



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Work Session

Monday, October 7, 2024

2:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 CITY MANAGER REPORT

5.0 APPROVAL OF AGENDA

6.0 OTHER ITEMS OF BUSINESS

6.01 Fort Liberty and City of Fayetteville Partnerships

Attachments: [IMCOM IGSA Information Booklet FY24](#)

6.02 Discussion of a Budget Ordinance Amendment to appropriate \$15,000 funding for the Fayetteville - Saint Avold Friendship Alliance Cultural and Educational Exchange

Attachments: [BOA 2025-6](#)
[FSAFA Request Letter](#)

6.03 PWC - Discussion of a Resolution Authorizing the PWC CEO/General Manager to Seek Rezoning of Real Properties

Attachments: [PWC Resolution PWC2024.23](#)
[CityCouncilResolution Re Granting Rezoning Auth rev GM](#)

6.04 Discussion on Proposed 2025 City Council Meeting Dates Calendar

Attachments: [Resolution - Meeting Dates Calendar 2025](#)
[2025 Council meeting Calendar DRAFT](#)
[2025 Draft City Council Meeting Dates Calendar](#)

6.05 Review the Residential Traffic Management Program

Attachments: [DRAFT Speed Hump Request Summary Workflow.pdf](#)
[UDO Article 30-5F4h.pdf](#)
[MUTCD Excerpt.pdf](#)
[RTMP-MultiWayStop.pdf](#)
[RTMP-SpeedHump.pdf](#)
[RTMP_Presentation_20241007.pptx](#)

6.06 Discussion of a Potential Emergency Watershed Protection (EWP) Grant

Attachments: [2021.03.22 Emergency Watershed Protection Mitigation Effort for Siple Avenue](#)
[EWP NC Fact Sheet Aug2024](#)
[Potential Emergency Watershed Protection Grant v3](#)
[NC EWP Request for Assistance - City of Fayetteville Siple Ave.](#)

6.07 Review of Special Use Permit Peer and Text Amendment Recommendations

Attachments: [Raleigh Use Table](#)
[Raleigh SUP Standards](#)
[Durham Use Table](#)
[Durham SUP Standards](#)
[Charlotte Use Table](#)
[Winston-Salem Use Table](#)
[Winston-Salem SUP Standards](#)
[Wilmington Use Table](#)
[Wilmington SUP Standards](#)
[Cumberland County Use Table](#)
[Cumberland County SUP Standards](#)
[Fayetteville Use Table](#)
[SUP Proposal PowerPoint](#)

6.08 City Council Agenda Item Request - Driving Equality Laws - Council Member Benavente

Attachments: [City Council Agenda Item Request - Driving Equality Laws - CM Benavente](#)

6.09 City Council Agenda Item Request - Transit - Council Member Benavente

Attachments: [CM Benavente - Transit - 100724](#)

7.0 ADJOURNMENT**CLOSING REMARKS**

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at yamilenazar@fayettevillenc.gov, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

COUNCIL WORK SESSION WILL BE AIRED

October 7, 2024 - 2:00 p.m.

Cable Channel 7 and streamed "LIVE" at FayTV.net





City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4262

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.01

TO: Mayor and Members of City Council

THRU: Douglas Hewett, ICMA-CM, City Manager

FROM: Jodi W. Phelps, Assistant City Manager

DATE: October 7, 2024

RE:

Fort Liberty and City of Fayetteville Partnerships

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

This item supports all adopted City Council strategic goals and objectives.

Executive Summary:

The City of Fayetteville has a long and deep connection to our military as home to Fort Liberty. Part of our ongoing commitment to supporting service members and force readiness is exploring partner options for efficiency in service delivery between Fort Liberty and Fayetteville. This item serves to inform and educate Council about possible Intergovernmental Service Agreements (IGSAs) with the installation.

Background:

The City has been exploring IGSA partnerships with Fort Liberty over the last decade and has an existing agreement with FLNC to provide janitorial support to the Airborne and Special Operations Museum.

The Department of Defense Installation Management Command, Fort Liberty Garrison Commander and Fort Liberty DPW have been in communication with the City regarding additional services the City and installation can partner on to creating efficiencies in service for Fort Liberty while maximizing their impact to their host community.

The City is currently exploring options for solid waste/refuse collection contract management and annual elevator maintenance, among other possibilities.

Issues/Analysis:

This presentation should inform Council on the IGSA concept and seeks confirmation from Council that military-community partnerships are a strategic path forward for our City.

Budget Impact:

IGSA agreements can generate additional revenue for the City as cost savings to the installation are realized

Options:

Provide consensus for staff to continue pursuing IGSA's with Fort Liberty.

Recommended Action:

Provide consensus for staff to continue pursuing IGSA's with Fort Liberty.

Attachments:

FREQUENTLY ASKED QUESTIONS

Will I have to go through a competitive bidding process to enter into an IGSA with my installation?

While an IGSA is a sole source agreement directly with a public entity, any service contracted out by that public entity must have been competitively awarded.

Do I need to have the current capacity and resources to execute the IGSA?

No, your existing workforce and equipment capacities can be expanded through the IGSA process. Expanded capabilities can be reimbursed upfront and/or amortized over the life of the agreement.

Our military community has many smaller towns interested in entering into IGSAs; can they partner to provide the services for an IGSA?

Yes, if several municipalities express interest in collaborating on agreements, there are a few possible partnership structures:

- A state or regional organization can serve as the executive agent for management and oversight of an IGSA on behalf of multiple municipalities.
- Municipalities can form a new, cooperative entity to provide services. The IGSA at Presidio of Monterey is a prime example of this approach.
- One municipality can serve as the executive agent and “subcontract” work under the agreement to one or more other municipalities.

Does my local or state public entity need to use Federal wage rates?

No, you may use the wage grades normally paid by your organization.

CONTACTS

IMCOM IGSA Program Manager

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(210) 364-1447

IMCOM IGSA Program Specialist

Mr. Anson Blackall

anson.h.blackall.civ@army.mil
(972) 948-8207

IMCOM IGSA Program Specialist

Mr. James Huys

james.r.huys.civ@army.mil
(573) 631-9555



Intergovernmental Support Agreements (IGSA)

INSTALLATION MANAGEMENT COMMAND

Partnering is a readiness imperative. Partnerships are a way to strengthen our communities and mitigate the risks associated with some of our reform efforts. One of the most cost effective ways for IMCOM to acquire goods and services is through the use of intergovernmental support agreements.

Commanding General IMCOM

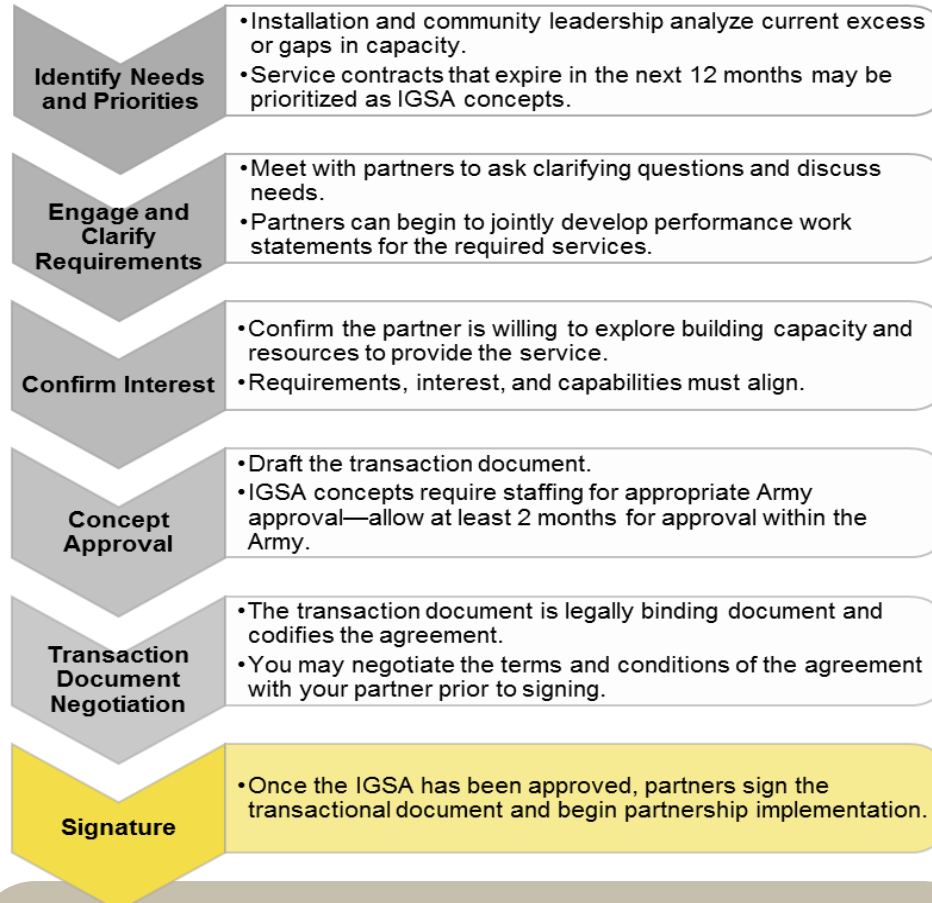


“[An installation] may enter into an IGSA, on a sole source basis, with a state or local government to provide, receive, or share installation support services if the Secretary determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.”

10 USC 2679

PARTNERSHIP DEVELOPMENT

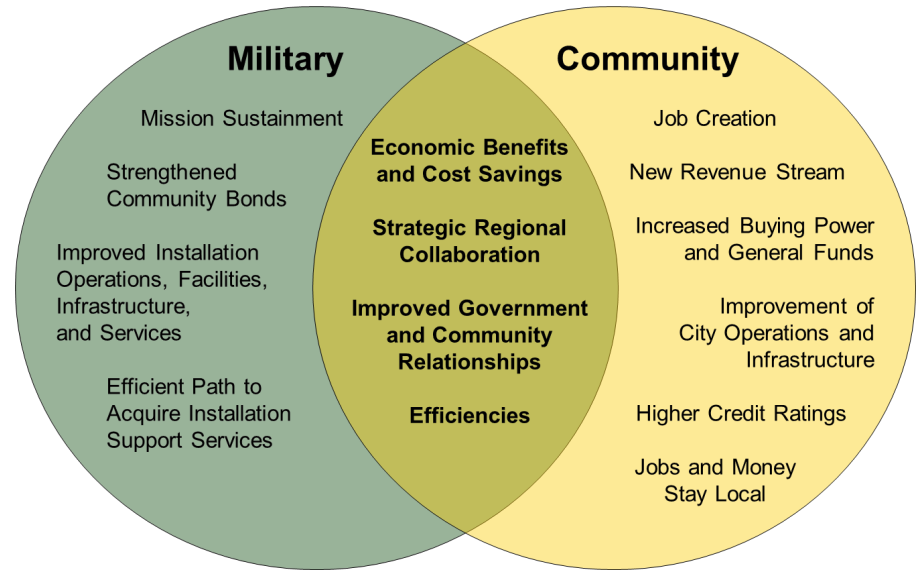
Active engagement and clear communication throughout the process promotes strong partnerships for both current and future concepts.



SERVICES

- Bulk Purchasing Agreements (road salt/sand, etc.)
- Shared Disaster Recovery Resources and Facilities
- Custodial Services
- Maintenance Services (street lights, traffic signals)
- Stray Animal Control
- Workforce Training and Certification
- Grounds Maintenance/Vegetation Control
- Installation-University Collaboration (volunteers, graduate studies)
- Family Support Services and Programs
- Refuse and Recycling

BENEFITS



SUCCESS STORIES

Fort Johnson Waste Management/Refuse Collection

Fort Johnson and Vernon Parish entered into an IGSA to enable Vernon Parish to assume the collection of solid waste for the installation.

Fort Detrick Computer Aided Dispatch (CAD)

Fort Detrick partnered with Frederick County that resulted in cost avoidance for both federal and local governments while improving interoperability and synchronization for emergency services.

Fort Riley Bulk Purchasing of Salt

Fort Riley partnered with the City of Manhattan in a Bulk Salt Purchasing IGSA. Fort Riley allowed the city to store their excess road salt on-post, allowing them to avoid building new facilities, while the installation cut costs by paying \$43.60/ton for road salt instead of \$96/ton.

Fort Moore Graduate Studies

Fort Moore partnered with Auburn University to recruit students to conduct endangered species reports and natural resource assessments on the installation.

Fort Liberty Custodial and Facility Maintenance Services

Fort Liberty entered into an IGSA for custodial services with the City of Fayetteville in Nov 2015. City of Fayetteville personnel perform the full scope of custodial services required to maintain the appearance of the museum. The success of this IGSA led to a custodial services IGSA in 2016.



City of Fayetteville

433 Hay Street
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City Council Action Memo

File Number: 24-4252

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.02

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM, City Manager
Jeffrey Yates, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk
Kimberly Leonard, CLGFO, CLGBO, CPA, MPA, Budget & Evaluation
Director

DATE: September 23, 2024

RE:

Discussion of a Budget Ordinance Amendment to appropriate \$15,000 funding for the Fayetteville - Saint Avold Friendship Alliance Cultural and Educational Exchange

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal VI - Collaborative Citizen and Business Engagement.

Executive Summary:

The Fayetteville - Saint Avold Friendship Alliance (FSAFA) will be hosting nine teachers and three high school students from Saint Avold, France as part of a cultural and educational exchange on October 18-30, 2024. Council is asked to adopt Budget Ordinance Amendment (BOA) 2025-6 to appropriate \$15,000 from Other Appropriations for lodging, meals, and transportation.

Background:

The City of Fayetteville established a sister city relationship with Saint Avold, France on September 27th, 1993, following a unanimous Council vote in support of the resolution.

FSAFA is a nonprofit organization providing community outreach and fundraising efforts to sustain the International Sister City program between the City and Saint Avold.

This item was presented by Ms. Kris Johnson, FSAFA, President, at the City Council regular meeting on September 23, 2024. The following action was taken:

MOTION: Council Member Benavente moved to table this item to the October 7, 2024, Work Session

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Jensen,

Greene, and Thompson)

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund fund balance.

Options:

1. Adopt Budget Ordinance Amendment 2025-6 to appropriate funding for FSAFA.
2. Do not adopt Budget Ordinance Amendment 2025-6 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Budget Ordinance Amendment 2025-6 as presented.

Attachments:

BOA 2025-6
FSAFA Request Letter

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 24, 2024 is hereby amended as follows:

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Community Investment	\$ 8,959,429	\$ -	\$ 8,959,429
Operations	140,054,516	-	140,054,516
Support Services and Administration	23,317,997	15,000	23,332,997
Other Appropriations	48,597,975	(15,000)	48,582,975
Total Estimated General Fund Expenditures and Other	<u>\$ 220,929,917</u>	<u>\$ -</u>	<u>\$ 220,929,917</u>
Financing Uses			

Adopted this 23rd day of September, 2024.

FRIENDSHIP ALLIANCE

September 6, 2024

Dear Mayor Colvin and Mayor Pro Tem Jensen,

In six weeks, the Fayetteville-Saint Avold Friendship Alliance (FSAFA) will be hosting nine high school level English language teachers from Fayetteville's International Sister City, Saint Avold, France. We look forward to their arrival on Saturday, Oct. 18 and will be sad to see them depart on Wednesday, Oct. 30, 2024. Three of the teachers will be bringing their high school aged children and we are excited to see the rejuvenation of cultural and educational exchange opportunities for the youth of our two cities.

This visit was a result of meetings that occurred during the "American Week" celebrations that a delegation from Fayetteville participated in back in May of this year. During that visit, the FSAFA sponsored a high school student from Massey Hill Classical School to travel to France with the delegation. She was hosted by a local family and learned what daily life is like for a French family and went to the high school to experience the French school system. It was an enriching week! While visiting Fayetteville, the teachers will spend 2 full days at Cape Fear High School and Massey Hill Classical School. The French students will visit Massey Hill Classical for classes and a school spirit day event. Arrangements are being made for the group to visit Fayetteville State University, Fayetteville Technical Community College and Duke University.

Of course, the impending visit of the teachers from Saint Avold does not occur for free. They will be paying for their own airfare to fly to North Carolina. However, to reciprocate the extreme generosity that the Fayetteville delegation was treated to in May, it is only right for the teacher's lodging, meals and ground transportation to be paid for them. Arrangements and plans for their stay are in the process of being finalized. Below is a breakdown of the costs associated with this 12 day stay:

-Lodging: The MacPherson House Bed & Breakfast, 2 to 3 teachers per room; total: **\$9,910** (the students will be lodged with host families)

-Meals (no alcohol included): approximately \$45/day/person/12 days; total: **\$4,860** (NOTE: this accounts for meals that will be provided by volunteers and the FSAFA Board)

- Transportation: approximate total: **\$1,000** for large capacity van rental and fuel.

Grand total of approximate expenses: \$15,770

To assist with offsetting the costs I respectfully request the amount of **\$15,000**. The balance of expenses and any wine, beer or alcoholic beverages or any expenses over this amount will be paid for by private donations.

I hope you will consider our request and see the value of this effort. I will make myself available for any questions you may have.

Respectfully submitted,



Kris Johnson

President, FSAFA

PO Box 58162 • Fayetteville, NC 28305



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4253

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.03

TO: Mayor and Members of City Council

THRU: Fayetteville Public Works Commission

FROM: Timothy L. Bryant, CEO/General Manager
Fayetteville Public Works Commission

DATE: October 7, 2024

RE:

PWC - Discussion of a Resolution Authorizing the PWC CEO/General Manager to Seek Rezoning of Real Properties

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

PWC's Commissioners have recommended granting authority to PWC's CEO/General Manager to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC and referred this matter to the City Council in accordance with Section 6A.9 of the Charter to request that the City of Fayetteville adopt a resolution providing such authorization.

Background:

The Fayetteville Public Works Commission, during their meeting on September 11, 2024, approved PWC Resolution - PWC2024.23

The Commission requests the City Council to approve a resolution, specifically granting of authority to the Fayetteville Public Works Commission's CEO/General Manager to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC. PWC's Commissioners have recommended granting such authority to PWC's CEO/General Manager and referred this matter to the City Council in accordance with Section 6A.9 of the Charter to request that the City of Fayetteville adopt a resolution providing such authorization.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the City Council approve a resolution granting authority to PWC's CEO/GM to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC. Pursuant G.S. 160A-273 and Section 6A.9 of the Charter

Attachments:

PWC Resolution - PWC2024.23; City Council Resolution Granting Authority

**RESOLUTION AUTHORIZING THE CEO/GENERAL MANAGER
TO SEEK REZONING OF REAL PROPERTIES**

WHEREAS, Fayetteville Public Works Commission (PWC), as a public authority under North Carolina law, is, with the approval of City Council pursuant to Charter Section 6A.9, authorized to execute and deliver applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC;

WHEREAS, PWC deems it necessary from time to time to seek rezoning of certain of said properties in furtherance of its operations and development of the utility systems under its management and control; and

WHEREAS, the Commissioners believe that delegating authority to PWC's CEO/General Manager to execute and deliver such applications is appropriate, consistent with PWC's authority and their fiduciary responsibilities, and consistent with the promotion of the efficient use of governmental resources.

**THEREFORE, LET IT BE RESOLVED BY THE COMMISSIONERS OF THE
FAYETTEVILLE PUBLIC WORKS COMMISSION THAT:**

1. The CEO/General Manager of PWC, acting on its behalf, is hereby authorized to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC; provided, however, such delegation of authority is subject to the approval of the City Council by resolution.

2. Pursuant to Section 6A.9 of the Charter of The City of Fayetteville, PWC refers this matter to the City Council with a recommendation and request that the City Council adopt a resolution delegating the above-described authority to PWC's CEO and General Manager to execute and deliver such applications.

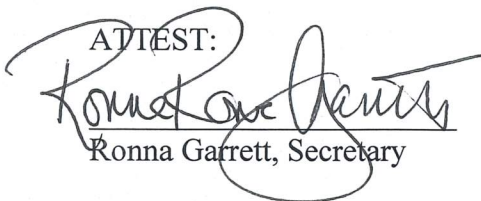
ADOPTED this 11th day of September, 2024.

FAYETTEVILLE PUBLIC WORKS COMMISSION



Donald L. Porter, Chairman

ATTEST:



Ronna Garrett, Secretary

**RESOLUTION AUTHORIZING THE FAYETTEVILLE PUBLIC WORKS
COMMISSION TO SEEK REZONING OF REAL PROPERTIES**

WHEREAS, the Commissioners of the Fayetteville Public Works Commission at their public meeting on _____, 2024 approved granting their CEO/General Manager the authority to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC, and referred this matter to the City Council to request approval of the same pursuant to Section 6A.9 of the Charter; and

WHEREAS, granting the requested authority to the Fayetteville Public Works Commission's CEO/General Manager will facilitate its operations and development of the utility systems under its management and control; and

WHEREAS, the City of Fayetteville finds that granting the Fayetteville Public Works Commission's CEO/General Manager authority to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by PWC is reasonable and appropriate and should be permitted;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that the Fayetteville Public Works Commission's CEO/General Manager is hereby granted authority to execute and deliver, at his or her discretion, applications for rezoning requests with respect to real property that is titled in the name of the City of Fayetteville and managed and controlled by Fayetteville Public Works Commission.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this the ____ day of _____, 2024; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

Mitch Colvin, Mayor

ATTEST:

_____, City Clerk



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4192

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.04

TO: Mayor and Members of City Council

THRU: Jeffrey Yates, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: October 7, 2024

RE:

Discussion on Proposed 2025 City Council Meeting Dates Calendar

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal VI: Citizen Engagement and Partnerships

Executive Summary:

Staff has provided a proposed 2025 City Council Meeting Dates Calendar. The calendar also identifies Council budget work sessions, and conferences for elected officials.

The proposed calendar shows the Monday, March 10, 2025, regular City Council meeting moved to Thursday, March 13, 2025, to accommodate Council Members attendance at the National League of Cities (NLC) Conference in Washington, D.C.

Background:

To ensure that citizens are aware of all public meetings and events and that the City adheres to the NC Open Meetings Act. Staff has prepared the attached 2025 City Council Meeting Dates Calendar. The calendar takes into account all of the City holidays, and conferences identified by staff.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

1. Adopt the Resolution for the 2025 City Council Meeting Dates Calendar.

2. Review the Resolution for the 2025 City Council Meeting Dates Calendar and provide direction to staff on changes Council may want to see.

Recommended Action:

Review draft 2025 Calendar, advise staff of recommended changes.

Attachments:

Draft 2025 City Council Meeting Dates Calendar

Resolution to Adopt the 2025 City Council Meeting Dates Calendar

Resolution No. R2024-_____

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2025 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS

WHEREAS, the Fayetteville City Council has enacted a strategic plan that promotes efficient and effective government; and

WHEREAS, the City's strategic plan includes targets for action that require significant commitments on City resources and time to complete; and

WHEREAS, the City Council is committed to ensuring that the public is informed about the issues, activities and actions of the City; and

NOW THEREFORE, BE IT RESOLVED to adopt the attached calendar titled City Council Meeting Dates to clarify the time and location of the City Council regular meetings for 2025; and **RESOLVES** that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, this the ____ day of _____, 2024; such meeting was held in compliance with the Open Meetings Act at which a quorum was present and voting

By: _____
MITCH COLVIN, MAYOR

ATTEST:

PAMELA J. MEGILL, CITY CLERK

2025 City Council Meeting Dates

Wed., Jan 1
Mon., Jan. 6
Mon., Jan. 13
Mon., Jan 20
Wed., Jan. 23
Mon., Jan. 27

New Year's Day—City Offices Closed
Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber

MLK Jr. Day - City Offices Closed
Agenda Briefing, 5 p.m., Teams
Regular Council Meeting, 6:30 p.m., Council Chamber

Mon., Feb. 3
Mon., Feb. 10
Wed., Feb. 19
Mon., Feb. 24

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber
Agenda Briefing, 5 p.m., Teams
Regular Council Meeting, 6:30 p.m., Council Chamber

Mon., March 3
Mon. - Wed.
March 10-13
Thurs., March 13
Wed., March 19
Mon., March 24

Council Work Session, 2 p.m., Council Chamber

NLC Congressional Cities Conference, Washington, D.C.

Regular Council Meeting, 6:30 p.m., Council Chamber

Agenda Briefing, 5 p.m., Teams

Regular Council Meeting, 6:30 p.m., Council Chamber

Mon, April 7
Mon., April 14
Fri., April 18
Wed., April 23
Mon., April 28
Tues.-Thur.,
April 29-May 1

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber
Good Friday - City Offices Closed
Agenda Briefing, 5 p.m., Teams
Regular Council Meeting, 6:30 p.m., Council Chamber

NCLM City Vision—Greenville

Mon., May 5
Mon., May 12
Thurs., May 15
Wed., May 21
Thurs., May 22
Mon., May 26
Tues., May 27
Thurs., May 29

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber
Council Budget Work Session, 10 a.m., Lafayette Room
Agenda Briefing, 5 p.m., Teams
Council Budget Work Session, 10 a.m., Lafayette Room
Memorial Day - City Offices Closed
Regular Council Meeting (Budget Public Hearing), 6:30 p.m.,
Council Chamber
Council Budget Work Session, 10 a.m., Lafayette Room

Mon., June 2
Mon., June 9
Wed., June 18
Thurs., June 19
Mon., June 24

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber,
Adopt FY 25-26 Budget
Agenda Briefing, 5 p.m., Teams
June 17th - City Offices Closed
Regular Council Meeting, 6:30 p.m., Council Chamber

No City Council Meetings Established
Fri., July 4 Independence Day - City Offices Closed

Mon., Aug. 4
Mon., Aug. 11
Wed., Aug. 20
Mon., Aug. 25

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber
Agenda Briefing, 5 p.m., Teams
Regular Council Meeting, 6:30 p.m., Council Chamber

Mon., Sept. 1
 Tues., Sept. 2
 Mon., Sept. 8
 Wed., Sept. 17
 Mon., Sept. 22

Labor Day - City Offices Closed
 Council Work Session, 2 p.m., Council Chamber
 Regular Council Meeting, 6:30 p.m., Council Chamber
 Agenda Briefing, 5 p.m., Teams
 Regular Council Meeting, 6:30 p.m., Council Chamber

Mon., Oct. 6
Mon., Oct. 13
Wed., Oct. 22
Mon., Oct. 27

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber
Agenda Briefing, 5 p.m., Teams
Regular Council Meeting, 6:30 p.m., Council Chamber

Mon., Nov. 3
Tues., Nov. 4
Mon., Nov. 10
Tues., Nov. 11
Wed.—Sat.
Nov. 19-22
Wed., Nov. 19
Mon., Nov. 24
**Thurs. - Fri.,
Nov. 27-28**

Council Work Session, 2 p.m., Council Chamber
Municipal Election
Regular Council Meeting, 6:30 p.m., Council Chamber
Veteran's Day - City Offices Closed

NLC Conference, Salt Lake City, Utah
Agenda Briefing, 5 p.m., Teams
Regular Council Meeting, 6:30 p.m., Council Chamber
Thanksgiving - City Offices Closed

Mon., Dec. 2
Mon., Dec. 9
Thurs. - Fri.
Dec. 25—26

Council Work Session, 2 p.m., Council Chamber
Regular Council Meeting, 6:30 p.m., Council Chamber

Christmas - City Offices Closed

Su	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
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City Council Work Session/Meeting Information

- Work Sessions are held at 2 p.m. in the Council Chamber, City Hall, generally on the first Monday of each month.
- Regular meetings are held at 6:30 p.m. in the Council Chamber, City Hall, and the Council's Discussion of Agenda Items is held at 5:30 p.m. preceding the regular meetings in the St. Avold Conference Room, third floor, City Hall. Regular meetings are broadcast live on FAYTV and are re-broadcasted on Wednesdays following the meetings at 10 p.m. Archived meetings are also available on the City's YouTube channel at www.FayTV.net
- The Public Forum shall be held on the first scheduled regular Council meeting each month, which is usually the second Monday.
- Agenda briefings are held at 5 p.m. via Teams, generally on the third Wednesday of each month. Login information is located on the City's website calendar of events tab.

Municipal Election								
Inauguration	Regular Meeting				Agenda Briefing			
NLC Conferences	Work Session				Budget Work Session			
NCLM Conference	Strategic Planning Retreat				Holidays			

2025 Fayetteville City Council Meeting Schedule

JANUARY	
Wed., Jan 1	New Year's Day - City Offices Closed
Mon., Jan 6	Council Work Session, 2 p.m., Council Chamber
Mon., Jan 13	Regular Council Meeting, 6:30 p.m., Council Chamber
Mon., Jan 20	MLK Jr. Day - City Offices Closed
Wed., Jan. 22	Agenda Briefing, 5 p.m., TEAMS
Mon., Jan. 27	Regular Council Meeting, 6:30 p.m., Council Chamber
FEBRUARY	
Mon., Feb 3	Council Work Session, 2 p.m., Council Chamber
Mon., Feb. 10	Regular Council Meeting, 6:30 p.m., Council Chamber
Wed., Feb. 19	Agenda Briefing, 5 p.m., TEAMS
Mon., Feb. 24	Regular Council Meeting, 6:30 p.m., Council Chamber
MARCH	
Mon., March 3	Council Work Session, 2 p.m., Council Chamber
Mon.-Wed., March 10-12	NLC Congressional Cities Conference - Washington, D.C.
Thurs., March 13	Regular Council Meeting, 6:30 p.m., Council Chamber
Wed., March 19	Agenda Briefing, 5 p.m., TEAMS
Mon., March 24	Regular Council Meeting, 6:30 p.m., Council Chamber
APRIL	
Mon., April 7	Council Work Session, 2 p.m., Council Chamber
Mon., April 14	Regular Council Meeting, 6:30 p.m., Council Chamber
Fri., April 18	Good Friday - City Offices Closed
Wed., April 23	Agenda Briefing, 5 p.m., TEAMS
Mon., April 28	Regular Council Meeting, 6:30 p.m., Council Chamber
Tues.-Thur., April 29-May 1	NCLM City Vision - Greenville
MAY	
Mon., May 5	Council Work Session, 2 p.m., Council Chamber
Mon., May 12	Regular Council Meeting, 6:30 p.m., Council Chamber. Budget Presentation
Thurs., May 15	Council Budget Work Session, 5 p.m., Council Chamber
Wed., May 21	Agenda Briefing, 5 p.m., TEAMS
Thurs., May 22	Council Budget Work Session, 5 p.m., Council Chamber
Mon., May 26	Memorial Day - City Offices Closed
Tues., May 27	Regular Council Meeting (Budget Public Hearing), 6:30 p.m., Council
Thurs., May 29	Council Budget Work Session, 5 p.m., Council Chamber

JUNE	
Mon., June 2	Council Work Session, 2 p.m., Council Chamber
Mon., June 9	Regular Council Meeting (Adopt Budget FY 25-26), 6:30p.m., Council
Wed., June 18	Agenda Briefing, 5 p.m., TEAMS
Thur., June 19	Juneteenth - City Offices Closed
Mon., June 23	Regular Council Meeting, 6:30 p.m., Council Chamber
JULY	
Fri., July 4	Independence Day - City Offices Closed
	No City Council Meetings Established
AUGUST	
Mon., Aug. 4	Council Work Session, 2 p.m., Council Chamber
Mon., Aug. 11	Regular Council Meeting, 6:30 p.m., Council Chamber
Wed., Aug. 20	Agenda Briefing, 5 p.m., TEAMS
Mon., Aug. 25	Regular Council Meeting, 6:30 p.m., Council Chamber
SEPTEMBER	
Mon., Sept. 1	Labor Day - City Offices Closed
Tues., Sept. 2	Council Work Session, 2 p.m., Council Chamber
Mon., Sept. 8	Regular Council Meeting, 6:30 p.m., Council Chamber
Wed., Sept. 17	Agenda Briefing, 5 p.m., TEAMS
Mon., Sept. 22	Regular Council Meeting, 6:30 p.m., Council Chamber
OCTOBER	
Mon., Oct. 6	Council Work Session, 2 p.m., Council Chamber
Mon., Oct. 13	Regular Council Meeting, 6:30 p.m., Council Chamber
Wed., Oct. 22	Agenda Briefing, 5 p.m., TEAMS
Mon., Oct. 27	Regular Council Meeting, 6:30 p.m., Council Chamber
NOVEMBER	
Mon., Nov. 3	Council Work Session, 2 p.m., Council Chamber
Tues., Nov. 4	Municipal Election
Mon., Nov. 10	Regular Council Meeting, 6:30 p.m., Council Chamber
Tues., Nov. 11	Veteran's Day - City Offices Closed
Wed.-Sat., Nov. 19-22	NLC - City Summit - Salt Lake City, Utah
Wed., Nov. 19	Agenda Briefing, 5 p.m., TEAMS
Mon., Nov. 24	Regular Council Meeting, 6:30 p.m., Council Chamber
Thur. & Fri., Nov. 27-28	Thanksgiving - City Offices Closed
DECEMBER	
Mon., Dec. 1	City Council Inauguration, 6:00 p.m.
Mon., Dec. 8	Regular Council Meeting, 6:30 p.m., Council Chamber
Thur. - Fri., Dec. 25-26	Christmas - City Offices Closed

JANUARY

Tue., Jan 2	Council Work Session
Mon., Jan 8	Regular Council Meeting
Mon., Jan. 22	Regular Council Meeting

FEBRUARY

Mon., Feb. 5	Council Work Session
Mon., Feb. 12	Regular Council Meeting
Mon., Feb. 26	Regular Council Meeting

MARCH

Mon., March 5	Council Work Session
Mon., March 19	Regular Council Meeting
Mon., March 26	Regular Council Meeting

APRIL

Tue., April 3	Council Work Session
Mon., April 9	Regular Council Meeting
Mon., April 23	Regular Council Meeting

MAY

Mon., May 7	Council Work Session
Mon., May 14	Regular Council Meeting
Tue., May 29	Regular Council Meeting

JUNE

Mon., June 4	Council Work Session
Mon., June 11	Regular Council Meeting
Mon., June 25	Regular Council Meeting

JULY

No City Council Meetings Established

AUGUST

Mon., Aug. 6	Council Work Session
Mon., Aug. 13	Regular Council Meeting
Mon., Aug. 27	Regular Council Meeting

SEPTEMBER

Tues., Sept. 4	Council Work Session
Mon., Sept. 10	Regular Council Meeting
Mon., Sept. 24	Regular Council Meeting

OCTOBER

Mon., Oct. 1	Council Work Session
Mon., Oct 8	Regular Council Meeting
Mon., Oct 22	Regular Council Meeting

NOVEMBER

Mon., Nov 5	Council Work Session
Tue., Nov. 13	Regular Council Meeting
Mon., Nov 26	Regular City Council Meeting

DECEMBER

Mon., Dec. 3	Council Work Session
Mon., Dec. 10	Regular Council Meeting



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4117

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.05

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Sheila Thomas-Ambat, PE, CCM, CFM, Public Services Director
Brian McGill, PE, PTOE, Interim Assistant Public Services Director -
Traffic Services

DATE: October 7, 2024

RE:
Review the Residential Traffic Management Program

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

Goal I: Be a safe and secure community.
Goal II: Be a responsive city government supporting a diverse and viable economy.
Goal III: Be invested in today and tomorrow.
Goal IV: Be a highly desirable place to live, work, and recreate.
Goal VI: Have a collaborative citizen and business engagement base.

Executive Summary:

This presentation is to go over the administrative report provided to Council on June 24th, 2024, as well as to outline the RTMP process and recent history. The June 24th administrative report was to provide summary responses to Council's comments from the November 6th, 2023 work session, where a presentation on Traffic Calming Measures was made. In addition to responding to Council's comments, staff wanted to inform Council of the Safe Streets and Roadways For All (SS4A) project. SS4A includes the consultant recommending improvements to the City's Residential Traffic Management Program (RTMP) based on a peer review against similar-sized Cities programs. Staff recommend revisions to the RTMP be deferred until after SS4A concludes.

Background:

- 8/7/2023 - City Council requested staff review traffic calming measures outside of speed bumps at the conclusion of the City Council Work Session.
- 9/25/2023 - Staff presented City Council with an administrative report on traffic calming measures at the City Council Regular Meeting. City Council moved to hear the Report as a presentation during a City Council Work Session.
- 11/6/2023 - Staff presented City Council with a presentation on traffic calming

measures at the City Council Work Session. City Council directed staff to return with recommendations for an update to the Residential Traffic Management Program (RTMP).

- 6/24/2024 - Staff presented City Council with an administrative report providing responses to Council's comments from the 11/6/2023 presentation at this City Council Regular Session. City Council moved to hear the Report as a presentation during a City Council Work Session.

There are multiple contributing factors to speeding, with a large component being driver comfort and confidence in their ability to navigate the road. Successful attempts to effectively reduce speeds have been collectively called traffic calming measures. Traffic calming measures reduce speeds by making drivers uncomfortable when they speed across the installed treatment. Our current Residential Traffic Management Program (RTMP) has a process that allows for citizens to request speed humps, a vertical deflection traffic calming measure. The RTMP also has a process for citizens to request the installation of stop signs, however, it should be noted that signage is not considered a traffic calming measure. The RTMP has been attached to this administrative report for reference.

City Council provided comments at the November 6th, 2023 work session regarding the suitability of traffic calming measures and possible inclusion in future revisions to the RTMP. What follows is staff's understanding of Council's comments from that work session and staff's response.

Comment: Council asked for more options besides speed bumps/humps.

Response: RTMP funding allows for limited speed hump installation following a data-driven process. Nearly all previously presented traffic calming measures are more expensive, and less effective on reducing speeding, than speed humps - with some also having implementation challenges; Speed humps are one of the most efficient traffic calming measures when attempting to reduce speeding. Liability is also a concern if a treatment is designed in-house, such as with a roundabout. Should traffic calming options increase, the complexity and time for RTMP requests is expected to increase, straining the personnel resources and City's budget for the program. The City has begun the Safe Streets and Roadways For All (SS4A) project, which is intended to provide recommendations for revisions to the RTMP. SS4A is discussed further at the end of this administrative report.

Comment: Council asked if stop signs could assist on the main roads of neighborhoods to reduce speeding, and not have them installed on just the side streets.

Response: The City follows the *Manual for Uniform Traffic Control Devices* (MUTCD), a reference book provided by the Federal Highway Administration which standardizes roadway signage throughout the Country. The MUTCD, under Section 2B.06 Line 06, states that "YIELD or STOP signs shall not be used for speed control." This is considered best practice as studies have shown that drivers ignore signs that have been used for

speed control, leading to drivers ignoring stop signs. An excerpt showing this section of the MUTCD, with the relevant line highlighted, is included as an attachment to this report.

Comment: Council asked for more information on the RTMP since they were not familiar with the program / process.

Response: Included with this administrative report is the RTMP, as well as a workflow summary sheet of the process to request speed humps. As you're aware, the RTMP can be a very technical document, and staff would be happy to meet individually or at a future work session to discuss the RTMP process further.

Comment: Council asked how developers decide where to put stop signs and / or speed humps in new developments.

Response: Developers typically apply best practices, engineering judgement, or a common-sense approach to roads in proposed developments. Staff review development plans, and if staff disagree with a proposed traffic control device, then we coordinate with developers for a resolution. After development is complete and roads are under the maintenance and responsibility of the City, one option for intersection changes includes submitting requests to the City's Traffic Services. Regarding traffic calming devices, the City's Unified Development Ordinance (UDO) has Article 30-5.F.4.h. The UDO encourages the use of traffic calming measures and requires their inclusion on linear street segments when over 800 linear feet. The specific article from the UDO is included as an attachment to this report. Additionally, SS4A will have the consultant assess the City's Code of Ordinances and UDO for opportunities to prioritize where safety should be addressed in an effort to reduce the occurrence of serious and fatal crashes. SS4A is discussed further at the end of this administrative report.

Comment: It was asked if the presentation and RTMP was based on regional, national, or international information?

Response: The traffic calming administrative report and subsequent presentation provided on November 6th, 2023 was based on national information which itself may have drawn from international studies. The RTMP is based on regional information. SS4A recommendations are intended to be based on national information.

Comment: Council asked if the City can use Bond funds for traffic calming measures.

Response: It was stated during the November 6th, 2023 meeting that Bond funds can be used for traffic calming measures.

Safe Streets and Roadways For All (SS4A): The City has initiated the SS4A project which is intended to address locations with a history of serious and fatal crashes. As part of this project, we are requiring the consultant to conduct a peer review of the City's RTMP against similar-sized Cities neighborhood traffic calming and speed reduction programs. The consultant will recommend improvements to the City RTMP based on the

results of the peer review, their knowledge of industry best practices, and their knowledge of traffic calming measures. Their recommendations will include proposed thresholds for any new countermeasures. The new countermeasures can include, but are not limited to, the traffic calming measures that were previously presented to City Council in prior administrative reports and presentations. SS4A also includes the consultant assessing current City standards, guidelines, and plans, including the UDO and City Code of Ordinances, for opportunities to prioritize where safety can be addressed to reduce the occurrence of serious and fatal crashes. Staff recommend that additional revisions to the RTMP be deferred until completion and adoption of the SS4A recommendations. The tentative schedule for SS4A completion is summer/fall of 2025.

Speed Cushions: While SS4A progresses, staff are reviewing speed cushion implementation to address emergency response concerns with regards to speed humps. Speed cushions are essentially speed humps with channels or slots in the hump that are wide enough for a fire engine to travel across the traffic calming measure without slowing down. Our review includes coordination with other departments, pilot demonstration locations, and the method for installing these measures.

Issues/Analysis:

The City's current RTMP provides a process for speed humps and stop signs to be requested, and other traffic calming measures may be desired by the City. The project "Safe Streets and Roadways For All" (SS4A) has begun and will include RTMP recommendations upon completion.

Budget Impact:

N/A

Options:

As this is an administrative report, no options are presented for action.

