2 EXCEPTION FOR SINGLE-FAMILY RESIDENTIAL.

Any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setbacks and parking requirements. This paragraph is subject to the limitations stated in § 12.4.2 (discontinuance of nonconforming uses).

*12.5.1.3 EXCEPTION FOR MODERNIZATION OF BILLBOARDS IN THE CITY OF SANFORD.*

*Within the City of Sanford, any billboard that existed as of July 1, 2016 as a legal nonconforming structure may be modernized in accordance with Section 11.9.*

**PUBLIC NOTICE**  
**CITY OF SANFORD, THE TOWN OF BROADWAY AND LEE COUNTY**

Notice is hereby given that the City of Sanford, the Town of Broadway and Lee County will each conduct a public hearing regarding potential amendments to the jointly adopted Unified Development Ordinance (UDO). The public hearings will be conducted for consideration of the following proposed amendments:

1. Consideration of multiple text amendments to the Unified Development Ordinance to allow for "Wine Shops".
  - Amendment to Article 4, Table 4.6.-1 Permitted Use Matrix to add a new land use for "Wine Shops" and further indicate that wine shops shall be permitted in the Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2), Central Business District (CBD), Light Industrial (LI) and Heavy Industrial (HI) zoning districts with supplemental development regulations.
  - Amendment to Article 5 Supplemental Development Regulations, to create a new SECTION 5.43 WINE SHOPS, in order to add supplemental standards for wine shops allowed in Highway Commercial (HC), Light Commercial & Office (C-1), General Commercial (C-2), Central Business District (CBD), Light Industrial (LI) and Heavy Industrial (HI) zoning districts.
  - Amendment to Appendix A Definitions, to add a definition for Wine Shops.
  
2. Consideration of an amendment to Article 11 Sign Regulations, Section 11.9 Outdoor Advertising (Billboard) Signs, to amend SECTION 11.9.1 STANDARDS FOR THE CITY OF SANFORD AND THE TOWN OF BROADWAY, by adding new Subsections and standards to allow nonconforming off-premises outdoor advertising (billboard) signs that existed as of July 1, 2016 within the City of Sanford to be modernized which may include replacement of the billboard sign with a new electronic/digital billboard sign, provided the modernization meet the Outdoor Advertising Control Act, and provided the sign is located in the same physical location of the pre-existing nonconforming sign. Note, SECTION 11.9.2 STANDARDS FOR LEE COUNTY shall remain in effect as written. Also, in conjunction with this amendment, Article 12, Section 12.5.1 Expansion of Nonconforming Structures, shall be amended to add a new Subsection 12.5.1.3 EXCEPTION FOR MODERNIZATION OF BILLBOARDS IN THE CITY OF SANFORD in accordance with Section 11.9.

Each of the jurisdictions will conduct a public hearing on the amendments as described above. The following are the specific details for each of the hearings.

**City of Sanford** – The City Council and Planning Board for the City of Sanford will hold joint public hearings on Tuesday, August 16, 2016 in the Council Chambers of the Sanford Municipal Building, 225 East Weatherspoon Street, Sanford, N.C. The hearings will begin at 7:00 p.m. or as soon thereafter as deemed practical by the City Council. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

By Bonnie Davis, Clerk  
 City of Sanford

**Town of Broadway** – The Town of Broadway Board of Commissioners and Planning Board will hold joint public hearings on Monday, August 22, 2016 at 7:00 p.m. at the Town of Broadway Lions Club Building, 100 East Lake Drive, Broadway, NC. Upon request and with 24-hour notice, the Town will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Laura Duval, Clerk  
Broadway Town Board

**Lee County** - Notice is hereby given that the Lee County Board of Commissioners and the Lee County Planning Board will hold joint public hearings on Monday, August 15, 2016 in the Commissioners' Board Room at the Lee County Government Center, 106 Hillcrest Drive, Sanford, NC. The hearings will begin at 6:00 p.m., or as soon thereafter as deemed practical by the Board. Upon request and with 24-hour notice, the County will provide an interpreter for the hearing impaired or any other needed type of auxiliary aid.

By Gaynell M. Lee, Clerk  
Lee County Board of Commissioners

The public is cordially invited to attend any or all of the public hearings as described above. Further information regarding the proposed amendments or any of these public hearings may be obtained from the Sanford/Lee County Community Development Department, 115 Chatham Street, Sanford, NC 27330 or by calling (919) 718-4656. Calquier ciudadano que tenga preguntas o comentarios de las cosas al referido. puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

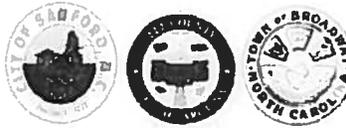
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Please publish in the Legal Notices Section of the Sanford Herald on **Friday, August 5, 2016** and on **Friday, August 12, 2016**. If you have any questions regarding this notice, please call Althea Thompson at 718-4656 x5399. Please reference this account number (30031885) on the invoice and refer to as City of Sanford Zoning Notice.

*Please send publisher's affidavit to the Community Development Office, P.O. Box 3729, Sanford, NC, and attention: Angela Baker.*

*Thank you.*

\$240 FEE\*



### Zoning Map Amendment (Rezoning) Application

Circle Jurisdiction That Applies:

City of Sanford      Lee County      Town of Broadway

1. Applicant Name: Ameer Rental Properties LLC
2. Applicant Address: 810 Hawkins Ave, Sanford N.C. 27330
3. Applicant Telephone: (919) 721-9187 or (919) 888-2243
4. Name and Address of Property Owner(s) if different than applicant:  
RASMITH ENTERPRISES, LLC  
2140 MT CARMEL RD, ALTON, VA 24520
5. Location of Subject Property: O GUNTER ST  
Lee Co. P.I.N. 9643-64-6390-00
6. Total Area included in Rezoning Request: 2 Acres
7. Zoning Classification: Current: LI Requested: MF-12
8. Existing Land Use(s): VACANT
9. Reason(s) for Requesting a Zoning Map Amendment (Rezoning):  
DEVELOP A SMALL MULTI FAMILY NEIGHBORHOOD

10. Signature(s) of Applicant (and Property Owners if different from Applicant).

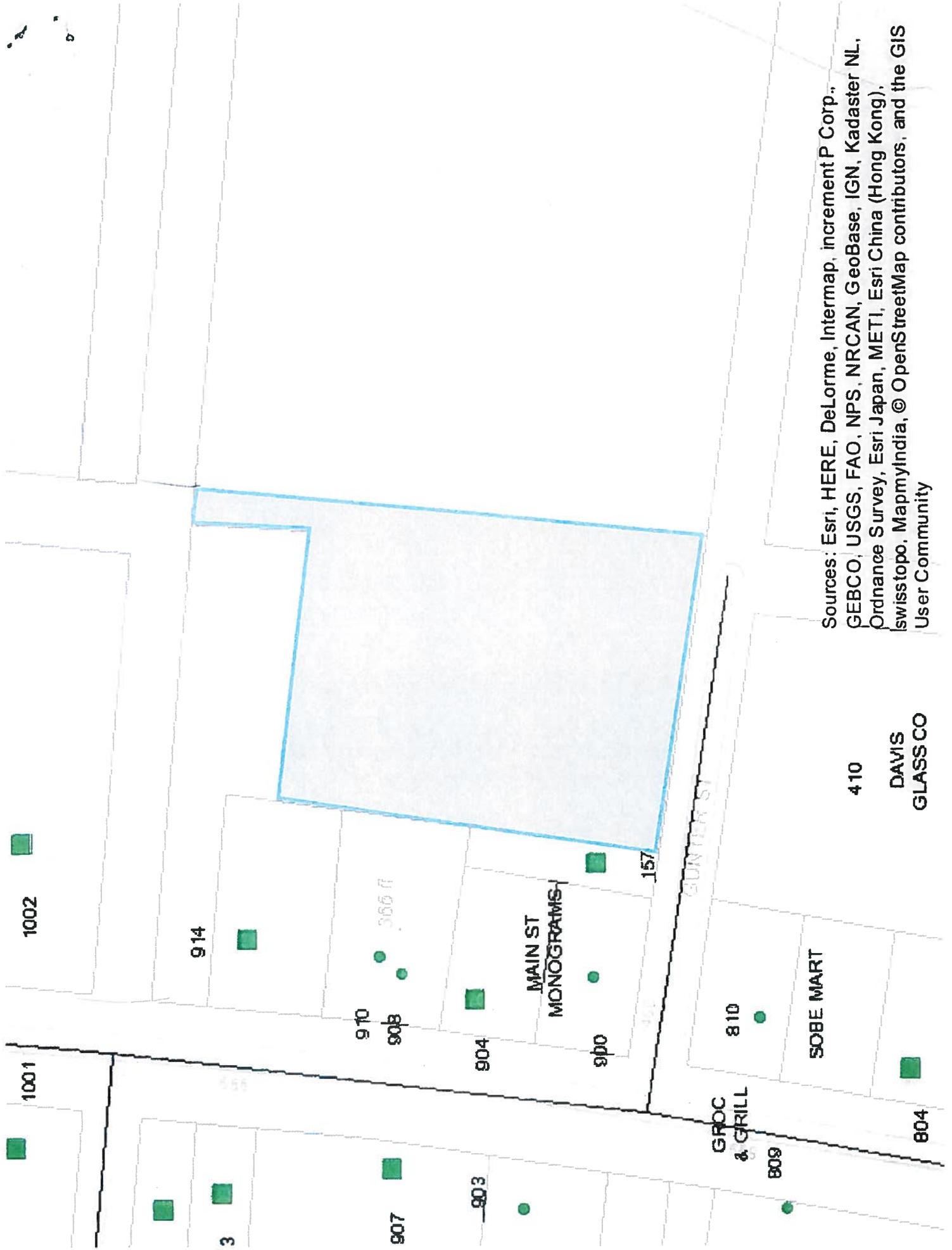
*I hereby acknowledge that the information contained herein is true. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents are submitted in proper form to the City of Sanford Lee County Community Development Department.*

Robert A Smith      RASMITH ENTERPRISES, LLC  
Robert A Smith      6-21-2016  
Signature of Property Owner(s) (Sign & Print)      Date

**Required Attachments/Submittals**

- A. A copy of a current Lee County Tax Map illustrating the location of the area to be rezoned. If the exterior boundary of the area to be rezoned does not follow along existing property boundaries, then the applicant shall be required to submit a metes and bounds (legal) description describing the area requested for rezoning.
- B. \*If the requested rezoning is for a Conditional Zoning District, a Supplemental Application for Conditional Zoning District must also be included, along with an additional \$120.00 fee (\$360 total fee for Conditional Zoning).
- C. A \$240.00 Application fee, payable to the City of Sanford is required before processing the application.
- D. The application submission deadline is the second Friday of each month for the rezoning to be heard the following month.