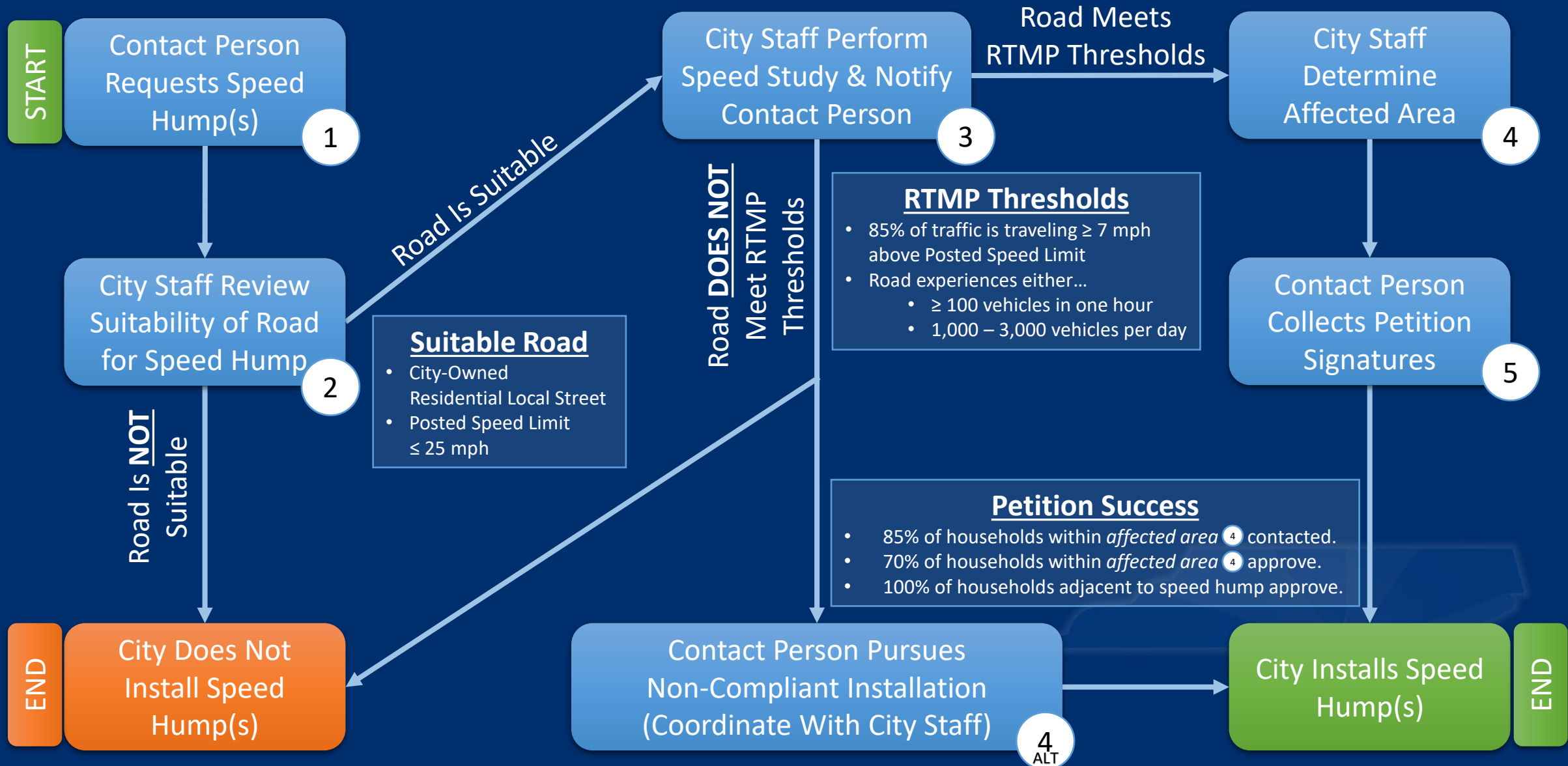
Recommended Action:

As this is an administrative report, no options are presented for action.

Attachments:

MUTCD Excerpt
UDO Article 30-5F4h
RTMP-SpeedHump
RTMP-MultiWayStop
DRAFT Speed Hump Request Summary Workflow
RTMP_Presentation_20241007

Speed Hump Request Summary



PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-5: Development Standards

30-5.F. Community Form Standards

30-5.F.4. Streets

Streets in the City shall comply with the standards for public infrastructure in [Article 30-6: Subdivisions](#), and the following:

a. **Street Design**

1. *Conformity to Existing Maps or Plans*

The street layout shall conform to the arrangement, width, and location of proposed streets on any officially adopted highway or transportation plan or map. In areas where such plans were not completed, the streets shall be designed and located in accordance with:

- a. Existing and proposed streets;
- b. Existing topography;
- c. Natural features such as streams and stands of mature hardwood trees;
- d. Public convenience and safety;
- e. The proposed use of land to be served by streets; and
- f. NCDOT Official Transportation Plan requirements for right-of-way reservation and/or dedication.

2. *Tracts or Sites Over Five Acres in Size*

Development, to the maximum extent practicable, shall be arranged so as to allow for the opening of future streets and, and where relevant, logical resubdivision.

3. *New Street Grades*

Street grades for new streets, to the maximum extent practicable, shall be established to avoid excessive removal of vegetation or mass grading.

4. *Continuation of Adjacent Streets*

Proposed street layouts shall be coordinated with the existing street system in surrounding areas. Existing streets shall, to the maximum extent practicable, be extended to provide access to adjacent subdivisions and to provide for additional points of ingress and egress.

5. *Connection with State Streets*

Permits authorizing connection to any existing street or roadway shall be submitted to the City prior to any construction on the street or roadway.

6. *Design Speed*

Streets located within: the DT-1 district; the DT-2 district, except for Grove, Rowan, Ramsey, and Green Streets; and local streets within residential neighborhoods shall be designed with a maximum design speed of 25 miles per hour.

7. *Private Streets*

Except for the ability to locate vehicular gates in accordance with Section 30-5.F.4.a.10, Vehicular Gates, private streets shall be built to the same standard as public streets, in accordance with the following:

a. *In General*

1. Private streets will be permitted to serve as access within developments with individual dwelling unit ownership; however, reservation of corridors for thoroughfares and utilities may be required if such are indicated on official plans as adopted by the City Council. Private streets may be used in residential development to provide for security and privacy.
2. The common area that comprises private streets shall be sized with a width consistent with City's right-of-way standards for the traffic service classification the street is designed for. Private street areas shall be a part of the common area and shall be owned and maintained by the homeowners' association. Setbacks required for the zoning district in which the development is located shall be measured from the margin of the common area that is the proxy for a private street right-of-way or street easement.
3. Private streets shall be shown on a Final Plat as private right-of-way.
4. In residential development, a right-of-way shall be designated and shown as a private street on the Final Plat.

b. *Maintenance*

All subdivisions and residential development with private streets in which land is intended to be sold shall establish a homeowners' association for maintenance of such streets. The homeowners' documents shall provide for adequate enforcement and funding to insure maintenance, and the documents shall be approved as to form by the City Attorney as part of the development permit approval procedure. In development retained under single ownership where units or lots will be for rental purposes only, maintenance of private streets shall be provided by the owner (along with open space or other facilities for the purpose of common use).

c. *Access to Government Agency*

In any development where private streets are provided, a Final Plat shall be prepared for City approval and recorded with the Cumberland County Register of Deeds, which identifies all private streets. The Final Plat shall include a note indicating that any governmental agency, personnel, or equipment shall be granted perpetual access over any private streets, to accomplish or fulfill any service or function for which the agency is responsible. In addition, any agency or organization designated by a governmental agency to perform a designated function shall also retain the same access granted to any

governmental agency. It shall be indicated on the Final Plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, right-of-way, or easements.

d. *Certification of Construction*

Upon completion of construction of private streets and related facilities, including drainage systems, the developer shall provide for an inspection of all such facilities by a registered professional designated for such approvals, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the requirement of this section and the approved plans. Such statement shall be affixed with the seal of the registered professional and be submitted to the City Manager and approved prior to the recording of a Final Plat. Certification of water and sewer systems shall also be sealed by a registered engineer.

e. *Signage*

Any traffic control devices may differ in material, but not in size, shape, color, or any other way from the requirements of uniform devices in the Manual of Uniform Traffic Control Devices as defined in [North Carolina General Statutes Section 136-30\(d\)](#).

f. *Disclosures*

1. Every Subdivision Plan approved as provided for in this subsection for residential development containing private streets shall contain the following statement:

"Street right-of-way shown on this plat are for private use, have not been accepted for maintenance by the Fayetteville City Council, and are to be maintained by _____ (in the case where a homeowners' association owns the streets, homeowners' association shall be typed in the blank; in the case where lots are deeded to the center of the private street, the term "lot owner" shall be typed in the blank)."

2. Every Final Plat including private streets shall contain the following statement:

"Every deed conveying a lot shown on the plat approved under the provisions of this chapter shall contain the following statement: "The street upon which the property described herein abuts is a private street, the cost of maintenance which shall be borne by either the grantee herein or a homeowners' association as set forth in any restrictive covenants applicable to this conveyance and recorded in Book _____, Page _____, of the Cumberland County Registry, which shall be a covenant to run with the land."

3. Any declaration of conditions and/or restrictive covenants required to be recorded by this section shall contain provisions setting forth the ownership, and responsibility for maintenance of any private streets within the property subject to such declaration of conditions and restrictive covenants.

8. *On-Street Parking*

- a. Streets within the DT-1 or DT-2 district shall, to the maximum extent practicable, incorporate on-street parking,
- b. Except for alleys, arterials, and collectors, all streets in other districts served by curb and gutter in the City are encouraged to provide on-street parking on at least one side.

- c. Except where approved by the City in advance, all on-street parking shall be parallel to the curb.

9. *Underground Utilities*

All utility providers (e.g., cable, telephone, gas, electric, water and sewer, etc.) installing service lines for their respective utilities in the public right-of-way are required to adhere to the standards and procedures of the City Engineering and Infrastructure Department for design, coordination and communication. The intent is to maximize the potential for co-location in trenches and to standardize the design of utilities.

10. *Vehicular Gates*

- a. For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way shall be prohibited.
- b. Vehicular gates are allowed on private streets provided the gate is equipped with City-approved devices that allow emergency services to gain access to the street and meets all requirements set forth in the current adopted version of the North Carolina Fire Code.

11. *Minimum Street Width*

Street widths shall be minimized to the maximum extent practicable, but in all instances shall comply with applicable City standards in Table 30-6.A.4.a, Street Right-of-Way Widths.

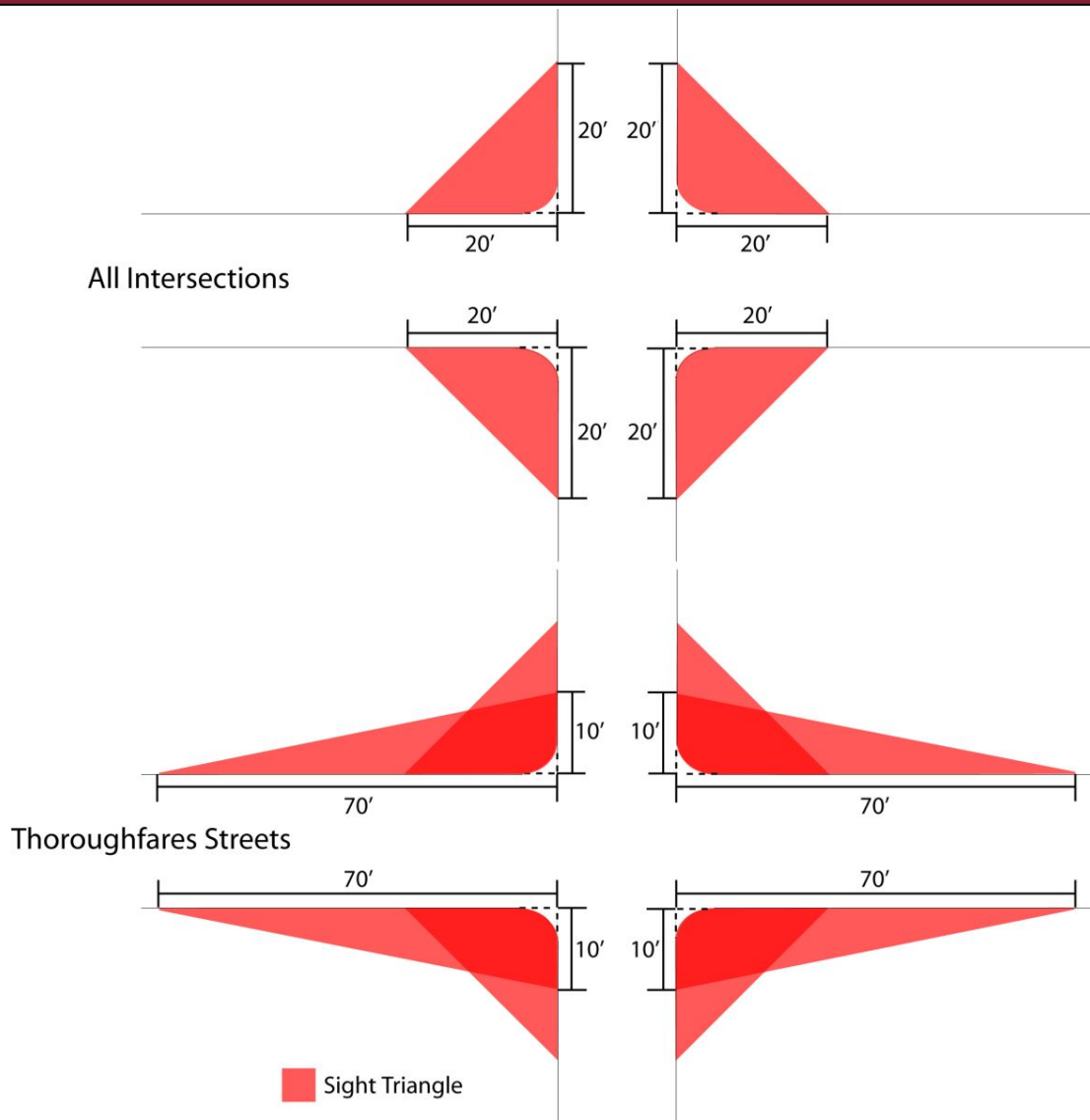
12. *Sight Distance Triangles*

- a. No object (including signs) shall interfere with visibility within the sight distance triangle of an intersection of streets (assuming eye level of 40 inches or less from a distance of 20 feet from the edge of the pavement).
- b. Sight triangles of 20 feet by 20 feet as measured from the intersection of right-of-way lines shall be preserved at all intersections (see Figure 30-5.F.4.a.12, Sight Distance Triangles).
- c. Additional sight triangles of ten feet by 70 feet shall be provided for access onto thoroughfare streets.
- d. Sight distance triangles shall be noted on the Subdivision Plan and Final Plats, as appropriate.

Editor's Note 6/28/2017: Corrected numbering of this section required inserting Sections 30-5.F.4.b and 30-5.F.4.c and reserving them for future use to avoid incorrect references in numerous parts of the Code.

- b. Reserved for future use.
- c. Reserved for future use.

Figure 30-5.F.4.a.12: Sight Distance Triangles



Buildings, fences, walls, vegetation, and other elements may not obstruct sight distances at street intersections.

d. **Cul-de-Sac and Street Stubs**

1. Street Stubs shall be allowed only on a temporary basis to serve a phase or portion of a subdivision. Street stubs longer than 150 linear feet shall include a paved hammerhead turnaround or cul-de-sac that meets the city's minimum standards and shall be located within the dedicated right-of-way or easement. In the event that a final plat (See Section 30-2.C.6.e, Final Plat) for the phase or portion of a subdivision served by a temporary street stub is submitted for approval or recording, the Final Plan shall include a notation that the street is temporary, and that additional modifications to the street will occur when the

adjacent area is developed. Final Plat submissions must also fulfill the requirements as set forth in Section 30-6.B.6, Final Plat and all other applicable sections.

2. Except where allowed as part of a Special Use Permit (see Section 30-2.C.7, Special Use Permit), cul-de-sac streets shall not extend for more than 800 feet as measured from the center of the cul-de-sac turn around to the nearest right-of way boundary of the adjoining street right-of-way intersection.
3. Culs-de-sac in single-family residential areas shall include a paved turn-around having a minimum radius of 37 feet from the center to the back of curb. Within multi-family residential areas or commercial areas a minimum radius of 45 feet shall be provided.
4. In no case shall a cul-de-sac serve more than 25 lots in a development.

e. Alleys

1. Alleys meeting the City's minimum standards shall be provided along the rear property lines of lots intended for new detached residential, attached residential, and condominium dwellings when such lots:
 - a. Are part of a block face with an average lot width of 50 feet or less; or
 - b. Front a collector or arterial street (regardless of the average lot width).

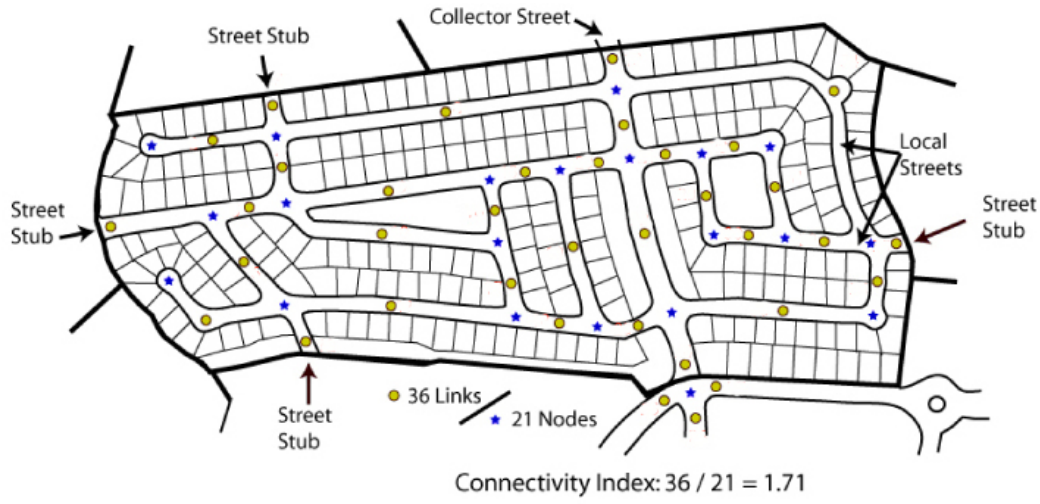
Zero lot line development of five or fewer dwellings in neighborhoods where alleys do not exist are exempted from the requirements of this subsection.

2. Lots served by alleys in accordance with this subsection shall access garages or off-street parking areas from the alley, as opposed to a street.
3. Lots served by alleys in accordance with this subsection shall not have driveways in front or corner side yard areas.
4. Alleys shall not be dead-end streets, and shall only intersect with streets.
5. Alleys shall not include pavement widths of less than 14 feet or more than 16 feet.
6. Alleys with a pavement width exceeding 14 feet shall:
 - a. Include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street configured to appear as a driveway; or
 - b. Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets.

f. Internal Street Connectivity

1. *Minimum Connectivity Index Score Required*
Except in the AR and DT-1 or DT-2 districts, all development shall achieve an internal street connectivity score in accordance with Table 30-5.F.4.f, Minimum Street Connectivity Index:

Figure 30-5.F.4.f.2: Street Connectivity Index



New internal streets should connect with each other and external streets as necessary to meet the minimum index score.

Table 30-5.F.4.f: Minimum Street Connectivity Index

DISTRICT WHERE DEVELOPMENT IS PROPOSED	MINIMUM CONNECTIVITY INDEX SCORE
SF-15, SF-10, BP, LI, HI	1.40
SF-6, MH, PD-EC	1.50
MR-5, OI, NC, LC, MU, CC, PD-R, PD-TN	1.60

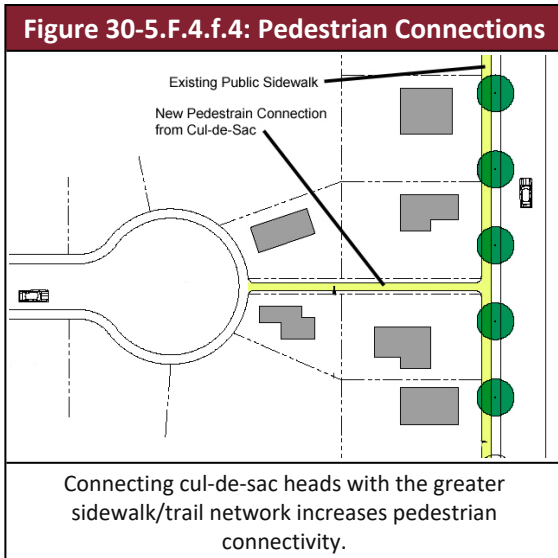
2. Connectivity Index Score Calculation

- The connectivity index for a development is calculated by dividing its links by its nodes. Figure 30-5.F.4.f.2, Street Connectivity Index, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 ($36/21 = 1.71$).
- Mid-block pedestrian access, required in accordance with Section 30-5.F.5.c, Mid-Block Access, will also be considered as a connection for the purposes of calculating the connectivity index.

3. Reduction in Minimum Index Score

The minimum connectivity index score may be reduced if the owner/developer demonstrates it is impossible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns.

4. Pedestrian Connections Required



- a. A right-of-way 20 feet wide for pedestrian/ bicycle access between a cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway (as shown in Figure 30-5.F.4.f.4, Pedestrian Connections) shall be required whenever the city manager determines a proposed cul-de-sac or street turnaround:
 1. Is in close proximity with significant pedestrian generators or destinations such as schools, parks, trails, employment centers, or similar features; or
 2. Creates an unreasonable impediment to pedestrian circulation.
 - b. This pedestrian connection shall count as a connection for the purpose of calculating the connectivity index.
 - c. A pedestrian/bicycle access shall not be required between a new subdivision and a street within an adjacent residential subdivision platted more than 12 months prior thereto.
- g. External Street Connectivity**
1. *Purpose*
These external street connectivity standards are proposed to ensure the establishment and continuation of a logical, interconnected street network in the City.
 2. *General Requirements*
 - a. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands.
 - b. When required by the Technical Review Committee, street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
 3. *Review Criteria*
The Technical Review Committee shall base its decision regarding the type, location, and configuration of required new street connections on the following criteria:

- a. The Site Plan or Subdivision Plan's consistency with subdivision access standards in Table 30-5.F.6;
- b. The impact on travel distance and response time for emergency service providers resulting from new street connections;
- c. The need for and potential to disperse traffic and reduce congestion at intersections from new street connections;
- d. The ability to reduce travel time for residents from the inclusion of new street connections;
- e. The potential of a new street connection to reduce negative impacts on air quality (by reducing vehicles miles travelled or driving time);
- f. The potential impact on existing development patterns, compatibility, or safety from new street connections; and
- g. The potential impact on natural areas or natural features from new street connections.

In no instance shall a new street connection result in a reclassification of an existing street to a new street classification higher than a collector street, nor shall a new street connection be approved if it results in a reduction in existing level of service by two categories or more for any existing street or intersection serving the new development.

4. *Notification of Connected Streets*

- a. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
- b. The Final Plat (see Section 30-2.C.6.e, Final Plat) shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property. (Also see Section 30-6.A.4.a Public Streets and Alleys.)

h. **Traffic Calming Measures**

Figure 30-5.F.4.h: Traffic Calming Measures



Traffic calming devices are features that can be included within the right-of-way to slow traffic, and provide safer crossing for pedestrians. From top: bike entry path, elevated crosswalk, chicane, roundabout.

1. Minimal street widths, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic calming measures are encouraged on all local, and sub-collector streets, provided they do not interfere with emergency vehicle access.

2. In cases where residential development is organized around a grid street network, measures to interrupt or terminate long, linear street segments of over 800 linear feet shall be employed, to the maximum extent practicable. Such measures shall include, but shall not be limited to:
 - a. Stop signs at street intersections;
 - b. Roundabouts, or traffic circles;
 - c. Curvilinear street segments to slow traffic and interrupt monotonous streetscapes;
 - d. Roadway striping to limit vehicular cartway widths or accommodate bike lanes; and
 - e. Speed tables or elevated pedestrian street crossings.
3. Sidewalk bulb-outs are discouraged on streets less than 28 feet wide, but are encouraged on wider streets as a traffic calming device and to reduce crossing distance for pedestrians, where practicable.

(Ord. No. S2011-008, §§ 2.1, 2.2, 7-25-2011; Ord. No. S2011-013, §§ 1.8, 12.2, 11-28-2011; Ord. No. S2012-001, § 7, 1-23-2012; Ord. No. S2012-024, § 16, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2018-018, 6-25-2018; Ord. No. S2019-052, § 1, 09/23/2019; Ord. No. S2022-009, §§ 6-8, 05/23/2022)

Effective on: 11/18/2013

PART II - CODE OF ORDINANCES

CHAPTER 16 - MOTOR VEHICLES AND TRAFFIC

Article I. - In General

Sec. 16-2. Manual on Uniform Traffic Control Devices and Supplement, Adopted.

- a. The city does hereby adopt the Federal Highway Administration's current edition and any subsequent revisions of the Manual on Uniform Traffic Control Devices as its standard guideline policy for the placement, operation, and maintenance of traffic control devices.
- b. Furthermore, the city does hereby adopt the state department of transportation's Supplement to the Manual on Uniform Traffic Control Devices, current edition and any subsequent revisions, as its guideline for the placement, operation, and maintenance of traffic control devices on state system streets within its corporate limits.

(Code 1961, § 20-2)

Effective on: 11/18/2013

SIGNING FOR RIGHT-OF-WAY AT INTERSECTIONS

Section 2B.06 General Considerations

Support:

- 01 Unsignalized intersections represent the most common form of intersection right-of-way control. Selection of control type might be impacted by specific requirements of State law or local ordinances.
- 02 Roundabouts and traffic circles are circular intersection designs and are not traffic control devices. The decision to convert an intersection from a conventional intersection to a circular intersection is an engineering design decision and not a traffic control device decision. As such, criteria for conversion from a conventional intersection to a circular intersection are not included in the MUTCD.

Guidance:

- 03 *The type of traffic control used at an unsignalized intersection should be the least restrictive that provides appropriate levels of safety and efficiency for all road users.*

Support:

- 04 Some types of right-of-way control that can exist at an unsignalized intersection in order from the least restrictive to the most restrictive are the following:
 - A. No intersection control (see Section 2B.09): There are no right-of-way traffic control devices on any of the approaches to the intersection.
 - B. Yield control (see Section 2B.10): YIELD signs are placed on all approaches (for a circular intersection), on opposing approaches for a four-leg intersection, on a single approach for a three-leg intersection, or in the median of a divided highway. The YIELD signs are placed on the minor road.
 - C. Minor road stop control (see Section 2B.11): STOP signs are typically placed on opposing approaches (for a four-leg intersection) or on a single approach (for a three-leg intersection). The STOP signs are normally placed on the minor road. Section 2B.07 contains guidance on selecting the minor road.
 - D. All-way stop control (see Section 2B.12): STOP signs are placed on all approaches to the intersection.

Guidance:

- 05 *When selecting a form of intersection control, the following factors should be considered:*
 - A. *Motor vehicle, bicycle, and pedestrian traffic volumes on all approaches; where the term units/day or units/hour is indicated, it should be the total of motor vehicle, bicycle, and pedestrian volume;*
 - B. *Driver yielding behavior with regard to all modes of conflicting traffic, including bicyclists and pedestrians;*
 - C. *Number and angle of approaches;*
 - D. *Approach speeds;*
 - E. *Sight distance available on each approach;*
 - F. *Reported crash experience; and*
 - G. *The presence of a grade crossing near the intersection.*

Standard:

- 06 **YIELD or STOP signs shall not be used for speed control.**

Support:

- 07 Appropriate traffic calming or other speed control measures are available to control vehicle speeds, such as those that do not have the potential to diminish the effectiveness of traffic control devices when used for their specified purpose.

Standard:

- 08 **Because the potential for conflicting commands could create driver confusion, YIELD or STOP signs shall not be used in conjunction with any traffic control signal operation, except in the following cases:**
 - A. **If the signal indication for an approach is a flashing red at all times;**
 - B. **If a minor street or driveway is located within or adjacent to the area controlled by the traffic control signal, but does not require separate traffic signal control because an extremely low potential for conflict exists; or**
 - C. **If a channelized turn lane is separated from the adjacent travel lanes by an island and the channelized turn lane is not controlled by a traffic control signal.**
- 09 **STOP signs and YIELD signs shall not be installed on different approaches to the same unsignalized intersection if those approaches conflict with or oppose each other, except as provided for in Items A and B in Paragraph 3 of Section 2B.10.**
- 10 **Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes.**



RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM

GUIDELINES TO MANAGE RESIDENTIAL TRAFFIC

GOALS

1. Improve residential livability by encouraging adherence to the speed limit.
2. Maintain access, safety and comfort for alternative transportation users on residential streets.
3. Encourage citizen involvement in solutions to residential traffic problems.
4. Appropriately channel public resources by prioritizing traffic mitigation requests according to documented criteria.
5. Effectively address the frequently conflicting, public safety interests of traffic mitigation and emergency response.

POLICIES

A request to consider modification of traffic flow on public streets **shall meet all** of the following criteria:

- The street must be classified as a two lane, local street and be primarily residential in nature.
- Traffic volumes must equal or exceed the threshold volumes as indicated by the specific treatment criteria.
- Police and Fire Departments review and approve for satisfactory emergency service access.
- A traffic engineering safety study has determined that the proposed traffic flow modifications will not create undue traffic congestion on the subject street or on streets that may be impacted by diverted traffic.
- **The Citizens Association or the Neighborhood must designate a contact person(s) who will be the primary contact in the neighborhood for answering residents' questions.**

CRITERIA FOR MULTI-WAY STOPS ON RESIDENTIAL COLLECTOR STREETS

- Through street – minimum 1/3 mile in length
- Width of street to not exceed 36 feet
- The Average Daily Traffic (ADT) is less than 4,000 ADT, with highest 8 hours at least 50 % of ADT during a study period of Monday through Friday
- Cut through traffic (minimum of 25% of cut through traffic, in one direction during any one hour of the 8th highest hours)
- Three or more accidents that are correctable by the installation of stop signs.
- The minor street must equal 40% of the main streets volume.
- The longest leg of a side street of the intersection being considered must exceed 400' in length
- The intersection must be at least 600' from another multi-way stop or from a stop condition along the main unstopped street.
- Petition acceptance & support requirements must be met
- A two circuit overhead flasher may be required, if determined by engineering judgment of the Traffic Services Division

PETITION ACCEPTANCE & SUPPORT REQUIREMENTS

The City Traffic Services Division determines the boundary of the “affected area” to be included in the petition directly and indirectly affected areas. The petition requesting traffic flow modifications must be supported by 60 percent of the total number of households directly affected by the proposed changes; one household, one signature minimum, 85 percent of all affected households that may need to use the street(s) on a daily basis must be contacted for petition to be accepted by the City. Persons submitting a petition must attempt to contact all affected parties. The households immediately adjacent to the proposed improvement must accept the proposal 75%. Signatures from undeveloped or unoccupied properties are not required.

An eligible household is a single residential or commercial unit and shall include property owners, tenants, businesses and long-term tenants such as mobile park residents within the “affected area”. In case of conflict between property owner and tenant, the property owner’s vote takes precedence over the tenant.



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- **The Citizens Association or the Neighborhood must designate a contact person(s) who will be the primary contact in the neighborhood for answering residents' questions.**

PETITION ACCEPTANCE & SUPPORT REQUIREMENTS

The City Traffic Services Division determines the boundary of the “affected area” to be included in the petition directly and indirectly affected areas. The petition requesting traffic flow modifications must be supported by 70 percent of the total number of households directly affected by the proposed changes; one household, one signature minimum, 85 percent of all affected households that may need to use the street(s) on a daily basis must be contacted for petition to be accepted by the City. Persons submitting a petition must attempt to contact all affected parties. The households immediately adjacent to the proposed improvement must accept the proposal 100%.

An eligible household is a single residential or commercial unit and shall include property owners, tenants, businesses and long-term tenants such as mobile park residents within the “affected area”. In case of conflict between property owner and tenant, the property owner’s vote takes precedence over the tenant.

SPEED HUMP APPLICATION POLICY

STAFF EVALUATION – An engineering and safety evaluation for any speed hump request will be made to determine if guidelines listed below are met. Speed humps can have a wide ranging impact not only on the vehicles, but also on the residents living on the immediate and nearby streets. Therefore their installation will be evaluated within an overall residential management study. **The Citizens Association or the Neighborhood must designate a contact person(s) who will be the primary contact in the neighborhood for answering residents’ questions concerning speed humps.**

Speed hump applications will be handled in the order in which they were received. The city will fund only locations based on the annual funding provided they meet all criteria.

STREETS – Speed humps will be considered for installation only on residential, local streets. A local street is defined as one whose abutting land use is at least 85% residential when considered in segments of one thousand feet in length or more. The minimum length of the street or street segment under consideration for speed humps shall not be less than 1000 feet.

SPEED - Speed humps will be considered on local streets where the posted speed is 25 mph and speeds are **at least 7 miles per hour** or more above the posted speed limit by at least 85% of those vehicles using the street.

If the speed requirements are not met at the time of the initial study, a second study can be obtained six months afterward to determine if the street meets this qualification.

Traffic Volumes – Each individual street location should be evaluated to justify installing speed humps. Street(s) must have a peak hour traffic volume of **at least 100 vehicles** (equivalent to approximately 1000 vehicles per day). Street(s) with average daily traffic volumes exceeding 3000 vehicles per day may require a special evaluation and justification for approval, giving full consideration to other alternative measures, where appropriate.

Residential Surveys – City staff will determine a petition area and coordinate petition circulation in order to determine a location for speed hump installation. The concurrence of not less than 70 % (one signature per household), either single family or multi family, whose livability is directly affected by the traffic conditions along the street(s) or street section(s) being considered for speed hump installation. This typically means direct road frontage of a residence but can also include adjoining side streets or cul-de-sacs.

Where the proposed speed hump locations are determined, 100 % of the signatures of the adjacent properties are required.

Non – Compliant Installation – If it is determined that a street does not meet the speed and volume requirements for speed humps and a residential area still desires speed humps, there are several options:

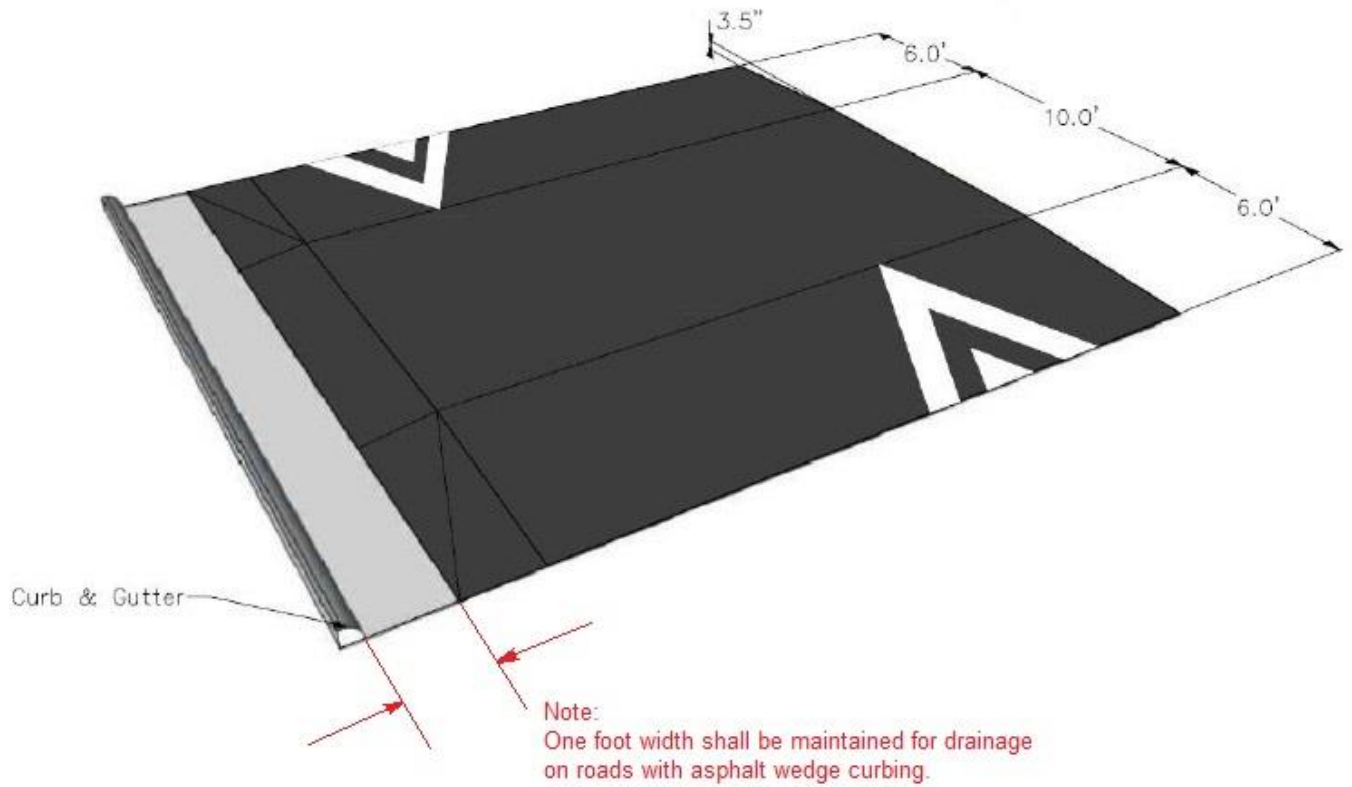
1. The residents could pay for the cost of the speed hump(s) and the city will provide the labor for a one-time installation.
2. The residents could pursue a Local Improvement District designation.
3. The neighborhood can provide a petition with the needed signatures to city council and the council can direct staff to proceed with installing the speed humps.

Speed Hump Installation – After obtaining all studies, approvals, and the appropriate residential surveys the city will install or have a contractor install the speed hump(s). Residents are to be reminded that mandatory signage and pavement markings accompany speed humps. There will be a minimum of two warnings signs per approach per speed hump, one placed on the right hand side of the road and another placed at or near the speed hump, within the city right of way.

Speed Hump Removal – Once the speed hump(s) has been in place for two years, a neighborhood can revisit their decision to use speed hump(s). If the residential survey reveals a 70 % support from the residents to remove the speed humps, they will be removed.

If the neighborhood requests removal before the two year period they will be responsible for 50% of the removal cost.

SPEED HUMP DETAIL





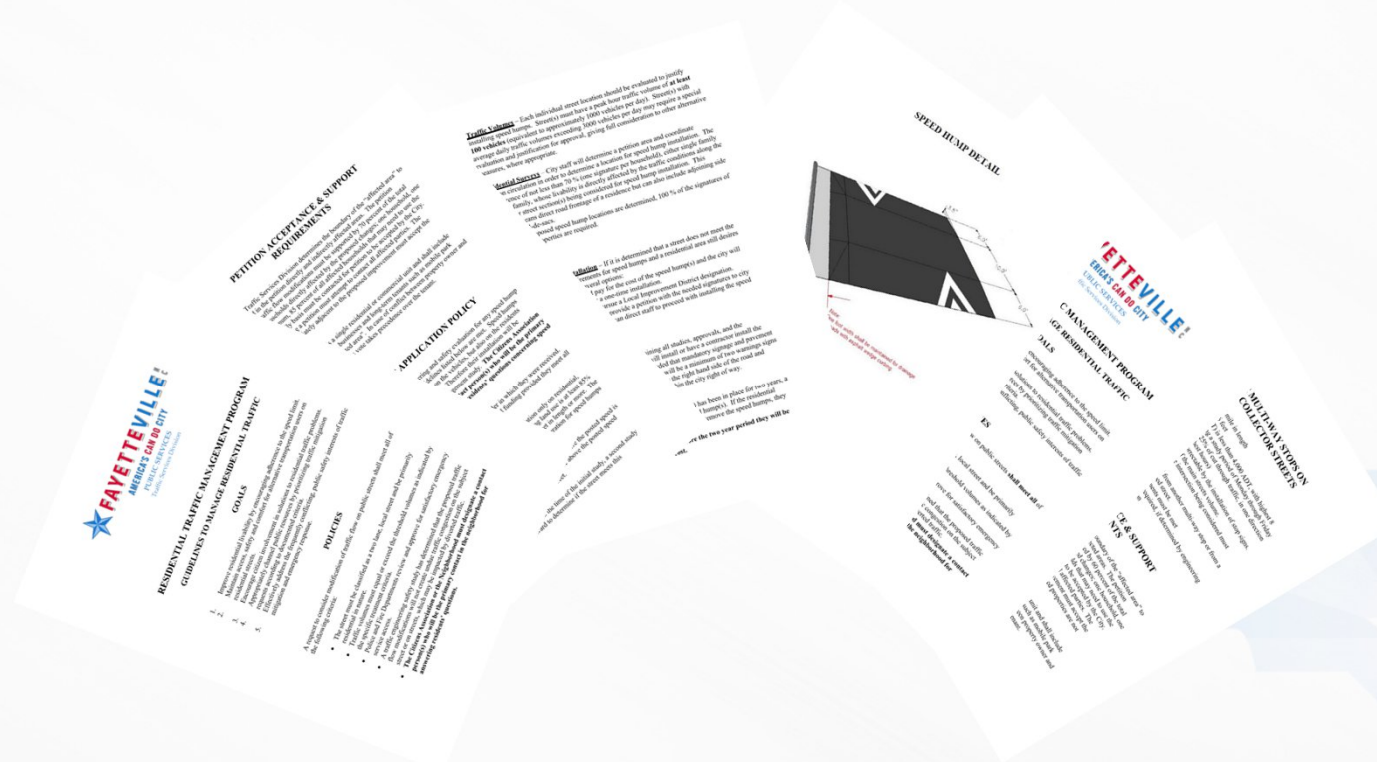
Residential Traffic Management Program

October 7, 2024



Presentation Goal

Presenting 6/24/24 admin report and review the Residential Traffic Management Program (RTMP) and recent developments.



- 10/14/19 – Council Approves Revisions RTMP
- 9/25/23 – Council Received Traffic Calming Measures Admin Report
- 11/6/23 – Council Received Traffic Calming Measures Presentation
- 6/24/24 – Council Received RTMP Admin Report



- Federal grant to develop a strategy to prevent roadway fatalities and serious injuries in our City.
- Consultant selected and kick-off identified for start of October.
- Includes peer review of traffic calming programs against our RTMP; Consultant will suggest revisions, including best industry practices.
- Includes the consultant reviewing and suggesting revision to the City's Code of Ordinances and UDO for opportunities to prioritize safety.
- Completion expected in the summer/fall of 2025.

Recommendations

Staff recommends Council to postpone revising the RTMP until SS4A can provide recommendations for additional traffic calming measures and thresholds [Expected summer/fall of 2025].

While SS4A progresses, staff will review possible pilot speed cushion demonstration locations.



It was asked for more options besides speed bumps / humps.

- Staff concerns include funding, liability, complexity, and time

Can stop signs assist on neighborhood main roads to reduce speeding?

- City follows MUTCD which states “YIELD and STOP signs shall not be used for speed control.”

Can Bond funds be used for traffic calming measures?

- Yes, Bond funds can be used for traffic calming measures

What information is the presentation and RTMP based on?

- Admin report was based on national information; RTMP – regional

How do new developers decide where to put traffic controls and calming measures?

- Developer & industry knowledge
- City's Unified Development Ordinance (UDO) has requirements
- Staff review and propose/require revisions as-needed

Asked for more information on the RTMP due to unfamiliarity.

- Agenda includes speed hump RTMP & draft workflow summary

Complaint driven process; Approximately 80+ annual requests

<u>Road Requirement</u>	<u>Speed Hump</u>	<u>Multi-Way Stop</u>
Volume	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Length	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Speed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Crash Pattern	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Support	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Non-Compliant Installation methods exists for speed hump(s)



1. Contact Person Requests Speed Hump(s)
2. City Staff Review Suitability of Road for Speed Hump(s)
- 3* City Staff Perform Speed Study & Notify Contact Person of Result
- 4** City Staff Determine Affected Area
5. Contact Person Collects Petition Signatures
6. City Installs Speed Hump(s)

* Assumes road is suitable for speed hump(s)

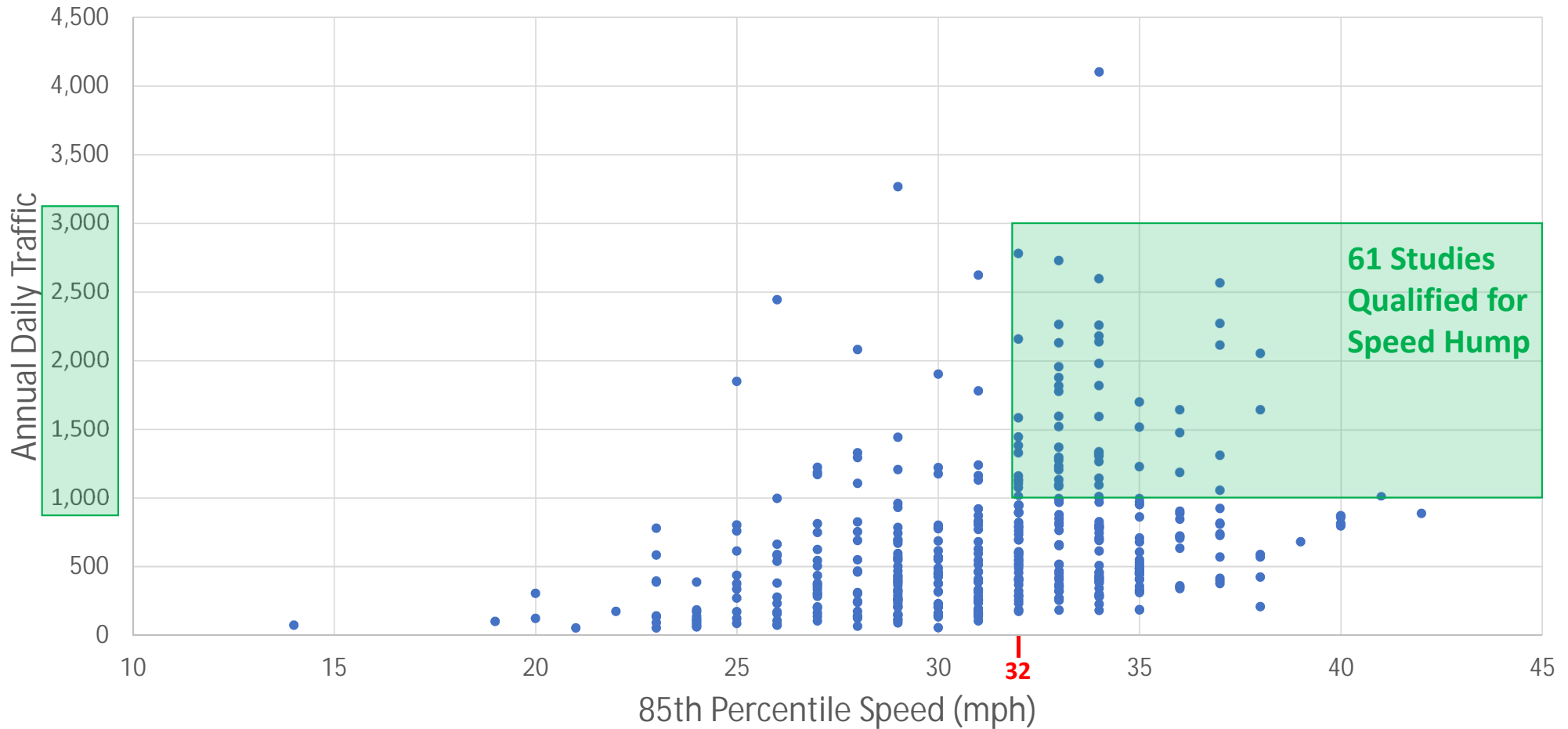
** Assumes road meets RTMP thresholds



Historic RTMP Requests

<u>Fiscal Year</u>	<u>Study Requests</u>	<u>Speed Humps Installed</u>
Pre - 21	Unavailable	85
21	81	4
22	106	7
23	83	9
24	57	16
25 (To Date)	9	0

Historic Speed Studies (2019 → Present)



- 4 studies currently being conducted as of 9/25/24.
- Petitions require either physical signature collected by Contact Person or signing of online petition at our traffic services website.
- The City has 34 open petitions for speed humps.
 - Oldest petitions are from September 2021 (Chilton Drive; Tiree Drive)



RTMP Budget

- Installation of speed hump is \$3,000 - \$5,000 and varies based on factors including roadway width and material prices.
 - Current Average is \$3,300
- FY24 Budget = \$75,000
- FY25 Budget = \$10,000



Speed Cushions

- Staff are researching possible pilot speed cushion implementation.
- Coordination with other departments is needed.
- Researching demonstration locations for speed cushions.



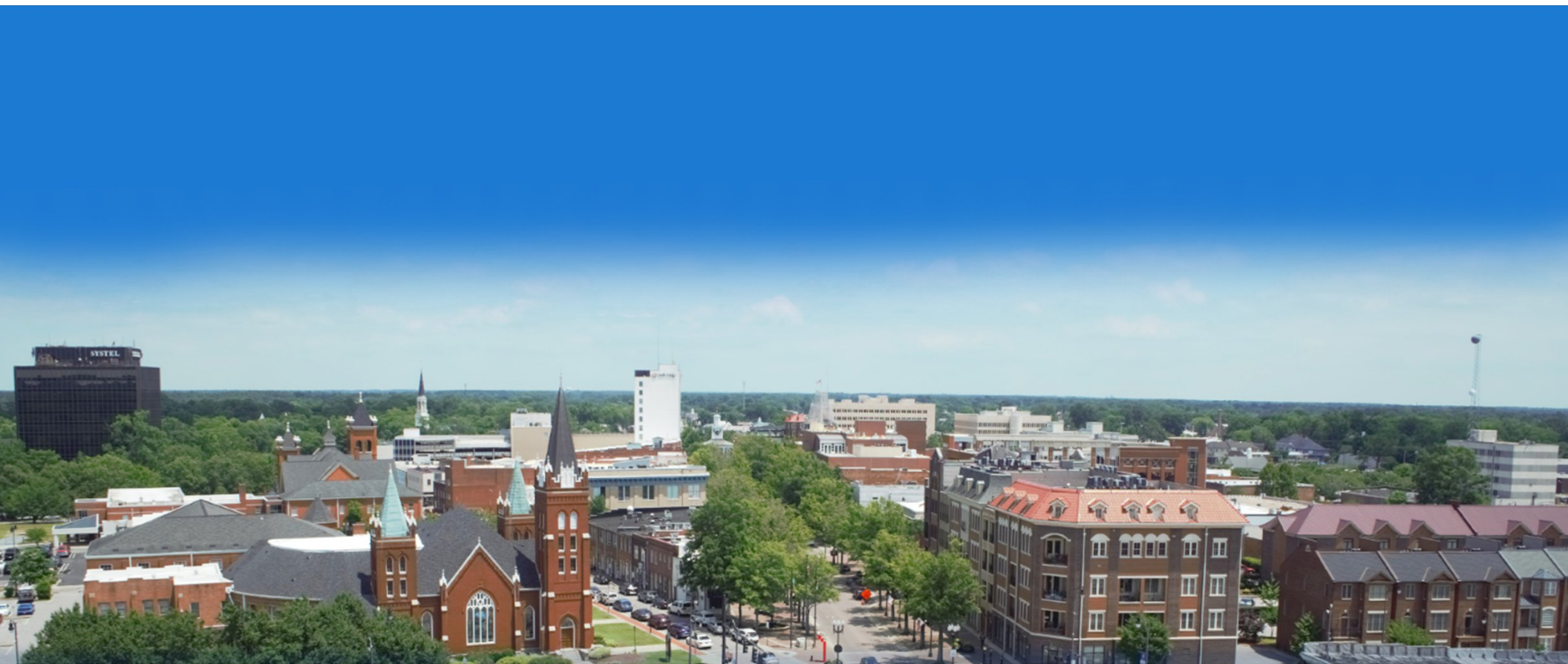
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City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4255

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.06

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Sheila Thomas-Ambat, Public Services Director

DATE: October 7, 2024

RE:
Discussion of a Potential Emergency Watershed Protection (EWP) Grant

COUNCIL DISTRICT(S):

6

Relationship To Strategic Plan:

Goal I: Safe and Secure Community

Goal III: High Quality Built Environment

Executive Summary:

Staff is seeking Council guidance on pursuing a United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) grant for Emergency Watershed Protection (EWP) to assist with debris and sediment removal and stabilization of the embankment under the former Siple Avenue. Through EWP, NRCS may pay up to 75% of the construction cost of eligible recovery measures. The City would need to identify the remaining 25% in cost, with potential funding sources being state grant funds or funds provided by the property owner.

Background:

On October 8, 2024, as a result of Tropical Storm Debby, the privately owned section of Siple Avenue failed and washed out. Members of the Rayconda subdivision have reached out to the City to see if there is any recovery assistance that could be provided to restore the former road.

Siple Ave is a former City street that was constructed over and atop a private dam in the Rayconda subdivision. For some time, Siple Avenue was the only public access for a portion of the Rayconda Subdivision. On August 24, 2015, City Council unanimously voted to acquire property by condemnation for the purpose of constructing Pinewood Terrace as an alternative city street for access to the subdivision. The City Council unanimously voted to close Siple Avenue for safety reasons due to the Rayconda Dam being classified as high hazard. Per the Resolution, Siple Avenue was to be permanently closed September 30, 2017. Although Siple Avenue remained open, the City did transfer its right of way to the homeowner's association via Resolution in 2015.

The City under a previously awarded grant obtained EWP funding to perform sediment removal, culvert repair and bank stabilization for Siple Ave, however the work was never performed. For more information on past efforts and the street ownership, refer to the attached Administrative Report *2021.03.22 Emergency Watershed Protection Mitigation Effort for Siple Avenue*.

Issues/Analysis:

Private Property:

The area of Siple Avenue that failed during Tropical Storm Debby is not City maintained right of way, it is private property. By pursuing a grant through EWP, NRCS may pay up to 75% of the construction cost of **eligible recovery measures**. The remaining cost would have to come from the City using cash or in-kind services.

The previous EWP grant the City received, the City was able to cover the remaining 25% with grant funds received from The NC Department of Agriculture and Consumer Services. At this time, staff is still investigating if these NCDA funds are still available for eligible projects.

Scope of EWP Grant:

EWP is a USDA-NRCS program that assist communities with recovery efforts from watershed impairments. If the City were successful in receiving funding, the funding would be used for eligible recovery measures such as sediment and debris removal as well as bank stabilization. The funding would not cover construction or repairs to infrastructure such as repairing the road and culvert. If the desire is to reconstruct the road to pre-storm conditions, additional funding would need to be identified. For more information on EWP assistance see the attached *EWP NC Fact Sheet Aug2024*.

Connectivity Analysis:

Staff recently presented the results of the Comprehensive Transportation Plan (CTP) that looked at connectivity and single access neighborhoods. Initially the Rayconda neighborhood was assumed to have two existing points of access. Post TS Debby, the neighborhood was reevaluated assuming a single point of access. A proposed connection of the neighborhood via Siple Avenue ranked well below the cutoff for the top 17 when evaluated through the connectivity analysis that all other neighborhoods in the City were evaluated against.

Environmental Benefits:

The former Siple Ave has left a significant amount of sediment deposits from where the roadway failed. There is also debris from infrastructure and the roadway that are now located in the stream channel. Both the sediment deposits and the debris could potentially cause a clogging of the stream channel and cause the remaining roadway embankment to further erode and undermine. This will lead to future impairment to the stream flow and overall water quality to the stream. At a minimum, the sediment and debris should be removed in the short term.

Next Steps:

If Council wishes to pursue this EWP grant, a formal request for consideration must be presented to NRCS. The attached *NC EWP Request for Assistance* would need to be sent to the State Conservationist for consideration.

Additional Sites:

City staff could also preliminarily assess if there are additional sites within the City that could potentially be eligible for EWP funding. Those sites could then be incorporated into the *Request for Assistance*.

Budget Impact:

The City would need to identify where the 25% match would come from as well as the potential cost in excess of any grant awards. Staff can pursue state grants as applicable or the property owner could be asked to provide funds to cover sponsor's portion for Siple Ave specifically.

Options:

Direct staff to submit a request for assistance to USDA-NRCS for EWP funds as a result of damages caused by TS Debby.

Direct staff to not submit a request for assistance and provide further guidance.

Recommended Action:

Attachments:

2021.03.22 Emergency Watershed Protection Mitigation Effort for Siple Avenue EWP
NC Fact Sheet Aug2024
NC EWP Request for Assistance
Potential Emergency Watershed Protection Grant

City of Fayetteville

433 Hay Street
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(910) 433-1FAY (1329)

Master

File Number: 21-1834

File ID: 21-1834

Category: Administrative Reports

Status: Draft

Version: 1

**Case
Number:**

Mtg Type: City Council
Regular Meeting

File Created: 03/02/2021

File Name:

Final Action:

Title: Emergency Watershed Protection Mitigation Effort for Siple Avenue

Notes:

Sponsors:

Enactment Date:

Attachments: R2015-051, R2015-052, 2015.08.24 Council Agenda,
18-023 2018.01.22 CCAM, 2020.05.14 Dam Safety
Letter, CUMBE-099 Upper Rayconda Jurisdictional
Determination Letter 2020.06.25, Siple Ave - ODonnell
Easement, Siple Ave - Rayconda Lakes easement,
Siple Plat, Siple Ave NRCS Approved Plans

Enactment Number:

Contact:

Hearing Date:

Entered by: breeves@ci.fay.nc.us

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 21-1834

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA-CM, City Manager

FROM: Byron Reeves, PE, CFM - Stormwater Manager
Sheila Thomas-Ambat, PE, CCM, CFM - Public Services Director

DATE: March 22, 2021

RE:

Emergency Watershed Protection Mitigation Effort for Siple Avenue

COUNCIL DISTRICT(S):

6

Relationship To Strategic Plan:

Goal I: Safe and Secure Community

Goal III: High Quality Built Environment

Executive Summary:

The City was awarded a grant from the US Department of Agriculture Natural Resources Conservation Service (NRCS) and a grant from the NC Department of Agriculture and Consumer Services, for Emergency Watershed Protection (EWP) to perform hazardous debris removal and bank stabilization for multiple locations throughout the City. One of the identified projects funded by the grants was to provide sediment removal, culvert repair, and bank stabilization for Siple Avenue in the area of the former Rayconda Dam. Construction drawings for the sediment removal, culvert repair, and bank stabilization have been completed and received NRCS approval, however the property owner has indicated they will not provide the necessary right of way or easements needed for the City to construct the project. With the NRCS grant expiring August 26, 2021, the City does not have funds programmed for any future repair or maintenance to Siple Ave as it is private property. This administrative report is intended to memorialize staffs current effort to mitigate the erosion occurring at Siple Avenue as well as to document past involvements with Siple Avenue.

Background:

Siple Avenue was formally a city street constructed over and atop a private dam in the Rayconda subdivision. For some time, Siple Avenue was the only public access for a portion of the Rayconda Subdivision.

On August 24, 2015, City Council unanimously voted to acquire property by condemnation for the purpose of constructing Pinewood Terrace as an alternative city street for access to the subdivision. The City Council unanimously voted to close Siple Avenue for safety reasons due to the Rayconda Dam being classified as high hazard. Per the Resolution, Siple Avenue was to be permanently closed September 30, 2017. Although Siple Avenue remained open, the City did transfer its right of way to the homeowner's association via Resolution in 2015.

In October of 2016, Hurricane Matthew washed out the private dam and Siple Avenue. Although the City had no right of way, due to Siple Avenue being the only way in and out for the subdivision, as an emergency measure the City moved forward with installing a culvert and repairing the street in the interest of providing access to the subdivision for emergency vehicles. At the time of this emergency repair, the new Pinewood Terrace connection to

Raeford Road had not been constructed.

After construction of Pinewood Terrace was completed, it was accepted for inclusion in the City's system of streets via Council action on January 22, 2018. Council also took action on January 22, 2018 to accept Siple Avenue back into the City's system of streets, however this acceptance was invalid as there was no offer from the property owner to dedicate Siple Avenue for public use. Council cannot accept something that is has not been offered.

In June of 2018 the Rayconda HOA filed a lawsuit against the City. The complaint alleged that the City has been using and controlling private property (private lake) for its stormwater management infrastructure, and has not compensated the owners for this use. The complaint also alleges that the City has been negligent in maintaining its stormwater management infrastructure.

In September of 2018, the culvert under Siple Avenue sustained damage and the embankment began to erode due to flood waters from Hurricane Florence. In response to the damage, the City applied for and received funding through the FEMA Public Assistance Program to partially fund the repair of the culvert and stabilize the embankment.

After multiple meetings with staff from NC Dam Safety, the City sent a letter, dated May 14, 2020 seeking authorization to make repairs to the Siple Avenue culvert to prevent future damages to the embankment. Authorization for the repairs to the culvert was sought due to NC Dam Safety recognizing the Upper Rayconda Dam (CUMBE-099) as a privately-owned dam under its purview.

In June of 2020 the Rayconda Dam received a change of Jurisdictional Status to *Breached* from NCDEQ's Division of Energy Mineral and Land Resources. The Jurisdictional Determination requires the lake to remain permanently drained. At any time in the future if it is intended to impound water, a proposed dam will need to be designed and construed in accordance with current Dam Safety Law and Regulations.

In June of 2020 the City was also awarded a grant from the US Dept. of Agriculture's Natural Resources Conservation Services (NRCS) and a grant from the NC Department of Agriculture and Consumer Services. This NRCS grant identified multiple locations around the City (to include Siple Ave.) for sediment/debris removal, and stream bank stabilization. Under reimbursement of this NRCS grant, the City has completed survey and design of a project to remove sediment, repair the culvert under Siple Ave, and stabilize the embankment.

Prior to advertising the project for bid and moving forward with construction, the City attempted to properly acquire the necessary right of way and easements. As Council accepted Siple Avenue in 2018 without an actual dedication, the area in which the project would be constructed is private property. City staff have approached the property owner about right of way dedication and easement acquisition, however the property owner has

indicated they do not wish to grant either. Without acquiring the necessary right of way and easements, the project to mitigate the erosion occurring at Siple Avenue cannot move forward.

Issues/Analysis:

Rayconda Lakes Inc. are current plaintiffs in a lawsuit against the City over ownership and responsibility of the failed dam. The City has no ownership of the dam.

The condition of Siple Avenue will continue to deteriorate if the erosion issues are not mitigated. The area around the existing culvert will continue to erode causing more damage as it washes back towards the roadway. As daily traffic still utilizes this private strip of pavement, a public safety issue could potentially arise if the road surface fails.

To date the property owner has elected not to dedicate the right of way or grant easements to the City. The City has sealed construction drawings in hand, however, the project cannot be constructed unless the right of way is dedicated and easements have been acquired.

The current funding mechanism is the NRCS grant. The grant term is set to expire on August 26, 2021. When the NRCS grant expires, the City does not have funds programmed for any future repair or maintenance to this section of Siple Ave as it is private property. Any future repair or maintenance activity would be the responsibility of the property owner.

Budget Impact:

There is no current impact to the general fund or the stormwater enterprise fund for the proposed NRCS grant funded Siple Avenue Project.

All technical assistance, to include survey/design services are reimbursed 100% through the US Department of Agriculture Natural Resources Conservation Service (NRCS)

Construction would be reimbursed 75% by the US Department of Agriculture Natural Resources Conservation Service (NRCS) and 25% the NC Department of Agriculture and Consumer Services.

Options:

1. Read and accept the administrative report.
2. Read and request further explanation on the information provided within the report.

Recommended Action:

Option 1:

- Read and accept the administrative report

Attachments:

- R2015-051 Condemnation Action for the Spite Strip At The End Of Pinewood Terrace
- R2015-052 Public Hearing Regarding the Proposed Closing of a Portion of Siple Ave.
- 2015.08.24 Council Agenda
- 18-023 2018.01.22 CCAM
- 2020.05.14 Dam Safety Letter
- CUMBE-099 Upper Rayconda Jurisdictional Determination Letter 2020.06.25
- Siple Ave - ODonnell Easement
- Siple Ave - Rayconda Lakes Easement
- Siple Plat
- Siple Ave NRCS Approved Design Drawings
- Photo Log of Current Conditions

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION FOR THE SPITE STRIP AT THE END OF PINEWOOD TERRACE

WHEREAS, the City of Fayetteville, NC, is a municipal corporation existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina; and

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purpose:

Roadway Improvements

WHEREAS, North Carolina General Statute §160A-240.1 authorizes the City to acquire property by condemnation procedures; and

WHEREAS, the acquisition of said parcels for the purpose of constructing a roadway is considered a quick-take as defined by G.S. 40A-42(a); and

WHEREAS, the acquisition of the property is consistent with the City's development plans and commitments; and

WHEREAS, the City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest as described below:

BEGINNING at a point being the northwestern corner of Lot 33 as shown on Plat Book 24, Page 10 entitled Rayconda Sec. II and continuing thence for a first call of South 17degrees 25 minutes East 21.49 feet to a point in the western line of said Lot 33, thence continuing along the northern right of way margin of Pinewood Terrace, North 85 degrees 58 minutes West 64.47 feet to a point in the eastern line of Lot 24 of Rayconda Sec. II Plat Book 24 Page 10, thence continuing along the eastern line of said Lot 24, North 17 degrees 25 minutes West 21.49 feet to a point being the northeastern corner of said lot, thence continuing South 85 degrees 58 minutes East 64.47 feet to the BEGINNING and containing approximately 0.03 acres more or less and known as Parcel Number 9496-25-4448 owned by the unknown heirs of Astor A. Keith.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council directs the City Attorney to institute the necessary proceeding under Article 1 of Chapter 40A of the North Carolina General Statutes.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 24th day of August, 2015; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

(SEAL)

ATTEST:

Pamela Megill
PAMELA MEGILL, City Clerk



CITY OF FAYETTEVILLE

Nat Robertson
NAT ROBERTSON, Mayor

A RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF A PORTION OF SIPLE AVENUE

WHEREAS, the City of Fayetteville is requesting to permanently close a portion of Siple Avenue as of September 30, 2017. Said closure will take place as of September 30, 2017 due to a new road being constructed for access to Rayconda Subdivision. This closure is needed to take vehicular access off of the dam which said portion of street was constructed upon. Said portion is described more particularly as follows:

Beginning at a point in the northern margin of Siple Avenue, said point also being the southeastern corner of Lot 29 Rayconda Sec. II as recorded in Plat Book 24, Page 10 of the Cumberland County Registry and continuing thence North 68 degrees 18 minutes 00 seconds East 25.67 feet to the TRUE POINT AND PLACE OF BEGINNING, and continuing thence along the northern right of way margin of Siple Avenue for a first call North 68 degrees 18 minutes 00 seconds East 176.05 feet to a curve to the right having a radius of 852.61, an arc length of 83.21 and a chord bearing and distance of North 71 degrees 05 minutes 45 seconds East 83.18 feet to a point, thence South 15 degrees 36 minutes 05 seconds East 60 feet to the southern margin of Siple Avenue with a curve to the left having a radius of 792.61, an arc length of 76.82 with a chord bearing and distance of South 71 degrees 04 minutes 36 seconds West 76.79 feet to a point, thence continuing with said southern margin of Siple Avenue South 68 degrees 18 minutes 00 seconds West 175.88 feet to a point, thence leaving the southern margin of Siple Avenue and continuing North 21 degrees 51 minutes 25 seconds West 60 feet to the TRUE POINT AND PLACE OF BEGINNING.

AND WHEREAS the above-described is located within the corporate limits of the City of Fayetteville and the Council intends to approve said request.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council calls a public hearing on the question of the proposed closing to be held during the regular meeting of the Fayetteville City Council in Council Chambers at 433 Hay Street, 7:00 PM, September 28, 2015. Persons wishing to be heard regarding this issue must register in advance with the City Clerk in the Executive Offices, Second Floor, City Hall, 433 Hay Street, prior to the hearing date or at Council Chambers between 6:30 – 7:00 PM on the evening of the hearing.

The City Manager or his designee is directed to advertise this notice as prescribed in NCGS 160A-299 on August 31st, September 7th, 14th and 21st 2015.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 24th day of August 2015; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

(SEAL)



CITY OF FAYETTEVILLE

By:


NAT ROBERTSON, Mayor

ATTEST:


PAMELA MEGILL, City Clerk



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Regular Meeting

Monday, August 24, 2015

7:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 APPROVAL OF AGENDA

6.0 CONSENT AGENDA

- 6.01** [15-399](#) P15-22F. The initial zoning and rezoning of property from A1-Agricultural (County) and HI - Heavy Industrial zoning district to CC - Community Commercial Zoning District, located at 2065 Cedar Creek Road, and being the property of Naman Wilmington II LLC - Ashoh Patel).
COUNCIL DISTRICT(S): 2

Attachments:

[P15-22F Zoning Map](#)
[P15-22F Current Landuse Map](#)
[P15-22F Landuse Plan Map](#)
[P15-22F APPLICATION for Annexation](#)
[P15-22F APPLICATION](#)
[Site Photo 1](#)
[Site Photo 2](#)
[Site Photo 3](#)
[Site Photo 4](#)

- 6.02** [15-401](#) P15-20F. The rezoning of property from MU/CZ - Mixed Use Conditional Zoning to LC - Limited Commercial Zoning District and to be located at 4209 Bragg Blvd., and being the property of Tommy Kendall.

COUNCIL DISTRICT(S): 9

Attachments:

[P15-20F Zoning Map](#)

[P15-20F Current Landuse Map](#)

[P15-20F Landuse Plan Map](#)

[P15-20F APPLICATION](#)

[P15-20F site plan](#)

[Site Photo 1](#)

[Site Photo 2](#)

[Site Photo 3](#)

[Site Photo 4](#)

[Site Photo 5](#)

- 6.03** [15-438](#) P15-25F: The rezoning of property from SF-10 Single Family to OI Office and Institutional, on a property located at 985 S. McPherson Church Road, and being the property of Samuel P. Guy II.

COUNCIL DISTRICT(S): 5

Attachments:

[P15-25F Zoning Map](#)

[P15-25F Current Landuse Map](#)

[P15-25F 2010 Landuse Plan Map](#)

[P15-25F APPLICATION](#)

[Site Photo 1](#)

[Site Photo 2](#)

[Site Photo 3](#)

[Site Photo 4](#)

- 6.04** [15-443](#) Revisions of Chapter 14, Article V1, Regulation of Boarded Residential Structures

COUNCIL DISTRICT(S): All Districts

Attachments:

[Chapter 14, Article VI - Proposed Revisions](#)

[Chapter 14, Article VI - Proposed Revised Ordinance](#)

[Chapter 14, Article II, Section 14-39\(j\)](#)

- 6.05** [15-444](#) Revisions of Chapter 22, Article 1, Section 22-17, Notice to Abate Unlawful Conditions; Abatement by the City Where conditions of Matter Admit of No Delay; Penalty.
COUNCIL DISTRICT(S): All Districts

Attachments:

[Proposed Ordinance Revisions, Chapter 22, Article I, Section 22-17](#)
[Proposed Ordinance Revising Chapter 22, Article I, Section 22-17](#)

- 6.06** [15-445](#) Rescinding of Demolition Ordinances
COUNCIL DISTRICT(S): 2

Attachments:

[Haddock Street, 5111 - Recorded Demolition Ordinance](#)
[Haddock Street, 5111 - Proposed Resolution](#)
[Person Street, 133 - Recorded Demolition Ordinance](#)
[Person Street, 133 - Proposed Resolution](#)
[Person Street, 135 - Recorded Demolition Ordinance](#)
[Person Street, 135 - Proposed Resolution](#)

- 6.07 [15-451](#) Uninhabitable Structures Demolition Recommendations
231 B Street District 2
1011 Branson Street District 2
507 Person Street District 2
411 Plummers Lane District 2
2764 Rivercliff Road District 2
2779 Rivercliff Road District 2
2783 Rivercliff Road District 2
COUNCIL DISTRICT(S): 2 & 4

Attachments:

[B Streett, 231 - Aerial Map](#)
[B Streett, 231 - Photos](#)
[B Streett, 231 - Ordinance](#)
[Branson Street, 1011 - Aerial Map](#)
[Branson Street, 1011 - Photos](#)
[Branson Street, 1011 - Ordinance](#)
[Person Street, 507 - Aerial Map](#)
[Person Street, 507 - Photos](#)
[Person Street, 507 - Ordinance](#)
[Plummers Lane, 411 - Aerial Map](#)
[Plummers Lane, 411 - Photos](#)
[Plummers Lane, 411 - Ordinance](#)
[Rivercliff Road, 2764 - Aerial Map](#)
[Rivercliff Road, 2764 - Photos](#)
[Rivercliff Road, 2764 - Ordinance](#)
[Rivercliff Road, 2779 - Aerial Map](#)
[Rivercliff Road, 2779 - Photos](#)
[Rivercliff Road, 2779 - Ordinance](#)
[Rivercliff Road, 2783 - Aerial Map](#)
[Rivercliff Road, 2783 - Photos](#)
[Rivercliff Road, 2783 - Ordinance](#)

- 6.08** [15-450](#) Approval of Pinewood Terrance Extension in Rayconda Subdivision,
Capital Project Ordinance 2016-11 and Budget Ordinance
Amendment 2016-1
COUNCIL DISTRICT(S): 6
- Attachments:** [BOA 2016-1](#)
[CPO 2016-11 \(Pinewood Terrace Extension\)](#)
[Rayconda connector option MAP](#)
[Agreementand Deed for Gillis](#)
[PinewoodTerraceCondemnation](#)
[Siple Public Hearing](#)
[GillisAgreement](#)
- 6.09** [15-447](#) Capital Project Ordinance 2016-10 - Aquatic Center at College
Lakes Recreation Center
COUNCIL DISTRICT(S): 3
- Attachments:** [CPO 2016-10 \(College Lakes Aquatic Center\)](#)
- 6.010** [15-459](#) Capital Project Fund Amendments
COUNCIL DISTRICT(S): All
- Attachments:** [Capital Project Fund Amendments.pdf](#)
[City - Annexation Phase V Reserve - #16.pdf](#)
[City - Annex 16 -17 #2.pdf](#)
- 6.011** [15-461](#) Special Revenue Fund Project Ordinance 2016-5 (2015 Badges for
Baseball Program)
COUNCIL DISTRICT(S): All
- Attachments:** [SRO 2016-5 \(2015 Badges for Baseball\)](#)
- 6.012** [15-448](#) Bid Recommendation - I/O Underground Primary Distribution Cable
COUNCIL DISTRICT(S): All
- Attachments:** [UG Cable Recommendation](#)
- 6.013** [15-449](#) Bid Recommendation - Cross Creek WRF Alkalinity Feed
Improvements
COUNCIL DISTRICT(S): All
- Attachments:** [Cross Creek Alkalinity Project Recommendation](#)
- 6.014** [15-454](#) Bid Recommendation - Annexation Phase V - Project VII, Area 16,
Hampton Oaks & Southgate Subdivisions to include Overlay
COUNCIL DISTRICT(S): All
- Attachments:** [Bid Recommendation - Annex Ph V Area 16](#)

- 6.015** [15-455](#) Bid Recommendation - Annexation Phase V - Project VII, Area 17
Section I - Blue Spring Woods, Beacon Hill and Emerald Gardens
Subdivisions to include Overlay
COUNCIL DISTRICT(S): All

Attachments: [Bid Recommendation - Annex Ph V Area 17 Section I](#)

- 6.016** [15-456](#) Bid Recommendation - Annexation Phase V - Project VII, Area 17
Section II - Blue Spring Woods, Beacon Hill and Emerald Gardens
Subdivisions to Include Overlay
COUNCIL DISTRICT(S): All

Attachments: [Bid Recommendation - Annex Ph V Area 17 Section II](#)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

- 7.01** [15-453](#) Joint Fayetteville Cumberland County Senior Citizen Advisory Commission - Reports from Boards and Commissions
Presenter: Carey Berg, JFCCSCAC Chair
COUNCIL DISTRICT(S): All

- 7.02** [15-463](#) Fayetteville Metropolitan Housing Authority Annual Report
COUNCIL DISTRICT(S): All

Attachments: [2015 Annual Report Metropolitan Housing Authority](#)

8.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 8.01** [15-400](#) P15-21F. The issuing of a Special Use Permit for Transitional Housing, on a property located at 600 Hillsboro Street, and being the property of Catfish & Goldies Unlimited.
COUNCIL DISTRICT(S): 2

Attachments: [City Council Packet Quasi-Judicial Evidence from Operations Inasmuch](#)
[P15-21F Zoning Map](#)
[P15-21F Current Landuse Map](#)
[P15-21F Landuse Plan Map](#)
[P15-21F APPLICATION](#)
[Site Photo 1](#)
[Site Photo 2](#)
[Site Photo 3](#)

- 8.02** [15-402](#) P15-19F. The issuing of a Special Use Permit for outdoor dog runs/part-time kennels, located at 4209 Bragg Blvd., and being the property of Tommy Kendall.
COUNCIL DISTRICT(S): 9
- Attachments:** [P15-19F Zoning Map](#)
 [P15-19F Current Landuse Map](#)
 [P15-19F Landuse Plan Map](#)
 [P15-19F APPLICATION](#)
 [P15-19F site plan](#)
 [Site Photo 1](#)
 [Site Photo 2](#)
 [Site Photo 3](#)
 [Site Photo 4](#)
- 8.03** [15-460](#) Code amendment 1) to define and classify brewpubs, and 2) limiting ground floor residential uses on Hay, Person, Green and Gillespie Streets in the DT Downtown District.
COUNCIL DISTRICT(S): All
- Attachments:** [Draft Ord - brewpub and DT resid CC 8-24-2015](#)
 [Evaluation Criteria - brewpub and DT resid](#)
 [PPT brewpub and DT residential 8-24-2015](#)
- 8.04** [15-464](#) Code Amendment to various sections for parking standards for trailers, campers and RVs in residential zoning districts.
- Attachments:** [Draft Ord - trailer and RV parking](#)
 [Evaluation Criteria - trailers campers RVs](#)
 [Existing regs - trailer RV pkg](#)
 [Comparison - Trailers and RV pkg 2015](#)
 [CC trailers RVs 8-24-2015](#)
- 8.05** [15-457](#) Annexation of the Naman Wilmington II LLC Property
- Attachments:** [Proposed Annexation Ordinance Naman Wilmington II LLC Property-\(Contiguo](#)
 [Vicinity Map-With PWC Water & Sewer Naman Wilmington II LLC Property ES](#)
 [Legal Description Map Naman Wilmington II LLC Property.pdf](#)
 [Basic Info Sheet-Naman Wilmington II LLC Property.doc](#)
 [Sufficiency Memo 2065 Cedar Creek Road-E Side of Judson Church Road.doc](#)
 [100_6401.JPG](#)
 [100_6404.JPG](#)

9.0 OTHER ITEMS OF BUSINESS

- 9.01 [15-458](#) Request by Pearce's Mill Fire Department for a Waiver of the Annexation Requirement Contained in City Council Policy 150.2
- Attachments: [Vicinity Map-Re Pearces Mill Fire Dept Annexation Waiver Request 8x11 Lan](#)
 [Annexation Waiver Request- Pearces Mill Fire Dept 6-15-15.pdf](#)
 [Policy 150-2 Effective 021312.pdf](#)

10.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

CLOSING REMARKS

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES **SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

COUNCIL MEETING WILL BE AIRED **August 24, 2015 @ 7:00 p.m.**

Notice Under the Americans with Disabilities Act (ADA):

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Master

File Number: 18-023

File ID: 18-023

Category: Consent

Status: Agenda Ready

Version: 1

**Case
Number:**

Mtg Type: City Council
Regular Meeting

File Created: 01/12/2018

File Name:

Final Action:

**Title: RE: Addition of Pinewood Terrace and Siple Ave to the City of
Fayetteville System of Streets**

COUNCIL DISTRICT(S): 6

Notes:

Sponsors:

Enactment Date:

Attachments:

Enactment Number:

Contact:

Hearing Date:

Entered by:

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 18-023

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

FROM: Rob Stone, PE, Engineering & Infrastructure Director

DATE: January 22 2018

**RE: Addition of Pinewood Terrace and Siple Ave to the City of Fayetteville
System of Streets**

COUNCIL DISTRICT(S): 6

Relationship To Strategic Plan:

High quality built environment
Desirable place to live, work and recreate

Executive Summary:

The Fayetteville street system includes over 740 miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance to the City's ordinances and can be designated for private or public ownership and maintenance. When streets are constructed it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets. City Council is asked to consider the addition of Pinewood Terrace and Siple Ave to the City's system of streets.

Background:

The City's street construction standards are set by ordinance. As streets are satisfactorily completed, staff provides a recommendation to Council for official addition to the City's system of streets.

Pinewood Terrace has been recently constructed as an additional connection to the Rayconda Subdivision. This street has been inspected by staff, is constructed consistent with City standards, and is now recommended for addition to the City of Fayetteville system of streets. Siple Ave was previously the only access to the rear part of the neighborhood. Per Resolution No. R2015-065 executed on September 28, 2015 City Council agreed to close Siple Ave after the construction of the new road, Pinewood Terrace Extension.

Due to the impact by Hurricane Matthew, however, Siple Ave was reconstructed after the dam breached. Per City Council's direction it is the recommendation Siple Ave., which has been repaired consistent with City standard, be maintained as part of the City's system of streets. Since removing Siple Ave from the City system had already taken effect, a Council action is necessary to add Siple back to the system. Both streets will add 0.32 of a mile to the City's street system bringing the total to 741.41 miles.

Issues/Analysis:

These streets need to be officially accepted and added to City of Fayetteville system of streets for the City to begin providing maintenance services and be included in our 2018 Powell Bill appropriation.

Budget Impact:

Street maintenance cost will increase while the funds received from Powell Bill increase as well. As these road segments are newly constructed, significant maintenance cost is not expected for several years.

Options:

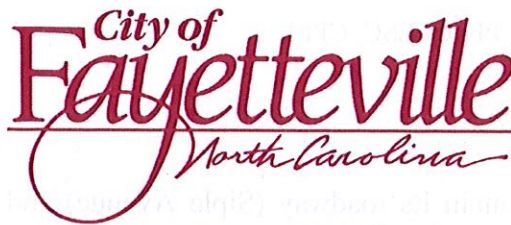
- Approve the inclusion of Pinewood Terrace and Siple Ave to the City of Fayetteville system of streets.
- Do not approve the inclusion of Pinewood Terrace and Siple Ave to the City of Fayetteville system of streets and provide additional direction to staff.

Recommended Action:

Staff recommends that Council move to approve the inclusion of Pinewood Terrace and Siple Ave to the City of Fayetteville system of streets.

Attachments:

None



CITY MANAGER'S OFFICE

May 14, 2020

Via email to toby.vinson@ncdenr.gov and U.S. Mail

Mr. William E. Toby Vinson, Jr., PE, CPESC, CPM
Department of Environmental Quality
Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, NC 27699

Re: Siple Avenue at Upper Rayconda Dam

Dear Mr. Vinson:

Siple Avenue is a City of Fayetteville-maintained roadway that includes a portion of the roadway along the crest of the Upper Rayconda Dam, CUMBE-099. On Monday, March 16, 2020, the City's program management team received a phone call from North Carolina Division of Environmental Quality (NCDEQ) Dam Safety, requesting additional information related to the City's prior actions and intents involving the portion of Siple Avenue along the dam crest.

During Hurricane Matthew, which occurred on October 8, 2016, Upper Rayconda Dam was overtopped and breached. At this time, Siple Avenue served as the only public access for a portion of the Rayconda neighborhood. On October 10, 2016, the current Division of Energy, Mineral, and Land Resources (DEMLR) Chief of Program Operations, Toby Vinson, instructed DEMLR to authorize the City to complete repairs to Siple Avenue to reestablish access for residents and public safety. This work included installation of a 48" RCP within the breached portion of the dam, debris removal, roadway repair, stabilization of the embankment, and rip rap outlet protection.