Date Received: 2016-06-22      Fee Paid: \$240.00      Application No.:  
 Staff Signature: ALTJO HENEL      Energy Case No.:  
 L:\Forms & Certifications\Rezoning Appl (Updated 2013-06-28)



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp.,  
 GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,  
 Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong),  
 swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS  
 User Community

2016-08-01

**Sanford City Council and Sanford Planning Board  
Public Hearing Information  
Application #553-2016-0801 to Amend the City of Sanford Zoning Map  
August 16, 2016**

**APPLICANT:** Ameer Rental Properties, LLC

**PROPERTY OWNER:** R. A. Smith Enterprises, LLC

**REQUEST:** Rezone from Light Industrial (LI) to Multi-family (MF-12) a 2.02± vacant tract of land with frontage on Gunter Street and an unimproved portion of Poplar Street and identified as Lee County Tax Parcel 9643-64-6390

**LOCATION:** Fronting the section of Gunter Street east of Hawkins Avenue, located approximately 225 feet east of the intersection of Hawkins Avenue & Gunter Street and adjoining 157 Gunter Street to the east.

**TOWNSHIP:** West Sanford

**TAX PARCEL NO.:** Lee County Tax Parcel 9643-64-6390, as depicted on depicted Tax Map 9643.15

**ADJACENT ZONING:**

North: Residential Single-family (R-20)  
Opposite Poplar Street (an unimproved right-of-way), Residential Single-family (R-20) and Light Industrial (LI)

South: Opposite Gunter Street, Light Industrial (LI)

East: Light Industrial (LI)

West: Residential-Mixed (R-12)

**Site and Area Description**

The property to be rezoned is a vacant tract of land with frontage on Gunter Street that is illustrated on a survey for AGA/PJA, LLC recorded in 2004 at Plat Cabinet 10, Slide 50-A of the Lee County Register of Deeds Office. The site has 267.83 feet of road frontage on Gunter Street, which dead ends east of this site. The site is undeveloped and partially wooded.

The area has a mix of uses both commercial and residential. The only residential use on this section of Gunter Street (located east of Hawkins Avenue dead ending into a wooded area) is a single-family dwelling addressed as 157 Gunter Street on an adjoining lot zoned Residential-Mixed (R-12). There are three single-family homes (904, 908 and 914 Hawkins Avenue) which adjoin this site to the west with frontage on Hawkins Avenue that are zoned Residential-Mixed (R-12). There are also other single-family homes in the area with frontage on Hawkins Avenue.

Commercial uses in the area include Main Street Monograms, a monogramming business at 900 Hawkins Avenue zoned General Commercial (C-2) and located in the northeastern corner of Hawkins Avenue & Gunter Street, Alwondi Convenience Store, a convenience store with no gas

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sales at 810 Hawkins Avenue zoned General Commercial (C-2) and located in the southeastern corner of Hawkins Avenue & Gunter Street, and a large vacant building at 410 Gunter Street (opposite the subject property) zoned Light Industrial (LI) that was formerly the site of Davis Glass Company.

The property is currently zoned Light Industrial (LI), which is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses and should be located so as to have direct access to or within proximity to a major or minor thoroughfare. The dimensional requirements of the LI district include a minimum lot width of 80 feet, a minimum lot depth of 100 feet (which creates a minimum lot size of 8,000 square feet), with principal building setbacks of 30 feet from any street right-of-way and the required landscape buffer yard width determining the required rear and side yard setbacks as measured from the property lines. There is no maximum building height in LI.

Some of the uses permitted by right and/or with development standards (staff level approval) in the LI district include appliance repair & maintenance, conveniences stores with or without gas sales, farm/landscape/garden supply sales with indoor or outdoor storage, hardware/home centers with indoor or outdoor storage, heavy equipment sales & service, motor vehicle repair & service, restaurants with or without drive through facilities, wholesale trade, various manufacturing uses, churches and public utility or storage yards. Special Uses allowed in the LI district. subject to approval by the Board of Adjustment include sawmills, mines & quarries, telecommunication towers and solid waste convenience centers. A list of permitted uses for the LI district is included within the agenda for your reference.

### **Staff Analysis**

The proposed zoning district of Multi-family (MF-12) is established to allow multi-family uses with a maximum density of up to 12 units per acre. A MF-12 district designation may be applied to a use in a residential neighborhood that contains a mixture of single-family and multi-family uses or in an area for which limited density multi-family use is appropriate. A MF-12 district may be used as a transition between a single-family and higher intensity uses and are appropriate in areas containing a variety of dwelling types, or in single-family areas at the intersection of local roads and collector or higher order streets. MF-12 districts shall be designated only in areas with public water and sewer and are appropriate in locations where affordable housing is needed. The dimensional requirements of the MF-12 district include a minimum lot width of 50 feet, a minimum lot depth of 100 feet (which creates a minimum lot size of 5,000 square feet), with principal building setbacks of 20 feet from any street right-of-way and 20 feet from all side and rear property lines. The maximum building height is 60 feet. The site is 2.02 acres x 12 = 24 units permitted, not taking into consideration the physical realities of the site.

Some of the uses permitted by right and/or with development standards (staff level approval) in the MF-12 district include residential single-family dwellings, duplexes, multi-family developments, bed & breakfast inns, family care homes, and new churches under 350 seats.

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Special Uses allowed in the MF-12 district, subject to approval by the Board of Adjustment, some of which have specific development standards, include group homes/residential care facilities (levels 1 & 2), daycares, fitness gyms, civic/social/fraternal organizations, reception halls, churches over 350 seats, schools, mines & quarries, cemeteries and telecommunication towers. A list of permitted uses for the MF-12 district is included within the agenda for your reference.

### **Utilities**

The subject property appears to have access to public water and sanitary sewer. If the rezoning is approved, all new development that proposes to connect to public water or sewer must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations.

### **Transportation**

The subject property has approximately 267.83 feet of road frontage along the southern property line on Gunter Street per a 2004 recorded plat, but this is actually right-of-way frontage. The physical asphalt pavement of Gunter Street appears to extend  $215 \pm$  feet, leaving  $52 \pm$  feet of the right-of-way unpaved. Gunter Street is a City maintained public street with a 50 feet right-of-way width. This tract of land also has 30 feet of frontage on Poplar Street along the northern property line, which is an unimproved City street with a 50 feet right-of-way. If future development on this site proposes a connection to the Poplar Street right-of-way, a public street would need to be constructed by the developer from the subject property to Hawkins Avenue. All new development that proposes to connect to Gunter Street or Poplar Street must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations.

The 2007 Lee County Comprehensive Transportation Plan does not illustrate Gunter Street, but it does illustrate this section of Hawkins Avenue as an existing major thoroughfare and identifies it as a gateway corridor to Sanford's urban core and historic district. At the time of the study, traffic volumes on the roadway exceeded the estimated facility capacity and were expected to continue to increase in volume. Due to the presence of historic districts, no improvements were recommended between Burns Drive and Charlotte Avenue, which is in the area of Gunter Street and Poplar Street. The study does include recommendations for a bike route along Hawkins Avenue and a greenway, labeled the Little Buffalo Creek Greenway, along the creek on the adjoining 5.7 acre tract to the east owned by the City of Sanford.

There is a 2013 traffic count of 9,800 vehicle per day approximately 180 feet south intersection of Hawkins Avenue and Gunter Street in front of a house addressed as 804 Hawkins Avenue.

### **Environmental & Local Overlay Districts**

The subject property does not appear to be located within a Watershed Conservation Overlay District, a Flood Hazard Area, a designated local historic district or the an area included within the adopted small area plans.

The City of Sanford, Lee County and the Town of Broadway do not have local grading permits and rely on the North Carolina Department of Environmental Quality to regulate land disturbing

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activities. For questions or concerns regarding land disturbing activities, please contact the North Carolina Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at <http://deq.nc.gov>.

**Development Standards**

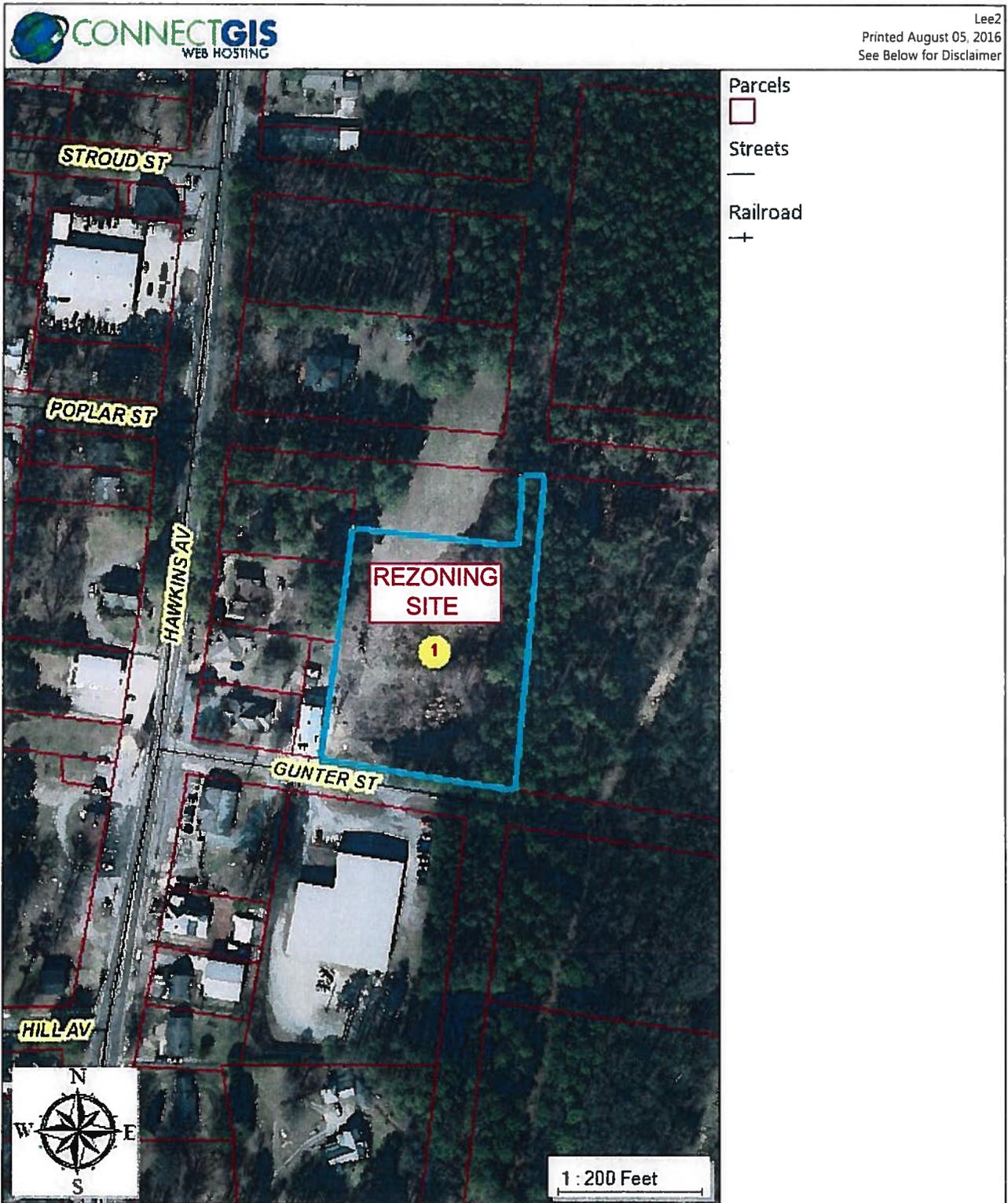
If rezoned, all of the uses permitted in the Multi-family (MF-12) zoning district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO.