During Hurricane Florence, which occurred on September 14, 2018, an eight-foot section of the recently installed 48" RCP at the downstream end of the culvert was dislodged from the rest of the pipe. The storm also caused damage to the embankment and riprap armoring. The City applied and received funding through the FEMA Public Assistance (PA) Program to maintain access for City residents and public safety via Siple Avenue. As such, the approved funding for maintenance to Siple Avenue will be used to reset the dislodged culvert, stabilize the embankment at the culvert outlet, and reestablish riprap armoring. The City recognizes that Upper Rayconda Dam (CUMBE-099) is a privately-owned dam and is under the purview of NC Dam Safety and is requesting authorization to make these repairs to Siple Avenue to prevent future damages to the embankment.

The City intends only to maintain its roadway (Siple Avenue) and the associated stormwater culvert. The City has no plans to impound water upstream of Siple Avenue in the area of the former Upper Rayconda reservoir. Based on hydrologic and hydraulic analyses done by consulting engineering firms, it has been determined that the existing culvert size (48" RCP) meets the City's required 25-year level of service.

Sincerely,



Douglas J. Hewett, ICMA-CM
City Manager

DJH/AYH/jkp

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433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1990 | (910) 433-1948 Fax
www.cityoffayetteville.org

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRIAN WRENN
Director



June 25, 2020

JURISDICTIONAL DETERMINATION

CERTIFIED MAIL **RETURN RECEIPT REQUESTED**

7014-1200-0001-3433-8915

Rayconda Homeowners Association
Attn: Garris Neil Yarborough
115 E. Russell Street
Fayetteville, North Carolina 28301

CERTIFIED MAIL **RETURN RECEIPT REQUESTED**

7014-1200-0001-3433-8922

City of Fayetteville
Attn: Douglas J. Hewett, City Manager
433 Hay Street
Fayetteville, North Carolina 28301

RE: Change of Jurisdictional Status to BREACHED
Upper Rayconda Lake Dam
Cumberland County
State Dam ID: CUMBE-099

Gentlemen:

The Upper Rayconda Lake Dam, State ID: CUMBE-099, was a small, high-hazard potential earth embankment structure located on Siple Avenue in Fayetteville, NC. We understand that on October 8, 2016, during Hurricane Matthew, the dam was overtopped by flood waters and did breach, resulting in a complete draining of Upper Rayconda Lake. As an emergency measure, the City of Fayetteville subsequently placed a 48-inch diameter concrete pipe culvert within the breach section of the failed dam and repaved the roadway in order to restore service to Siple Avenue. At that time, Siple Avenue traversed the crest of the dam embankment and was the only public access for a portion of the Rayconda neighborhood.

Since October 2016, personnel of North Carolina Department of Environmental Quality's Division of Energy, Mineral and Land Resources (DEMLR) Fayetteville Regional Office have continued to periodically inspect the remains of the breached dam, which have continued to deteriorate. The owners have received Notices of Deficiency from DEMLR in 2018 and 2019. The condition of the dam embankment remains unsatisfactory.

In the five years since the dam was breached, the Rayconda Homeowners Association has not attempted to repair or restore the dam. DEMLR has therefore concluded that Rayconda Homeowners Association have abandoned their custodial responsibilities for the dam.



Furthermore, DEMLR has received a letter from the City of Fayetteville dated May 14, 2020 indicating that the City does not intend to repair or restore the Upper Rayconda Dam as an impounding structure, either now or in the future. They have further indicated that the existing 48-inch RCP culvert does meet the City's requirements for a stormwater culvert, and that they will continue to maintain the embankment and culvert as a roadway and stormwater conveyance.

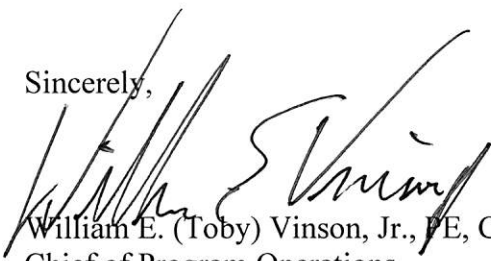
Based on the above, DEMLR is hereby changing the status of the Upper Rayconda Lake Dam to BREACHED. Henceforth, the lake must remain permanently drained. If, at some future time, the owners of the property wish to re-impound Upper Rayconda Lake, any proposed new dam will need to be designed and constructed in accordance with the Dam Safety Law of 1967: §143-215.23 – §143-215.37 and the Dam Safety Regulations: 15A NCAC 02K. The Dam Safety Law of 1967 and the Dam Safety Regulations can be found at the following web address: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/dam-safety>.

Any future dam construction proposed for this site will require prior approval from DEMLR before proceeding. Plans and specifications, along with the data and calculations necessary to develop them, must be prepared by a Professional Engineer licensed in the State of North Carolina. The application in paper and electronic format must be submitted to the State Dam Safety Engineer for review and approval. There will be initial and additional application processing fees required to be submitted with the application, depending on the type, nature and cost of the project.

Because the former lake bed appears to have reverted to jurisdictional wetlands, The Army Corps of Engineers and the Division of Water Resources of this Department should also be contacted to determine if additional permits would be required for work in this area.

For assistance, you may contact Ms. Melissa Joyner, Land Quality Section, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301, telephone number (910) 433-3300 or the Dam Safety Program in the Raleigh Central Office at telephone number (919) 707-9220 should you have questions concerning this matter.

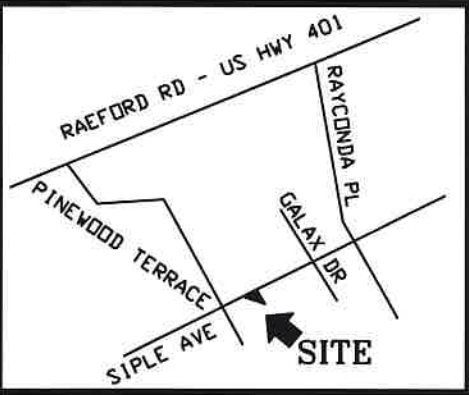
Sincerely,



William E. (Toby) Vinson, Jr., PE, CPM
Chief of Program Operations
NC DEQ Division of Energy Mineral and Land Resources

WEV/gle

cc: Mr. Timothy LaBounty, PE, Land Quality Regional Engineer, FRO



VICINITY MAP (N.T.S.)

AREA OF:	SQ. FT.	ACRE
PERMANENT EASEMENT	0	0
TEMPORARY EASEMENT	674.64	0.016

NOTES:

1. THIS MAP WAS PREPARED FROM RECORDED MAPS, DEEDS, AND A PARTIAL FIELD SURVEY.
2. THIS MAP HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY.

REFERENCES:

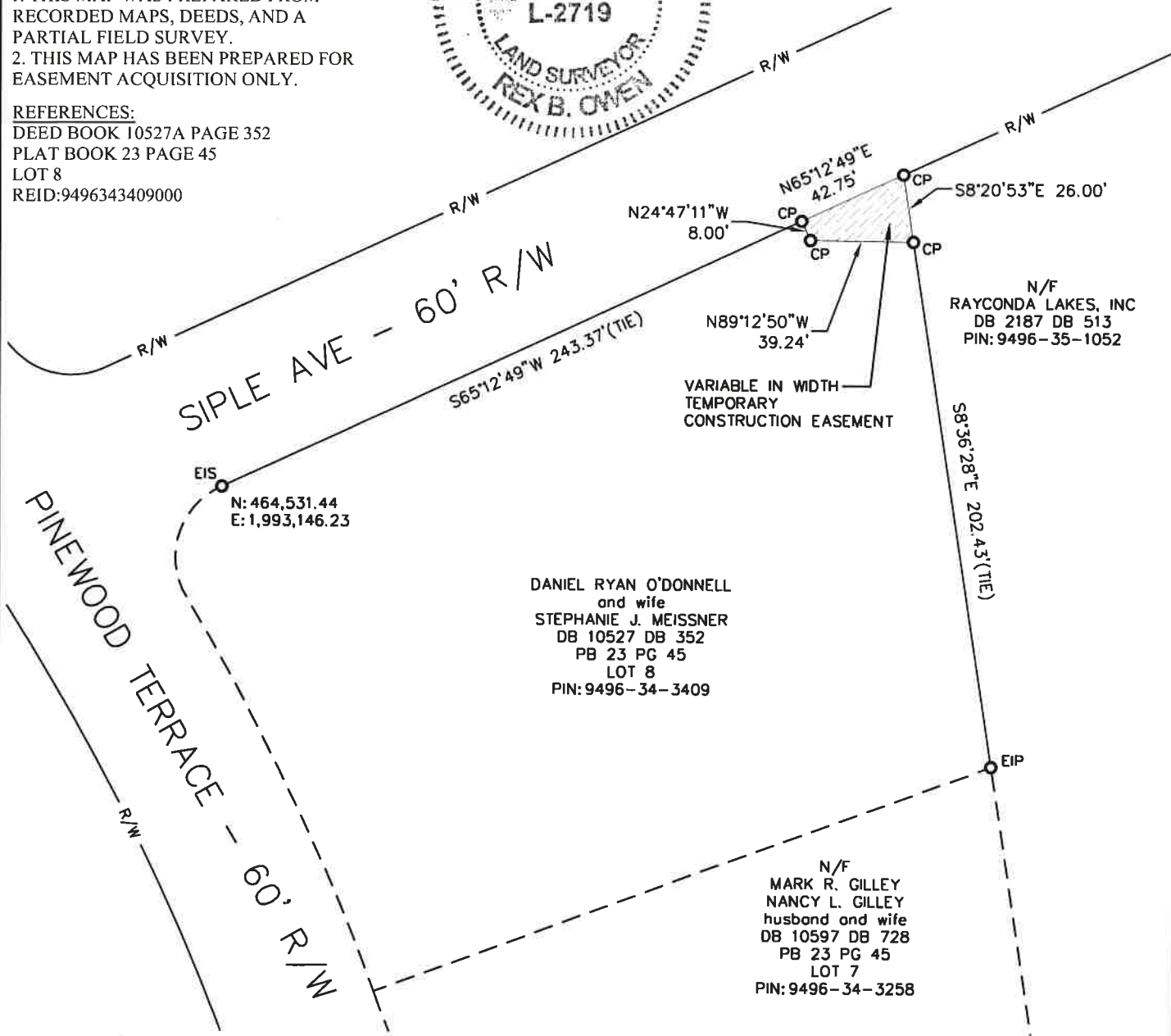
DEED BOOK 10527A PAGE 352
PLAT BOOK 23 PAGE 45
LOT 8
REID:9496343409000

NC GRID NAD 83 (2011)



I, REX B. OWEN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SHOWN, PAGE HEREON OR OTHER REFERENCE SOURCE); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK , PAGE OR OTHER REFERENCE SOURCE ; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000±, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56, 1600). WITNESS MY HAND AND SEAL THIS 11th DAY OF NOVEMBER, 2020.

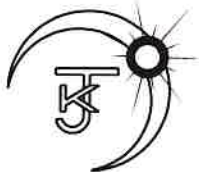
Rex B. Owen
PROFESSIONAL LAND SURVEYOR - L-2719



DANIEL RYAN O'DONNELL
and wife
STEPHANIE J. MEISSNER
DB 10527 DB 352
PB 23 PG 45
LOT 8
PIN: 9496-34-3409

N/F
RAYCONDA LAKES, INC
DB 2187 DB 513
PIN: 9496-35-1052

N/F
MARK R. GILLEY
NANCY L. GILLEY
husband and wife
DB 10597 DB 728
PB 23 PG 45
LOT 7
PIN: 9496-34-3258



JOYNER KEENY, PLLC
LAND PLANNING & SURVEYING

230 DONALDSON STREET, SUITE - 500A
FAYETTEVILLE, NORTH CAROLINA 28301
North Carolina Firm Number P-0551
Phone: 910.920.3275
joynerkeeney.com

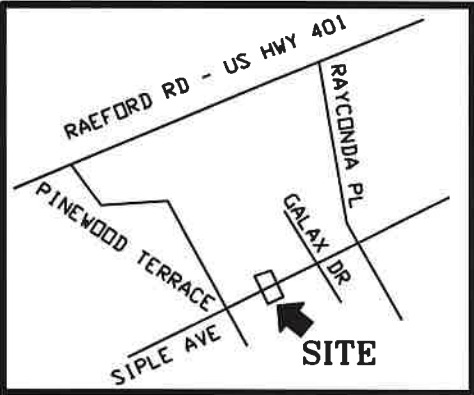
LEGEND

- EIS - EXISTING IRON ROD
- EIP - EXISTING IRON PIPE
- R/W - RIGHT OF WAY
- CP - CALCULATED POINT
- TCE-TEMPORAY CONSTRUCTION EASEMENT
- PROPOSED EASEMENT
- TEMPORARY EASEMENT



PUBLIC SERVICES DEPARTMENT
ENGINEERING DIVISION
433 HAY ST. 28301
(910) 433-1656

PROPOSED DRAINAGE EASEMENT
DANIEL RYAN O'DONNELL
and wife STEPHANIE J. MEISSNER
PIN:9496-34-3409



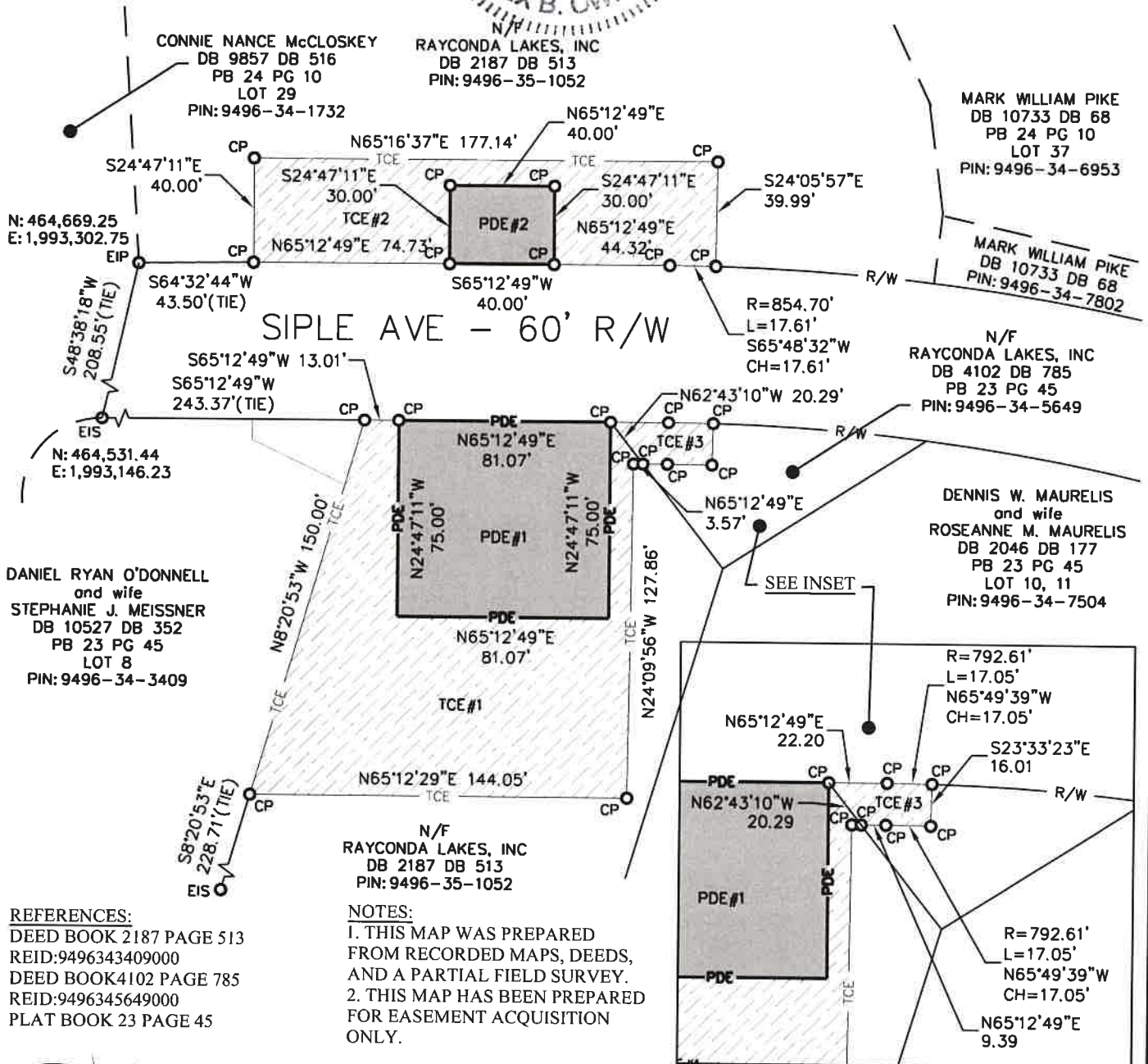
VICINITY MAP (N.T.S.)

AREA OF:	SQ. FT.	ACRE
PERMANENT EASEMENT #1	6,080.46	0.140
PERMANENT EASEMENT #2	1,200.00	0.028
TEMPORARY EASEMENT #1	11,658.05	0.268
TEMPORARY EASEMENT #2	5,859.66	0.135
TEMPORARY EASEMENT #3	525.68	0.012



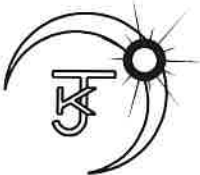
I, REX B. OWEN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SHOWN, PAGE HEREON OR OTHER REFERENCE SOURCE); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK , PAGE OR OTHER REFERENCE SOURCE ; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000±, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56, 1600). WITNESS MY HAND AND SEAL THIS 11th DAY OF NOVEMBER, 2020.

Rex B. Owen
PROFESSIONAL LAND SURVEYOR - L-2719



REFERENCES:
DEED BOOK 2187 PAGE 513
REID:9496343409000
DEED BOOK 4102 PAGE 785
REID:9496345649000
PLAT BOOK 23 PAGE 45

NOTES:
1. THIS MAP WAS PREPARED FROM RECORDED MAPS, DEEDS, AND A PARTIAL FIELD SURVEY.
2. THIS MAP HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY.



JOYNER KEENY, PLLC
LAND PLANNING & SURVEYING

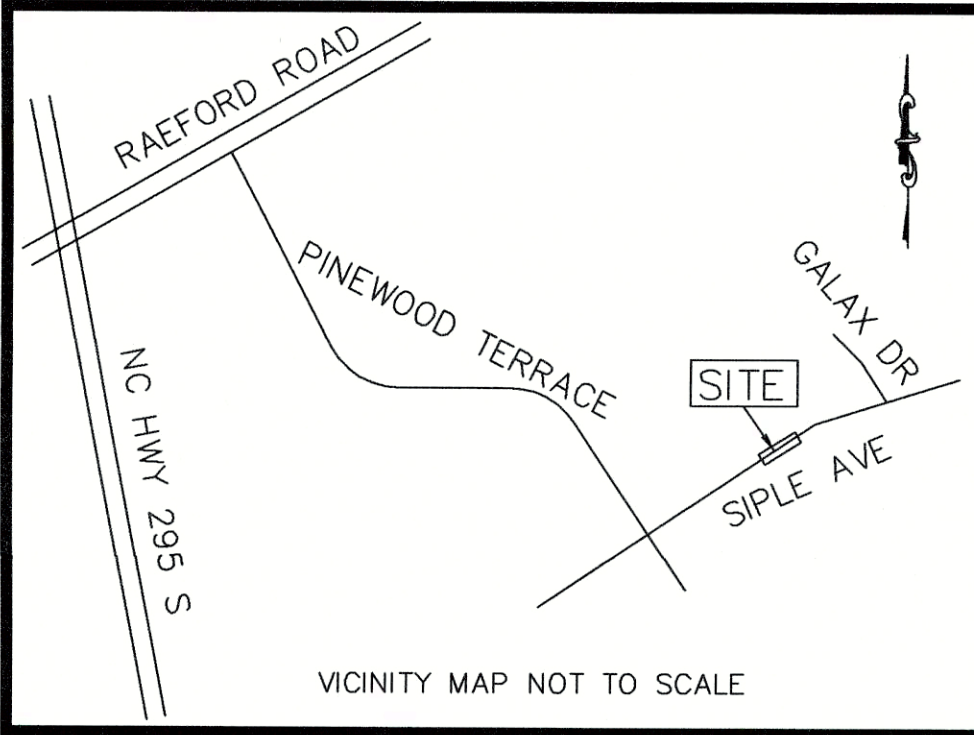
230 DONALDSON STREET, SUITE - 500A
FAYETTEVILLE, NORTH CAROLINA 28301
North Carolina Firm Number P-0551
Phone: 910.920.3275
joynerkeeney.com

LEGEND
EIS - EXISTING IRON ROD
EIP - EXISTING IRON PIPE
R/W - RIGHT OF WAY
CP - CALCULATED POINT
PDE - PERMANENT DRAINAGE EASEMENT
TCE - TEMPORARY CONSTRUCTION EASEMENT
- PROPOSED EASEMENT
- TEMPORARY EASEMENT



PUBLIC SERVICES DEPARTMENT
ENGINEERING DIVISION
433 HAY ST. 28301
(910) 433-1656

PROPOSED DRAINAGE EASEMENT
RAYCONDA LAKES, INC
PIN:9496-35-1052
PIN:9496-34-5649



LEGEND:
 CP—COMPUTED POINT
 A—ARC LENGTH
 R—RADIUS
 D—DELTA ANGLE
 C—CHORD LENGTH
 CH—CHORD BEARING
 N—NORTH
 S—SOUTH
 E—EAST
 W—WEST
 EPK—EXISTING PK NAIL

SURVEYED LINE
 DEED OR PLAT LINE

NORTH CAROLINA
 CUMBERLAND COUNTY

I, _____, REVIEW OFFICER OF CUMBERLAND COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____

REVIEW OFFICER _____

THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAN IS WITHIN SUBDIVISION REGULATIONS JURISDICTION OF THE CITY OF FAYETTEVILLE AND THAT THIS PLAT AND ALLOTMENT IS (MY OR OUR) FREE ACT AND DEED AND THAT (I OR WE) DO HEREBY DEDICATE TO PUBLIC USE AS STREETS, PARKS, PLAYGROUNDS, SCHOOL SITES, OPEN SPACES AND EASEMENTS FOREVER ALL AREAS SO SHOWN OR INDICATED ON SAID PLAT.

BY: _____
 RAYCONDA LAKES INC

BY: _____
 DANIEL RYAN O'DONNELL

BY: _____
 STEPHANIE J. MEISSNER

STATE OF NORTH CAROLINA
 COUNTY OF _____

I, _____, NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ RAYCONDA LAKES INC, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT HE/SHE IS _____ OF _____, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING ON BEHALF OF THE CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE _____ DAY OF _____, 2020

NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

STATE OF NORTH CAROLINA
 COUNTY OF _____

I, _____, NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ DANIEL RYAN O'DONNELL AND WIFE STEPHANIE J. MEISSNER PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE _____ DAY OF _____, 2020

NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

REFERENCES:
 PLAT BOOK 24 PAGE 10
 PLAT BOOK 23 PAGE 45
 PLAT BOOK 144 PAGE 168
 DEED BOOK 9735 PAGE 739

LOT 29 RAYCONDA SEC. II
 PB 24 PG 10
 9496-34-1732
 RONALD EDWARD McCLOSKEY
 & CONNIE NANCE McCLOSKEY
 DB 9857 PG 516
 ESTATE 15-E-1659

9496-35-1052
 RAYCONDA LAKES INC
 DB 2187 PG 513

9496-34-6953
 MARK W. PIKE
 DB 10733 PG 68

9496-34-7802
 MARK W. PIKE
 DB 10733 PG 68

9496-34-5649
 RAYCONDA LAKES INC
 DB 4102 PG 785

9496-34-7504
 DENNIS W. MAURELIS
 DB 2046 PG 177

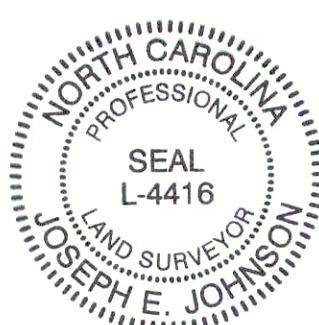
9496-35-1052
 RAYCONDA LAKES INC
 DB 2187 PG 513

9496-34-3409
 DANIEL RYAN O'DONNELL
 & STEPHANIE J. MEISSNER
 DB 10527 PG 352

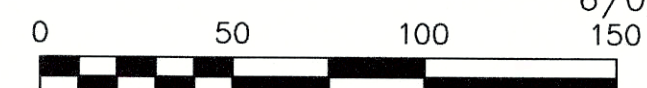
NORTH CAROLINA
 CUMBERLAND COUNTY

I, JOSEPH E. JOHNSON, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION; I ALSO CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED AND DESCRIPTION RECORDED IN DEED BOOK 9735 PAGE 739, PLAT BOOK _____ PAGE _____. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN BOOKS REFERENCED, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 22 DAY OF SEPTEMBER, A.D., 2020.

Joseph E. Johnson
 _____ PROFESSIONAL LAND SURVEYOR
 LICENSE NO. L-4416



- NOTES:
 1) BEARINGS BASED ON PLAT BOOK 24 PAGE 10
 2) ALL DISTANCES ARE HORIZONTAL GROUND
 3) AREAS BY COORDINATES
 4) SUBJECT TO ANY EASEMENT OF RECORD



DRAWN BY: J.E. JOHNSON

CITY OF
 FAYETTEVILLE
 ENGINEERING DIVISION
 PUBLIC SERVICES DEPT.
 433 HAY STREET, FAYETTEVILLE, NC 28301, (910)433-1656

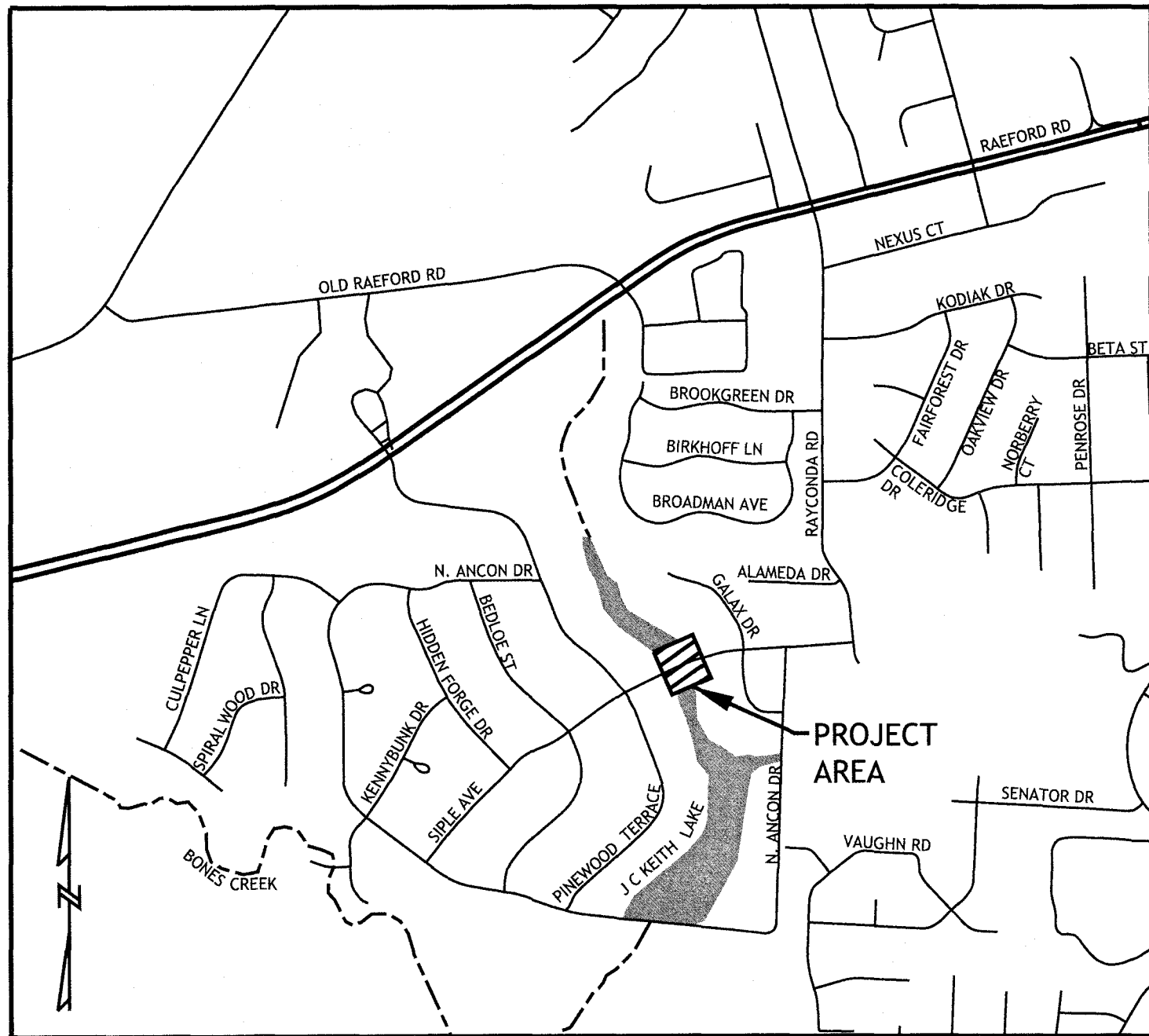
RIGHT-OF-WAY DEDICATION PLAT

RIGHT-OF-WAY DEDICATION PLAT
 FOR A PORTION OF SIPLE AVENUE
 71st TOWNSHIP CUMBERLAND COUNTY
 FAYETTEVILLE NORTH CAROLINA
 SCALE 1"=50' DATE SURVEYED 5/28/20
 6/08/20

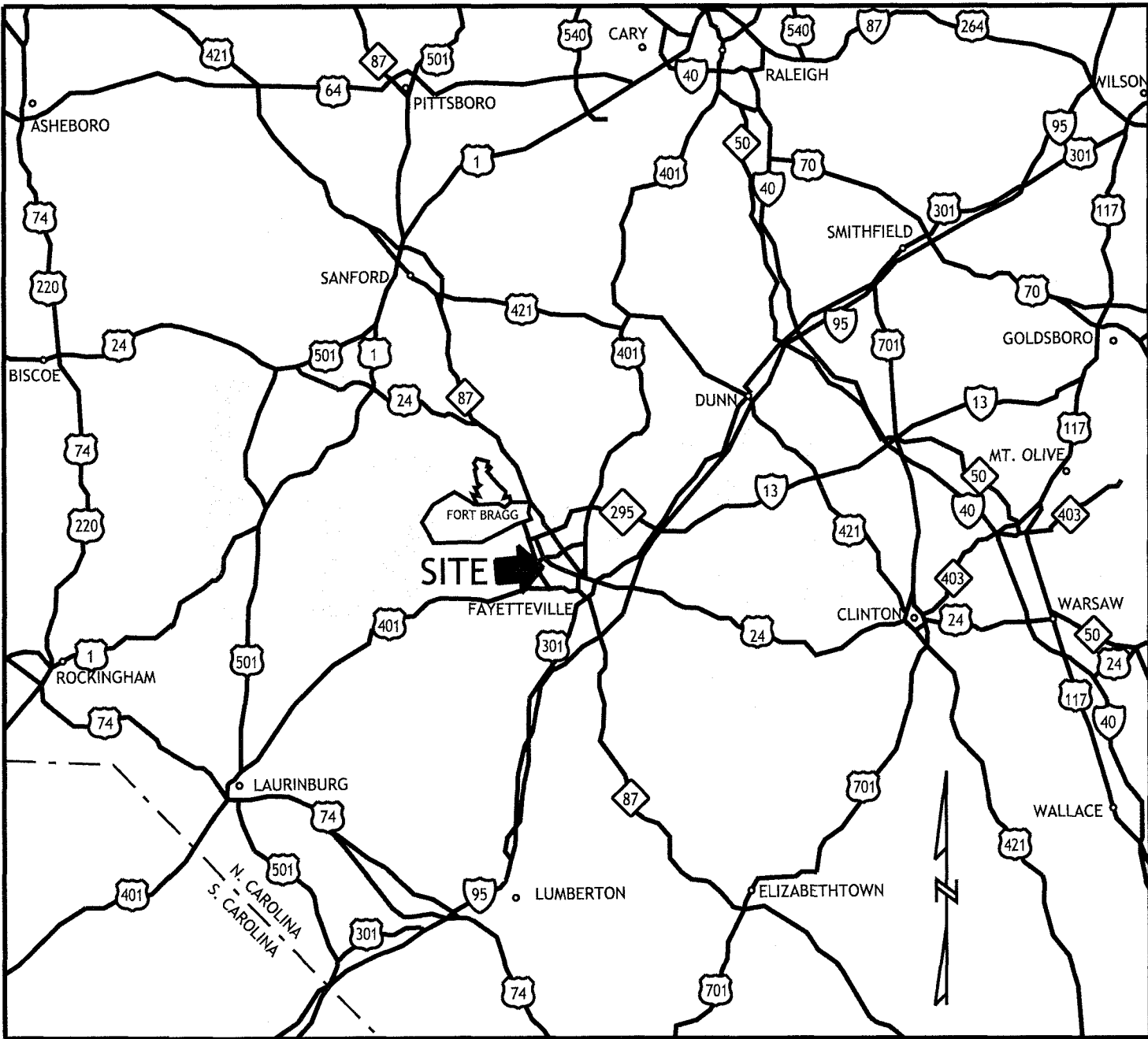


CITY OF FAYETTEVILLE - EWP

EWP DSR PROJECT #5038-500
SIPLE AVENUE



PROJECT LOCATION MAP



VICINITY MAP

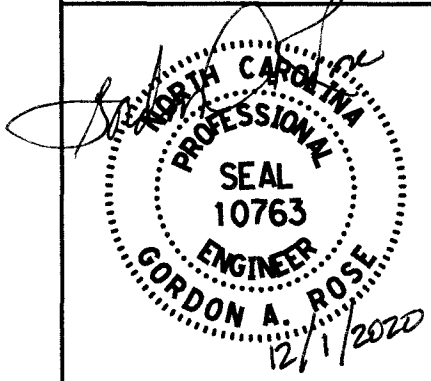
PLAN INDEX	
SHEET	DESCRIPTION
G-01	COVER SHEET
G-02	GENERAL NOTES & LEGEND
VX-01	EXISTING CONDITIONS
CD-01	DEMOLITION PLAN
SPL-01	PUMP AROUND & DEWATERING PLAN
CG-01	GRADING, DRAINAGE, & EROSION CONTROL PLAN
PP-01	PLAN & PROFILE
TC-01	TRAFFIC CONTROL NOTES
TC-02	TRAFFIC CONTROL PLAN
DT-01 THRU DT-02	DETAILS

ISSUED PROJECT PLAN SETS		
DATE	STATUS	REMARKS
10/5/2020	50% PRELIMINARY DESIGN	NOT RELEASED FOR CONSTRUCTION
10/20/2020	100% DESIGN	FOR REGULATORY REVIEW
10/23/2020	100% DESIGN	NRCS REVIEW
12/01/2020	100% DESIGN	ISSUED FOR CONSTRUCTION

GORDON A. ROSE
Printed Name

Project Engineer

Professional Certification: I hereby certify that these documents were prepared and approved by me and that I am a duly licensed professional engineer under the laws of the State of North Carolina.



DATE: DEC. 01, 2020 PROJECT NO.: FAY1012 SHEET SIZE: ANSI D - 22x34	STATUS: 100% DESIGN - ISSUED FOR CONSTRUCTION
---	---

CITY OF FAYETTEVILLE
433 HAY STREET
FAYETTEVILLE, NC 28301
PHONE: (910) 433-1656
FAX: (910) 433-1058
CONTACT: BYRON REEVES

100% DESIGN - ISSUED FOR CONSTRUCTION
DECEMBER 01, 2020

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, JUDGMENT,
AND BELIEF, THESE PLANS MEET APPLICABLE NRCS STANDARDS.

GORDON A. ROSE
Printed Name

Signature

CITY OF FAYETTEVILLE - EWP
EWP DSR PROJECT #5038-500
SIPLE AVENUE
COVER SHEET

Z:\PROJECTS\FAY1012\DESIGN\DRAWINGS\Project\SPLE1b-Sheets\FAY1012-SPLE_G02.dgn

PROJECT DESCRIPTION

THIS PROJECT IS LOCATED ON SIPLE AVENUE AT THE CROSSING OF J C KEITH LAKE IN FAYETTEVILLE, NC. THE PROJECT INVOLVES THE REMOVAL OF APPROXIMATELY 4 JOINTS OF EXISTING 48-INCH DIAMETER RCP AND THE INSTALLATION OF A DROP MANHOLE, APPROXIMATELY 24 LF OF NEW 54-INCH DIAMETER RCP, AND HEADWALL AT BOTH UPSTREAM AND DOWNSTREAM ENDS OF THE CONNECTING PIPE. RIPRAP WILL BE ADDED TO BOTH SIDES FOR STABILIZATION.

APPROXIMATELY 0.84 ACRE OF LAND WILL BE DISTURBED FOR THE CONSTRUCTION OF THE STORM PIPE AND HEADWALLS AS WELL AS ACCESS WITHIN THE LIMITS OF CONSTRUCTION SHOWN ON THE PLANS. ALL DISTURBED AREAS WILL BE SODDED OR OTHERWISE STABILIZED AS INDICATED ON THE DRAWINGS.

TEMPORARY SEDIMENT FENCE WILL BE PLACED WITHIN THE LIMITS OF CONSTRUCTION AT STRATEGIC LOCATIONS TO INHIBIT THE FLOW OF STORMWATER RUNOFF ONTO SITE AND PROHIBIT THE FLOW OF SEDIMENT OFF SITE. TEMPORARY TREE PROTECTION WILL BE PLACED AS SHOWN TO PROTECT THE LARGER TREES FROM DAMAGE.

SOILS

THE PREDOMINANT SOIL TYPE ON THIS SITE IS WATER WITH THE BALANCE BEING BLANEY LOAMY SAND, 8 TO 15 PERCENT SLOPE (24.6%) AND VAUCLUSE LOAMY SAND, 8 TO 15 PERCENT SLOPES (26.9%). THE BLANEY LOAMY SAND IS DESCRIBED AS "WELL DRAINED" (HYDROLOGIC SOIL GROUP C) WITH THE DEPTH TO WATER TABLE BEING MORE THAN 80 INCHES. THE VAUCLUSE LOAMY SAND IS DESCRIBED AS "WELL DRAINED" (HYDROLOGIC SOIL GROUP C) WITH THE DEPTH TO WATER TABLE BEING MORE THAN 80 INCHES. THE MAJORITY OF CONSTRUCTION WILL BE ON THE PORTION OF THE SITE CONTAINING THE WATER. THE BANKS OF THE CONSTRUCTION AREAS WILL BE BOTH IN BLANEY LOAMY SAND AND VAUCLUSE LOAMY SAND.

PLANNED SEDIMENTATION AND EROSION CONTROL PRACTICES

- SEDIMENT FENCE : DESCRIPTION, CONSTRUCTION SPECIFICATIONS, AND MAINTENANCE AS PER DETAIL(S).
- TEMPORARY GRAVEL CONSTRUCTION ENTRANCE : DESCRIPTION, CONSTRUCTION SPECIFICATIONS, AND MAINTENANCE AS PER DETAIL(S).
- OUTLET PROTECTION : DESCRIPTION, CONSTRUCTION SPECIFICATIONS, AND MAINTENANCE AS PER DETAIL(S).
- TEMPORARY ROLLED EROSION CONTROL PRODUCT (RCP) LINERS : DESCRIPTION, CONSTRUCTION SPECIFICATIONS, AND MAINTENANCE AS PER DETAIL(S).
- RIPRAP AND PAVED CHANNELS (RIPRAP LINED CHANNEL) : DESCRIPTION, CONSTRUCTION SPECIFICATIONS, AND MAINTENANCE AS PER DETAIL(S).
- FERTILIZING, SEEDING AND MULCHING : TO BE INSTALLED AS PER TEMPORARY AND PERMANENT SEEDING SPECIFICATIONS. SEE SEEDING SPECIFICATIONS ON THE CONTRACT DOCUMENTS. REFER ALSO TO SECTIONS 6.10 AND 6.11 OF THE NCDENR EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL.
- MAINTENANCE : RESEED AND MULCH AREAS WHERE SEEDING EMERGENCE IS POOR, OR WHERE EROSION OCCURS, AS SOON AS POSSIBLE. DO NOT MOW. PROTECT FROM TRAFFIC AS MUCH AS POSSIBLE.

EXISTING CONDITIONS SURVEY

SITE COORDINATE CONTROL AND EXISTING CONDITIONS SHOWN FROM A TOPOGRAPHIC SURVEY OF THE PROPERTY PERFORMED BY JOYNER KEENEY, INC. IN SEPTEMBER 2020.

MAINTENANCE PLAN

- ALL EROSION CONTROL PRACTICES WILL BE CHECKED DAILY FOR STABILITY AND OPERATION AND FOLLOWING EVERY RUNOFF-PRODUCING RAINFALL. ANY NEEDED REPAIRS WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES AS DESIGNED.
- SEDIMENT WILL BE REMOVED FROM SEDIMENT CAPTURING MEASURES WHEN IT BECOMES ABOUT 0.5 FT DEEP. SEDIMENT CAPTURING MEASURES WILL BE REPAIRED AS NECESSARY TO MAINTAIN ADEQUATE BARRIERS AND SEDIMENT STORAGE.
- ALL UTILITY TRENCHES ARE TO BE PROTECTED FROM WATER INFILTRATION.
- SPOIL PILES ARE TO BE CONTAINED AT ALL TIMES.
- ALL SEEDED AREAS WILL BE FERTILIZED, RESEEDDED AS NECESSARY, AND MULCHED ACCORDING TO THE SPECIFICATIONS TO MAINTAIN A VIGOROUS, DENSE VEGETATION COVER. IF SEEDING FAILURE OCCURS, THOSE AREAS SHALL BE RESEDED WITH ANNUAL VEGETATION, SUITABLE FOR THE TIME OF YEAR FOR TEMPORARY STABILIZATION AND PREPARED FOR PERMANENT SEEDING. SEEDING AND MULCHING WILL BE IN ACCORDANCE WITH THE ATTACHED SPECIFICATION.

EROSION CONTROL REGULATION

- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE REQUIREMENTS OF THE NORTH CAROLINA ACT OF 1973 AND LOCAL EROSION AND SEDIMENT CONTROL REQUIREMENTS.
- TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE PROVIDED AS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. TEMPORARY SEDIMENT CONTROL DEVICES MUST BE INSTALLED TO THE EXTENT POSSIBLE PRIOR TO INITIATION OF GRADING AND EXCAVATION. THE DEVICES MUST BE MAINTAINED AT A MINIMUM OF 50% OF THE ORIGINAL SEDIMENT STORAGE CAPACITY AND MAY NOT BE REMOVED UNTIL THE AREAS THEY SERVE HAVE BEEN STABILIZED.
- PURSUANT TO G.S. 113A-57(2), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE RETAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED WILL, WITHIN 21 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES, OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION.
- PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 90 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.
- ALTHOUGH THE GENERAL STATUTES DESCRIBED IN NOTES 3. AND 4. STILL APPLY, EFFECTIVE AUGUST 3, 2011, THE NC DIVISION OF WATER QUALITY NPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES (NGC010000) REQUIRES THAT GROUND STABILIZATION OF DITCHES, PERIMETER AREAS, AND SLOPES 3H:1V OR STEEPER SHALL BE ACHIEVED WITHIN 7 DAYS OF TEMPORARY OR PERMANENT CESSATION OF LAND DISTURBING ACTIVITIES. GROUND STABILIZATION OF ALL OTHER AREAS SHALL BE ACHIEVED WITHIN 14 DAYS OF TEMPORARY OR PERMANENT CESSATION OF LAND DISTURBING ACTIVITIES.

CONSTRUCTION SEQUENCE

- THE CONTRACTOR SHALL NOTIFY THE ENGINEER SEVEN (7) DAYS BEFORE COMMENCING ANY LAND DISTURBING ACTIVITY. INSTALL APPLICABLE EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE ONSET OF ANY LAND DISTURBING ACTIVITY.
- INSTALL TEMPORARY CONSTRUCTION ENTRANCE(S), SILT FENCE(S), AND OTHER MEASURES AS SHOWN ON DRAWINGS OR AS REQUIRED. CLEAR ONLY AREAS REQUIRED TO INSTALL EROSION CONTROL DEVICES.
- BEGIN CLEARING, GRUBBING, AND EARTHWORK AS REQUIRED FOR PIPE CONSTRUCTION.
- INSTALL PUMP AROUND MEASURES AS NECESSARY.
- REMOVE DAMAGED SECTIONS OF PIPE AS SHOWN ON THE DRAWINGS OR AS DIRECTED BY THE ENGINEER.
- INSTALL NEW PIPE AND HEADWALL AS SHOWN.
- INSTALL RIP RAP AROUND HEADWALL AND SIDE SLOPES.
- MAINTAIN ALL EROSION CONTROL MEASURES AS NEEDED.
- PROVIDE TEMPORARY AND/OR PERMANENT SEEDING (AND MULCH, AS REQ'D.) AFTER CLEARING AND GRUBBING.
- INSTALL SOD IN ALL APPROPRIATE AREAS.
- CONTRACTOR SHALL INSPECT ALL DEVICES DAILY AND AFTER EVERY RAIN AND SHALL MAINTAIN THE DEVICES ACCORDING TO THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL.
- AFTER DISTURBED AREAS ARE STABILIZED THE CONTRACTOR SHALL REMOVE THE TEMPORARY DEVICES AND PROPERLY DISPOSE OF THE TRAPPED SEDIMENT. CONTRACTOR SHALL INSTALL FINAL DIVERSIONS WITH APPROPRIATE LININGS AS SPECIFIED ON PLANS. CONTRACTOR SHALL STABILIZE THE AREAS DISTURBED DURING THE REMOVAL OPERATION BY PLACING PERMANENT VEGETATION AND/OR RCP OR RIPRAP LININGS IN ALL DISTURBED AREAS TO ESTABLISH FINAL (POST-CONSTRUCTION) STABILIZATION.
- CONTRACTOR SHALL INSPECT ALL DEVICES DAILY AND AFTER EVERY RAIN AND SHALL MAINTAIN THE DEVICES ACCORDING TO THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL. THE FINANCIALLY RESPONSIBLE PARTY OF THE ISSUED EROSION CONTROL PERMIT SHALL PERFORM OR DELEGATE AN AGENT TO PERFORM AN INSPECTION OF THE AREA COVERED BY THE PLAN AFTER EACH PHASE OF THE PLAN HAS BEEN COMPLETED AND AFTER ESTABLISHMENT OF TEMPORARY GROUND COVER IN ACCORDANCE WITH G.S. 113A-57(2). THE PERSON WHO PERFORMS THE INSPECTION SHALL MAINTAIN AND MAKE AVAILABLE A RECORD OF THE INSPECTION AT THE SITE OF THE LAND-DISTURBING ACTIVITY. THE RECORD SHALL SET OUT ANY SIGNIFICANT DEVIATION FROM THE APPROVED EROSION CONTROL PLAN, IDENTIFY ANY MEASURES THAT MAY BE REQUIRED TO CORRECT THE DEVIATION, AND DOCUMENT THE COMPLETION OF THOSE MEASURES. THE RECORD SHALL BE MAINTAINED UNTIL PERMANENT GROUND COVER HAS BEEN ESTABLISHED AS REQUIRED BY THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN. THE INSPECTIONS REQUIRED BY THIS SUBSECTION SHALL BE IN ADDITION TO INSPECTIONS REQUIRED BY G.S. 113A-61.1.

SOD & SEEDING SCHEDULE:

REVEGETATION OF DISTURBED AREAS WILL BE CENTIPEDE SOD, AND AFTER ESTABLISHMENT OF SOD, TROUBLE AREAS REQUIRING REPAIR SHALL BE REPAIRED WITH NEW SOD AS REQUIRED, AND COMPLEMENTED BY OVERSEEDING IN ACCORDANCE WITH SEEDING SPECIFICATIONS BY CITY OF FAYETTEVILLE. TEMPORARY SEEDING, AS REQUIRED, SHALL BE IN ACCORDANCE WITH CITY OF FAYETTEVILLE DETAIL EC-8; SEE DETAIL SHEET DT-01.

SEEDBED PREPARATION

- CHISEL COMPACTED AREAS AND SPREAD TOPSOIL 3 INCHES DEEP OVER ADVERSE SOIL CONDITIONS, IF AVAILABLE.
- RIP THE ENTIRE AREA TO 6 INCHES DEPTH.
- REMOVE ALL LOOSE ROCK, ROOTS, AND OTHER OBSTRUCTIONS LEAVING SURFACE REASONABLY SMOOTH AND UNIFORM.
- APPLY AGRICULTURAL LIME, FERTILIZER, AND SUPER PHOSPHATE UNIFORMLY AND MIX WITH SOIL (SEE BELOW*).
- CONTINUE TILLAGE UNTIL A WELL-PULVERIZED, FIRM REASONABLY UNIFORM SEEDBED IS PREPARED 4 TO 6 INCHES DEEP.
- THE LIME AND FERTILIZER WILL BE WORKED INTO THE TOP 2 TO 4 INCHES OF SOIL PRIOR TO SEEDING.
- SEED ON A FRESHLY PREPARED SEEDBED AND COVER SEED LIGHTLY WITH SEEDING EQUIPMENT OR CULTIPACK AFTER SEEDING.
- MULCH IMMEDIATELY AFTER SEEDING AND ANCHOR MULCH.
- INSPECT ALL SEEDED AREAS AND MAKE NECESSARY REPAIRS OR RESEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE. IF STAND SHOULD BE OVER 60% DAMAGED, REESTABLISH FOLLOWING ORIGINAL LIME, FERTILIZER AND SEEDING RATES.
- CONSULT STATE INSPECTOR ON MAINTENANCE TREATMENT AND FERTILIZATION AFTER PERMANENT COVER IS ESTABLISHED.

*APPLY: AGRICULTURAL LIMESTONE - 70 Pounds/1000 Square Feet or 1.5 Tons/ACRE
FERTILIZER - 850 lbs/ACRE or 20 lbs/1000 Square Feet -10-20-20
SUPER PHOSPHATE - 500 lbs/ACRE - 20% ANALYSIS
MULCH - 4000 lbs/ACRE - SMALL GRAIN STRAW
ANCHOR - ASPHALT EMULSION AS REQUIRED.

GENERAL NOTES

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE CITY OF FAYETTEVILLE, NC AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION UNLESS OTHERWISE NOTED.
- UNSUITABLE MATERIALS SHALL NOT BE USED AS FILL AND SHALL BE DISPOSED OF OUTSIDE THE PROJECT LIMITS AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR IS RESPONSIBLE FOR PERMITTING AND FEES FOR DISPOSAL.

DRAINAGE

DEWATERING: THE CONTRACTOR SHALL AT ALL TIMES PROVIDE AND MAINTAIN AMPLE MEANS AND EQUIPMENT WITH WHICH TO REMOVE AND PROPERLY DISPOSE OF ANY AND ALL WATER ENTERING THE EXCAVATION OR OTHER PARTS OF THE WORK AND KEEP ALL EXCAVATIONS DRY UNTIL SUCH TIME AS PIPE LAYING AND GRADING IS COMPLETED. NO WATER SHALL BE ALLOWED TO RISE AROUND THE PIPE IN UNBACKFILLED TRENCHES NOR SHALL IT BE ALLOWED TO RISE OVER MASONRY UNTIL THE CONCRETE OR MORTAR HAS SET (MINIMUM 24 HOURS). ALL WATER PUMPED OR DRAINED FROM THE WORK SHALL BE DISPOSED OF IN SUCH A MANNER AS TO PREVENT SILTATION AND EROSION TO ADJACENT PROPERTY OR OTHER CONSTRUCTION.

UTILITIES

- ALL PIPE BEDDING SHALL BE CLASS "C" UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- ALL STORM DRAINAGE PIPES SHALL BE RCP CLASS III UNLESS OTHERWISE NOTED ON THE PLANS.
- THE ENGINEER AND THE CONTRACTOR SHALL INSPECT ALL EXISTING PIPES USED IN THE FINAL DRAINAGE SYSTEM AND AGREE ON THE CONDITION OF THE PIPES PRIOR TO CONSTRUCTION. IF DAMAGE OCCURS TO THESE PIPES DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE PIPE(S).
- THE CONTRACTOR SHALL CONTACT THE LOCATOR AT 811 OR 1-800-632-4949 BEFORE COMMENCING ANY WORK. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES WHETHER INDICATED ON THE DRAWINGS OR NOT. THE CONTRACTOR WILL ASSURE THE PRESENCE ONSITE OF A REPRESENTATIVE OF THE GAS COMPANY WHEN WORKING IN THE VICINITY OF ANY GAS MAINS.

SITE LEGEND		UTILITIES LEGEND		EROSION CONTROL LEGEND			
EXISTING	PROPOSED	EXISTING	PROPOSED	TEMPORARY	PERMANENT		
CURB & GUTTER		COMMUNICATIONS		LIMITS OF CONSTRUCTION			
CURB & GUTTER	CURB & GUTTER						
CATCHING CURB (6 GUTTER)	CATCHING CURB (6 GUTTER)						
PAVEMENTS							
PAVEMENT SAWCUT LINE	PAVEMENT SAWCUT LINE						
ASPHALT PAVEMENT	ASPHALT PAVEMENT			TABLE OF STANDARD ABBREVIATIONS			
NEW CONCRETE PAVEMENT	NEW CONCRETE PAVEMENT			APPX.	APPROXIMATELY	P.G.	PAGE
SITE IMPROVEMENTS				BLDG.	BUILDING	P.P.	POWER POLE
BUILDING/STRUCTURE	BUILDING/STRUCTURE			CB	CATCH BASIN	R. RAD.	RADIUS
SIGNS	SIGNS			C&G	CURB & GUTTER	RCP	REINFORCED CONCRETE PIPE
TOPOGRAPHY/GRADING				CONC	CONCRETE	REQD.	REQUIRED
GROUND/GRADE CONTOUR (MINOR)	GROUND/GRADE CONTOUR (MINOR)			DB	DEED BOOK	R/W	RIGHT-OF-WAY
GROUND/GRADE CONTOUR (MAJOR)	GROUND/GRADE CONTOUR (MAJOR)			DIP	DUCTILE IRON PIPE	SD	STORM DRAIN
SPOT ELEVATION	SPOT ELEVATION			E	EAST, EASTING	SF	SILT FENCE
VEGETATION				EA.	EACH	SQ. FT., SF	SQUARE FEET
TREELINE/WOODSLINE	TREELINE/WOODSLINE			EL., ELEV.	ELEVATION	SS	SANITARY SEWER
STAND ALONE TREE OR BUSH	STAND ALONE TREE OR BUSH			ELEC.	ELECTRIC	STA.	STATION
				EX., EXIST.	EXISTING	STD.	STANDARD
				FES	FLARED END SECTION	SW	SIDEWALK
				FF	FINISHED FLOOR ELEVATION	TBC	TOP BACK OF CURB
				FT.	FOOT, FEET	TEL.	TELEPHONE
				HC	HANDICAP	TRANS.	TRANSITION
				HYD.	HYDRANT	TYP.	TYPICAL
				INV.	INVERT	W/	WITH
				L.F., LF	LINEAR FEET	WV	WATER VALVE
				MAX.	MAXIMUM		
				MH	MANHOLE		
				MIN.	MINIMUM		
				MISC.	MISCELLANEOUS		
				N	NORTH, NORTHING		
				N/A	NOT APPLICABLE		
				NO.	NUMBER		

City of
Fayetteville
North Carolina

GRADIENT
LAND - WATER INNOVATION
230 DONALDSON STREET, SUITE 500A
FAYETTEVILLE, NC
PHONE: 910.824.7731
NC FIRM LICENSE NO. P-1875

REVISIONS:

DATE: DEC. 01, 2020
PROJECT NO.: FAY1012
SHEET SIZE: ANSI D - 22x34
STATUS: 100% DESIGN - ISSUED FOR CONSTRUCTION
SEAL 10763
ENGINEER
GORDON A. ROSE
12/1/2020

DATE: DEC. 01, 2020
PROJECT NO.: FAY1012
SHEET SIZE: ANSI D - 22x34
STATUS: 100% DESIGN - ISSUED FOR CONSTRUCTION

CITY OF FAYETTEVILLE - EWP
EWP DSR PROJECT #5038-500
SIPLE AVENUE
GENERAL NOTES & LEGEND

G-02

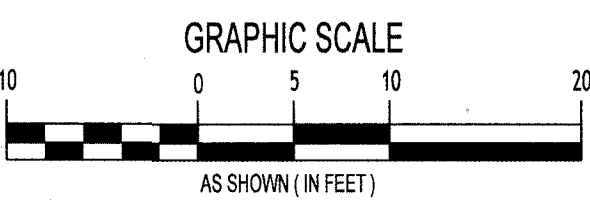
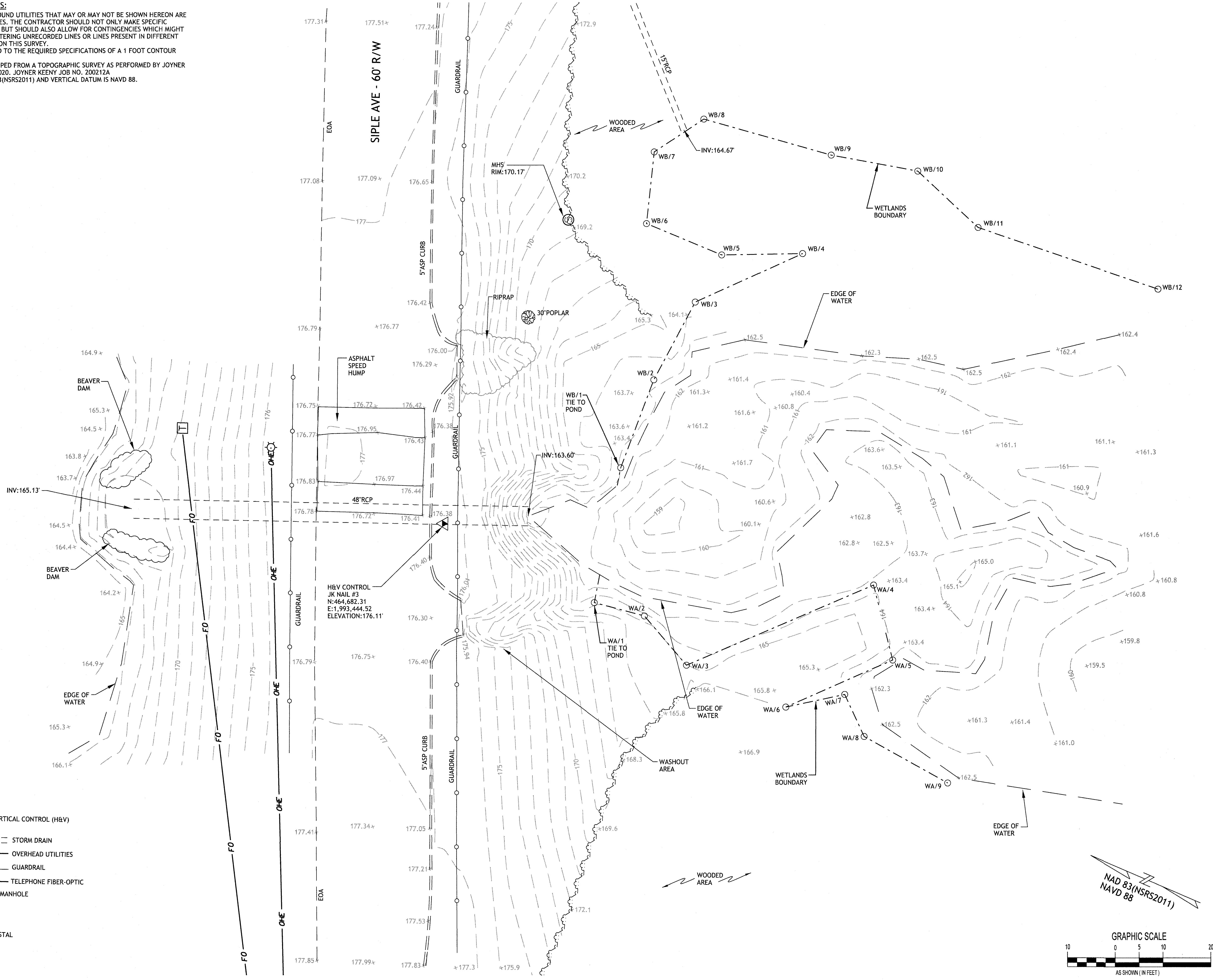
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EXISTING CONDITIONS NOTES:

1. LOCATIONS OF ALL UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE SHOWN HEREON ARE FROM VARIOUS OTHER SOURCES. THE CONTRACTOR SHOULD NOT ONLY MAKE SPECIFIC SUBSURFACE INVESTIGATIONS BUT SHOULD ALSO ALLOW FOR CONTINGENCIES WHICH MIGHT ARISE BY REASON OF ENCOUNTERING UNRECORDED LINES OR LINES PRESENT IN DIFFERENT LOCATIONS THAN INDICATED ON THIS SURVEY.
2. THIS SURVEY WAS CONDUCTED TO THE REQUIRED SPECIFICATIONS OF A 1 FOOT CONTOUR INTERVAL.
3. EXISTING CONDITIONS DEVELOPED FROM A TOPOGRAPHIC SURVEY AS PERFORMED BY JOYNER KEENEY, PLLC IN SEPTEMBER 2020. JOYNER KEENEY JOB NO. 200212A
4. HORIZONTAL DATUM IS NAD 83(NSRS2011) AND VERTICAL DATUM IS NAVD 88.

LEGEND:

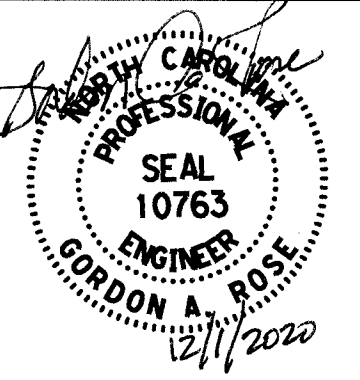
- HORIZONTAL & VERTICAL CONTROL (H&V)
- EOA-EDGE OF ASPHALT
- STORM DRAIN
- OVERHEAD UTILITIES
- GUARDRAIL
- TELEPHONE FIBER-OPTIC
- SANITARY SEWER MANHOLE
- POWER POLE
- AREA LIGHT
- TELEPHONE PEDESTAL
- DECIDUOUS TREE
- SPOT ELEVATION



City of
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North Carolina

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LAND-WATER INNOVATION
230 DONALDSON STREET, SUITE 500A
FAYETTEVILLE, NC 28401
PHONE: 910.486.1731
NC FIRM LICENSE NO. P-1875

REVISIONS:



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PROJECT NO.: FAY1012
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CONSTRUCTION

CITY OF FAYETTEVILLE - EWP
EWP DSR PROJECT #5038-500
SIPLE AVENUE
EXISTING CONDITIONS

VX-01

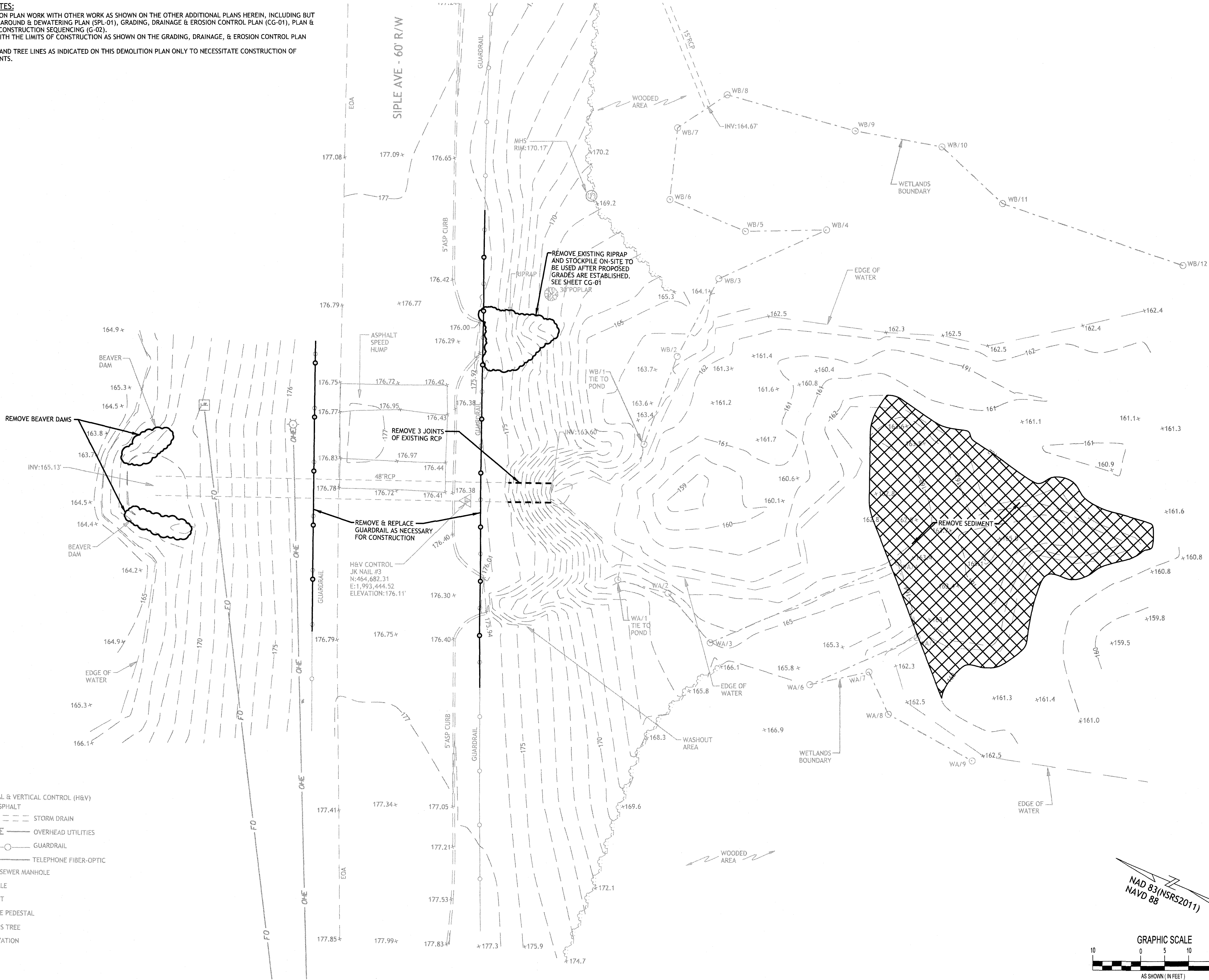
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DEMOLITION PLAN NOTES:

1. COORDINATE DEMOLITION PLAN WORK WITH OTHER WORK AS SHOWN ON THE OTHER ADDITIONAL PLANS HEREIN, INCLUDING BUT NOT LIMITED TO PUMP AROUND & DEWATERING PLAN (SPL-01), GRADING, DRAINAGE & EROSION CONTROL PLAN (CG-01), PLAN & PROFILE (PP-01), AND CONSTRUCTION SEQUENCING (G-02).
2. WORK SHALL OCCUR WITH THE LIMITS OF CONSTRUCTION AS SHOWN ON THE GRADING, DRAINAGE, & EROSION CONTROL PLAN (CG-01).
3. CLEAR AREA OF TREES AND TREE LINES AS INDICATED ON THIS DEMOLITION PLAN ONLY TO NECESSITATE CONSTRUCTION OF PROPOSED IMPROVEMENTS.

LEGEND:

- HORIZONTAL & VERTICAL CONTROL (H&V)
- EOA-EDGE OF ASPHALT
- STORM DRAIN
- OHE OVERHEAD UTILITIES
- GUARDRAIL
- TELEPHONE FIBER-OPTIC
- SANITARY SEWER MANHOLE
- POWER POLE
- AREA LIGHT
- TELEPHONE PEDESTAL
- DECIDUOUS TREE
- x 186.9 SPOT ELEVATION

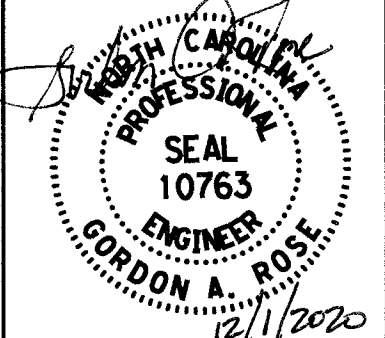


1. PLACE TEMPORARY SEDIMENT FENCE AT EDGE OF DISTURBANCE, TYP. PLACE SEDIMENT FENCE AT A CONSTANT ELEVATION ALONG EMBANKMENT ABOVE CULVERT (OR HEADWALL), TERMINATE FENCE AT ROCK CHECK DAM OR AS INDICATED PER PLAN.
2. WHERE POSSIBLE, USE EXISTING SWALES OR DRAWS TO DIVERT "CLEAN" UPSTREAM RUNOFF TO UPSTREAM OR DOWNSTREAM SLOPES OR WATER (AS PER PLAN). DISCHARGE BEYOND IMPERVIOUS DIKE LOCATIONS. IF NECESSARY, CONSTRUCT DIVERSIONS AND LINE WITH MATTING AND TEMPORARY SEEDING.
3. PLACE TEMPORARY ROCK CHECK DAM TYPE "A" AT LOCATIONS AS SHOWN PER PLAN, MONITOR AND MAINTAIN DURING CONSTRUCTION, PLACE ADDITIONAL DAMS, IF NECESSARY, TO SLOW RUNOFF AND TRAP SEDIMENT AS REQUIRED.
4. PLACE IMPERVIOUS DIKE MEASURE (AQUA BARRIER, SHEET PILE, SANDBAGS, ETC.), AS APPROPRIATE FOR STREAM PUMP-AROUND AND DEWATERING OF CONSTRUCTION AREAS.)
5. PUMP-AROUND: SET UP PUMP AND INTAKE HOISING FOR PUMP-AROUND FROM UPSTREAM SIDE OF IMPERVIOUS DIKE. UPSTREAM SIDE OF CONSTRUCTION AREA TO DISCHARGE DOWNSTREAM SIDE OF PUMP-AROUND. IMPERVIOUS DIKE, PUMP-AROUND SHALL BE ADEQUATELY SIZED TO PROVIDE A PUMPING SYSTEM TO EXCEED EXISTING FLOWS OF A PEAK STORM EVENT AT THE LOCATION AND PROVIDE SAFETY REDUNDENCIES IN THE EVENT OF PUMPING SYSTEM FAILURE OR REDUCED CAPACITY. PUMPS SHALL RUN CONTINUOUSLY WHILE WORKING WITHIN DIKEED CONSTRUCTION AREAS. DISCHARGE SHALL BE PUMPED ONTO A STABLE VELOCITY/ENERGY DISSIPATER CONSTRUCTED OF RIPRAP OR SANDBAGS.
6. DEWATERING OF CONSTRUCTION AREA: SETUP OF CATERPILLER PUMPS, HOISTS, AND SILT BAG FOR DEWATERING PUMP-OUT OF CONSTRUCTION AREA BEHIND SANDBAGS AND DISTURBED AREAS. IMPERVIOUS DIKES, DEWATERING FLOW SHALL BE PUMPED THROUGH SILT SACKS PRIOR TO DOWNSTREAM STREAM DISCHARGE. SILT SACKS SHALL USE POLYACRYLAMIDE WATTLIES (IF REQ'D). SOIL TEST MAY BE REQUIRED TO DETERMINE IF SOILS ARE ANIONIC OR CATIONIC TO INSURE POLYACRYLAMIDE WILL PROPERLY FUNCTION.
7. REMOVE DOWNSTREAM SEDIMENT BUILD-UP IN ACCORDANCE WITH DEMOLITION PLAN AND REMOVE AND REPAIR DOWNSTREAM DRAINAGE FEATURES, RIP RAP CHANNELS, AND PLUNGE POOL AS PER PLANS. MINIMIZE THE DISTURBED AREA TO ONLY THAT WHICH IS NECESSARY.
8. AREAS DISTURBED BY PUMP EQUIPMENT, DIKES, SILT BAGS, CHECK DAMS, DIVERSIONS, AND OTHER PUMP-AROUND AND EROSION CONTROL MEASURES SHALL BE STABILIZED PER PLAN WITH RIPRAP AND/OR SEEDING REQUIREMENTS AS PER PLANS.



 **GRADIENT**
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230 DONALDSON STREET, SUITE 500A
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PHONE: 910.824.7731
NC FIRM LICENSE NO. P-1875

REVISIONS:



DATE: DEC. 01, 2020
PROJECT NO.: FAY1012
SHEET SIZE: ANSI D - 22x34

STATUS:
100% DESIGN -
ISSUED FOR
CONSTRUCTION

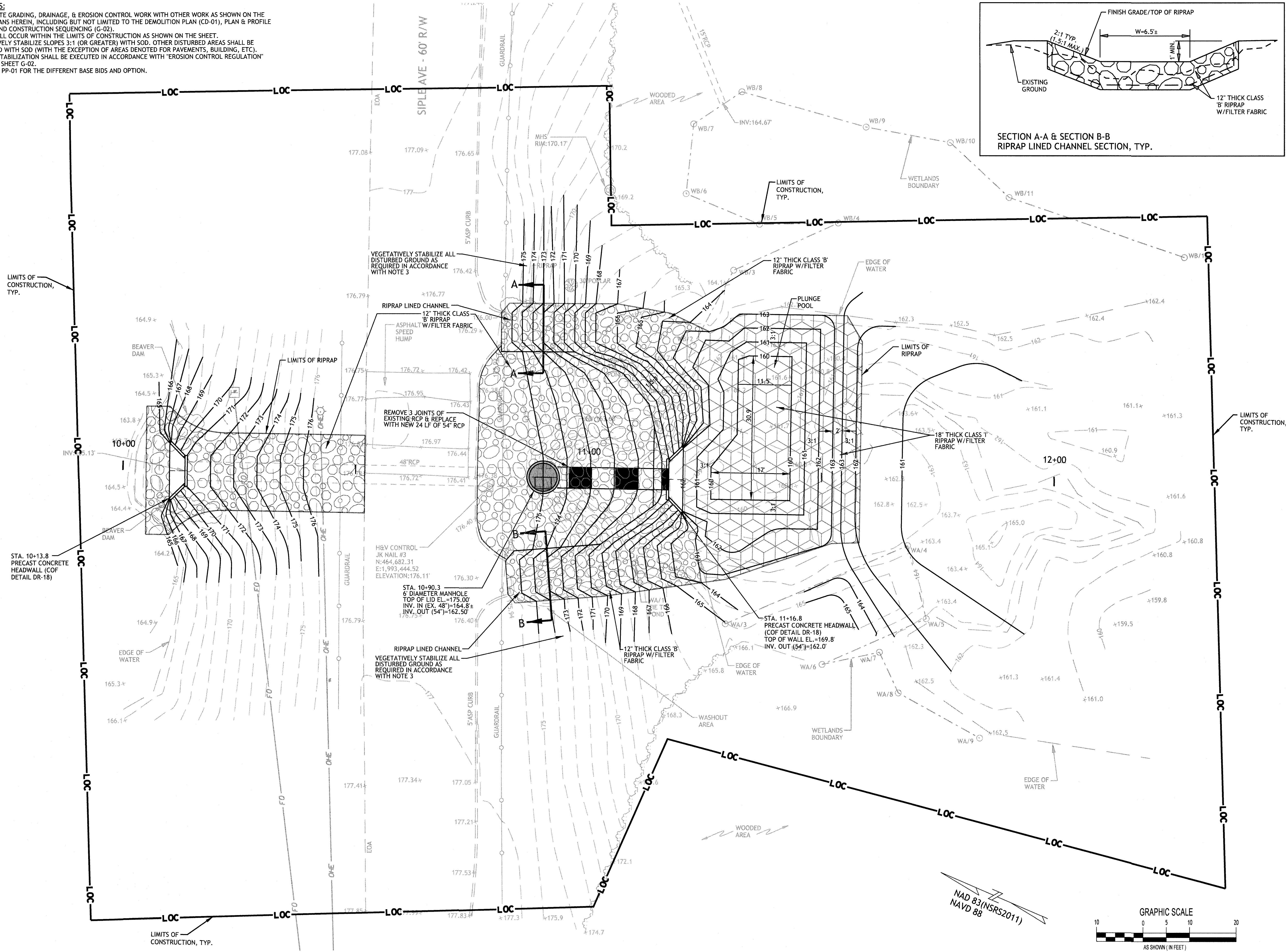
CITY OF FAYETTEVILLE - EWP
EWP DSR PROJECT #5038-500
SIMPLE AVENUE
PUMP-AROUND & DEWATERING PLAN

SPL-01

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PLAN NOTES:

1. COORDINATE GRADING, DRAINAGE, & EROSION CONTROL WORK WITH OTHER WORK AS SHOWN ON THE OTHER PLANS HEREIN, INCLUDING BUT NOT LIMITED TO THE DEMOLITION PLAN (CD-01), PLAN & PROFILE (PP-01), AND CONSTRUCTION SEQUENCING (G-02).
2. WORK SHALL OCCUR WITHIN THE LIMITS OF CONSTRUCTION AS SHOWN ON THE SHEET.
3. VEGETATIVELY STABILIZE SLOPES 3:1 (OR GREATER) WITH SOD. OTHER DISTURBED AREAS SHALL BE STABILIZED WITH SOD (WITH THE EXCEPTION OF AREAS DENOTED FOR PAVEMENTS, BUILDING, ETC). GROUND STABILIZATION SHALL BE EXECUTED IN ACCORDANCE WITH "EROSION CONTROL REGULATION" NOTES ON SHEET G-02.
4. SEE SHEET PP-01 FOR THE DIFFERENT BASE BIDS AND OPTION.



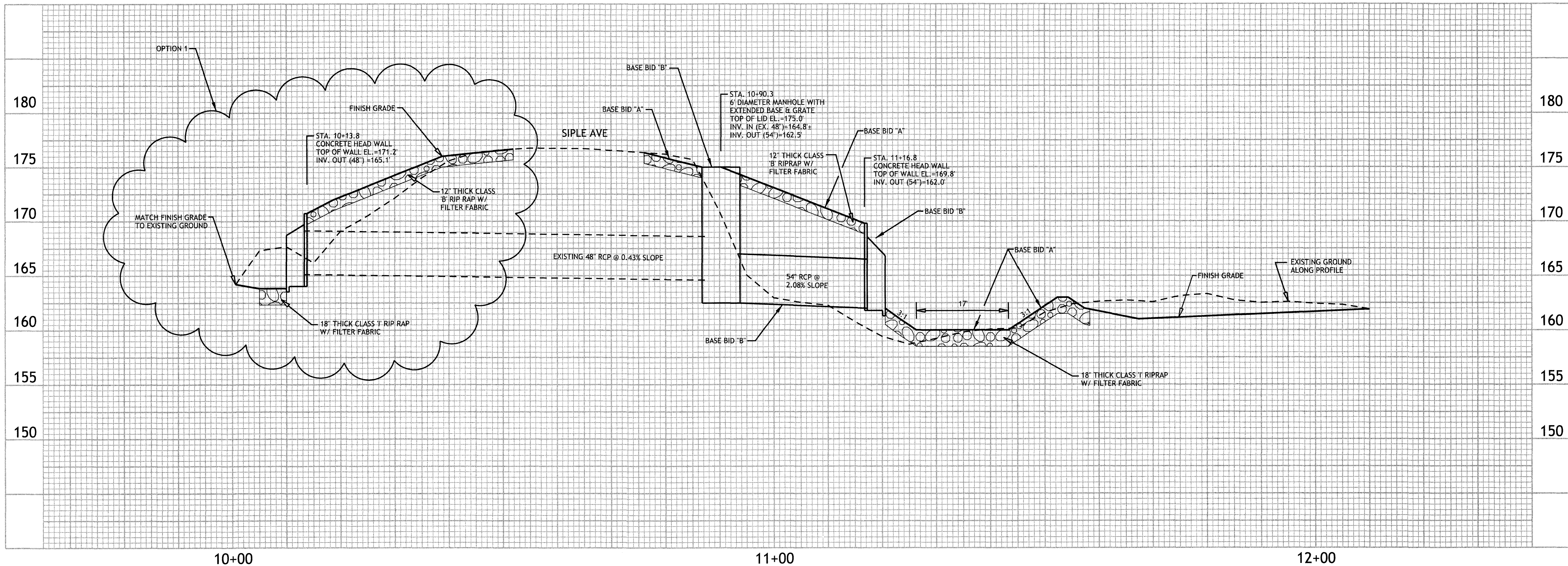
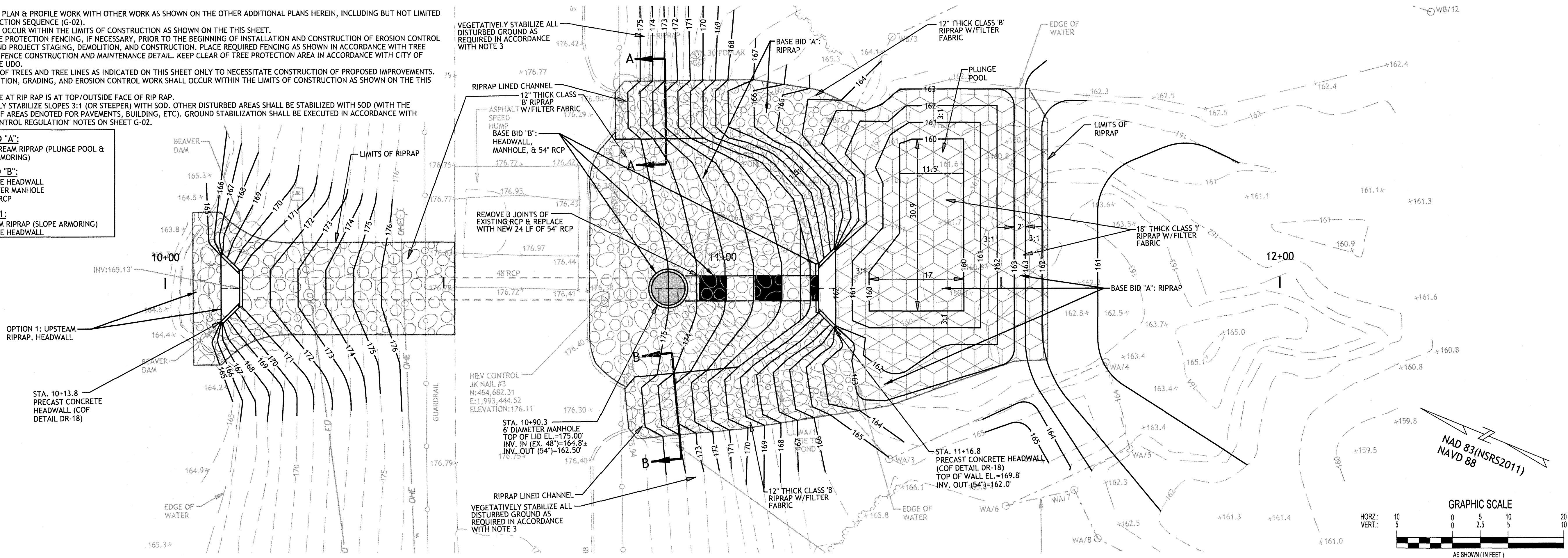
PLAN NOTES:

1. COORDINATE PLAN & PROFILE WORK WITH OTHER WORK AS SHOWN ON THE OTHER ADDITIONAL PLANS HEREIN, INCLUDING BUT NOT LIMITED TO CONSTRUCTION SEQUENCE (G-02).
2. WORK SHALL OCCUR WITHIN THE LIMITS OF CONSTRUCTION AS SHOWN ON THE THIS SHEET.
3. INSTALL TREE PROTECTION FENCING, IF NECESSARY, PRIOR TO THE BEGINNING OF INSTALLATION AND CONSTRUCTION OF EROSION CONTROL MEASURES AND PROJECT STAGING, DEMOLITION, AND CONSTRUCTION. PLACE REQUIRED FENCING AS SHOWN IN ACCORDANCE WITH TREE PROTECTION FENCE CONSTRUCTION AND MAINTENANCE DETAIL. KEEP CLEAR OF TREE PROTECTION AREA IN ACCORDANCE WITH CITY OF FAYETTEVILLE UDO.
4. CLEAR AREA OF TREES AND TREE LINES AS INDICATED ON THIS SHEET ONLY TO NECESSITATE CONSTRUCTION OF PROPOSED IMPROVEMENTS.
5. SITE, DEMOLITION, GRADING, AND EROSION CONTROL WORK SHALL OCCUR WITHIN THE LIMITS OF CONSTRUCTION AS SHOWN ON THE THIS SHEET.
6. FINISH GRADE AT RIP RAP IS AT TOP/OUTSIDE FACE OF RIP RAP.
7. VEGETATIVELY STABILIZE SLOPES 3:1 (OR STEEPER) WITH SOD. OTHER DISTURBED AREAS SHALL BE STABILIZED WITH SOD (WITH THE EXCEPTION OF AREAS DENOTED FOR PAVEMENTS, BUILDING, ETC). GROUND STABILIZATION SHALL BE EXECUTED IN ACCORDANCE WITH "EROSION CONTROL REGULATION" NOTES ON SHEET G-02.