**Conformance with the Sanford/Lee County 2020 Land Use Plan**

The 2020 Land Use Plan Map identifies that area as Commercial-Light Industrial, which is intended to designate areas which are appropriate for light industrial and commercial uses. When considering the zoning of this property, current development trends, the surrounding zoning of the neighborhood and information presented at the public hearing should also be considered.

**Recommendation from Planning & Development Staff**

Planning & Development staff recommends that the boards support this rezoning request. In making this recommendation, staff finds that, while the 2020 Land Use Plan identified this area as Commercial-Light Industrial, this request appears to be reasonable and in the public interest based on information in the staff analysis, the mix of uses in the area (this is not just a single-family home area or just a commercial area), the proximity of the site to Hawkins Avenue, the access to public water and sewer, and that this would be an infill project near a future greenway.



This site is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. The County of Lee and Mobile311, LLC assume no legal responsibility for the information contained on this site. Please be advised that you must contact the Lee County Tax Office for accurate tax values. Please contact the Lee County Appraisal Department if any building information is incorrect. The map, layer, data and website (collectively known as "the layer") are for graphical and illustration purposes only. The Lee County Strategic Services Department (hereinafter "the Department") provides the layer and the information contained within to the general public and has not customized the information for any specific or general purpose. Such information was generated from data maintained by different sources and agencies and as such, some limitations may apply based upon restrictions imposed by other sources or agencies supplying data to Lee County (hereinafter "the County"). While the Department strives to make the information on the GIS website as timely, reliable and accurate as possible, neither the Department nor the County local governments make any claims, promises, or guarantees about the accuracy, completeness or adequacy of the

## **LI, LIGHT INDUSTRIAL ZONING DISTRICT**

Please note: This list was created by Sanford/Lee County Planning & Development staff as a summary of the permitted land uses within a specific zoning district and is intended for general informational purposes. Staff makes every effort to ensure that the information provided is accurate and up-to-date; however, it is recommended that you verify with Planning & Development staff that the proposed use is permitted within the specific zoning district and discuss any/all development requirements prior to pursuing a project. This information is applicable for the jurisdictions of the City of Sanford, Lee County and the Town of Broadway in North Carolina.

### **USES PERMITTED BY RIGHT**

The uses listed below are permitted by right, subject to any/all other applicable standards of the Unified Development Ordinance (for example, parking requirements).

<b><u>Accessory Uses</u></b>
Accessory uses (See Section 5.1)
<b><u>General Sales or Service</u></b>
ABC Store (liquor sales), incorporated areas only
Administrative Services, Travel Arrangements and Reservation Services, Investigation and Security Services (locksmiths)
Agricultural equipment, sales and service
Antique Shops
Appliance Sales, Repair and Maintenance, (no outside storage)
Art dealers, supplies, sales and services
Auction Sales, general merchandise (no vehicular sales)
Auction Sales, vehicular sales
Bakeries, retail, including manufacturing of goods for sale on the premises only
Bicycle (non motorized) Sales and/or Repair
Books, magazines, music, etc.
Camera and Photographic Supplies
Clothing, Jewelry, Luggage, Shoes, etc.
Computer and Software Sales
Consumer Goods, not otherwise listed
Convenience stores, without gas sales
Convenience stores, with gas sales
Consignment Shops, Used Merchandise Store (not otherwise listed)
Dry cleaning and laundry
Electronic equipment (small), sales and service
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) - (with indoor storage only)
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn

furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) - (with outdoor storage only)
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)
Flea markets (indoors)
Florist
Furniture or home furnishing sales
Gasoline stations
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)
Hardware, home centers, lumber yard, heating and plumbing, etc., outside storage
Hardware, home centers, lumber yard, heating and plumbing, etc., inside storage
Heavy equipment, sales and service
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)
Leasing, Commercial and Industrial Machinery and Equipment
Gun shops and gunsmiths
Mail order or direct selling establishments/ Electronic Shopping and Mail-Order Houses
Medical equipment sales, rental or leasing
Monument and cut stone sales
Motion picture, Video and Audio Production
Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Indoor display)
Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Outdoor display)
Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only
Motor Vehicle, Motorcycle, ATVs, Boats, RVs, etc., repair and service
Motor Vehicle Towing with incidental storage, excluding Salvage Yards & Junkyards
Nurseries and greenhouses, commercial (see Section 5.25)
Office building (general)
Pawnshops (as defined by NCGS 91A-2)
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed
Pet store or pet supply store
Pharmacy or Drugstore, without drive through facility
Pharmacy or Drugstore, with drive through facility
Printing and Publishing Services
Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)
Real Estate, Sales, Rental & Leasing
Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district
Restaurants, with drive-in or drive-through facilities
Restaurants, with no drive-in or drive-through facilities
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and

Upholstery cleaning, Packing and crating, etc.), no outside storage
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage
Shopping Center, less than 25,000 sq. ft.
Shopping Center/Superstore, 25,000 – 100,000 sq. ft.
Shopping Center/Superstore, over 100,000 sq. ft.
Sporting goods, toys and hobby sales, excluding guns and gunsmiths
Tattoo Parlor/Tattoo Studio and/or Body Piercing
Tobacco or Tobacconist
Upholstery and furniture refinishing
Wholesales trade, generally, with operation conducted and merchandise stored entirely within a building and not otherwise listed
<b><u>Industrial &amp; Manufacturing Uses</u></b>
Contractors' offices/shop without outdoor storage areas
Dolls, toys, games and musical instruments
Electrical equipment, appliance and components manufacturing
Finished nonmetallic, mineral products (brick, refractories, ceramics, glass, cement, etc.)
Food and Beverage manufacturing
Furniture and Related Products Manufacturing
Jewelry and Silverware manufacturing
Leather and Allied Products
Machinery and Equipment manufacturing (w/indoor storage/operations only)
Metal Manufacturing (excluding smelting operations)
Office supply, inks, etc. manufacturing (except paper)
Paper and Printing Materials manufacturing
Pharmaceutical Manufacturing
Pottery Manufacturing & Sales
Retail outlets for products manufactured on premises
Sign manufacturing
Textile Mills & Apparel Manufacturing
Tire Recapping
Tobacco Manufacturing
Transportation equipment, automobiles, aircraft, boat, railroad, etc.
Warehouse structures, generally
Wood products, (except furniture)
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Amphitheater
Botanical gardens & arboreta
Bowling alley
Exhibition , convention or conference structure
Fitness and recreational sports, gym, health spa reducing salon, swimming pool/auditorium racquet club or athletic club (not otherwise listed)
Golf courses, public and private

Golf driving ranges
Golf, miniature
Movie Theater
Museums and art galleries
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)
Parks, playgrounds, and athletic fields operated on a noncommercial basis
Performance Theaters (outdoor)
Performance Theaters or auditoria (indoor)
Recreation activities, commercial indoor, not otherwise listed
Skating rink – Ice or Roller Skating
Sports stadiums or arenas
Zoos
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Civic, Social and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation
Crematorium & Embalming
Fire, sheriff, and emergency services
Funeral homes
Governmental Functions, not otherwise listed
Post office
Religious Complex (less than 350 seats), new site
Religious Complex (more than 350 sets), new site
Religious Complex (any size), addition to existing complex/site
Schools, Continuing Education (alternative, adult colleges and universities and technical, trade, and other specialty schools)
Schools, Pre-K-Secondary (nursery and preschool, grade schools, elementary, middle, and high schools), addition to existing site
<b><u>Transportation, Communication, and Utilities</u></b>
Airports, Heliports and Support Establishments
Bus passenger stations/terminals/shelters
Freight terminals & truck terminals
Gas or electric generation distributing facilities, compressor stations, or substations
Parking lots, parking structures or underground parking areas (commercial or governmental)
Public utility storage and service yards
Radio and TV stations and studios (excluding transmission tower)
Railroad freight yards, repair shops/sheds and marshalling yards
Sewage treatment and Water treatment plants
Taxi and Limousine Service
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer water lines)
<b><u>Agriculture</u></b>
Animal Production and Support Services, (unincorporated Lee County)

Crop Production and Support Functions, (unincorporated Lee County)
Crop Production and Support Functions, (Sanford and Broadway)
Forestry and Logging and Support Services, (unincorporated Lee County)

**USES PERMITTED WITH DEVELOPMENT REGULATIONS**

The uses listed below may either be permitted by right or upon approval of a Special Use Permit, but are also subject to the requirements of Article 5 Supplemental Development Regulations of the Unified Development Ordinance (for example, daycares are required to install a fence around outdoor play areas).

<b><u>Residential Uses</u></b>
Home Occupations (See Section 5.16)
<b><u>Accommodations and Group Living</u></b>
Hotel, Motel, and Tourist Court (See Section 5.17)
<b><u>General Sales or Service</u></b>
Animal Hospitals, Veterinary Services, Animal Shelters, Kennels/Animal Pet Services (See Section 5.3)
Car Washes and Car Care Centers (See Section 5.5)
Freestanding Ice Vending Unit (See Section 5.37)
Manufactured home and/or storage building sales (See Section 5.21)
Mini-warehousing/Self-service storage leasing (See Section 5.22)
Motor Vehicles (automobiles), Boats, RVs, Sales and /or Leasing/Rental (See Section 5.24)
<b><u>Industrial &amp; Manufacturing Uses</u></b>
Concrete and Asphalt Plants (See Section 5.8)
Landfills, LCID (2 acres or less in size) (See Section 5.19)
Landfills, C&D or LCID (greater than 2 acres in size) (See Section 5.20)
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Drive-in theaters (See Section 5.11)
Entertainment Establishments (lounges, discos, nightclubs, pool halls and/or private clubs (See Section 5.26)
Raceways, drag strips (motorized vehicles)
Recreation activities, commercial outdoor (defined in article 5), not otherwise listed 5.61
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Cemeteries, public and private (does not include individual family plots) (See Section 5.6)
Community food services (See Section 5.7)

**USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT**

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. Special uses are subject to any/all applicable general design standards, any development regulations which apply to the specific use and those requirements that may reasonably be imposed by the respective board as per the Unified Development Ordinance.

<b><u>Industrial &amp; Manufacturing Uses</u></b>
Chemicals, plastics and rubber products
Contractors' offices/shop with outdoor storage areas
Chemicals, plastics and rubber products
Manufacturing, excluding other uses listed in this table
Sawmills or Planning Mills
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Amusement or Theme Park Establishment
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), new site
Social assistance, welfare and charitable services
<b><u>Transportation, Communication, and Utilities</u></b>
Solid Waste Collection, Transfer and/or Disposal (non hazardous)
Solid Waste Convenience Centers

**USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT THAT HAVE SPECIFIC DEVELOPMENT REGULATIONS**

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. In addition to any/all applicable general design standards and those requirements that may reasonably be imposed by the respective board, these uses have specific standards that must be adhered to as per the Unified Development Ordinance (for example, fencing is required around the base of telecommunication towers, including any structures or guy wires).

<b><u>Industrial and Manufacturing</u></b>
Mining and Quarries (See Section 5.23)
Storage of Flammable Liquids (In Bulk) Above Ground Storage (See Section 5.31)
<b><u>Transportation, Communication, and Utilities</u></b>
Telecommunication towers (See Section 5.33)

## **MF-12, MULTIFAMILY ZONING DISTRICT**

Please note: This list was created by Sanford/Lee County Planning & Development staff as a summary of the permitted land uses within a specific zoning district and is intended for general informational purposes. Staff makes every effort to ensure that the information provided is accurate and up-to-date; however, it is recommended that you verify with Planning & Development staff that the proposed use is permitted within the specific zoning district and discuss any/all development requirements prior to pursuing a project. This information is applicable for the jurisdictions of the City of Sanford, Lee County and the Town of Broadway in North Carolina.

### **USES PERMITTED BY RIGHT**

The uses listed below are permitted by right, subject to any/all other applicable standards of the Unified Development Ordinance (for example, parking requirements).

<b><u>Accessory Uses</u></b>
Accessory uses (See Section 5.1)
<b><u>Residential Uses</u></b>
Dwelling, Duplex (two family dwelling)
Dwelling, Modular home
Dwelling, Single-family detached
<b><u>Accommodations and Group Living</u></b>
Boarding house/Room Renting
Child and Youth Services
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Parks, playgrounds, and athletic fields operated on a noncommercial basis
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Day care facility, Adult
Religious Complex (less than 350 seats), new site
Religious Complex (any size), addition to existing complex/site
Schools, Pre-K –Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site
<b><u>Transportation, Communication, and Utilities</u></b>
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)
<b><u>Agriculture</u></b>
Animal Production and Support Services, (unincorporated Lee County)
Crop Production and Support Functions, (unincorporated Lee County)
Crop Production and Support Functions, (Sanford and Broadway)
Forestry and Logging and Support Services, (Unincorporated Lee County)

**USES PERMITTED WITH DEVELOPMENT REGULATIONS**

The uses listed below may either be permitted by right or upon approval of a Special Use Permit, but are also subject to the requirements of Article 5 Supplemental Development Regulations of the Unified Development Ordinance (for example, daycares are required to install a fence around outdoor play areas).

<b><u>Residential Uses</u></b>
Dwelling Multifamily (three or more units) (See Section 10.3)
Dwelling, Single-family attached (See Section 10.3)
Home Occupations (See Section 5.16)
<b><u>Accommodations and Group Living</u></b>
Bed and breakfast Inn (See Section 5.4)
Family Care Homes (See NCGS 168-21) (See Section 5.12)
<b><u>Industrial &amp; Manufacturing Uses</u></b>
Landfills, LCID (2 acres or less in size) (See Section 5.19)
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Day Care facility, Home Child Care (See Section 5.10)

**USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT**

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. Special uses are subject to any/all applicable general design standards, any development regulations which apply to the specific use and those requirements that may reasonably be imposed by the respective board as per the Unified Development Ordinance.

<b><u>Accommodations and Group Living</u></b>
Dormitories for the students of colleges, commercial schools, staff of hospitals
Group Home/Residential Care Facility, Level I
Group Home/Residential Care Facility, Level II
<b><u>Arts, Recreation &amp; Entertainment</u></b>
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)
Golf courses, public and private
Golf driving ranges
Sports stadiums or arenas
<b><u>Education, Public Administration, Health Care, and Institutional</u></b>
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation
Fire, sheriff, and emergency services
Governmental Functions, not otherwise listed
Libraries
Religious complex (more than 350 seats), new site

Schools, Continuing Education (alternative, adult colleges and universities, and technical, trade and other specialty schools)
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle and high school), new site
Social assistance, welfare and charitable services
<b>Transportation, Communication, and Utilities</b>
Sewage treatment and Water treatment plants

**USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT  
THAT HAVE SPECIFIC DEVELOPMENT REGULATIONS**

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. In addition to any/all applicable general design standards and those requirements that may reasonably be imposed by the respective board, these uses have specific standards that must be adhered to as per the Unified Development Ordinance (for example, fencing is required around the base of telecommunication towers, including any structures or guy wires).

<b>Industrial &amp; Manufacturing Uses</b>
Landfills, C&D or LCID (greater than 2 acres in size) (See Section 5.20)
Mining and Quarries (See Section 5.23)
<b>Education, Public Administration, Health Care, and Institutional</b>
Cemeteries, public and private (does not include individual family plots) (See Section 5.6)
Day Care facility, Child Care Center (See Section 5.10)
<b>Transportation, Communication, and Utilities</b>
Telecommunication towers (See Section 5.33)

**ADJOINING PROPERTY OWNERS LIST**

PETITION BY: Ameer Rental Properties, LLC  
 REQUEST: Rezone 2.02 ± acres from LI to MF-12  
 LOCATION: Vacant Lot off of Gunter Street  
 PINS: 9643-64-6390

No.	PIN	PROP ADDR	OWNER 1	OWNER2	M #	MAIL ST	MAILCITY	ST	ZIP
01	9643-74-1894	(V) HAWKINS AVE	WOMBLE, W CLYDE	WOMBLE, BETTY W	320	Westport Place	SANFORD	NC	27330
02	9643-74-1650	(V) HAWKINS AVE	DARK, P L JR	-	1002	Hawkins Ave	SANFORD	NC	27330
03	9643-74-1310	(V) HAWKINS AVE	SANFORD, CITY OF	-	-	PO BOX 3729	SANFORD	NC	27331
04	9643-73-0931	(V) WILSON ST	SANFORD, CITY OF	-	-	PO BOX 3729	SANFORD	NC	27331
05	9643-63-5985	410 GUNTER ST	MB LEASING ENTERPRISES INC	-	-	PO BOX 4232	SANFORD	NC	27331
06	9643-64-4015	810 HAWKINS AVE	(Renee in Land Records is researching this for me.)	?	?	?	SANFORD	NC	27330
07	9643-64-5234	157 GUNTER ST	ALOWDI, SOBHI ABDO	-	528	Tucks Court	SANFORD	NC	27330
08	9643-64-4222	900 HAWKINS AVE	MAIN STREET MONOGRAMS INC	-	900	Hawkins Ave	SANFORD	NC	27330
09	9643-64-4340	904 HAWKINS AVE	AHERN, DANIEL R	-	522	W Chisholm St	SANFORD	NC	27330
10	9643-64-4389	908 HAWKINS AVE	PHELPS, GENE P	PHELPS, SADIE M	2001	Sutphin Dr	SANFORD	NC	27330
11	9643-64-4499	914 HAWKINS AVE	CAVANAGH, ASHLEY BROWN	-	914	Hawkins Ave	SANFORD	NC	27330
12	9643-64-6553	(V) HAWKINS AVE	DARK, P L JR	-	1002	Hawkins Ave	SANFORD	NC	27330
13	9643-64-6720	(V) HAWKINS AVE	DARK, P L JR	-	1002	Hawkins Ave	SANFORD	NC	27330
	APPLICANT:	Ameer Rental Properties, LLC	-	-	810	Hawkins Ave	SANFORD	NC	27330
	PROPERTY OWNER:	R.A. Smith Enterprises, LLC	-	-	-	PO BOX 845	PITTSBORO	NC	27312

(V) = Vacant

August 5, 2016

Dear Adjacent Property Owner:

The Zoning Ordinance of the City of Sanford, North Carolina requires that adjacent property owners be notified when a request for a change in zoning classification has been scheduled for a public hearing before the Sanford City Council.

### **CITY OF SANFORD PUBLIC NOTICE**

Notice is hereby given that the City Council and Planning Board for the City of Sanford will hold joint public hearings on Tuesday, August 16, 2016, in the Council Chambers of the Sanford Municipal Building, 225 East Weatherspoon Street, Sanford, NC. The hearing will begin at 7:00 p.m. or as soon thereafter as deemed practical by the Board to consider one (1) application to amend the Official Zoning Map of the City of Sanford as described below:

1. Application by Ameer Rental Properties, LLC to rezone one 2.02 ± acre tract of land with frontage on Gunter Street and an unimproved portion of Poplar Street from the current zoning of Light Industrial (LI) to Multifamily (MF-12). The property is the same as depicted on Lee County Tax Map 9643.15 as Tax Parcel 9643-64-6390 Lee County Land Records and as illustrated as a 2.02 acre tract of land on a survey map recorded in Plat Cabinet 10, Slide 50-A of the Lee County Register of Deeds Office.