BASE BID "A":
-DOWNSTREAM RIPRAP (PLUNGE POOL & SLOPE ARMORING)

BASE BID "B":
-CONCRETE HEADWALL
-6" DIAMETER MANHOLE
-NEW 54" RCP

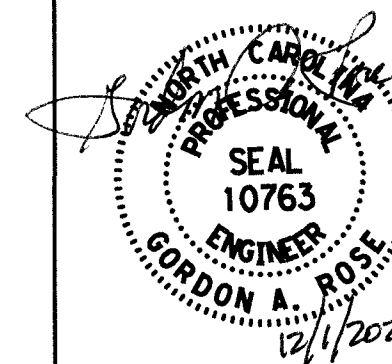
OPTION 1:
-UPSTREAM RIPRAP (SLOPE ARMORING)
-CONCRETE HEADWALL



City of
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North Carolina

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NC TROW LICENSE NO. P-1875

REVISIONS:



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CITY OF FAYETTEVILLE - EWP

EWP DSR PROJECT #5038-500
SIPLE AVENUE
PLAN & PROFILE

PP-01

PROJECT TRAFFIC CONTROL NOTES

GENERAL

- 1. THE FOLLOWING GENERAL NOTES APPLY AT ALL TIMES FOR THE DURATION OF THE CONSTRUCTION PROJECT, EXCEPT WHEN OTHERWISE NOTED IN PLAN, OR AS DIRECTED BY THE ENGINEER. THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND NCDOT STANDARD DRAWINGS SHALL BE USED FOR TRAFFIC CONTROL STANDARDS.
- 2. THE CREATION OF EXCESSIVE NOISE ASSOCIATED WITH EARTHMOVING ACTIVITIES, LAND CLEARING ACTIVITIES, STREET PAVING, OR OTHER CONSTRUCTION, OTHER THAN DURING WORKING HOURS SHALL BE APPROVED BY FORT BRAGG.
- 3. ADAPT THE TRAFFIC CONTROL PLANS, WHEN DIRECTED BY THE ENGINEER, TO MEET FIELD CONDITIONS TO PROVIDE SAFE AND EFFICIENT TRAFFIC MOVEMENT. CHANGES MAY BE REQUIRED WHEN PHYSICAL DIMENSIONS IN THE STANDARD DRAWINGS, AND ROADWAY DETAILS ARE NOT ATTAINABLE, OR RESULT IN DUPLICATE OR UNDESIRED OVERLAPPING OF DEVICES. MODIFICATION MAY INCLUDE: MOVING, SUPPLEMENTING, COVERING, OR REMOVAL OF DEVICES.

TIME RESTRICTIONS

- 1. DO NOT CLOSE OR NARROW TRAVEL LANES, MONDAY THROUGH FRIDAY, 6-9:00 AM AND 4-7:00 PM.
- 2. DO NOT CLOSE OR NARROW TRAVEL LANES DURING HOLIDAYS AND SPECIAL EVENTS AS FOLLOWS:
 - A) FOR ANY EVENT THAT CREATES UNUSUALLY HIGH TRAFFIC VOLUMES, AS DIRECTED BY THE ENGINEER.
 - B) FOR THE FOLLOWING HOLIDAYS: NEW YEAR'S EVE AND DAY, EASTER, MEMORIAL DAY, INDEPENDENCE DAY, AND LABOR DAY, BETWEEN THE HOURS OF 4:00 PM THE DAY BEFORE THE HOLIDAY UNTIL 9:00 AM THE DAY AFTER THE HOLIDAY. IF THE HOLIDAY IS ON A SATURDAY, SUNDAY, OR MONDAY, BETWEEN THE HOURS OF 4:00 PM THE THURSDAY BEFORE THE HOLIDAY UNTIL 9:00 AM THE TUESDAY AFTER THE HOLIDAY.
 - C) FOR THANKSGIVING BETWEEN THE HOURS OF 4:00 PM THE TUESDAY BEFORE THE HOLIDAY UNTIL 9:00 AM THE MONDAY AFTER THE HOLIDAY.
 - D) FOR CHRISTMAS BETWEEN THE HOURS OF 4:00 PM THE FRIDAY BEFORE THE WEEK OF CHRISTMAS UNTIL 9:00 AM THE FOLLOWING MONDAY AFTER THE WEEK OF CHRISTMAS.
- 3. DO NOT STOP TRAFFIC FOR MORE THAN 15 MINUTES FOR TEMPORARY LANE CLOSURES AND DETOURS.

LANE AND SHOULDER CLOSURE REQUIREMENTS

- 1. REMOVE LANE CLOSURE DEVICES FROM THE LANE WHEN WORK IS NOT BEING PERFORMED BEHIND THE LANE CLOSURE OR WHEN A LANE CLOSURE IS NO LONGER NEEDED, OR AS DIRECTED BY THE ENGINEER.
- 2. WHEN PERSONNEL AND/OR EQUIPMENT ARE WORKING ON THE SHOULDER ADJACENT TO AN UNDIVIDED FACILITY AND WITHIN 5 FEET OF AN OPEN TRAVEL LANE, CLOSE THE NEAREST OPEN TRAVEL LANE UNLESS THE WORK AREA IS PROTECTED BY BARRIER OR GUARDRAIL.
- 3. WHEN PERSONNEL AND/OR EQUIPMENT ARE WORKING WITHIN THE TRAVEL LANE OF AN UNDIVIDED OR DIVIDED FACILITY, CLOSE THE LANE ACCORDING TO THE TRAFFIC CONTROL PLANS, NCDOT STANDARD DRAWINGS OR AS DIRECTED BY THE ENGINEER. CONDUCT THE WORK SO THAT ALL PERSONNEL AND/OR EQUIPMENT REMAIN WITHIN THE CLOSED TRAVEL LANE.

EDGE DROP-OFF BACKFILL REQUIREMENTS

- 1. BACKFILL AT A 6:1 SLOPE UP TO THE EDGE AND ELEVATION OF EXISTING PAVEMENT IN AREAS ADJACENT TO AN OPENED TRAVEL LANE THAT HAS A DROP-OFF AS FOLLOWS:
 - A) BACKFILL DROP-OFFS THAT EXCEED 2 INCHES ON ROADWAYS WITH POSTED SPEED LIMITS OF 45 MPH OR GREATER.
 - B) BACKFILL DROP-OFFS THAT EXCEED 3 INCHES ON ROADWAYS WITH POSTED SPEED LIMITS LESS THAN 45 MPH.
 - C) BACKFILL WITH AGGREGATE BASE COURSE (ABC) OR SUITABLE COMPACTED MATERIAL, AS APPROVED BY THE ENGINEER AT NO EXPENSE TO THE PROJECT.

PAVEMENT MARKINGS

- 1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL FIELD SURVEY ALL EXISTING PAVEMENT MARKINGS WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL INSTALL PAVEMENT MARKINGS ON THE FINAL SURFACE TO MATCH EXISTING PAVEMENT MARKINGS OR AS DIRECTED BY THE ENGINEER.
- 2. TIE-IN THE PROPOSED PAVEMENT MARKING LINES TO EXISTING PAVEMENT MARKING LINES.

PERMANENT STREET SIGNAGE

- 1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL DOCUMENT AND COORDINATE WITH THE ENGINEER ALL EXISTING STREET SIGNAGE WITHIN THE PROJECT AREA. SHOULD THE CONTRACTOR REMOVE, DAMAGE, OR DEMOLISH ANY STREET SIGNAGE WITHIN THE PROJECT AREA OR ALONG THE ROUTE TO THE PROJECT AREA, THE CONTRACTOR SHALL REPLACE SAID REMOVED, DAMAGED, OR DEMOLISHED STREET SIGNAGE IN KIND.

TRAFFIC SIGNAL AND VEHICLE DETECTION EQUIPMENT

- 1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL DOCUMENT AND COORDINATE WITH THE ENGINEER ALL EXISTING TRAFFIC SIGNAL EQUIPMENT, POLES, MAST-ARMS, ETC. WITHIN THE PROJECT AREA. SHOULD THE CONTRACTOR REMOVE, DAMAGE, OR DEMOLISH ANY SUCH EQUIPMENT, THE CONTRACTOR SHALL COORDINATE WITH ENGINEER THE REPLACEMENT OF SUCH EQUIPMENT AND SHALL INCUR ALL EXPENSES FOR THE ENGINEERING, MATERIALS, DELIVERY, AND INSTALLATION OF SUCH EQUIPMENT.
- 2. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL COORDINATE, VERIFY AND DOCUMENT WITH THE ENGINEER ALL EXISTING VEHICLE DETECTION EQUIPMENT WITHIN THE PROJECT AREA. SHOULD THE CONTRACTOR REMOVE, DAMAGE, OR DEMOLISH ANY SUCH EQUIPMENT, THE CONTRACTOR SHALL COORDINATE WITH ENGINEER THE REPLACEMENT OF SUCH EQUIPMENT AND SHALL INCUR ALL EXPENSES FOR THE ENGINEERING, MATERIALS, DELIVERY, AND INSTALLATION OF SUCH EQUIPMENT.

STAGING AREA

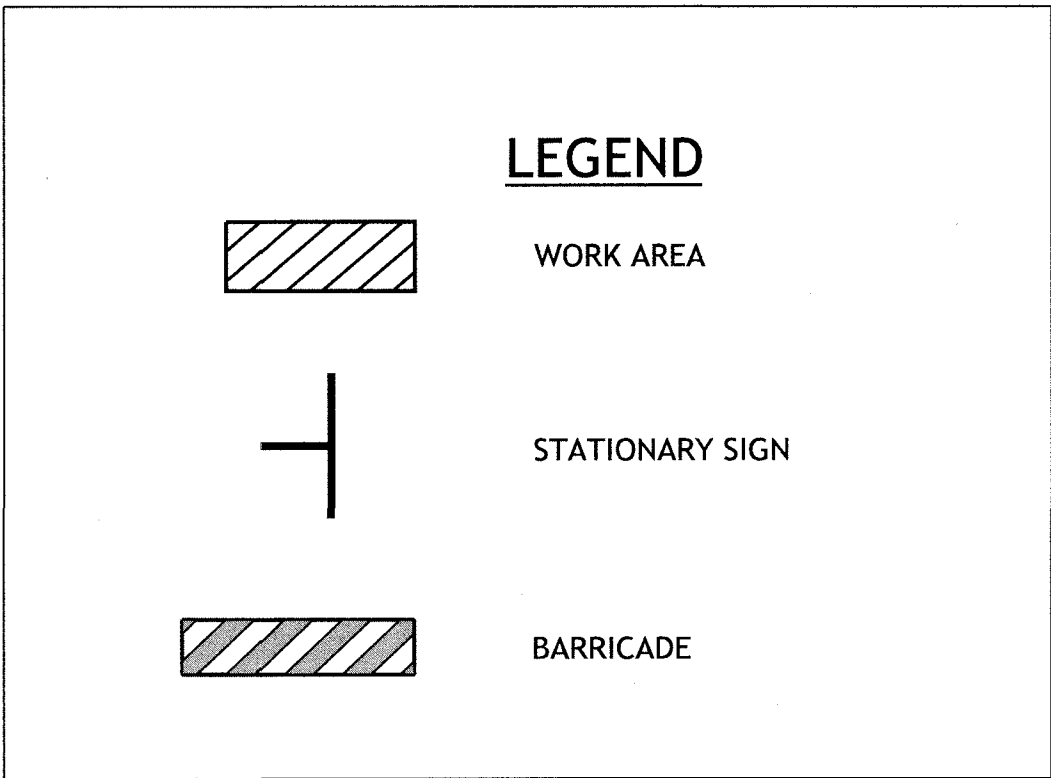
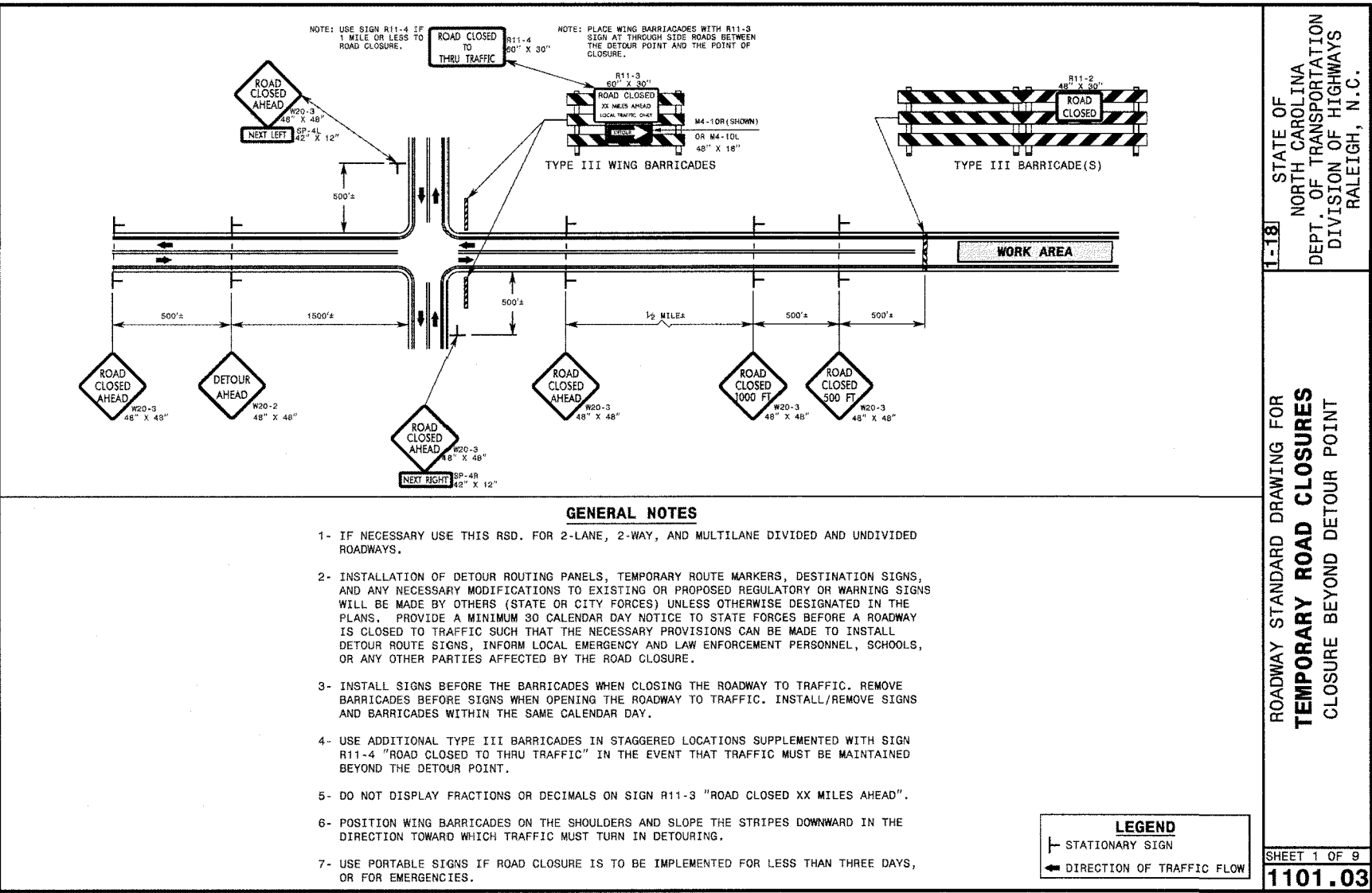
- 1. THE CONTRACTOR SHALL USE STAGING AREA(S) AS APPROVED BY THE CONTRACTING OFFICER. ALL EQUIPMENT SHALL BE PARKED WITHIN APPROVED STAGING AREA(S) WHEN NOT IN USE.

PROJECT SCHEDULE AND TRAFFIC CONTROL STAGING

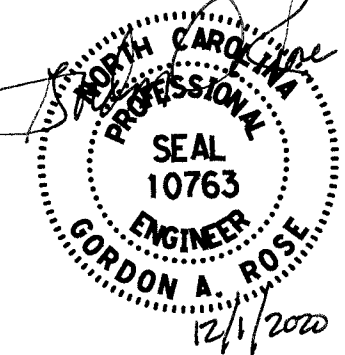
- 1. THE STAGING OF CONSTRUCTION AND TRAFFIC CONTROL OUTLINED HEREIN ARE MEANT TO PROVIDE GUIDANCE TO RELATETHE MINIMUM REQUIRED TRAFFIC CONTROL FOR CONSTRUCTION OF THE PROJECT. THE ORDER AND IMPLEMENTATION OF THE STAGES OUTLINED HEREIN MAY BE MODIFIED BASED ON LOCAL NEEDS, LOGISTICS, STAGING OF MATERIALS AND EQUIPMENT, AND REQUESTS BY THE CONTRACTING OFFICER OR HIS REPRESENTATIVE. THE CONTRACTOR SHALL FULLY COORDINATE THE ORDER OF CONSTRUCTION AND REQUIREMENTS FOR ALL TRAFFIC CONTROL WITHIN THE PROJECT AREA PRIOR TO COMMENCEMENT OF ALL CONSTRUCTION ACTIVITIES.
- 2. CONTRACTOR SHALL ENSURE ACCESS FOR EMERGENCY SERVICE VEHICLES AT ALL TIMES AND SHALL ONLY BARRICADE THAT PORTION OF THE ROADWAY WHERE UTILITY WORK IS OCCURING THAT DAY.
- 3. FOR EACH STAGE THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER AND SET UP THE ACTIVE WORK AREA TO MAINTAIN SAFE TRAFFIC ROUTING AND MINIMIZE DELAYS. THE CONTRACTOR SHALL SET UP TRAFFIC CONTROL FOR THE NEXT STAGE OR ACTIVE WORK AREA PRIOR TO THE RE-OPENING OF THE CURRENT WORK AREA OR INTERSECTION AND/OR PRIOR TO MOVING TO THE NEXT ACTIVE WORK AREA.
- 4. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL INSTALL ALL TRAFFIC CONTROL DEVICES, INCLUDING BUT NOT LIMITED TO DETOUR SIGNAGE, AND ADVANCE WARNING SIGNS IN ACCORDANCE WITH NCDOT STANDARD DRAWINGS AND THE TRAFFIC CONTROL PLANS (TCPs) HEREIN.
- 5. AFTER COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL ONLY REPLACE DAMAGED PAVEMENT MARKINGS AND STREET SIGNAGE, IF NECESSARY.

LIST OF APPLICABLE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) STANDARD DRAWINGS

1101.02	TEMPORARY LANE CLOSURES
1101.03	TEMPORARY ROAD CLOSURES
1101.05	WORK ZONE VEHICLE ACCESS
1101.11	TRAFFIC CONTROL DESIGN TABLES
1110.02	PORTABLE WORK ZONE SIGNS
1130.01	DRUM
1135.01	CONE
1145.01	BARRICADES
1150.01	FLAGGING DEVICES
DIV. 12	PAVEMENT MARKINGS, MARKERS, AND DELINEATION
(1200.XX)	



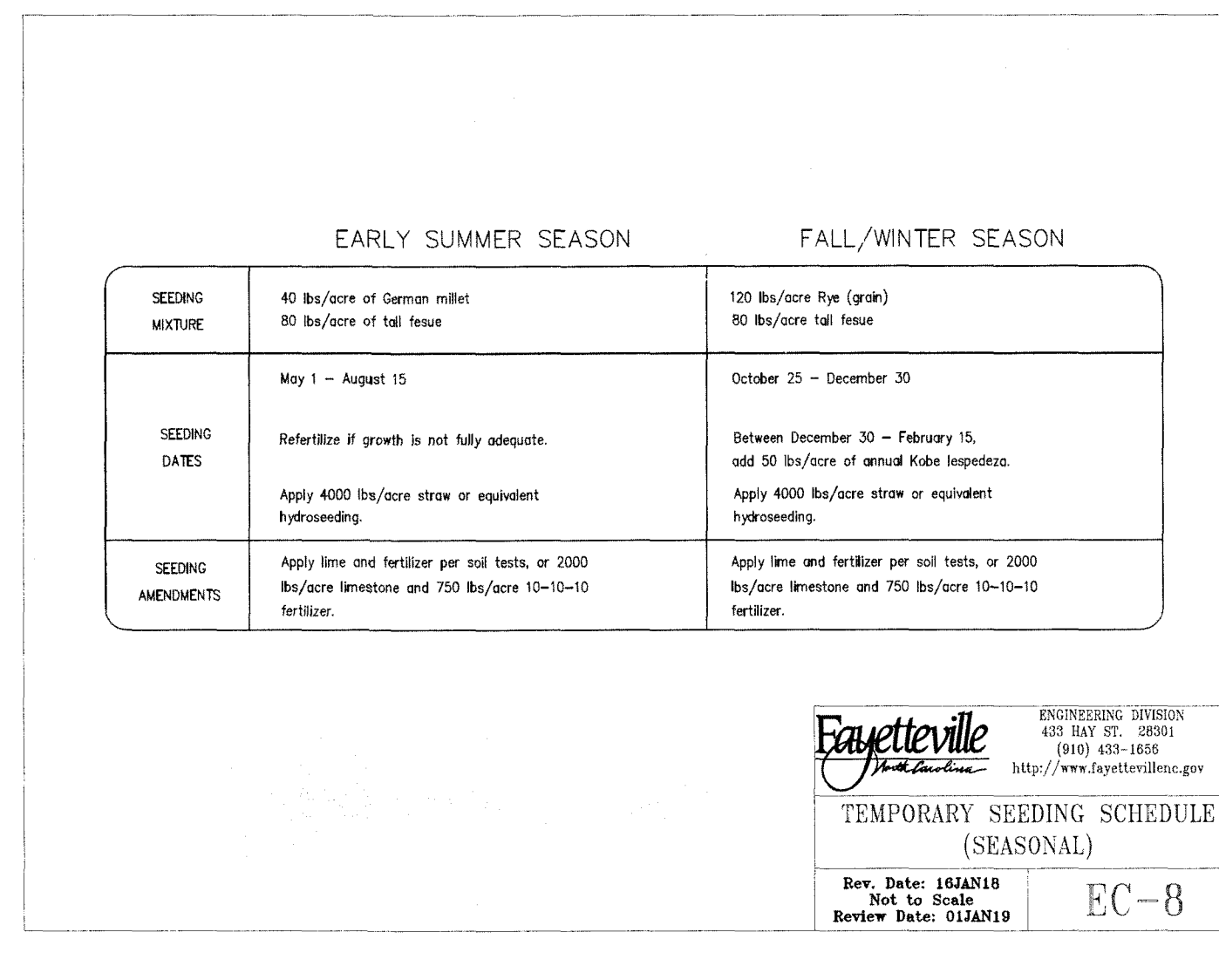
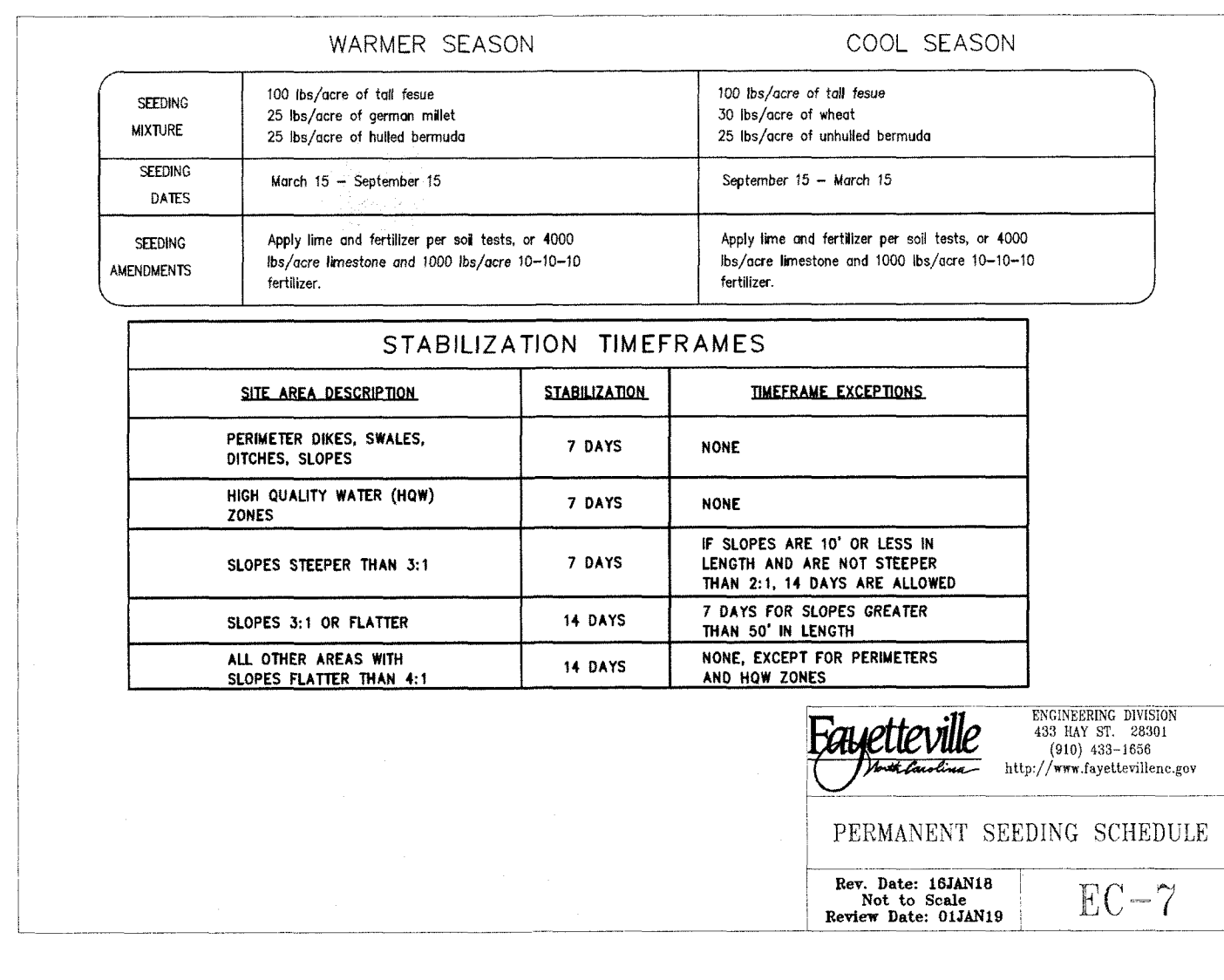
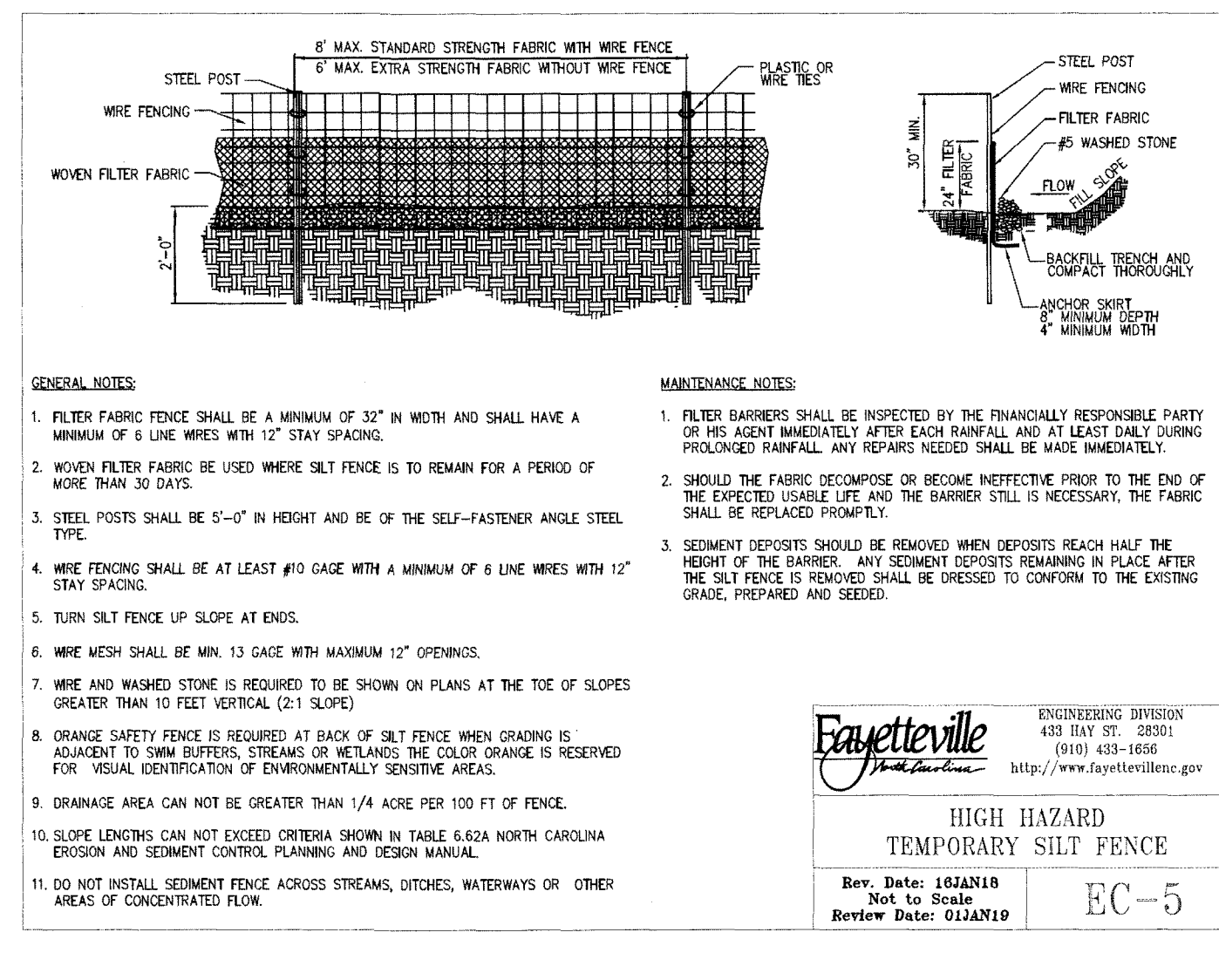
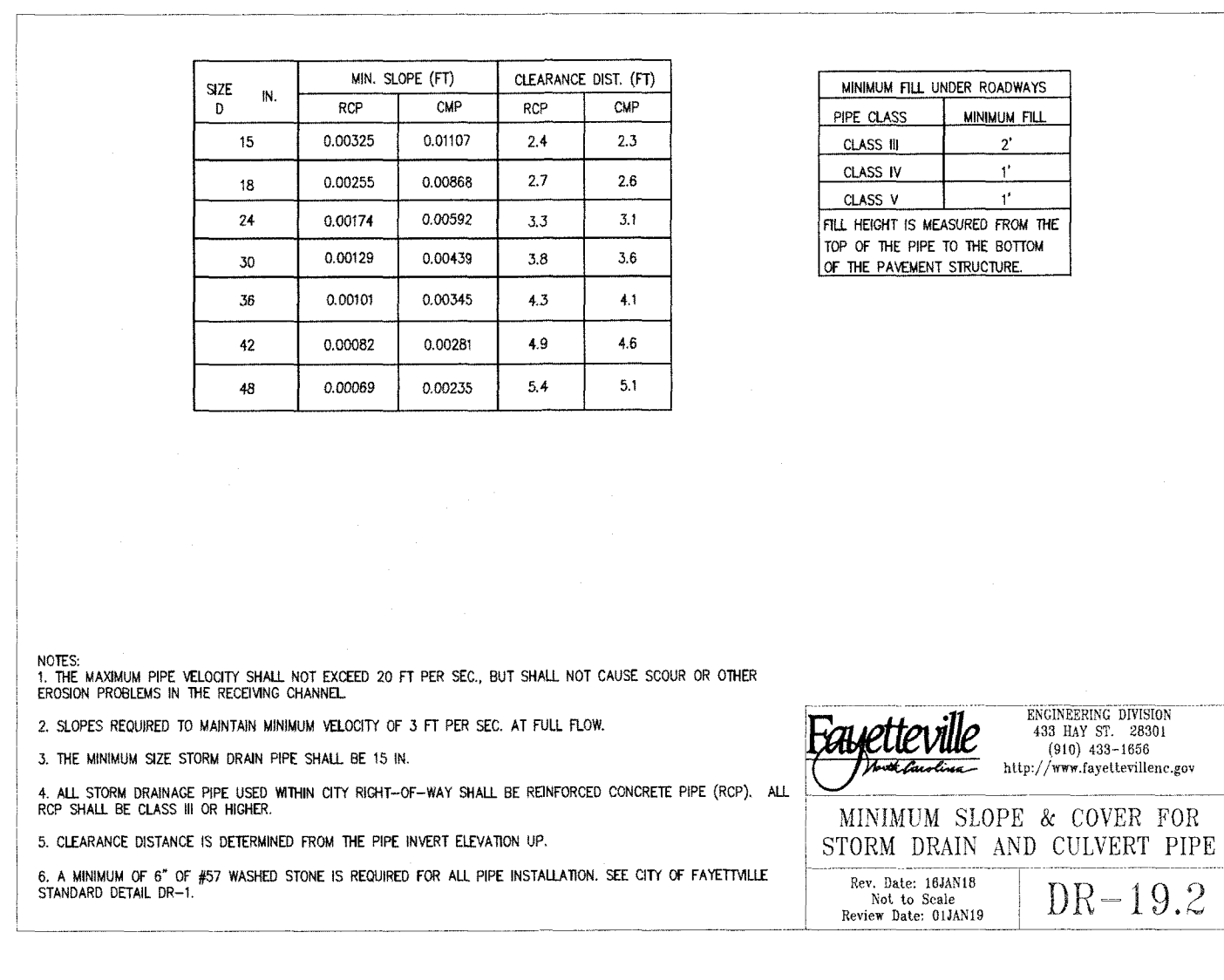
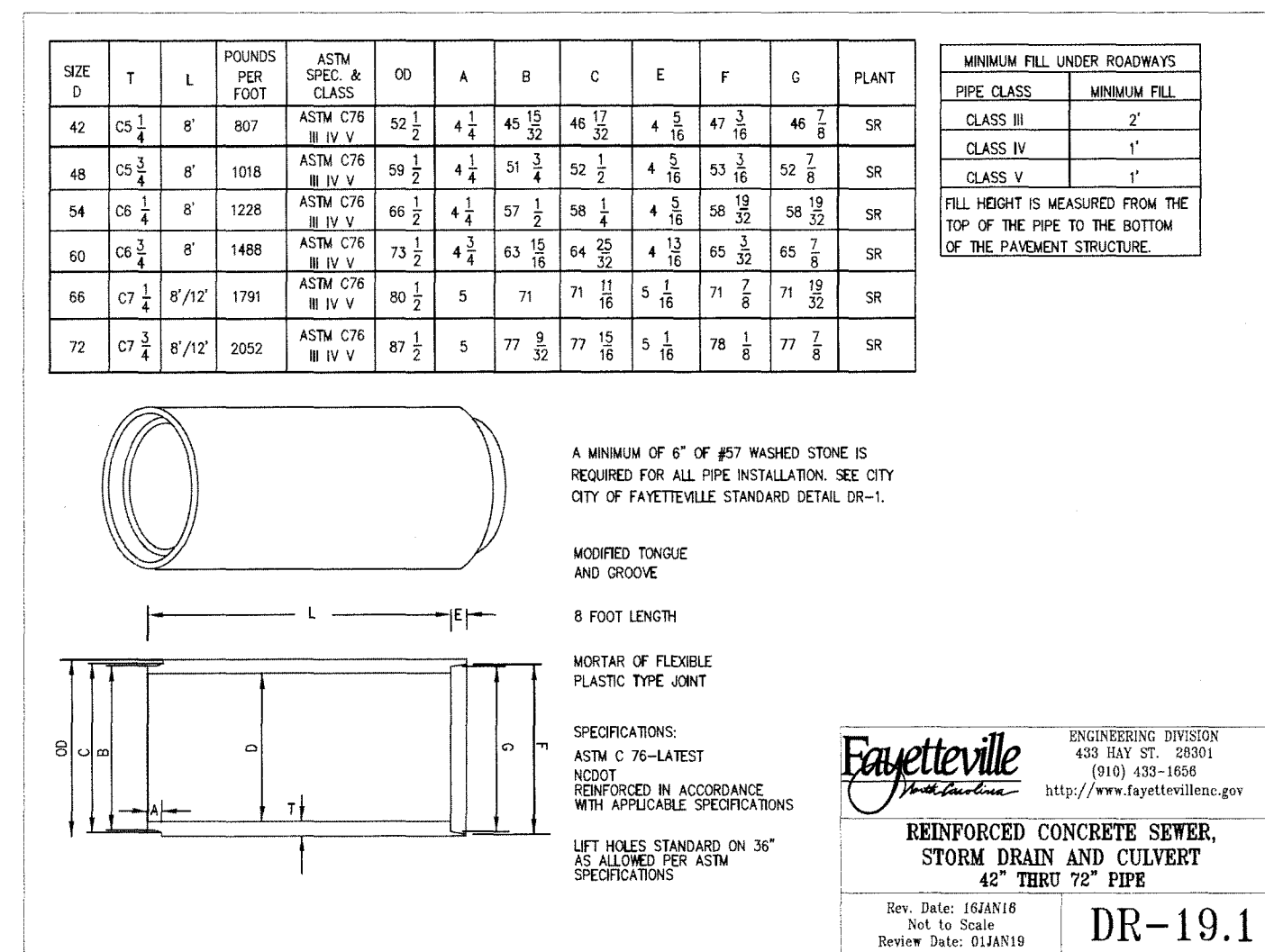
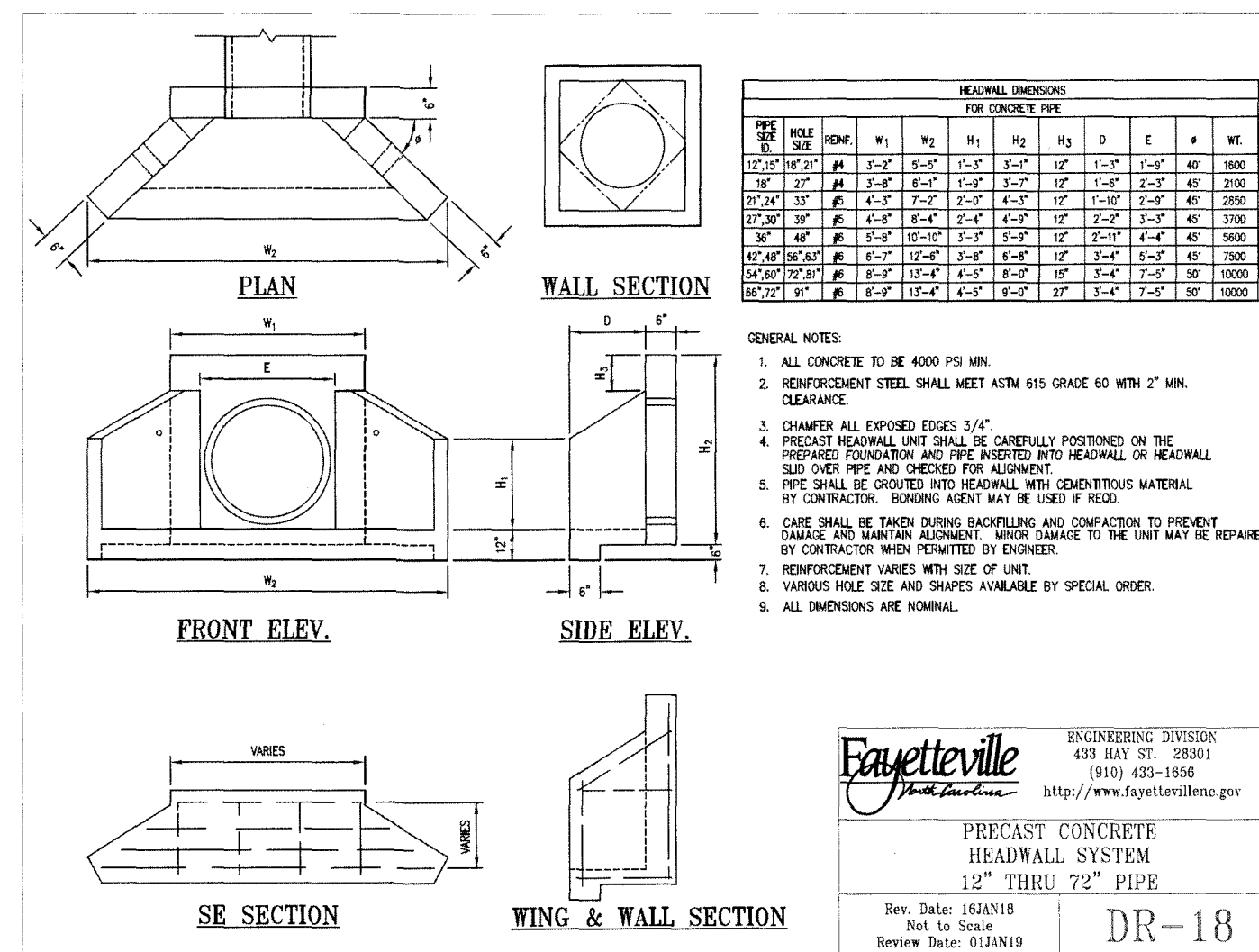
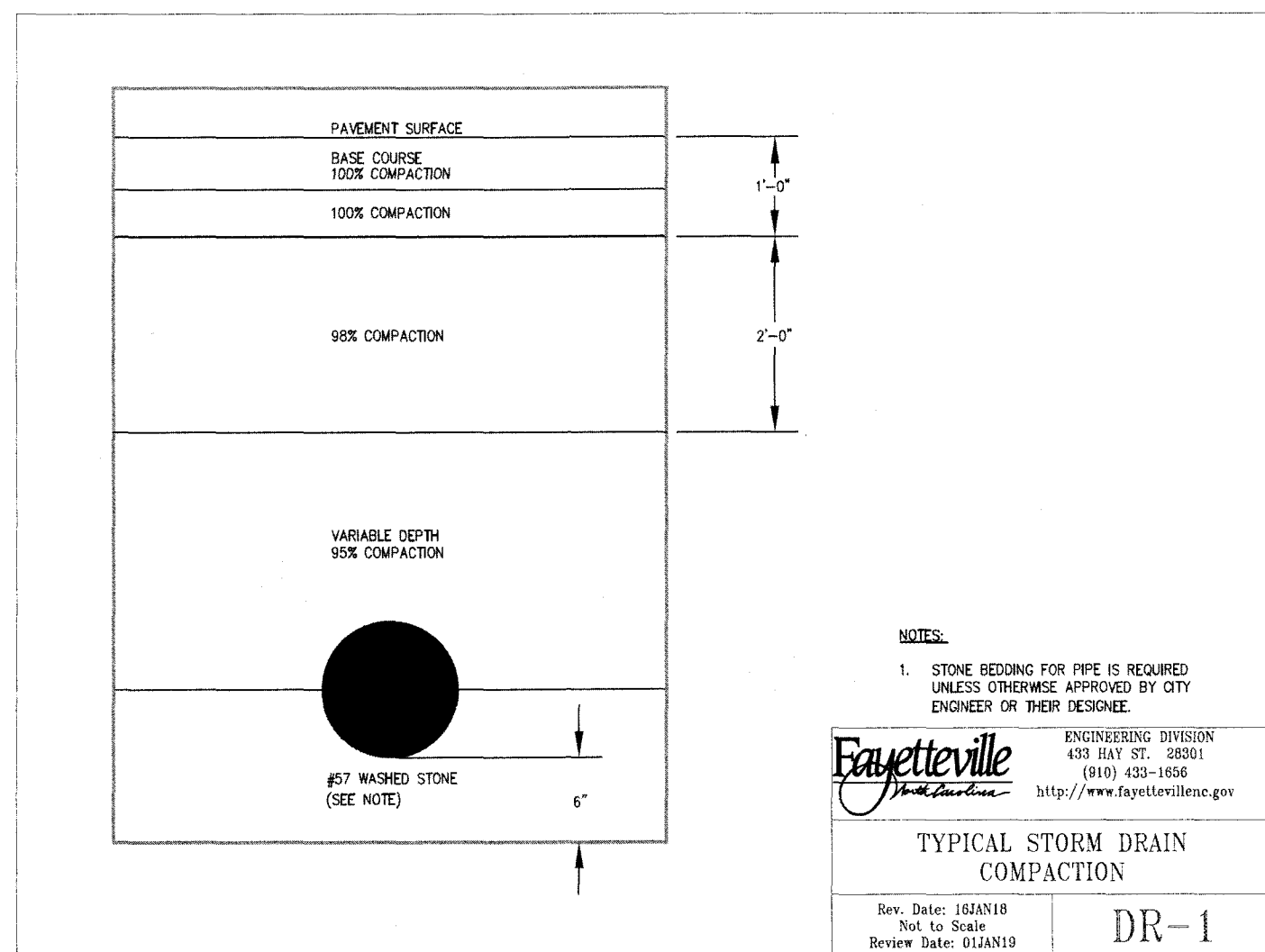
REVISIONS:



DATE: DEC. 01, 2020	STATUS: 100% DESIGN - ISSUED FOR CONSTRUCTION
PROJECT NO.: FAY1012	
SHEET SIZE: ANSI D - 22x34	

CITY OF FAYETTEVILLE - EWP
EWP DSR PROJECT #5038-500
SIPLE AVENUE
TRAFFIC CONTROL NOTES

TC-01



Type of Assistance Authorized

EWP is a USDA program to assist communities with recovery from watershed impairments, such as:

- Debris-clogged stream channels;
- Undermined and unstable stream banks;
- Landslides and debris flows that significantly impair stream flow
- Jeopardized water control structures and public infrastructures; and
- Wind-borne debris removal.