The public is cordially invited to attend. Further information may be obtained from the Sanford/Lee County Community Development Department, 115 Chatham Street, Sanford, NC 27330 or by calling (919) 718-4656. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Please note that staff has been instructed to provide the following general information to adjacent property owners for future reference if/when the site associated with this rezoning request is developed. The City of Sanford, Lee County and the Town of Broadway do not have local grading permits and rely on the North Carolina Department of Environmental Quality to regulate land disturbing activities. For questions or concerns regarding land disturbing activities, please contact the North Carolina Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at <http://deq.nc.gov>.

Attachment: Zoning Map

**ADJACENT PROPERTY OWNER NOTIFICATION CERTIFICATION**

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following rezoning petitions as indicated on the Lee County Tax Maps were notified by First Class U.S. Mail on Friday, August 5, 2016.

**553-2016-801**

1. Consideration of an application by Ameer Rental Properties, LLC to rezone one 2.02 ± acre tract of land with frontage on Gunter Street and an unimproved portion of Poplar Street from the current zoning of Light Industrial (LI) to Multifamily (MF-12). The property is the same as depicted on Lee County Tax Map 9643.15 as Tax Parcel 9643-64-6390 Lee County Land Records and as illustrated as a 2.02 acre tract of land on a survey map recorded in Plat Cabinet 10, Slide 50-A of the Lee County Register of Deeds Office.

Signature: Amy J McNeill Date: \_\_\_\_\_

Title: DESIGN REVIEW COORDINATOR

Lee County, North Carolina

I, Holly N. Marosites, a Notary Public for Lee County and State of North Carolina do hereby certify that Amy J McNeill personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 5<sup>th</sup> day of August, 2016.

Holly N Marosites  
Notary Public Signature

My Commission expires 11/3/2018 (SEAL)



**CITY OF SANFORD  
PUBLIC NOTICE**

Notice is hereby given that the City Council and Planning Board for the City of Sanford will hold a joint public hearing on Tuesday, August 16, 2016, in the Council Chambers of the Sanford Municipal Center, 225 East Weatherspoon Street, Sanford, N.C. The Boards will consider one (1) amendment to the Sanford Zoning Map. The hearing will begin at 7:00 p.m. or as soon thereafter as deemed practical by the City Council. The rezoning application is described below:

1. Application by Ameer Rental Properties, LLC to rezone one 2.02 ± acre tract of land with frontage on Gunter Street and an unimproved portion of Poplar Street from the current zoning of Light Industrial (LI) to Multifamily (MF-12). The property is the same as depicted on Lee County Tax Map 9643.15 as Tax Parcel 9643-64-6390 Lee County Land Records and as illustrated as a 2.02 acre tract of land on a survey map recorded in Plat Cabinet 10, Slide 50-A of the Lee County Register of Deeds Office.

The public is cordially invited to attend. Further information may be obtained from the Sanford/Lee County Community Development Department, 115 Chatham Street, Sanford, NC 27330 or by calling (919) 718-4656. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

By Bonnie Davis, City Clerk

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**Please publish in the Legal Notices Section of the Sanford Herald on Friday, August 5, 2016 and on Friday, August 12, 2016.** If you have any questions regarding this notice, please call Amy McNeill at 919-718-4656, ext 5397. Please reference this account number (30031885) on the invoice and refer to as City of Sanford Zoning Notice.

*Please send publisher's affidavit to the Sanford/Lee County Community Development Office, P.O. Box 3729, Sanford, NC, Attention: Angela Baker. Thank you.*



**2016-2017 BUDGET ORDINANCE AMENDMENT****GENERAL FUND****Appropriation of Funds - results in increasing of budget****Revenues**

Appropriated Fund Balance	699,622	To re-appropriate funds earmarked for expenditures that were not complete at June 30, 2016
Drug Forfeiture	2,454	To budget drug forfeiture revenue received

**Expenditures****To re-appropriate funds not expended at June 30, 2016 for the following items:**

Police -Drug Forfeiture	2,454	Drug forfeiture funds
Police	5,234	Ammunition
Finance	9,250	Audit fees
Fire	441	Firefighters Burn Fund grant for smoke detectors
Code Enforcement	9,514	Energov training
Legal	3,000	Outside council legal fees
Community Development	1,059	Block party
Community Development	74,300	Land use plan
Community Development	7,441	Race to Read
Community Development	93,024	Energov training / server
Street	90,967	Install lights at roundabout and LED street light replacement
Street Capital	329,692	Street resurfacing and driveway repair
Planning / Historic Preservation	35,000	Wayfinding signs
Fleet Maintenance	40,700	Gasboy system upgrade

**UTILITY FUND****Appropriation of Funds - results in increasing of budget****Revenues**

Retained Earnings	1,747,625	To re-appropriate funds earmarked for expenditures that were not complete at June 30, 2016
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**Expenditures****To re-appropriate funds not expended at June 30, 2016 for the following items:**

Engineering	9,977	Little Buffalo stream restoration study
UF Administration	27,000	Rate model update
Public Works Administration	4,278	Design city hall renovations / new utility facility
Distribution and Collection	65,000	Mower tractor
Water Filtration	136,600	Replacement of two chemical storage tanks
Water Capital	450,000	Paint Spruce Street water tank
Sewer Capital	1,054,770	Sewer overflow project, sanitary sewer outfall evaluation, and sewer line repair

**GENERAL FUND****Transfer from the Following Funds - results in decreasing of budget**

Contingency	42,700	To transfer contingency funds required to offset expenditures as described below
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**Transfer to the Following Funds - results in increasing of budget**

Street	30,000	To budget funds for staffing position inadvertently left out at budget time
Fleet Maintenance	12,700	Additional funds required for Gasboy system upgrade

**REIMBURSEMENT RESOLUTION**  
**STREETSCAPE CAPITAL PROJECT**

**WHEREAS**, the Finance Officer has described to the Council the desirability of adopting a resolution, as provided under federal tax law, to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on a bond issue or other financing.

**BE IT RESOLVED** by the City of Sanford as follows:

Section 1: The project authorized is for the streetscape project to include an additional amount of \$250,000.

Section 2: The project is to be financed. Currently, the expected type of financing is installment purchase proceeds and the expected maximum amount of installment purchase proceeds to be issued or contracted for the project is \$1,950,000.

Section 3: Funds that have been advanced, or may be advanced, from the General Fund for project costs are intended to be reimbursed from the financing proceeds.

Section 4: The adoption of this resolution is intended as a declaration of this unit's official intent to reimburse project expenditures from financing proceeds.

ADOPTED this, the 16th day of August, 2016.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk

\_\_\_\_\_  
Susan C. Patterson, City Attorney

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET  
OF THE CITY OF SANFORD FY 2016-2017**

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2016-24 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2016-2017.

<b>GENERAL FUND APPROPRIATION OF FUNDS</b>			
<b>REVENUES</b>		<b>EXPENDITURES</b>	
100045 54000	Fund Balance Appropriation	250,000	10016650 66033 Contribution Capital Project 250,000
<b>Total Appropriation</b>		<b><u>\$ 250,000</u></b>	

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 16th day of August, 2016.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk

\_\_\_\_\_  
Susan C. Patterson, City Attorney

**CAPITAL PROJECT ORDINANCE AMENDMENT**

**STREETSCAPE**

**BE IT ORDAINED** by the City Council of the City of Sanford, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, capital project ordinance numbers 2014-10, 2015-11, 2015-14, 2015-20 and 2016-05 are hereby amended:

Section 1: The project authorized is for the costs of streetscape and pedestrian improvements in the downtown area of the City of Sanford and the Jonesboro area of the City of Sanford, including providing related landscaping and lighting, relocating utilities and the acquisition of land and rights-of-way in land required therefore.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond proceeds, the loan documents, and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Construction	\$ 264,051
--------------	------------

Section 4: The following revenues are anticipated to be available to complete this project:

Contribution from General Fund	\$ 250,000
Interest Income	\$ 14,051

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the bond agency, state regulations, and the loan documents.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement request should be made to the bond agency and lending institution in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received and claimed.

Section 8: The Finance Officer is directed to include in the annual budget information projects authorized by previously adopted project ordinances which will have appropriations available for expenditure during the budget year.

Section 9: Copies of this capital project ordinance shall be furnished to the Clerk to the City Council and the Finance Officer for direction in carrying out this project.

ADOPTED this, the 16th day of August, 2016.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Davis, City Clerk

\_\_\_\_\_  
Susan C. Patterson, City Attorney

AN ORDINANCE TO ENACT TWO HOUR PARKING ON CERTAIN STREETS  
AND TO AMEND SECTION 36-113, 36-114, 36-115, 36-141 AND 36-147  
OF THE CITY OF SANFORD CODE OF ORDINANCES  
CHAPTER 36, TRAFFIC

**WHEREAS**, during streetscape improvement projects, by Ordinance No. 2015-31, adopted May 5, 2015, entitled “An Ordinance To Temporarily Repeal a Portion of Section 36-114(a) and 36-115(a)(1)(2)(3)(4)(5)”, the Sanford City Council temporarily repealed sections of the Sanford City Code; and

**WHEREAS**, the parking sub-committee has received a request to reinstate two-hour parking limits downtown.

**NOW, THEREFORE, BE IT ORDAINED**, that the Sanford City Code is amended to read as follows:

**Chapter 36. Traffic.**

**Sec. 36-113. Parking of trucks, trailers, and tractor-trailers.**

(d) Deleted.

**Sec. 36-114. Reserved.**

**Sec. 36-115. Two-hour parking on certain streets.**

- (a) It shall be unlawful to park for more than two hours, Monday through Saturday, 9:00 a.m. through 8:00 p.m., unless otherwise posted, on the following streets:
- (1) Steele Street, from Gordon Street to Cole Street.
  - (2) Carthage Street, from Moore Street to Horner Blvd.
  - (3) Wicker Street, from Horner Blvd. to Moore Street.
  - (4) The west side of Moore Street, from Wicker Street to Carthage Street.
  - (5) The west side of Moore Street, from the centerline of Carthage Street extending north 172 feet.
- (b) The Director of Public Works is directed to erect and paint such signs, markers, and other notices along such portions of the downtown streets as are necessary to advise the public that parking for more than two hours is prohibited thereon.
- (c) This section shall become effective from and after the erection and painting of the signs, markers, and notices mentioned in this section.

**Sec. 36-141. Civil penalty; collection.**

Any violation of this article shall subject the offender to those civil penalties enumerated in Section 36-147 and shall not be a violation of NCGS 14-4. The civil penalties may be recovered by the City in a civil action in the nature of debt within the provided time following the issuance of a notice or citation for the violation, which shall not be a violation of NCGS 14-4.