IMPORTANT: The watershed impairments that EWP can address are limited to those that create an emergency by impairing flows and threatening lives, public health, or property such as houses, buildings, roads, utilities, structures and dams. EWP funded measures must also be economically, environmentally and socially defensible; be designed and implemented according to sound technical standards; and conserve natural resources.

NRCS only provides funding for work that is necessary to reduce the eligible damage to pre-storm conditions. NRCS cannot pay for repairs to infrastructure such as repairing roads, water lines, sewers, or bridges.

EWP may also be used to purchase floodplain easements on eligible sites where it is more economical and feasible to purchase an easement than to implement recovery measures. These easements will conserve fish and wildlife habitat, water quality, flood water retention and ground water recharge, as well as safeguard lives and property from future damage by floods, drought and erosion.

Local Sponsors

Through EWP, NRCS may pay up to 75 % of the construction costs of eligible recovery measures. The remaining costs must come from the sponsor's sources and can be made using cash or in-kind services. EWP is delivered through agreements between NRCS and local project sponsors. A project sponsor can be a legal subdivision of the state, such as a state agency, county, city, town, soil and water conservation district, or an Indian Tribe or a Tribal organization. The NRCS typically does not provide EWP assistance directly to private property owners, with the exception of floodplain easement purchases.

The local project sponsors are responsible for:

- Providing land rights to do repair work;
- Securing necessary permits;
- Procuring services to accomplishing the installation of work;
- Performing any necessary operation and maintenance; and
- Furnishing the local cost share of 25% of the construction cost of eligible measures covered by the agreement



Requesting Assistance

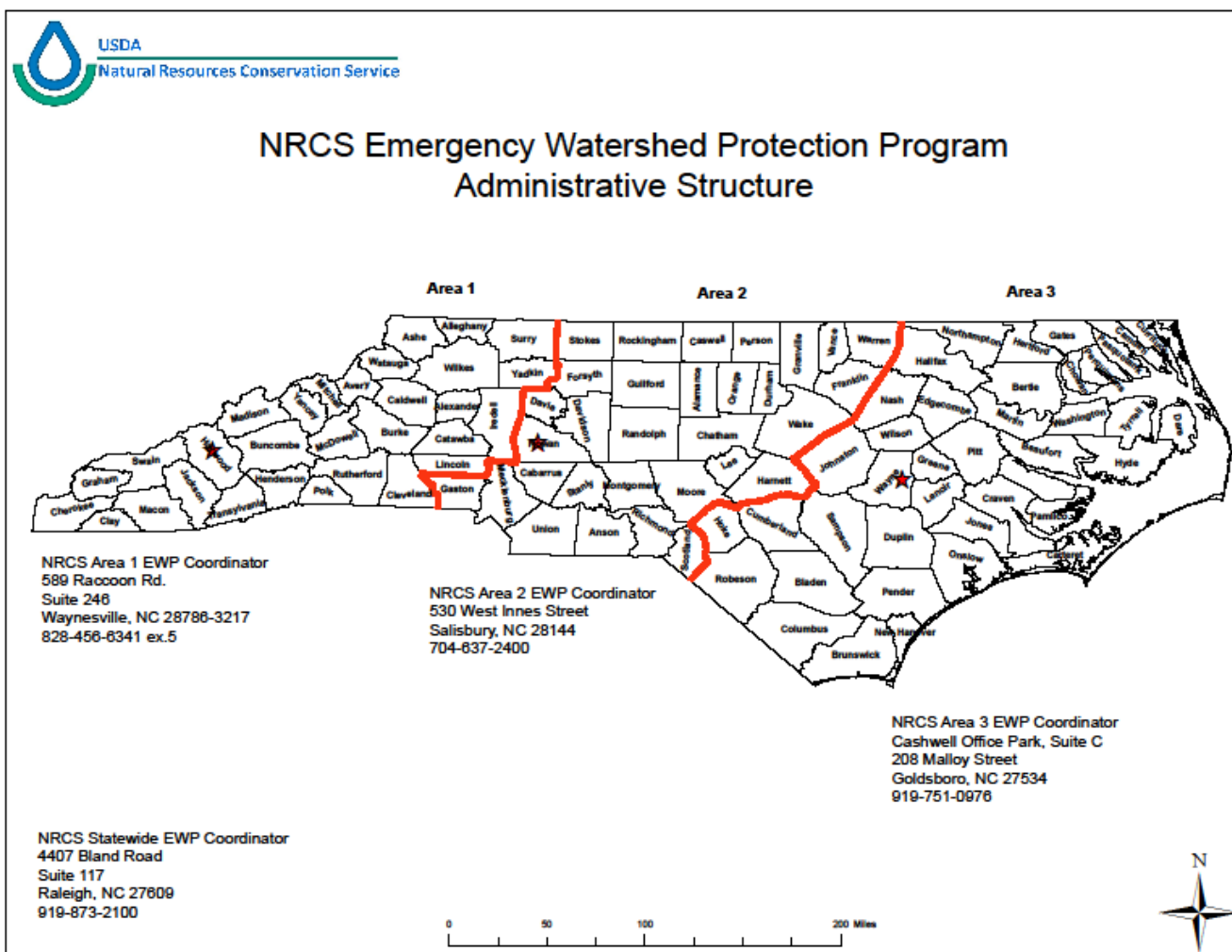
EWP assistance is requested by writing a letter to the NRCS State Conservationist. A sample letter is attached where the event description and sponsor information can be entered. Upon receipt of a written request, the NRCS sends employees to accompany the prospective local sponsor in screening damage sites for EWP eligibility. In cases of large-scale emergencies, NRCS may ask if the sponsors are willing and able to receive training from NRCS and then assist in eligibility screening. Ordinarily, the eligibility screening begins with the most severe damage in the affected area.

Not all removal of storm debris or repair of storm damage is eligible for EWP assistance. NRCS may determine on a case-by-case basis that some storm damage or watershed impairments do not meet the EWP eligibility requirements.

If You Have Questions About EWP in North Carolina

To get answers to your questions about EWP in North Carolina, Contact the NRCS EWP Coordinator designated for your area of the state on the map below, or call the NRCS State Office at (919) 873-2100.

Additional information about Federal assistance programs, safety tips, and updates about USDA's disaster relief efforts throughout the country are described at www.usda.gov/disaster. Information about the U.S. Government's disaster response efforts throughout the country is available at www.ready.gov.



**SAMPLE LETTER FOR REQUESTING EWP ASSISTANCE
MUST BE ON SPONSOR LETTERHEAD**

<<Enter Date>>

Mr. Timothy Beard
State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Mr. Beard:

We request Federal assistance under the provisions of section 216 of the Flood Control Act of 1950, Public Law 81-516 or section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, to restore damages sustained in [County name] County by [Enter name and/or type of disaster that occurred] on [Enter date disaster occurred]. This work is needed to safeguard lives and property from an imminent hazard of [scope of the problems]. [Explain the assistance needed].

We are a [State, political subdivision of a State, qualified Indian tribe or tribal organization, or unit of local government] with a legal interest in or responsibility for the values threatened by the watershed emergency. We understand, as sponsors of emergency watershed protection measures, that our responsibilities will include (but not limited to):

- Contributing a share of the project costs, as determined by NRCS, by providing funds or eligible services necessary to undertake the activity.
- Obtaining any necessary real property rights, water rights, and regulatory permits.
- Agreeing to provide for any required operation and maintenance of the completed emergency measures.

We have exhausted or have insufficient funding or other resources available to provide adequate relief from applicable hazards. We acknowledge that NRCS will not provide funding for activities undertaken by a sponsor prior to the signing of an agreement between NRCS and the sponsor.

The names, addresses, and telephone numbers of the administrative and technical contact persons in our organization are as follows:

[Enter name, title, address, email, and telephone of sponsor's representatives]

Please contact them for any additional information that you might need in assessing our request.

We have attached maps and current photographs of the damage site(s) with captions and location information for your agency to assess.

Sincerely,



Potential Emergency Watershed Protection Grant

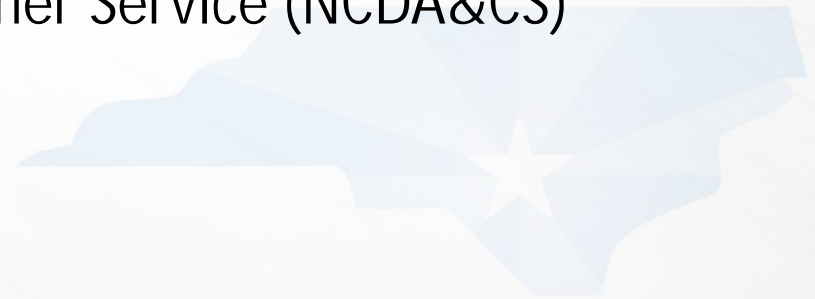
October 7, 2024



- Grant Overview
- Past EWP Success
- Potential Funds for TS Debby Relief at Siple Ave.
- Challenges & Opportunities
- Next Steps



- US Department of Agriculture (USDA)
- Natural Resources Conservation Services (NRCS)
- Emergency Watershed Protection (EWP) Program
- NC Department of Agriculture and Consumer Service (NCDA&CS)



- EWP – USDA Federal Emergency Recovery Program
 - Provides technical and financial assistance
 - Does not require a federal or state disaster declaration
 - Assist communities with recovery from watershed impairments
- Various activities include:
 - Remove debris from stream channels, road culverts and bridges;
 - Reshape and protect eroded streambanks;
 - Establish vegetative cover on critically eroding lands;
 - Repair certain conservation practices;



- EWP Project Criteria:
 - Provide protection from flooding or soil erosion;
 - Reduces threats to life and property;
 - Restore the hydraulic capacity to the natural environment;
 - Economically and environmentally defensible.
- Through EWP, NRCS pays up to 75% of construction cost of eligible recovery measures.
- Remaining cost come from Sponsor.



- Eligible Recovery Measures
 - Sediment & Debris removal
 - Bank stabilization
- Not Eligible though EWP
 - Repairs to Infrastructure (e.g. Repairing Roads, Bridges, Water/Sewer lines, Storm sewer)



Previous EWP Grant

- 2020 City was awarded \$2,145,400 from NRCS – EWP for watershed impairments attributed to Hurricane Florence.
- Received an additional \$715,133 from NCDA&CS to cover the Sponsor's share.
- Constructed multiple bank stabilization and sediment/debris removal projects throughout the City.

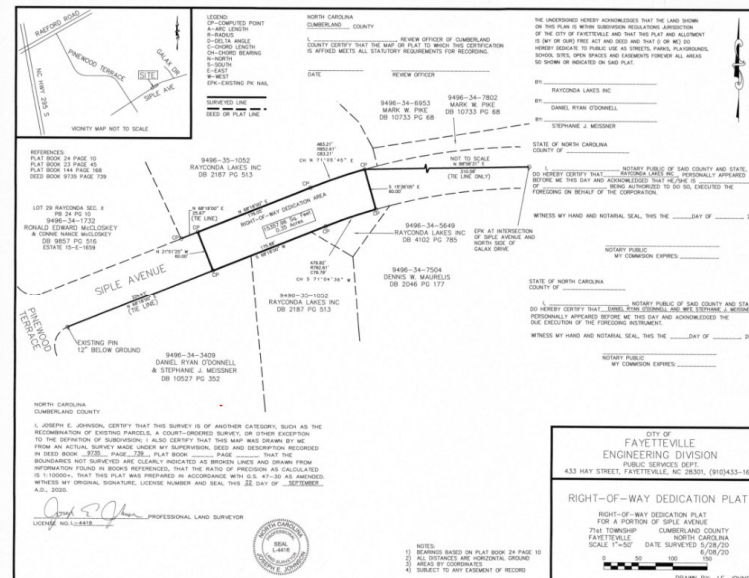
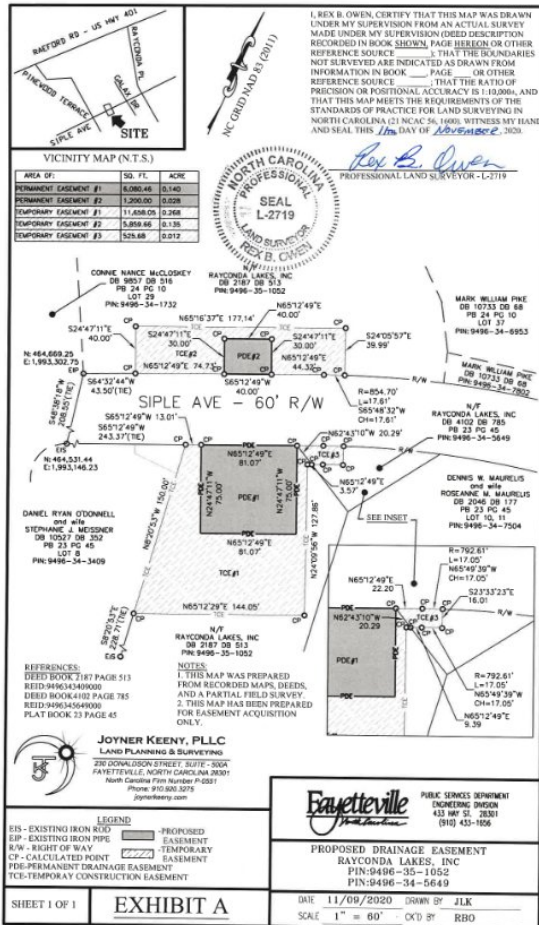


Previous EWP Grant

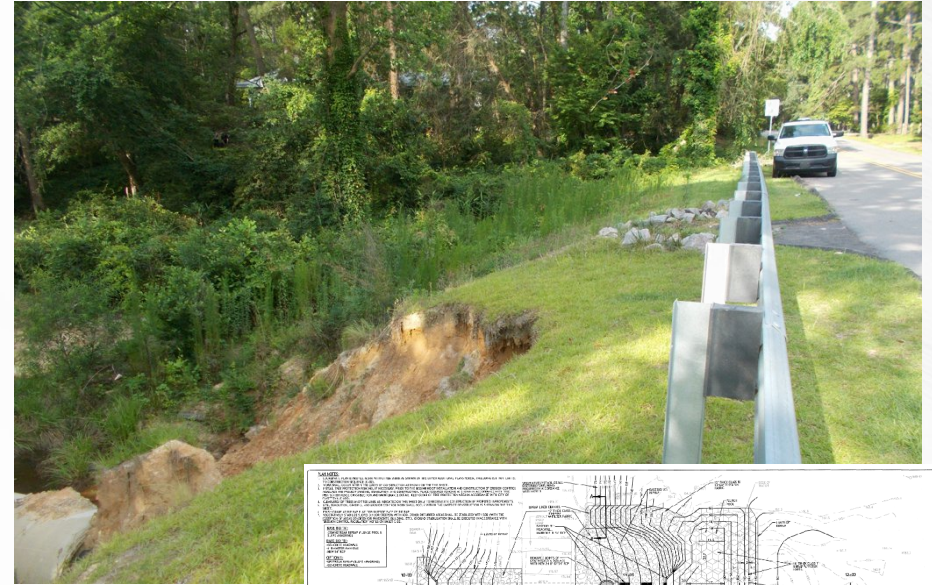


Previous EWP Grant

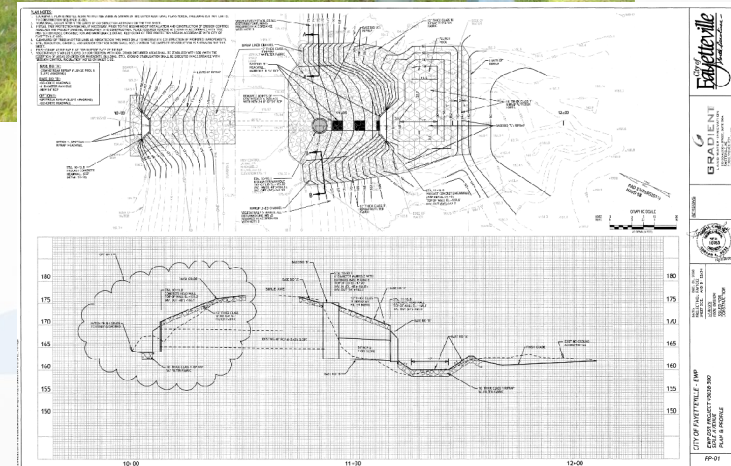
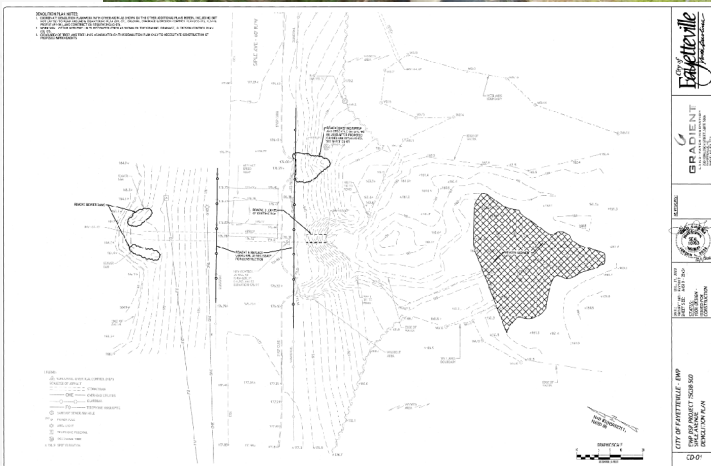
- Siple Ave was an approved site for this funding in 2020 but the project was not constructed. Property Owners declined to participate.
- City had requested the right of way to be re-dedicated.
- City had requested both temporary construction and permanent drainage easements for the existing culvert for maintenance.



Siple Ave. September 2020



\$180k Estimated Construction Cost for
stabilization and sediment removal



Potential funds for TS Debby Relief



Challenges & Opportunities

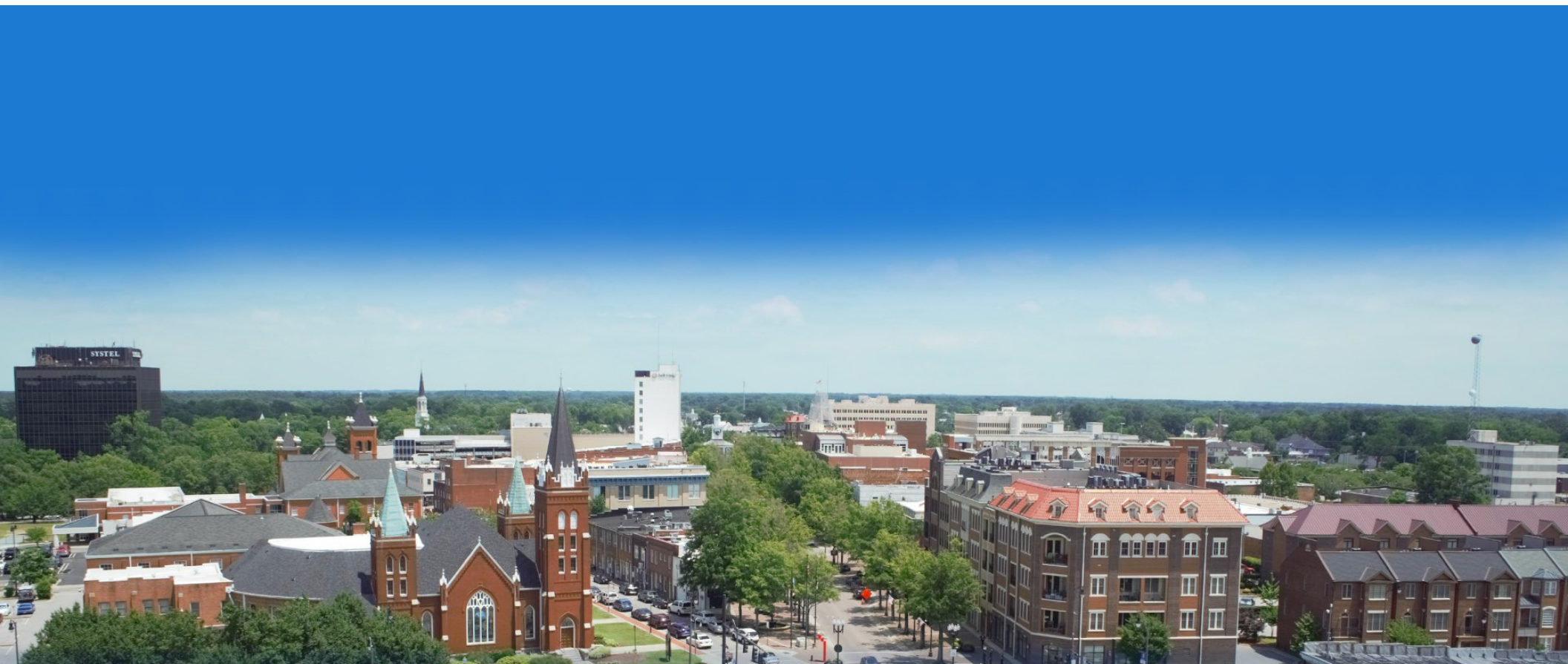
- Area of failure on Siple Ave is not public right of way (R2015-065)
- Identify the scope of the project
 - NRCS would not pay for full reconstruction of the road.
 - NRCS could potentially pay for 75% of sediment/debris removal and stabilization of the area.
- Where would Sponsor match of grant funds would come?
 - HOA? Potential State funds?
- Connectivity Analysis (Rayconda was re-evaluated):
 - Council desire for roadway reconstruction?
 - Not identified as a high priority when evaluated under criteria.
 - Not ranked pre failure; Ranked outside of top 17 scores (64 sites score higher)
- Environmental Benefits
 - Removal of sediment deposits and debris reduce potential clogging of stream channel
 - Further erosion and undermining mitigated
 - Improvement of water quality in the stream.



Next Steps

- Submit formal request for EWP assistance (Staff Recommendation if mitigation is desired)
 - Needed to trigger a site visit from NRCS to perform a damage survey report (DSR).
 - Does not commit the City to any financial responsibility.
 - DSR provides a damage description, proposed action, environmental evaluation, economic considerations, social considerations, and cost estimates for corrective action
 - Scope of the project is limited to sediment & debris removal and stabilization efforts to mitigate further erosion in the watershed.
 - Sponsor share of funding would need to be identified (recommend pursuing state grant funds or HOA).
- Conduct assessments of additional sites in the City to see if they would potentially be eligible for EWP funding at this time (Need Council direction on).
 - This would take additional time before submitting request for assistance.
 - Sponsor share of funding would need to be identified.





FayettevilleNC.gov



September 30, 2024

Mr. Timothy Beard
Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Dear Mr. Beard:

We request Federal assistance under the provisions of section 216 of the Flood Control Act of 1950, Public Law 81-516 or section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, to restore damages sustained in Cumberland County by Tropical Storm Debby on August 8, 2024. This work is needed to safeguard lives and property from an imminent hazard of stream blockages due to storm debris and further erosion of the roadway embankment.

We are a unit of local government with a legal interest in or responsibility for the values threatened by the watershed emergency. We understand, as sponsors of emergency watershed protection measures, that our responsibilities will include:

- Contributing a share of the project costs, as determined by NRCS, by providing funds or eligible services necessary to undertake the activity.
- Obtaining any necessary real property rights, water rights, and regulatory permits.
- Agreeing to provide for any required operation and maintenance of the completed emergency measures.

We have exhausted or have insufficient funding or other resources available to provide adequate relief from applicable hazards. We acknowledge that NRCS will not provide funding for activities undertaken by a sponsor prior to the signing of an agreement between NRCS and the sponsor.

The names, addresses, and telephone numbers of the administrative and technical contact persons in our organization are as follows:

Byron Reeves - Deputy Public Services Director
433 Hay Street, Fayetteville, NC 28301
ByronReeves@FayettevilleNC.gov
(910) 433-1301

Please contact them for any additional information that you might need in assessing our request.



We have attached a map and current photographs of the damage site with captions and location information for your agency to assess.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Byron Reeves', is positioned below the 'Sincerely,' text.

Byron Reeves
Deputy Public Services Director

cc: Doug Hewett, City Manager
Adam Lindsay, Assistant City Manager
Sheila Thomas-Ambat, Public Services Director



Area of debris removal and stabilization

Area of Sediment & Debris Removal





























City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4227

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.07

TO: Mayor and Members of City Council

**THRU: Kelly Olivera - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director**

**FROM: Will Deaton, AICP - Planning & Zoning Division Manager
Demetrios Moutos - Planner I**

DATE: October 7, 2024

**RE:
Review of Special Use Permit Peer and Text Amendment Recommendations**

**COUNCIL DISTRICT(S):
All**

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022
Goals 2027

Goal 2: Responsible City Government Supporting a Diverse and Viable Economy

- Objective 2.4 - Sustain a favorable development climate to encourage business growth

Goal 3: City Investment in Today and Tomorrow

- Objective 3.2 - Manage the City's future growth and strategic land use

Executive Summary:

This report proposes amendments to Fayetteville's Unified Development Ordinance (UDO) to enhance the efficiency of the Special Use Permit (SUP) process. Through a comprehensive analysis of current SUP requirements, past City Council decisions, and a comparative study with peer cities, the report advocates for reducing the number of uses necessitating SUPs. This strategy aims to balance developmental demands with community preservation while improving procedural efficiency.

Key findings indicate a high approval rate for SUP applications, suggesting opportunities for reclassification. The analysis of peer cities uncovered diverse approaches to SUP management, offering valuable insights for potential enhancements.

The proposed amendments categorize SUP removals based on potential impact, stressing the importance of careful evaluation for uses with moderate to high impact. The recommended course of action is to endorse staff suggestions and initiate the development of a text amendment for submission to the Planning Commission.

Background:

Fayetteville places a high priority on responsible development through its zoning regulations, with Special Use Permits (SUPs) playing a pivotal role. SUPs ensure extra scrutiny for specific land uses that could significantly impact communities, maintaining a balance between promoting development and preserving the character of Fayetteville's neighborhoods.

On July 30, 2023, Mayor Colvin requested a City Council agenda item to review the number of triggers for special use permits in comparison to peer cities. During the August 7, 2023, City Council Work Session, he sought council support to direct staff to investigate this topic. The staff would compare Fayetteville's SUP requirements with those of similar cities. Following discussion, the council voted to proceed with this request and directed staff to conduct research and report back on their findings.

On February 5, 2024, at a City Council Work Session, Mr. Moutos, Planner I, presented a proposal to streamline Fayetteville's Unified Development Ordinance (UDO) by revising the Special Use Permit (SUP) table. The proposal outlined a four-pronged approach:

- Assessing current SUP requirements
- Analyzing past City Council decisions on SUP applications
- Comparing regulations with peer cities
- Recommending amendments to align with modern planning practices while considering Fayetteville's unique needs

The presentation underscored the purpose of SUPs within the UDO: to regulate specific land uses with potential community impacts while balancing development with neighborhood character. Data analysis revealed a high approval rate (72.2%) for SUP applications, suggesting the possibility of streamlining the process by reclassifying frequently approved uses as permitted by right. After discussion, the City Council voted to advance the proposal for review by the Planning Commission, although Council Member Haire dissented.

On March 19, 2024, staff presented a report and proposal to the Planning Commission to amend the UDO regarding Special Use Permits (SUPs). Mr. Moutos led the presentation, outlining a proposal to streamline the UDO by reducing the number of required SUPs. Staff analysis identified that many uses requiring SUPs were rarely requested and routinely approved by the City Council. The proposed amendments aimed to eliminate SUP requirements for specific uses and potentially adjust standards for others. Key discussion points included resident participation and ensuring transparency throughout the process. The Planning Commission ultimately voted to defer action on the proposal, opting for further discussion at their April 16, 2024 meeting.

On April 16, 2024, staff returned to the Planning Commission to finalize the proposed amendments to the SUP text within the UDO. Mr. Moutos clarified that this meeting aimed to build on the previous month's discussions and gather the Board's recommendations. Ms. Harper emphasized that the session focused on board discussion, not final decisions. The discussion shifted to a few specific use types and their broader community impact. Concerns arose regarding the origin and appropriateness of existing regulations for these uses. The Board stressed the importance of thoughtful planning, incorporating community input, and revisiting the long-term implications of these specific uses at a later date. The meeting concluded with a unanimous vote to recommend approval of the proposed SUP changes to the City Council.

This proposal has undergone refinements over the past few months. Due to these

revisions, the proposal is returned to this City Council Work Session for review. Upon City Council approval, the proposal will be presented to the Planning Commission for their review and recommendations. Following the Planning Commission's input, the final proposal will return to the City Council for a full vote and approval at a regular meeting.

Issues/Analysis:

This analysis remains largely unchanged since its presentation to the City Council on February 5, 2024. We have retained it for continuity, considering the six-month interval that has passed.

The Special Use Permit (SUP) functions as a zoning instrument designed to accommodate land uses that may not seamlessly align with a specific district, contingent upon their precise location and design. It offers flexibility by permitting potentially compatible uses, subject to a rigorous review process that ensures adherence to City or County policies.

Current SUP Practices and Trends Analysis

Fayetteville's Development Ordinance employs SUPs for certain land uses that necessitate additional scrutiny due to their potential community impact. This strategy seeks to balance the facilitation of development with the preservation of neighborhood character.

Data analysis of SUP applications reveals notable trends. A substantial proportion (72.2%) of applications received approval, indicating a general receptiveness to accommodating certain land uses. Conversely, a minor percentage (11.1%) were denied, likely due to specific concerns.

This data suggests that certain uses consistently achieve high approval rates.

Reclassifying these frequently approved uses, or similar uses, as permitted by right could simplify the development process and reduce administrative burdens.

Comparative Analysis of SUP Processes in Peer Cities

Municipalities across the state employ diverse methods for managing SUPs:

- **Raleigh:** Utilizes a comprehensive review by the Planning Director, followed by public notice. The Board of Adjustment then conducts a public hearing and grants approval if the proposal meets established standards.
- **Charlotte:** Implements a system of "Prescribed Conditions" similar to Fayetteville's additional standards. Uses meeting all required conditions bypass review beyond the staff level. Necessary conditions may be integrated into the use table through text amendments.
- **Wilmington:** Issues or denies SUPs through resolutions by either the City Council or Board of Adjustment, depending on the use. Additionally, a neighborhood meeting is required prior to application submission.
- **Cumberland County:** The Board of Adjustment hears and decides on SUP requests.
- **Durham:** Mandates a pre-application conference and adherence to specific application requirements. After review, a public hearing is scheduled, with the approval body varying by SUP type (minor, major, or transportation). Specific criteria guide approvals, including considerations of area harmony, compliance,

public health and safety, and specific review factors. Appeals are permissible, and approved SUPs must be recorded.

- **Winston-Salem:** Operates a bifurcated SUP process based on use type and district. Uses designated with an “A” are reviewed by the Board of Adjustment, while those marked with an “E” require approval from the Elected Body. Both routes necessitate compliance with relevant zoning ordinance requirements. The process includes timely application submission, requisite information, site plans, and fees. Public notifications are made through property postings and mailed letters to nearby residents. For the Board of Adjustment process, applications undergo Planning Board reviews, and permits are granted based on findings concerning public safety, compliance with conditions, impact on property values, and alignment with local conditions. Permits may be extended, and separate SUPs are not required when a use aligns with special use district zoning.

By examining these practices, we can identify potential improvements to our SUP process, striving for a balance between efficiency and responsible development.

Following the Planning Commission’s approval recommendation for our initial approach on April 16, 2024, we have conducted further analysis of the proposed uses for SUP removal. This analysis categorizes them based on their potential community impact.

It is important to note that this is a general categorization based on typical public perceptions of these uses rather than a comprehensive impact assessment.

- **Low Impact Uses:**
 - **Agriculture, Government Facilities, Community & Educational Facilities, Places of Worship, Healthcare Facilities, Transportation & Utilities, and Certain Commercial Uses** (e.g., professional services, restaurants with minimal traffic generation, convenience stores): These uses typically offer essential services with minimal adverse impacts. When designed appropriately, certain commercial uses can be compatible with various zoning districts.
 - Most agricultural uses (plant nurseries, urban agriculture, etc.) generally have minimal negative impacts and are often encouraged to support local supply chains and small independent businesses.
 - Schools, libraries, museums, community centers, and youth club facilities provide vital services and foster a family-friendly community with minimal operational disruption.
- **Moderate Impact Uses:**
 - **Therapeutic Homes, Cultural Facilities (large scale), Adult Day Care Centers** (larger facilities or those in residential areas), **Child Care Centers** (larger facilities or those in residential areas), **Specialty Commercial Uses** (e.g., gas stations, crematoriums, entertainment establishments), **Other Retail Sales** (large stores or those with significant traffic generation): These uses may require additional scrutiny due to potential impacts on traffic, parking, noise, or aesthetics. Thoughtful planning and mitigation measures can address these concerns.
- **Moderate to High Impact Uses:**
 - **Multi-family dwellings, Single-Family Attached Dwellings** (large projects or those in established neighborhoods), and **Two-to-Four-Family**

Dwellings (depending on context): The potential impacts of these uses on traffic, parking, infrastructure, and neighborhood character can vary significantly. Careful consideration of size, location, and project design is essential for successful SUP removal.

This analysis focuses on uses considered for SUP removal. It acknowledges that the City Council has previously reviewed and often found controversial other uses not included here. Additionally, uses with inherent safety hazards, such as certain industrial uses, are naturally excluded from SUP removal consideration.

Budget Impact:

Streamlined permitting process with potential fee reductions for uses transitioning from Special Use Permit to Permitted by Right.

Options:

- Approve staff recommendations and direct the development of a text amendment for submission to the Planning Commission.
- Authorize staff to explore alternative City Council recommendations and begin drafting a text amendment for Planning Commission review.
- Refer the proposal back to staff for a comprehensive review, including potential changes to the Special Use Permit list.
- Take no action and maintain the current number of use types requiring Special Use Permits.

Recommended Action:

The Professional Planning Staff recommends option 2.
Top of Form

Attachments:

Attached is a comprehensive spreadsheet detailing all Special Use Permit (SUP) applications from 2015 to 2023. Each SUP includes a detailed description alongside the location. While not all peer cities are explicitly referenced in the examples, we have included their Use Tables and SUP standards for comparison.

Attachments:

- SUP Spreadsheet (2015-2023)
- Raleigh Use Table and SUP Standards
- Durham Use Table and SUP Standards
- Charlotte Use Table
- Winston-Salem Use Table and SUP Standards
- Wilmington Use Table and SUP Standards
- Cumberland County Use Table and SUP Standards

- Fayetteville Use Table
- PowerPoint Presentation

Article 6.1. Allowed Uses

Sec. 6.1.1. Classification of Uses

A. Use Categories

1. In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties and site conditions.
3. Use category definitions are included in *Article 6.2. Residential Uses* through *Article 6.6. Open Uses*.
4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Zoning Administrator has the responsibility for categorizing all uses.

B. Principal Uses

Allowed principal uses by district are listed in *Sec. 6.1.4*. Principal uses are grouped into categories of uses.

C. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use as set forth in *Article 6.7. Accessory Uses & Structures*.

D. Temporary Uses

Temporary uses are allowed as set forth in *Article 6.8. Temporary Uses*.

Sec. 6.1.2. Use Determination

A. Interpretation by the Zoning Administrator

The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Zoning Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Zoning Administrator will consider the following criteria:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;

3. Relative amounts of sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking demands;
9. The number of vehicle trips generated;
10. Signs;
11. How the proposed use is advertised;
12. The likely impact on surrounding properties; and
13. Whether the activity is likely to be found independent of the other activities on the site.

B. Uses Not Specifically Listed

A use not specifically listed is prohibited unless the Zoning Administrator determines the use to be part of a use category as described in *Sec. 6.1.1.A*.

C. Zoning Administrator Action

Following a determination by the Zoning Administrator, a written record shall be kept by the City (see *Sec. 10.2.14.*).

Sec. 6.1.3. Key to Use Table

The allowed use table in *Sec. 6.1.4*. identifies uses permitted in each zoning district. The use table key is set forth below.

A. Permitted Use (P)

Indicates that the use is permitted by right in the district.

B. Limited Use (L)

Indicates that the use, while allowed by right in the district, must meet the use standards associated with the specific use (see right-hand column for definitions/use standards).

C. Special Use (S)

Indicates that the use requires approval by the Board of Adjustment as a special use (see *Sec. 10.2.9.*) before it is allowed in the district. Use standards associated with the specific use may also apply.

D. Use Not Permitted (--)

Indicates that a use is not permitted.