**Sec. 36-147. Amount of penalty.**

- (a) The following amounts shall be imposed for violations in those cases in which payment is made within the provided 48-hour period:
- (1) For Sec. 36-104(c), (d), (e), (f), and (g): \$100.00.
  - (2) For Sec. 36-102(b)(11): \$50.00
  - (3) For each other violation of division 1 of this article: \$25.00.
- (b) The following amount, in addition to the one imposed for payment within 48 hours, shall apply in those cases in which the amount prescribed in subsection (a) of this section have not been paid within 48 hours and in which a civil action shall have been instituted: \$25.00.

This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this \_\_\_\_\_ day of August 2016.

\_\_\_\_\_  
T. Chet Mann, Mayor

ATTESTED BY:

\_\_\_\_\_  
Bonnie Davis, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan C. Patterson, City Attorney

**Hale Artificier, Inc.**  
**Fireworks and Pyrotechnics**

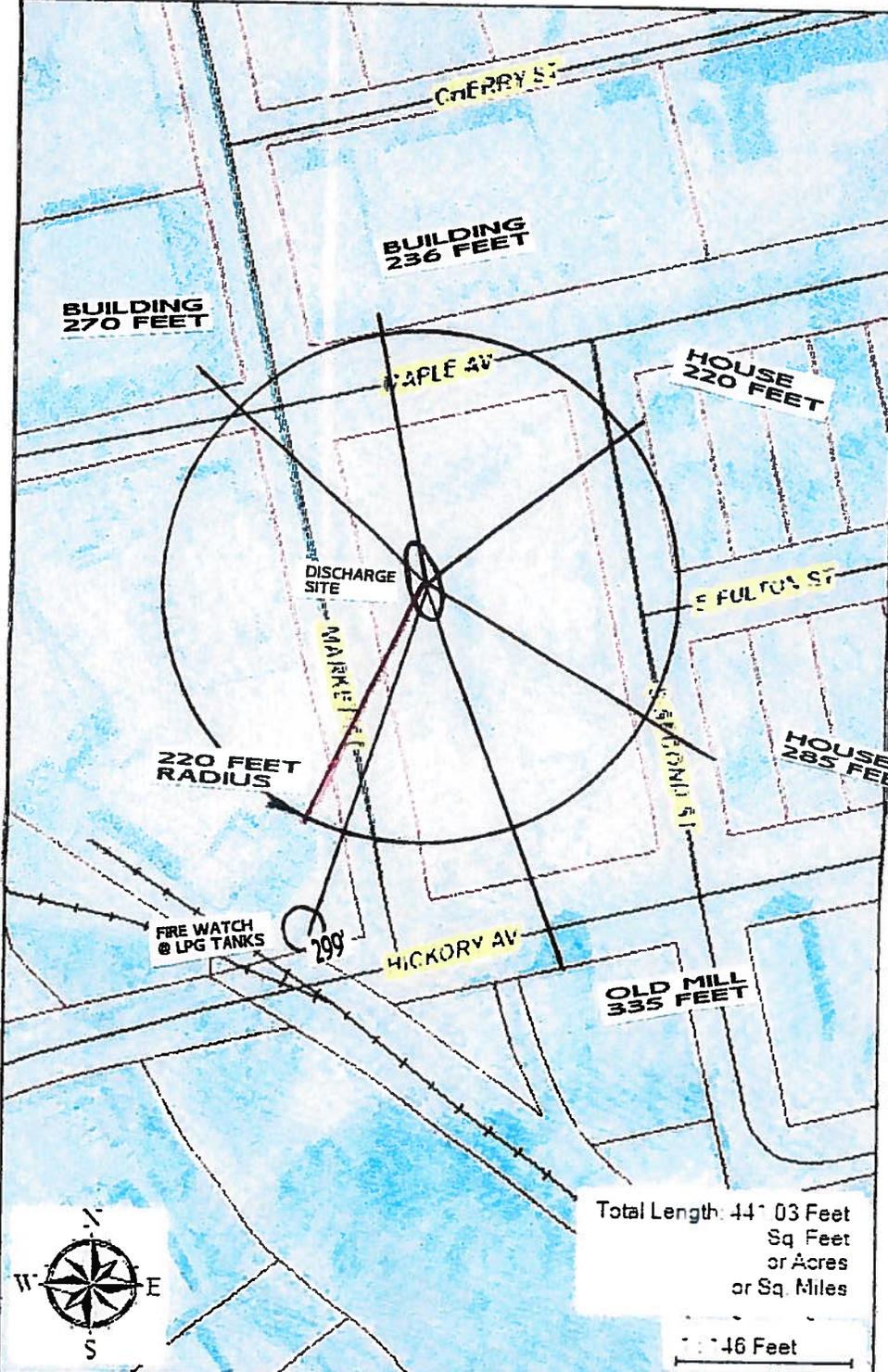
**City of Sanford, NC**  
**DEMO Fireworks Program**  
**8/30/16**

This Demo will determine the final materials to present for a formal Display on October 7, 20-16

Demo Materials:

- 1 - 100 shot Sea Blue, Orange, Grass Green + Ti Salute
- 1 - 1.5" X 50 shot Assorted Peony
- 10 - 2.5" Assorted Aerial shells
- 10 - 3" Assorted Aerial Shells

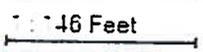
**Lexington, NC 336-249-6703**  
**336-249-6743 fax [pyronoid@lexcominc.net](mailto:pyronoid@lexcominc.net)**



- Parcel
- Streets
- Railroad
- Lee County
- Sanford City Limits
- Broadway Town Limits

# SANFORD SITE 1

Total Length: 44' 03 Feet  
Sq Feet  
or Acres  
or Sq Miles



This site is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. The County of Lee and Mobile311, LLC assume no legal responsibility for the information contained on this site. Please be advised that you must contact the Lee County Tax Office for accurate tax values. Please contact the Lee County Appraisal Department if any building information is incorrect. The map, layer, data and website (collectively known as the layer) are for graphical and illustration purposes only. The Lee County Strategic Services Department (hereinafter the Department) provides the layer and the information contained within to the general public and has not customized the information for any specific or general purpose. Such information was generated from data maintained by different sources and agencies and as such, some limitations may apply based upon restrictions imposed by other sources or agencies supplying data to Lee County (hereinafter the County). While the Department strives to make the information on the GIS website as timely, reliable and accurate as possible, neither the Department nor the County local governments make any claims, promises, or guarantees about the accuracy, completeness or adequacy of the contents of the layer. Areas depicted are approximate and are not necessarily accurate to mapping, surveying or engineering standards. The County expressly disclaims liability for errors and omissions in the contents of this site and layer. No warranty of any type, implied, expressed, statutory,





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
2/15/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Mountcastle Insurance</b> <b>307 W. Center Street</b>  <b>Lexington NC 27292</b>	<b>CONTACT NAME:</b> Phyllis Sink <b>PHONE (A/C No, Ext):</b> (336) 249-4951 <b>FAX (A/C No):</b> <b>E-MAIL ADDRESS:</b> psink@mountcastleinsurance.com
	<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b> <b>INSURER A Penn. National Mutual Casualty 14990</b> <b>INSURER B APP - Continental Indemnity Co</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>
<b>INSURED</b> <b>Hale Artificier, Inc</b> <b>545 New Bowers Rd.</b>  <b>Lexington NC 27292</b>	

**COVERAGES**

CERTIFICATE NUMBER: CL1621500999

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$
	CLAIMS-MADE OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$
						MED EXP (Any one person) \$
						PERSONAL & ADV INJURY \$
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$
	POLICY PRO-JECT LOC					PRODUCTS - COMP/OP AGG \$
	OTHER:					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000
A	ANY AUTO					BODILY INJURY (Per person) \$
	ALL OWNED AUTOS	X	AD90607811	9/23/2015	9/23/2016	BODILY INJURY (Per accident) \$
	X HIRED AUTOS	X				PROPERTY DAMAGE (Per accident) \$
						Uninsured motorist Bl split limit \$ 30,000
	UMBRELLA LIAB OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB CLAIMS-MADE					AGGREGATE \$
	DED RETENTIONS \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE OTH-ER
B	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	468792450103	12/1/2015	12/1/2016	E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

pyronoid!@lexcominc.net

Hale Artificier, Inc.  
 Jeff Hale  
 545 New Bowers Road  
 Lexington, NC 27292

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



**Pyrotechnics Guild  
International Inc.**

**Jeffrey A Hale**

is accredited as a Certified Instructor of the  
PGII Display Operator Certification Course.

**Expires September 30, 2018**

[www.pgi.org](http://www.pgi.org)

**Virginia State Fire Marshal's Office**



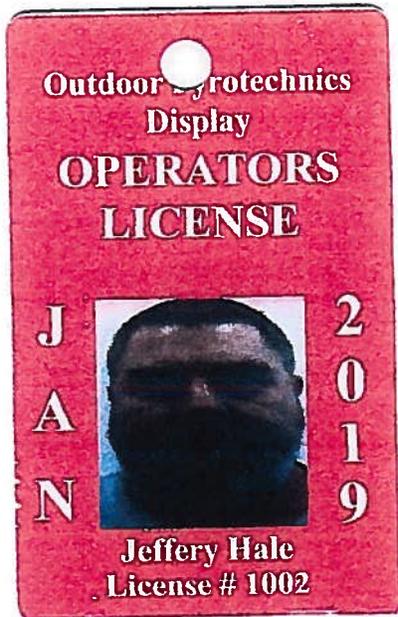
**Certified Pyrotechnician  
Aerial**

Name: Hale, Jeffery A.

Certification #: 753647NC

Effective Date: April 30, 2016

Expiration date: April 30, 2019



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.61.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To: ATF - Chief, FELC  
244 Needy Road  
Martinsburg, WV 25405-9431

License Permit Number: **1-NC-057-51-8J-00088**

Chief, Federal Explosives Licensing Center (FELC)  
*Christopher R. Keers*

Expiration Date: **September 1, 2018**

Name: **HALE ARTIFICER INC**

Premises Address (Changes? Notify the FELC at least 10 days before the move.)  
**DAISY COURT  
LEXINGTON, NC 27292-**

Type of License or Permit: **51-IMPORTER OF EXPLOSIVES**

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**HALE ARTIFICER INC  
545 NEW BOWERS RD  
LEXINGTON, NC 27292-**

*[Signature]*  
Licensee/Permittee Responsible Person Signature  
**JEFF HADVE**  
Printed Name  
*president*  
Position Title  
**2-9-14**  
Date

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.61.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To: ATF - Chief, FELC  
244 Needy Road  
Martinsburg, WV 25405-9431

License Permit Number: **1-NC-057-20-8L-00921**

Chief, Federal Explosives Licensing Center (FELC)  
*Christopher R. Keers*

Expiration Date: **November 1, 2018**

Name: **HALE ARTIFICIER, INC**

Premises Address (Changes? Notify the FELC at least 10 days before the move.)  
**3185 EAST US HWY 64  
LEXINGTON, NC 27292-**

Type of License or Permit: **20-MANUFACTURER OF EXPLOSIVES**

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**HALE ARTIFICIER, INC  
545 NEW BOWERS ROAD  
LEXINGTON, NC 27292-**

*[Signature]*  
Licensee/Permittee Responsible Person Signature  
**JEFF HADVE**  
Printed Name  
*president*  
Position Title  
**2-10-14**  
Date

# HALE ARTIFICIER, INC.

## Safety Procedures for Fireworks Displays

NFPA 1123 Codes are to be followed at all times.

### **1. Firing Procedure:**

- A. Operators are to use the Pre-display checklist provided in the display paperwork. AT NO TIME are the materials to be left unattended.
- B. Upon arrival at the site, check site conditions for any hazards that may impede the safety of the display operation.
- C. Insure the site meets all distance requirements.
- D. Confirm that there is adequate ingress and egress for emergency vehicles.
- E. Inspect all racks and equipment as it is coming off the truck. Any equipment that is damaged, or broken is not to be used in the display.
- F. All mortar racks are to be set up and installed prior to any loading of live materials.
- G. Inspect all shells and fireworks devices such as cakes, candles, and ground effects prior to loading, or placing in the firing area. Any materials found to be damaged, or not in proper condition are not to be used in the display.
- H. All materials fuses are to be situated and secured for easy access and removal of safety caps just prior to firing.
- I. (Electric firing) Any e-matching of materials will take place at least 50 feet from the truck holding the fireworks, and at least 100 feet from any public access. Limit the amount of materials in this area to just ONE box at a time.
- J. (Electric firing) Once all materials are set up, no personnel are allowed within the firing area during the continuity testing. If there is a need to check contact points, or adjust materials, the firing control panel must be disabled completely before an operator enters the firing area.
- K. (Manual Firing) Operators will use fuses flares for ignition of shell leaders.
- L. Previously installed multiple ignition points are to be placed along Finale racks, or any chain fused sections of the display.

545 NEW BOWERS ROAD, LEXINGTON, NC 27292

**WWW.HALEARTFIREWORKS.COM**

# HALE ARTIFICIER, INC.

## 2. Termination and Emergency Procedures

A. If, at any time before, or during the discharge of a Display, there arises a condition that adversely affects the firing or completion of the Display, the operator will IMMEDIATELY halt the display, until such a time that the condition can either be corrected, or deleted from the program.

1. The AHJ will also have the authority to halt the display, should any such condition arise.
2. Communication between the Operator and the AHJ will be necessary to provide for the continuation of the display.

B. If there is a weather related concern, the display is to be halted, or postponed, until better conditions prevail. If there is no alternative, or if conditions remain at an unsafe level, then the Operator is to cancel the display, and the Rain Date option will be considered.

1. All mortar racks are to be covered with tarps, plastic or other suitable materials to prevent materials from getting wet. Cakes, and other ground effects can be placed in plastic bags.
2. Any materials that do become wet shall not be used, and are to be placed into regulation cartons and returned to Hale Artificier, Inc.

C. If, during the display, an errant shell or malfunction of equipment causes materials to be sent towards or into the spectator area, or out of the intended fallout area, the operator will IMMEDIATELY halt the display.

1. The safety of the spectators is the primary concern, and the operator is to insure that any errant shell trajectories or malfunctions are dealt with as soon as it is safe to do so. Repositioning of the racks, or dropping that part of the display will be done before resuming any firing.
2. A situation of this nature could cause the rest of the display to be postponed, or cancelled with the communication and cooperation of the AHJ.
3. Identification of the errant materials and/or equipment is to be documented in the Operators display report.
4. If there is ANY injury of any nature, to a spectator, or any other person, the display is to be halted, and the assistance of the local EMS, Fire Department, and/or other fire and life safety personnel on duty at the time is to be utilized.

## HALE ARTIFICIER, INC.

D. Ingress and Egress routes are to be maintained at all times, and are to remain clear for emergency vehicles and personnel.

1. Should there be any reason to need such access, the Operator shall halt all firing, and suspend the display.
2. The Operator and other display personnel may assist such emergency personnel to control and contain any condition to insure the safety and security of the site.

### **3. Post Display**

A. Once the display has been completed, the Operator will make the determination to break down the display equipment when he/she finds all conditions safe to do so.

1. The operator and assistants should allow at least 15 minutes for a "cool-down" period, once the display is completed.

- a. Beginning with the mortars that were fired first, make sure that all shells and materials were discharged.

- b. Once all racks and equipment have been cleared, the Operator will approve the break down of the display.

2. Misfired Materials

- a. Identify any and all misfired materials.

- b. Insure that there are no ignition hazards present before handling. All sparks are to be extinguished. E-matches should be disconnected and shunted, and then may be carefully removed.

- c. Carefully remove materials from the discharge area.

- d. Place materials into a regulation carton, and transport back to Hale Artificier, Inc.

- e. Record misfires in the Operator's display report.

3. Dud Shells

- a. Identify any and all dud shells and their location.

- b. No unauthorized personnel are to be allowed in those areas.

- c. Insure that there are no ignition hazards before handling. If necessary, spray with water to extinguish any sparks or flame.

## HALE ARTIFICIER, INC.

- d. Carefully remove dud shells, place into a regulation carton and transport back to Hale Artificier, Inc.
  - e. Record duds in the Operator's display report.
- 
- B. The operator will assist the AHJ in conducting the post-display inspection, and sign off on any documentation the AHJ may require.
  - C. Once that inspection is completed, the operator may clear the on-duty Fire Department personnel.
  - D. The entire discharge area and fallout zones are to be inspected to insure that there are no duds, misfires, or any other materials left on the display site. If necessary, a site check is to be made early the following morning.
  - E. Clean up includes removal of all equipment, paper debris, and any other items that remain as a result of the display.

NORTH CAROLINA  
LEE COUNTY

**SUPPLEMENTAL AGREEMENT**

DATE: 8/3/2016

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

AND

WBS ELEMENTS: 3608.3.12

CITY OF SANFORD

FEDERAL-AID #:

CFDA #: 20 205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Sanford, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department and the Municipality on 12/11/2014, entered into a certain Project Agreement for the original scope: construction of concrete sidewalk along SR 1514 (Bragg Street) and SR 1519 (Nash Street) and the addition of pedestrian signals at the intersection of SR 1514 (Bragg Street) and SR 1519 (Nash Street) and at the intersection of SR 1519 (Nash Street) and SR 1521 (Kelly Drive) in Sanford, programmed under WBS Element 3608.3.12; and,

WHEREAS, the parties have agreed to extend the completion date for the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

**TIME FRAME**

N. The Municipality shall complete the work by December 30, 2016.

## IRAN DIVESTMENT ACT

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.* requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Disinvestment Act. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address [www.nctreasurer.com/Iran](http://www.nctreasurer.com/Iran) and will be updated every 180 days.

By execution of this Agreement each Party certifies that neither it nor its Agents or Contactors/Subcontractors 1) are on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran; 2) shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and 3) that the undersigned are authorized by the Parties to make this Certification.

During the term of this Agreement, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and provided for by law, rule, or contract. Should this Act be voided by NC General Statute, this Agreement will remain valid, however this certification will no longer be required.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 12/11/2014, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF SANFORD

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by the City of Sanford as attested to by the signature of \_\_\_\_\_

Clerk of the \_\_\_\_\_ (Governing Board) on \_\_\_\_\_

(Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

\_\_\_\_\_  
City of Sanford

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

**AN ORDINANCE AMENDING  
THE CITY OF SANFORD UNIFIED DEVELOPMENT ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Sanford, North Carolina that the Unified Development Ordinance be, and it hereby is, amended as follows:

**Section 1.** That Article 4, Table 4.6-1 PERMITTED USE MATRIX be rewritten to include a new land use category for Wine Shops as follows. :

**Table 4.6 –1 PERMITTED USE MATRIX:**

*Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column (i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.*

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
<i>General Sales or Service</i>																			
ABC Store (liquor Sales), incorporated areas only	2155		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420- 2440		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Agricultural equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (see § 5.3)	2418 2720	S/D	-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Antique Shops	2145	2230	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Appliance Sales, Repair and Maintenance, (no outside storage)	2125		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Art dealers, supplies, sales and services	2142		-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Auction Sales, vehicular sales			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151		-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P	P
Bicycle (non-motorized) Sales and/or Repair	2113		-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P	P
Books, Magazines, music, etc.	2135		-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Camera and Photographic Supplies	2132		-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Car Washes and Car Care Centers (see § 5.5)		2593	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Clothing, Jewelry, Luggage, Shoes, etc.	2133		-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P

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Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Computer and Software Sales	2131		-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Consumer Goods, not otherwise listed	2140		-	-	-	-	-	-	-	-	-	S	P	P	P		P	P	P
Convenience stores, without gas sales	2152	2591	-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Convenience stores, with gas sales		2591	-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Consignment Shops, Used Merchandise Store (not otherwise listed)	2145	2240	-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Dry cleaning and laundry	2600		-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Electronic equipment (small), sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	P	P		P	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuary, and other incidental sales of products or related items) - (with indoor storage only)	2123		S	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuary, and other incidental sales of products or related items) - (with outdoor storage)	2123		S	-	-	-	-	-	-	-	-	-	P	-	P		-	P	P
Farmers Markets and market shops, including open markets		2260	-	-	-	-	-	-	-	-	-	-	P	-	P		S	-	-
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	2200-2250		-	-	-	-	-	-	-	-	-	S	P	P	P		P	P	P
Flea markets (indoors)	2145	2580	-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Flea markets (outdoors) (see § 5.14)	2145	2580	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D		-	-	-
Florist	2141		-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Freestanding Ice Vending Unit (see § 5.37)			-	-	-	-	-	-	-	-	-	-	P/D	-	P/D		-	P/D	-
Furniture or home furnishing sales	2121		-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Gasoline stations	2116	2270	-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	-	P	P	P	P		-	P	P
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	-	-	P	-	P		-	P	-
Hardware, home centers, lumber yard, heating and plumbing etc., outside storage	2122212635102127	2592	-	-	-	-	-	-	-	-	-	-	P	-	P		-	P	P
Hardware, home centers, lumber yard, heating and plumbing etc., inside storage	2122212635102127	2592	-	-	-	-	-	-	-	-	-	-	P	P	P		P	P	P
Heavy Equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P		-	P	P
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	2333		-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P
Leasing, Commercial and Industrial Machinery and Equipment	2334		-	-	-	-	-	-	-	-	-	-	P	-	P		-	P	P
Gunshops and Gunsmiths	2134		-	-	-	-	-	-	-	-	-	-	P	P	P		-	P	P



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Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Real Estate, Sales, Rental & Leasing	2400-2336		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district			P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Restaurants, with drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-
Restaurants, no drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	2100		-	-	-	-	-	-	-	-	-	S	P	P	P	-	S	P	P
Rural family occupation—Commercial/Industrial Unincorporated Lee County only (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage	2450-2455		-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage	2450-2455		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center, less than 25,000 sq. ft.	2500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center/Superstore, 25,000 - 100,000 sq. ft. (see§ 10.2	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Shopping Center/Superstores, over 100,000 sq. ft (see§ 10.2.	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Sporting goods, toys, and hobby sales, excluding guns and gunsmiths	2134		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Tattoo Parlor/Tattoo Studio and/or Body Piercing	2600		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Tobacco or Tobacconist	2143		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Upholstery and furniture refinishing	2120		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
<b>Wine Shops</b>													<b>P/D</b>	<b>P/D</b>	<b>P/D</b>		<b>P/D</b>		
Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed	3500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P

**Section 2.** That Article 5 Supplemental Development Regulations be rewritten to create a new Section 5.43 Wine Shops as follows:

### **5.43 WINE SHOPS**

#### 5.43.1 WINE SHOP

A wine shop is an establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine in the manufacture's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine tasting on the premises and is further authorized to sell wine for on-premises consumption, as an accessory and incidental use to the wine shop, provided the establishment and operation is compliant with the supplemental regulations below.

A "wine shop" that does not meet the requirements of this section shall be deemed an entertainment establishment for the purpose of zoning and land use classification and shall have to comply with the standards of Section 5.26 of this Ordinance.

#### 5.43.2 APPLICABILITY

This section shall apply to any wine shop establishment as defined in Section 5.43.1.

#### 5.43.3 LOCATION

Wine Shops shall be permitted in the HC, C-1, C-2, CBD, PUD and TND zoning districts subject to design standards as set forth in section 5.43.4.

#### 5.43.4 STANDARDS

5.43.4.1 A wine shop may sell wine for consumption on the premises, provided that the on-premises consumption of wine constitutes an accessory and incidental use to the wine shop.

5.43.4.2 A wine shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premises consumption, in accordance with G.S.18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and incidental use to the primary retail use wine shop.

5.43.4.3 For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine shop's total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. The term "sale(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.

5.43.4.4 Records related to the wine shop's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises or may request that copies of the written records be delivered to the city. The requirements of this subsection shall be for the purpose of determining compliance with subsection (S) (3) above.

5.43.4.5 No wine shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved public or private club, or entertainment establishment, that includes the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine shop to the nearest property line of the parcel containing the existing or approved public or private club, and entertainment establishment, or other wine shop that includes the on-premises consumption of wine and malt beverages.

5.43.4.6 A wine shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.

5.43.4.7 A wine shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.

5.43.4.8 A wine shop in the HC, C-1, C-2, PUD, and TND districts shall not be located within two hundred (200) linear feet of a parcel or tract of land that contains any church or religious institution, daycare facility, or detached single-family dwelling structure.

5.43.4.9 The provisions of this section shall apply to all wine shops whether operated as a principal or accessory use.

**Section 3.** That APPENDIX A. A-3 DEFINITIONS, be rewritten to include the following new definitions:

**Wine Shop** - A wine shop is an establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine in the manufacture's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine tasting on the premises and is further authorized to sell wine for on-premises consumption, as an accessory and incidental use to the wine shop, provided the establishment and operation is compliant with the supplemental regulations of Section 5.43.4.

**Section 4.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this \_\_\_\_\_ day of August 2016.

\_\_\_\_\_  
T. Chet Mann, Mayor  
City of Sanford

ATTESTED BY:

\_\_\_\_\_  
Bonnie Davis, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan C. Patterson, City Attorney

**AN ORDINANCE AMENDING SECTION 11.9  
OF THE CITY OF SANFORD UNIFIED DEVELOPMENT ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Sanford, North Carolina that the Unified Development Ordinance be, and it hereby is, amended as follows:

**Section 1.** That Article 11 Sign Regulations, Section 11.9 Outdoor Advertising (Billboard) Signs, be amended and rewritten as follows:

**11.9 OUTDOOR ADVERTISING (BILLBOARD) SIGNS.**

**11.9.1 STANDARDS FOR THE CITY OF SANFORD AND THE TOWN OF BROADWAY.**

Outdoor Advertising (billboard) signs are prohibited within the City of Sanford and the Town of Broadway.

11.9.1.1 *City of Sanford Billboards Modernization.* Nonconforming pre-existing off-premises outdoor advertising signs which existed as of July 1, 2016, can be modernized as follows, provided they also meet the Outdoor Advertising Control Act:

- a. Replace multipole with monopole;
- b. Change wooden supports to metal;
- c. 50 feet or less in height;
- d. 300 square feet maximum sign face;
- e. Electronic digital displays;
- f. Same number of sign faces; 1 face per side;
- g. Stacked signs may only be replaced with one level of digital face;

and, provided the sign is located in the same physical location of the pre-existing nonconforming sign. Same location means in the footprint of, with the leading edge set back the same distance from the right of way of the highway.

No relocation of signs are allowed under the guise of modernization.

11.9.1.2 *Permits.* A sign permit is required to modernize a pre-existing nonconforming off premise outdoor advertising sign.

11.9.1.3 *Digital signs.* Upon the issuance of a sign permit, as specified in this section, owners of qualified pre-existing signs may replace existing face panels on qualified signs with digital faces as defined below, subject to the following conditions:

- a. Digital signs shall not change or alternate displays (words, symbols, figures or images) more frequently than once every fifteen (15) seconds, except that digital changeable copy signs may change or alternate displays as frequently as once every eight (8) seconds if: (i) the sign displays public service announcements on a

permanent basis once within every sixty (60) second period, and (ii) the sign operator displays as part of the normal advertising rotation public emergency messages hereinafter defined until such time as such message is no longer reasonably necessary. "Public emergency messages" shall mean: Amber Alert emergency information and information about terrorist attacks, natural disasters, public infrastructures failures, and public safety emergencies. Public emergency messages shall be displayed in accordance with protocols developed by the city in conjunction with the issuing agencies and the qualified sign owners. For the purposes of this section, a public service announcement shall be any announcement for which no charge is made and which promotes programs, activities, or services of federal, state or local governments or the programs, activities or services of nonprofit organizations and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

- b. Any digital sign shall meet the following display requirements:
- i. The images and messages displayed shall be complete in themselves, without continuation in content to the next message or image, or to any other sign.
  - ii. The transition between images shall be instantaneous and without special effects. Special effects are those listed in iv. below.
  - iii. The display shall not be configured to resemble a warning, danger signal, official signage used to control traffic, or to cause a viewer to mistake the sign for a warning or danger signal.
  - iv. No electronic animation, movement, scrolling, flashing text, or streaming video shall be permitted.
  - v. All digital signs shall be designed and equipped to freeze the device in one (1) position or immediately discontinue the display if a malfunction occurs.
  - vi. No sign may be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of seven thousand five hundred (7,500) candela per square meter ( $\text{cd}/\text{m}^2$ ) during daylight hours and one thousand (1,000)  $\text{cd}/\text{m}^2$  during non-daylight hours. No sign shall display such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal or is distracting to drivers. All digital signs shall be equipped with both a dimmer control and photocell that automatically adjusts the intensity of the display according to natural ambient light conditions.
  - vii. Prior to the issuance of a sign permit, the applicant shall provide written evidence that the light intensity has been factory pre-set not to exceed seven thousand five (7,500)  $\text{cd}/\text{m}^2$  and that the intensity level is protected from end-user manipulation by password-protected software or other method determined appropriate by the Department of Community Development.

11.9.1.4. *Reserved.*

11.9.1.5 *Maintenance.*

1. All signs shall be maintained in a state of good repair.

2. Whenever it shall appear to the Department of Community Development that any sign has been constructed or is being maintained in violation of the terms of this section or is unsafe or unsecured, such sign shall either be made to meet all sign regulations, or shall be removed at the expense of the owner, within ten (10) days after written notification thereof by the Department of Community Development or City Manager, or his designee.

11.9.1.6 *Inspection.* The owner and the Department of Community Development shall inspect all off-premise outdoor advertising signs periodically to determine that the same are in a safe condition and meet the requirements set forth in this section.

11.9.1.7 *Penalties.* In addition to removal or conformity with section 11.9.1.5 above, violations of this section shall be enforced in accordance with Article 1, Section 1.6.6. of the Unified Development Ordinance.

The remainder of Section **11.9.2 Standards for Lee County** shall remain in effect.

**Section 2.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this \_\_\_\_\_ day of August 2016.

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T. Chet Mann, Mayor  
City of Sanford

ATTESTED BY:

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Bonnie Davis, City Clerk

APPROVED AS TO FORM:

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Susan C. Patterson, City Attorney

**AN ORDINANCE AMENDING ARTICLE 12  
OF THE CITY OF SANFORD UNIFIED DEVELOPMENT ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Sanford, North Carolina that the Unified Development Ordinance shall be amended as follows:

**Section 1.** That Article 12, Section 12.5.1 EXPANSION OF NONCONFORMING STRUCTURES, be amended to add the following:

*12.5.1.3 Exception for modernization of billboards in the City of Sanford.*

Within the City of Sanford, any billboard that existed as of July 1, 2016 as a legal nonconforming structure may be modernized in accordance with Section 11.9.

**Section 2.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this \_\_\_\_\_ day of August 2016.

\_\_\_\_\_  
T. Chet Mann, Mayor  
City of Sanford

ATTESTED BY:

\_\_\_\_\_  
Bonnie Davis, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan C. Patterson, City Attorney