Sec. 6.1.4. Allowed Principal Use Table

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL				Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	
RESIDENTIAL																	
HOUSEHOLD LIVING, AS LISTED BELOW:																	Sec. 6.2.1.A.
Single-unit living	P	P	P	P	P	P	--	P	P	P	P	--	--	P	--	P	Sec. 6.2.1.B.
Two-unit living	L	P	P	P	P	P	--	P	P	P	P	--	--	--	--	--	Sec. 6.2.1.C.
Multi-unit living	--	L	L	P	P	P	--	P	P	P	P	L	--	--	--	--	Sec. 6.2.1.D.
Cottage court	--	P	P	P	P	P	--	P	P	P	--	--	--	--	--	--	Sec. 6.2.1.E.
Conservation development	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	Sec. 6.2.1.F.
Compact development	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	Sec. 6.2.1.G.
Frequent Transit Development Option	--	--	L	L	L	L	--	L	L	L	--	L	--	--	--	--	Sec. 6.1.2.K
Manufactured home development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	Sec. 6.2.1.H.
Multi-unit supportive housing residence	L	L	L	L	L	L	--	L	L	L	L	L	--	L	--	--	Sec. 6.2.1.I.
Supportive housing residence	L	L	L	L	L	L	--	L	L	L	L	L	--	L	--	--	Sec. 6.2.1.J.
GROUP LIVING, EXCEPT AS LISTED BELOW	S	S	S	S	S	P	--	P	P	P	P	P	--	--	--	--	Sec. 6.2.2.A.
Boardinghouse	--	--	--	--	S	L	--	L	L	L	L	--	--	--	--	--	Sec. 6.2.2.B.
Congregate care	S	S	S	S	L	L	--	L	L	L	L	L	--	--	--	--	Sec. 6.2.2.C.
Dormitory, fraternity, sorority	--	--	--	--	--	P	--	P	--	P	P	P	--	--	--	--	Sec. 6.2.2.D.
Continuing care retirement community	S	S	S	S	L	L	--	L	L	L	L	L	--	--	--	--	Sec. 6.2.2.E.
Rest home	S	S	S	L	L	P	--	P	P	P	P	P	--	--	--	--	Sec. 6.2.2.F.
SOCIAL SERVICE, AS LISTED BELOW:																	Sec. 6.2.3.A.
Emergency shelter type A	--	--	--	--	--	--	--	S	--	S	S	S	--	--	L	--	Sec. 6.2.3.B.
Emergency shelter type B	--	--	--	--	--	L	--	L	--	L	L	L	--	--	L	--	Sec. 6.2.3.C.
Special care facility	S	S	S	S	S	S	L	L	L	L	L	L	--	--	L	--	Sec. 6.2.3.D.
PUBLIC & INSTITUTIONAL																	
CIVIC, EXCEPT AS LISTED BELOW:	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	Sec. 6.3.1.A. & E.
Cemetery	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.1.B.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL				Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	
College, community college, university	--	--	--	--	--	--	P	P	--	P	P	P	--	--	--	--	Sec. 6.3.1.C.
School, public or private (K-12)	L	L	L	L	L	L	L	L	L	L	L	L	--	L	--	L	Sec. 6.3.1.D.
PARKS, OPEN SPACE AND GREENWAYS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.2.A.
MINOR UTILITIES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.3.A.
MAJOR UTILITIES, EXCEPT AS LISTED BELOW	--	--	--	--	--	--	--	--	--	--	--	S	--	--	S	--	Sec. 6.3.3.B.
Telecommunication tower (<250 ft)	L	L	L	L	L	L	L	L	L	L	L	L	--	L	L	L	Sec. 6.3.3.C.
Telecommunication tower (≥250 ft)	S	S	S	S	S	S	S	S	S	S	S	S	--	S	S	S	Sec. 6.3.3.D.
Water/Wastewater treatment plant - Government	L	--	--	--	--	--	--	--	--	--	--	L	--	--	L	--	Sec. 6.3.3.E
COMMERCIAL																	
DAY CARE, AS LISTED BELOW:																	Sec. 6.4.1.A.
Day care, home	L	L	L	L	L	L	--	L	L	L	L	L	--	L	--	L	Sec. 6.4.1.B.
Day care center	S	S	S	S	S	S	L	L	L	L	L	L	--	--	--	S	Sec. 6.4.1.C.
INDOOR RECREATION, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	Sec. 6.4.2.A.
Adult establishment	--	--	--	--	--	--	--	--	--	S	S	S	--	--	S	--	Sec. 6.4.2.B.
Dance, martial arts, music studio or classroom	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	
Health club	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	Sec. 6.4.2.C.
Sports academy	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	Sec. 6.4.2.D.
MEDICAL	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	Sec. 6.4.3.A. & B.
OFFICE	--	--	--	--	--	L	P	P	P	P	P	P	--	--	P	--	Sec. 6.4.4.A. & B.
OUTDOOR RECREATION, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	Sec. 6.4.5.A.
Golf course	L	L	L	L	L	--	--	--	--	P	--	P	--	--	--	--	Sec. 6.4.5.B.
Outdoor sports or entertainment facility (≤250 seats)	P	P	P	P	P	P	P	P	P	P	P	P	--	P	--	P	Sec. 6.4.5.C.
Outdoor sports or entertainment facility (>250 seats)	S	S	S	S	S	S	S	S	S	S	S	S	--	S	S	S	Sec. 6.4.5.C.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL				Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	
Riding stables	L	--	--	--	--	--	--	--	--	--	--	L	--	L	--	--	Sec. 6.4.5.D.
OVERNIGHT LODGING, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	P	S	--	P	P	P	--	--	--	--	Sec. 6.4.6.A.
Short-Term Rental	L	L	L	L	L	L	--	L	L	L	L	--	--	--	--	--	Sec. 6.4.6.E
Bed and breakfast	--	--	--	--	L	L	--	P	P	P	P	--	--	--	--	--	Sec. 6.4.6.B.
Hospitality house	--	--	--	--	L	P	--	P	--	P	P	P	--	--	--	--	Sec. 6.4.6.C.
PARKING, AS LISTED BELOW																	Sec. 6.4.7.
Parking Facility	S	S	S	S	S	L	L	P	P	P	P	P	--	--	L	--	Sec. 6.4.7.
PASSENGER TERMINAL , EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	P	P	P	--	--	P	--	Sec. 6.4.8.A.
Airfield, landing strip	--	--	--	--	--	--	--	--	--	--	--	S	--	S	S	--	Sec. 6.4.8.B.
Heliport, serving hospitals	--	--	--	--	--	--	--	L	--	L	L	L	--	--	--	--	Sec. 6.4.8.C.
Heliport, all others	--	--	--	--	--	--	S	S	--	S	S	S	--	S	S	--	Sec. 6.4.8.D.
PERSONAL SERVICE, EXCEPT AS LISTED BELOW:	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	Sec. 6.4.9.A. & G.
Animal care (indoor) Except as Listed Below:	--	--	--	--	--	--	--	--	L	L	L	L	--	L	L	--	Sec. 6.4.9.B.
Veterinary Clinic/Hospital	--	--	--	--	--	--	--	L	L	L	L	L	--	L	L	--	Sec. 6.4.9.B.
Animal care (outdoor)	--	--	--	--	--	--	--	--	--	--	--	S	--	S	S	--	Sec. 6.4.9.C.
Beauty/hair salon	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	Sec. 6.4.9.D.
Copy center	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	Sec. 6.4.9.E.
Optometrist	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	Sec. 6.4.9.F.
RESTAURANT/BAR, AS LISTED BELOW:																	Sec. 6.4.10.A.
Bar, nightclub, tavern, lounge	--	--	--	--	--	--	--	--	L	P	P	P	--	--	--	--	Sec. 6.4.10.B.
Eating establishment	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	Sec. 6.4.10.C.
RETAIL SALES, EXCEPT AS LISTED BELOW:	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	Sec. 6.4.11.A. & C.
Mobile Retail - Long Term	--	--	--	--	--	--	--	--	L	L	L	L	--	--	--	--	Sec. 6.4.11.C.
Pawnshop	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	Sec. 6.4.11.B.
SHOPPING CENTER	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	Sec. 6.4.12

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

CHAPTER 6. USE REGULATIONS | Article 6.1. Allowed Uses

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL				Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	
VEHICLE FUEL SALES (INCLUDING GASOLINE AND DIESEL FUEL)	--	--	--	--	--	--	--	--	L	L	L	L	--	--	--	--	Sec. 6.4.11.D.3.
VEHICLE SALES/RENTAL	--	--	--	--	--	--	--	--	L	L	L	L	--	--	P	--	Sec. 6.4.12.A. & B.
INDUSTRIAL																	
HEAVY INDUSTRIAL, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Sec. 6.5.1.A.
Detention center, jail, prison							S	S	S	S	S	S			P		Sec. 6.5.1.B.
Towing yard for vehicles	--	--	--	--	--	--	--	--	--	--	--	S	--	--	S	--	Sec. 6.5.1.C.
LIGHT INDUSTRIAL, EXCEPT AS LISTED BELOW	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Sec. 6.5.2.A.
Brewery, winery, distillery, cidery	--	--	--	--	--	--	--	--	--	L	L	P	--	--	P	--	Sec. 6.5.2.A.
LIGHT MANUFACTURING	--	--	--	--	--	--	P	--	--	P	P	P	--	--	P	--	Sec. 6.5.3.A.
RESEARCH & DEVELOPMENT	--	--	--	--	--	--	P	P	--	P	P	P	--	--	P	--	Sec. 6.5.4.A.
SELF-SERVICE STORAGE	--	--	--	--	--	--	L	--	--	L	L	L	--	--	P	--	Sec. 6.5.5.A. & B.
VEHICLE SERVICE, AS LISTED BELOW:																	Sec. 6.5.6.A.
Car wash	--	--	--	--	--	--	--	--	--	L	--	L	--	--	P	--	Sec. 6.5.6.B.
Vehicle repair (minor)	--	--	--	--	--	--	--	--	L	L	L	P	--	--	P	--	Sec. 6.5.6.C.
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	L	L	P	--	--	P	--	Sec. 6.5.6.D.
Vehicle repair (commercial vehicle)	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Sec. 6.5.6.E.
WAREHOUSE & DISTRIBUTION	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Sec. 6.5.7.A. & B.
WASTE-RELATED SERVICE	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Sec. 6.5.8.A.
WHOLESALE TRADE	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Sec. 6.5.9.A.
OPEN																	
AGRICULTURE, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 6.6.1.A.
Community garden	L	L	L	L	L	L	L	L	L	L	L	L	--	L	--	S	Sec. 6.6.1.B.
Community garden (on-site sales)	L	S	S	S	L	L	L	L	L	L	L	L	--	--	--	--	Sec. 6.6.1.B.
Plant nursery	S	--	--	--	--	--	--	P	P	P	P	P	--	L	--	--	Sec. 6.6.1.C.
Produce stand	L	L	L	L	L	L	L	L	L	L	L	L	--	L	L	L	Sec. 6.8.2.D.
Restricted agriculture	P	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.6.1.D.
Urban farm	S	S	S	S	S	S	S	S	S	S	S	S	--	--	--	--	Sec. 6.6.1.E.
RESOURCE EXTRACTION	--	--	--	--	--	--	--	--	--	--	--	--	--	L	L	--	Sec. 6.6.2.A.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

Sec. 6.1.5. Prohibited Uses

Except for improvements made pursuant to Chapter 8. Subdivision & Site Plan Standards or use determinations made pursuant to Sec. 6.1.2., any use not explicitly allowed as a permitted use by right, a limited use or a special use in the zoning district by the Allowed Principal Uses Table, Sec. 6.1.4., is prohibited. The enumerations of prohibited uses below are expressly prohibited, but such enumeration shall not be deemed exclusive or all-inclusive. Prohibited uses include:

- A. Any use of prima fascia business, commercial, or industrial character not otherwise specifically allowed in an R-1, R-2, R-4, R-6, R-10, RX-, OP- or OX-district;
- B. Any use prohibited by an applicable conditional zoning district;
- C. Any use prohibited by an applicable overlay zoning district;
- D. Manufactured home or travel trailer except in a -MH district, where allowed in a PD district, or where constructed as a Tiny House or Accessory Dwelling Unit meeting all other requirements of this UDO;
- E. Open dump;
- F. School administrative personnel offices located outside a school in a Residential District;
- G. A sign not explicitly allowed in the zoning district by the table of Signs Allowed by Districts, Sec. 7.3.2. or signs erected in violation of *Article 7.3. Signs*; and
- H. Storage of 2 or more unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles except as temporarily allowed in towing yards for vehicles.



Sec. 10.2.9. Special Use Permit

A. Applicability

1. Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review by the Board of Adjustment.
2. A special use permit is required for all special uses as set forth in *Chapter 6. Use Regulations*.

B. Pre-Application Conference

Before submitting an application for a special use permit, an applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval. This requirement may be waived at the discretion of the Planning Director.

C. Application Requirements

1. An application for a special use permit shall be submitted with in accordance with *Sec. 10.2.1.B*.
2. A Special Use Permit Application must be filled out to initiate a request for a special use permit.

D. Approval Process

1. Planning Director Action

Planning Director shall review the application for a special use permit in light of the showings of *Sec. 10.2.9.E* and applicable requirements of *Chapter 6. Use Regulations* and advise the applicant.

2. Board of Adjustment Action

Following notice as required in *Sec. 10.1.8*, the Board of Adjustment shall hold a quasi-judicial public hearing as set forth in *Sec. 10.2.1.D.1*.

E. Showings

Before a request for a special use permit is granted, the Board of Adjustment must show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;
2. The proposed use is allowed as a special use in the respective zoning district (see *Chapter 6. Use Regulations*);
3. The proposed use complies with any specific use standard listed in *Chapter 6. Use Regulations* without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

F. Limits on Approval

Whenever the Board of Adjustment approves a special use permit, approval shall not change the zoning of the property or give the property status as a nonconformity as set forth in *Article 10.3. Nonconformities*.

G. Revisions to an Approved Special Use Permit

An approved special use permit shall not without prior approval of the Board of Adjustment:

1. Change to another use for more than 30 days;
2. Increase its density or intensity;
3. Enlarge, expand or increase its size;
4. Substantially change the exterior appearance of buildings; or
5. Add new outdoor equipment and machinery.

H. Expiration

1. A special use permit shall expire after 1 year from the date of approval by the Board of Adjustment unless a completed building permit application is submitted or a zoning permit is submitted when no building permit is required, including payment of all fees has been filed by the applicant and accepted by the City.
2. Any appeal of the issuance of the special use permit to Superior Court shall freeze the running of this 1 year period from commencement of the legal challenge until the end of all appeals. Once the use is constructed, the special use permit runs with the land and does not expire except:
 - a. When the Board of Adjustment conditioned the special use permit to a limited defined time period;
 - b. When the special use permit is revoked in accordance with Sec. 10.2.1.D.1.; or
 - c. When the special use is changed to another use for more than 30 days, other than that for which the special use permit was issued or the special use is discontinued or ceased for a continuous period of 365 days or more without the re-approval of the Board of Adjustment. Without the re-approval of the Board of Adjustment, the special use permit is null and void and continuation of the special use is a violation of this UDO.

5.1.2 Use Table

USE CATEGORY	SPECIFIC USE	RESIDENTIAL												NONRESIDENTIAL								PLANNED				DESIGN				NOTES:
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP	MU	BD	CD	CSD							
AGRICULTURAL USES																														
Agriculture	All agriculture, except as listed below	L	L																					5.3.1A						
	Apiculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							
	Commercial crop production	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.1A						
	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.1B						
Agriculture (County Only)	Bona fide farms	Bona fide farms shall be permitted in accordance with NCGS §160D-903 .																												
RESIDENTIAL USES																														
Household Living	Single-family	L	L	L	L	L	L	L	L	L	L	L	L	L	L	‡				‡	L	L	L	L	6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.7, 7.1.2, 7.1.3, 7.1.4, 7.1.5, Art. 16					
	Two-family	L	L	L	L	L	L		L								‡							L	6.2.2, 6.3.2,					

[illegible]

USE CATEGORY	SPECIFIC USE	RESIDENTIAL			NONRESIDENTIAL										PLANNED			DESIGN	NOTES:						
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC			CC	IP	MU	DD	CD	CSD
Group Living	Manufactured home	L																						5.3.2D	
	Manufactured home park or subdivision															‡ L								5.3.2E	
	Upper story residential							L	L	L	L		L			‡		‡ L			L	L	L	6.10.2, 6.11.3, 6.11.5, 6.11.7, Art. 16	
	All group living, except as listed below			m	m	m	m	m		m						‡ m				‡ m	m				
	Co-living	m	m	m	m	m	m	P	P/L/m	P/L/m	P/L/m		P			‡ m	‡	‡			P	P	P	5.3.2F	
	Commercial dorm			L/m		L/m	L/m	L/m			L/m					‡ L	‡ L				L	L/m	L/m	L	5.3.2A
	Congregate living facility			L/m	L/m	L/m	L/m	L	L	L	L					‡ L/m	‡		‡ L/m	L	L	L	L	5.3.2B	
	Group home		L/m	L/m	L/m	L/m	L/m	L	L	L	L					‡ L/m	‡		‡ L/m	L	L	L	L	L	5.3.2C
	Independent Living Facility			m	m	m	P	P	P	P	P					‡ m				‡	P	P	P	P	
	PUBLIC AND CIVIC USES																								
Community Service	All community service, except as listed below	P	P	P	P	P	P	P	P	P	P	P				‡				‡	P	P	P	P	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL				NONRESIDENTIAL										PLANNED				DESIGN	NOTES:			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD
	Auditoriums									L	L	L	P				‡ L	‡ L		‡ L	P	L	L	5.3.3A
	Clubs and lodges	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L	L	L		‡ L/m		‡ L	‡ L	‡ L	L	L	L	5.3.3C
	Museums	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L				‡ L	‡ L		‡ L	L	L	L	5.3.3G
	Shelter, food bank or kitchen	P	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.3.3O
	Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P		‡	‡	‡		‡	P	P	P	
Day Care	Day care facility	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L	L	‡ L/m	‡	L	‡ L		‡ L	L	L	L	5.3.3E
Educational Facilities	School, elementary	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P	P		‡ L/m	‡	‡	‡	‡	P	P	P	5.3.3K
	School, middle or high	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P	P		‡ L/m	‡	‡	‡	‡	P	P	P	5.3.3K
	Universities or colleges		M	M	M	M	P		P	P	P	P	P	P	‡ M	‡	‡	‡	‡	‡	P	P	P	
	Vocational, trade or business schools						P			P	P	P	P	P				‡	‡	‡	P	P	P	
Government Facilities	All government facilities, except as listed below	L/m	L/m	L/m	L/m	L/m	P	P	P	P	L	P	P	P	‡ L/m	‡		‡	‡	‡	P	P	P	5.3.3F
	Correctional facilities																	‡ L/M	‡		L/M			5.3.3D

USE CATEGORY	SPECIFIC USE	RESIDENTIAL				NONRESIDENTIAL										PLANNED				DESIGN		NOTES:		
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP	MU	BD		CD	CSD
Medical Facilities	All medical facilities, except as listed below							P	P	P	P	P	P	P		‡		‡	‡	‡	P	P	P	
	Hospitals						P	P	P	P			P				‡	‡		‡	P	P	P	
Parks and Open Areas	All parks and open areas, except as listed below	L	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	L	L	L	5.3.3H
	Cemeteries, mausoleums, columbaria, memorial gardens	L	L	L	L	L			L	L			L			‡L		‡L	‡L	‡L	L	L	L	5.3.3B
Passenger Terminals	All passenger terminals, except as listed below	M									M	L	M	M										5.3.7
	Rail and Bus terminals				M	M	P		P	P	P	P	P				‡	‡	‡	‡	P	L	L	5.3.3I
Places of Worship	All places of worship	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P		P			‡ L/m	‡	‡	‡	‡	P	P	P	5.3.3J
Social Service Institutions	All social service institutions									M			M						‡M	M				
Utilities	Major utilities	L/m	L/m	L/m	L/m	L/m			L/m	L	L	L	L	L	L	‡ L/m		‡L	‡L		m	M	M	5.3.3M
	Minor utilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	P	P	P	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL				NONRESIDENTIAL										PLANNED				DESIGN		NOTES:		
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP	MU	DB		CD	CSD
	TV/HDTV/AM/FM Broadcast Antennae	L/m									L/m	L/m	L/m	L/m	L/m				‡ L/m		L/m			5.3.3L
	Wireless Communication Facility, except as Listed Below	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	‡L	L	L	L	5.3.3N
	Unipole Wireless Communication Facility	L/M 1 /m	L/M 1 /m					L/M 1		L/M ¹	L/M ¹	L/M 1	L/M 1	L/M 1	L/M 1		‡ L/M 1 /m	‡ L/M 1 /m	‡ L/M 1 /m	‡ L/M 1 /m	L/M 1	L/M 1	L/M 1	5.3.3N
	Wireless Communication Facility, Freestanding Concealed	L/M 1 /m 2	L/M 1 /m 2	L/M 1 /m 2	L/M 1 /m 2	L/M 1 /m 2	L/M 1 /m 2	L/M 1	L/M ¹	L/M ¹	L/M ¹	L/M 1	L/M 1	L/M 1	L/M 1	‡ L/M 1 /m 2	‡ L/M 1 /m	‡ L/M 1 /m	‡ L/M 1 /m	L/M 1	L/M 1	L/M 1	5.3.3N	
	Wireless Communication Facility, Freestanding Non-Concealed	L/M 1 /m	L/M 1 /m									L/M 1 /m	L/M 1 /m	L/M 1 /m	L/M 1 /m		L/M 1 /m	L/M 1 /m	L/M 1 /m	L/M 1 /m	L/M 1 /m			5.3.3N
COMMERCIAL USES																								
Indoor Recreation	All indoor recreation, except as listed below						P	P		P		P	P	P				‡	‡	‡	P	P	P	

USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL												RESIDENTIAL		PLANNED	DESIGN	NOTES:						
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I				PDR	UC	CC	IP	MU	DD
Outdoor Recreation	Adult establishment													L/m	L									5.3.4A
	Conference center, retreat house, event venue, banquet hall	L/m						L	L	L	L	L	L	L		‡ L	‡	‡ L	‡ L	‡ L	L	L	L	5.3.4X
	Electronic gaming operations									L			L					‡ L						5.3.4J
	Firing range, indoor									L			L	L	L			‡ L						5.3.4K
	Nightclub or bar							L	L/m		L		L	L				‡ L		‡ L	L	L	L	5.3.4P
	All outdoor recreation, except as listed below	L/m							L/m		L		L	L				‡ L	‡ L	‡	L	L	L	5.3.4Q
	Campground, summer camp, RV camp	m																						
	Drive-in theatre										L/m			L/m										5.3.4H
	Firing range, outdoor, archery, skeet	L/M													L/M									5.3.4L
	Golf course, country club,	L	L	L	L	L					L		L			‡ L	‡ L		‡ L	‡ L				5.3.4M

USE CATEGORY	SPECIFIC USE	RESIDENTIAL			NONRESIDENTIAL										PLANNED			DESIGN		NOTES:				
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP		MU	DD	CD	CSD
Overnight Accommodations	swim club, tennis club																							
	Marina, boating facility	M																						
	Paintball	L/m								L/m			L/m											5.3.4R
	Stadium, arena								M				M				‡			‡M	M			
	Hotel, motel, and extended stay residences							L		L	L		L	L			‡L	‡L	‡L	‡L	L	L	L	5.3.4N
Parking, Commercial	Bed and breakfast	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L				‡	L/m		‡L		‡L	L	L	L	5.3.4D
	Diet house							P	P	P	P				‡			‡		‡	P	P	P	
	All commercial parking						L			L	L	P	P	L	P			‡		‡L	L	L	L	5.3.4F
Restaurants	All restaurants, except as listed below						P	P			P	L	P	P		‡		‡	‡	‡	P	P	P	5.3.7
	Drive-through facilities							L			L		L	L		‡		‡L	‡L	‡L				5.3.4I
Retail Sales and Service	All retail sales and service, except as listed below						P	P			L	L	P	P		‡	L	‡		‡	P	P	P	5.3.4B , 5.3.7
	Antique shop	L					P	P			P		P	P		‡		‡		‡	P	P	P	5.3.4C

USE CATEGORY	SPECIFIC USE	RESIDENTIAL			NONRESIDENTIAL										PLANNED				DESIGN	NOTES:				
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP		MU	BD	CD	CSD
	Art, music, dance, photographic studio or gallery						P	P	P	P		P	P	P		‡		‡	‡	‡		P	P	P
	Convenience store with gasoline sales							L		L		L	L			‡		‡L		‡L	L	L	L	5.3.4G
	Drive-through facilities							L		L		L	L			‡		‡L		‡L		L	L	5.3.4I
	Payday Lenders						P	P		L				P							P	L	L	5.3.4S
	Veterinary clinic, animal hospital, kennel	L						L	L	L		L	L	L		‡L		‡L	‡L	‡L	L	L	L	5.3.4W
Self-Service Storage	All self-service storage									L			L	L					‡L	‡L				5.3.4T
Vehicle Sales	Manufactured home sales									L			L	L					‡L					5.3.4O
	Vehicle sales, leasing, and rentals									L		L	L	L				‡L	‡L		L			5.3.4U
Vehicle Service	Car wash									L			L	L				‡L	‡L					5.3.4E
	Vehicle service, minor						L	L/m		L			L	L				‡L	‡L	‡L				5.3.4V
	Vehicle service, major												L	L					‡L					5.3.4V

USE CATEGORY		SPECIFIC USE		NONRESIDENTIAL																				PLANNED				DESIGN		NOTES:
				RESIDENTIAL												NONRESIDENTIAL								RESIDENTIAL				DESIGN		
				RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ₃	IL	I	PDR	UC	CC	IP	MU	DD	CD	CSD					
Office		Office																												
		All office uses																												
		Drive-through facilities																												
		Research and development																												
INDUSTRIAL USES																														
Heavy Industrial		All heavy industrial, except as listed below																P												
		Asphalt plant																L/M												
		Concrete manufacturing plant																	L/M											
		Hazardous and low-level nuclear disposal and storage																	L/M											
		Wrecking, junk, and salvage yards																	L/m											
Light Industrial Service		All light industrial													L	L	P	P												

USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL												RESIDENTIAL			PLANNED			DESIGN	NOTES:			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C _u	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD
Resource Extraction	service, except as listed below																							
	All resource extraction														L/M									5.3.6E
Warehouse and Freight Movement	All warehouse and freight movement													P	P				‡					
	All waste-related services, except as listed below														M									
Waste-Related Service	Recycling centers													M	M									
	Transfer stations													L	L									5.3.6F
Wholesale Trades	All wholesale trade										m			P	P				‡		L			5.3.6G

- 1 If located within 300 feet of a designated North Carolina Scenic Byway.
- 2 To determine which freestanding concealed or unipole facilities require a minor special use permit, see paragraph [5.3.3N](#).
- 3 County Only

The Durham Unified Development Ordinance is current through legislation effective:

Durham County: June 1, 2023

City of Durham: June 1, 2023

Disclaimer: The [Durham City-County Planning Department](#) office has the official version of the Durham Unified Development Ordinance. Users should contact the Planning Department for amendments subsequent to the amendment cited here.

[City Website: durhamnc.gov](http://durhamnc.gov)

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Sec. 3.9

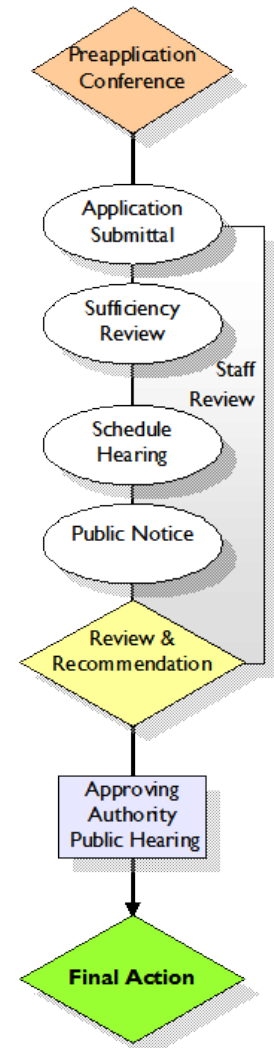
Special Use Permit

Paragraphs:

- 3.9.1 Applicability**
- 3.9.2 Pre-Application Conference**
- 3.9.3 Application Requirements**
- 3.9.4 Notice and Public Hearings**
- 3.9.5 Action by the Planning Director**
- 3.9.6 Approval of a Minor Special Use Permit**
- 3.9.7 Approval of a Major or Transportation Special Use Permit**
- 3.9.8 Criteria for Approval of Major or Minor Special Use Permits**
- 3.9.9 Transportation Special Use Permit**
- 3.9.10 Coordination with Variances**
- 3.9.11 Coordination with Zoning Map Change Applications**
- 3.9.12 Resubmittals**
- 3.9.13 Expiration**
- 3.9.14 Appeal**
- 3.9.15 Recordation**

3.9.1 Applicability

- A. Special uses within the zoning districts are considered to be uses which are appropriate in a particular zoning district but because of their potential for incompatibility with surrounding uses require individual review.
- B. A minor special use permit shall be required for all minor special uses as set forth in the use table in Sec. [5.1](#), Use Table, and as may be specified elsewhere in this Ordinance. Minor special use permits require approval by the Board of Adjustment, except pursuant to paragraph [3.9.1E](#), below.
- C. A major special use permit shall be required for all major special uses as set forth in the use table in Sec. [5.1](#), Use Table; for spray irrigation in a conservation subdivision pursuant to paragraph [6.2.4](#), Conservation Subdivision; and as specified elsewhere in this Ordinance. Major special use permits require approval by the appropriate governing body.
- D. A transportation special use permit shall be required for development projects with corresponding site plans and preliminary plats pursuant to paragraph [3.9.10](#), Transportation Special Use Permit. Transportation special use permits require approval by the appropriate governing body.
- E. Projects that require not only a major and/or transportation special use permit, but also a minor special use permit, may have the use permits consolidated into a single hearing before the appropriate governing body so long as all required findings for each special use permit are made. Separate orders for each special use permit shall be issued.



3.9.2 Pre-Application Conference

All applicants applying for a special use permit shall schedule a pre-application conference in accordance with paragraph [3.2.2](#), Pre-Application Conference.

3.9.3 Application Requirements

All applications for special use permits shall be submitted in accordance with paragraph [3.2.4](#), Application Requirements.

3.9.4 Notice and Public Hearings

Once the application has been determined complete, the Planning Director or designee shall schedule a public hearing and give public notice as set forth in paragraph [3.2.5](#), Notice and Public Hearings.

3.9.5 Action by the Planning Director

The Planning Director or designee shall prepare a report that reviews the special use permit in light of any requirements of this Ordinance. A copy shall be provided to the Board of Adjustment or the governing body, as appropriate, and the applicant.

3.9.6 Approval of a Minor Special Use Permit

- A.** Prior to scheduling the public hearing on the minor special use permit, the corresponding site plan or architectural review application, as applicable, shall be ready for action by the approving authority.
- B.** The applicant seeking the special use permit shall have the burden of presenting evidence sufficient to allow the approving authority to reach the conclusions set forth below, as well as the burden of persuasion on those issues.
- C.** After conducting the public hearing and hearing the recommendations of the Planning Director or designee, the Board of Adjustment shall:
 - 1.** Approve the request;
 - 2.** Approve the request with conditions.
 - 3.** Deny the request; or
 - 4.** Continue the hearing.
- D.** Conditions may be incorporated as part of the approval of the special use permit to assure that adequate mitigation measures are associated with the use or design pursuant to NCGS §[160D-705\(c\)](#), as applicable. The conditions shall become a part of the minor special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

3.9.7 Approval of a Major or Transportation Special Use Permit

- A.** Prior to scheduling the public hearing on the major or transportation special use permit, the corresponding site plan shall be ready for action by the approving authority.

- B.** After conducting the public hearing and hearing the recommendations of the Planning Director, Transportation Director, or their designee as appropriate, the governing body shall:
1. Approve the request;
 2. Approve the request with conditions.
 3. Deny the request; or
 4. Continue the hearing.
- C.** The governing body may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the major special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

3.9.8 Criteria for Approval of Major or Minor Special Use Permits

A. General Findings

Unless otherwise specified in this Ordinance, applications for major or minor special use permits shall be approved only if the approving authority finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and
4. Will adequately address the review factors identified below.

B. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed. If an application is denied, the approving authority shall specify which of these review factors, if any, were not adequately addressed.

1. Circulation

Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

2. Parking and Loading

Location of off-street parking and loading areas.

3. Service Entrances and Areas

Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

4. Lighting

Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

5. Signs

Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area.

6. Utilities

Location and availability of utilities.

7. Open Spaces

Location of required yards and other open spaces and preservation of existing trees and other natural features.

8. Environmental Protection

Preservation of tree cover, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

9. Screening, Buffering and Landscaping

Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

10. Effect on Nearby Properties

Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.

11. Compatibility

The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to the appropriateness of the scale, design, and use in relationship to other properties.

12. Consistency with Policy

Consistency with the *Comprehensive Plan* and applicable development tier guidelines, overlay purposes, and zoning district intent statements in Article [4](#), Zoning Districts.

13. Other Factors

Any other review factors which the approving authority considers to be appropriate to the property in question.

C. Additional Review Factors for Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas

The applicant for a minor special use permit under this section shall demonstrate that the additional review factors listed below have been adequately addressed. If the application is denied, the Board of Adjustment shall specify which of these review factors, if any, were not adequately addressed.

1. Susceptibility of the proposed facility, structure, or other development and its contents to flood damage and the effect of such damage on the individual property owner and others as a result of flood damage;
2. Importance of the services provided by the proposed facility, structure, or other development to the community;
3. Necessity to the facility, structure, or other development of a waterfront location, where applicable;
4. Compatibility of the proposed use with existing and anticipated development;
5. Safety of access to the property in times of flood for ordinary and emergency vehicles;
6. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
7. Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The proposed fill or development provides for a better balance between overall efficiency of the site design and improved conservation elsewhere on the site than would be possible without intrusion into the floodway fringe, non-encroachment area fringe, Future Conditions Flood Hazard Areas, or Areas of Shallow Flooding (Zone AO);
10. The proposed fill or development represents the minimum amount of floodway fringe, non-encroachment area fringe, Future Conditions Flood Hazard Areas, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance; and

11. Any other relevant factors, technical evaluations, or standards specified in other sections of this Ordinance.

3.9.9 Transportation Special Use Permit

A. Requirements

A transportation special use permit shall be required for development projects that are expected to generate:

1. 600 or more vehicle trips at peak hour; or
2. 300 or more vehicle trips at peak hour, if any road serving the project is operating at a level of service lower than the jurisdiction's adopted level of service.

B. Exemptions

The following projects shall be exempt from the requirement of a transportation special use permit, even if they meet or exceed the thresholds specified above.

1. Projects that do not require a TIA per Sec. [3.3](#), Traffic Impact Analysis (TIA).
2. Projects within the UC, UC-2, or SRP zoning districts.
3. Projects outside of the City jurisdiction.
4. Projects which have submitted a TIA in connection with a zoning map change with a development plan, and which are developing consistent with the approved development plan, if the TIA is valid pursuant to paragraph [3.3.6](#), Period of Validity.
5. Schools as defined in NCGS [§160A-307.1](#).

C. Criteria for Approval

Applications for a transportation special use permit shall be approved only if the governing body makes the following findings:

1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impact shall include:
 - a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or
 - b. The need to widen local residential streets, which would detract significantly from the character or basic function of the nearby streets.

2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.
3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.
4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.

3.9.10 Coordination with Variances

Applications for variances may be submitted concurrently with requests for special use permits. However, decisions shall be rendered separately for any variance and the special use permit(s).

3.9.11 Coordination with Zoning Map Change Applications

An application for a special use permit may be reviewed concurrently with a zoning map change application. However, decisions shall be rendered with separate motions.

3.9.12 Resubmittals

An application for a special use permit which has been denied may be resubmitted if there has been a change in circumstances, as determined by the Planning Director or designee.

3.9.13 Expiration

A special use permit shall become null and void in any of the following cases:

- A. If a site plan or architectural review, as applicable, is not approved within 12 months of the date of permit approval.
- B. If an approved site plan, architectural review application, or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a corresponding site plan or architectural review is not required.

- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.
- E. Validity may be extended if vesting is determined per Sec. [3.20](#), Vested Rights.

3.9.14 Appeal

Appeal from final action can be taken by filing a petition for *certiorari* with the Durham County Superior Court.

3.9.15 Recordation

The approved order for the special use permit, once the time period for appeal has expired or once it has been upheld on appeal, shall be recorded at the applicable Register of Deeds.

The Durham Unified Development Ordinance is current through legislation effective:

Durham County: June 1, 2023

City of Durham: June 1, 2023

Disclaimer: The [Durham City-County Planning Department](#) office has the official version of the Durham Unified Development Ordinance. Users should contact the Planning Department for amendments subsequent to the amendment cited here.

[City Website: durhamnc.gov](http://durhamnc.gov)

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Article 15. Use Regulations

- 15.1 GENERAL USE REGULATIONS
- 15.2 GLOBAL USE MATRIX
- 15.3 USE DEFINITIONS
- 15.4 PRINCIPAL USES: PRESCRIBED CONDITIONS
- 15.5 TEMPORARY USES: PRESCRIBED CONDITIONS
- 15.6 ACCESSORY USES: PRESCRIBED CONDITIONS

15.1 GENERAL USE REGULATIONS

- A.** No structure or land may be used or occupied unless allowed as a permitted, temporary, or accessory use within the zoning district. These use regulations apply to the use of private property, including City-owned property, but exclude the right-of-way.
- B.** All uses shall comply with any applicable federal and state requirements, and any additional federal, state, county, and/or city ordinances.
- C.** Principal uses are defined to be inclusive of specific uses. The following regulations apply:
1. When a use meets a specific definition, it is regulated as such and cannot be regulated as part of a more inclusive use category.
 2. A use that is not explicitly listed in the use matrix will be evaluated by the Zoning Administrator to determine if the use is part of a use listed.
 3. A use that is not listed in the use matrix and cannot be interpreted as part of a use listed in the use matrix is prohibited.
- D.** All uses shall comply with any prescribed conditions as applicable. Prescribed conditions apply to certain uses within the use matrix to address additional impacts, apply specific design or siting standards, and/or link to additional regulations outside this Ordinance.

15.2 GLOBAL USE MATRIX

- A.** Table 15-1: Use Matrix identifies the permitted, temporary, and accessory uses allowed within each zoning district. Uses are defined in Section 15.3.
- B.** Table 15-1 shall be applied as follows:
1. An "X" indicates that the use is permitted by-right in the zoning district.
 2. A "PC" indicates that the use is allowed in the zoning district and shall comply with the prescribed conditions of this Article (Sections 15.4 through 15.6).
 3. A "C" indicates that the use shall require a conditional zoning (Section 37.2).
 4. A "C/PC" indicates that the use shall comply with the prescribed conditions of this Article (Sections 15.4 through 15.6) and also shall require a conditional zoning (Section 37.2).
 5. A shaded blank cell indicates the use is not allowed in the zoning district.

Table 15-1: Use Matrix
Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts

Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Residential Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Dormitory								PC	PC							X
Dwelling - Live Work								X	X							X
Dwelling - Manufactured Home										X						
Dwelling – Duplex	X	X	X	X	X	X	PC	PC			PC				PC	
Multi-Family Dwelling Attached Unit						PC	PC	PC	PC							PC
Multi-Family Dwelling Stacked Unit						X		X	X							X
Dwelling – Quadraplex	PC	PC	PC	PC	PC	X	PC	PC								X
Dwelling – Single-Family	X	X	X	X	X	X	PC	PC			PC				PC	
Dwelling – Triplex	X	X	X	X	X	X	PC	PC								
Group Home	PC	PC	PC	PC	PC	PC	PC	PC	PC							PC
Manufactured Home Park										X						
Multi-Dwelling Development						PC	PC	PC	PC							PC
Residential Care Facility								PC	PC							X
Single Room Occupancy (SRO)							PC	PC	PC							PC
Commercial Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Adult Electronic Gaming Establishment											PC	PC				
Adult Use											PC	PC				
Amusement Facility - Indoor											PC	PC				PC
Amusement Facility - Outdoor											PC	PC				
Animal Care Facility											PC	PC				
Animal Shelter											PC	PC				
Art Gallery											X	X				X
Arts or Fitness Studio											X	X				X
Bed and Breakfast	PC	PC	PC	PC	PC	PC	PC	PC								
Broadcasting Facility - No Antennae											X	X				X
Broadcasting Facility - With Antennae												PC				PC
Car Wash											PC	PC				
Commercial Kitchen											PC	PC				PC
Contractor Office with Outdoor Storage																
Convention Center												X				X
Drive-Through Establishment											PC	PC				
Employment/Labor Service Agency											PC	PC				
Financial Institution											X	X				X
Funeral Home											PC	PC				

Table 15-1: Use Matrix																
Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Gas Station											C/PC	C/PC				
Greenhouse/Nursery - Retail											X	X				
Greenhouse/Nursery - Wholesale												X				
Heavy Rental and Service Establishment												X				
Heavy Retail Establishment												X				
Hotel/Motel											X	X				X
Industrial Design											X	X				X
Kennel																
Live Performance Venue - Indoor											X	X				X
Lodge/Meeting Hall											X	X				
Medical/Dental Office											X	X				X
Micro-Production of Alcohol											PC	PC				PC
Neighborhood Commercial Establishment	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Nightclub											PC	PC				
Office											X	PC				X
Outdoor Market											X	X				PC
Personal Service Establishment											X	X				X
Raceway/Dragstrip																
Reception Facility											PC	PC				
Research and Development (R&D)											X	X				X
Restaurant/Bar											PC	PC				PC
Retail Goods Establishment											X	X				X
Retail Goods: Showroom											X	X				X
Self-Storage Facility: Climate-Controlled											PC	PC				
Self-Storage Facility: Outdoor												PC				
Shooting Range, Indoor												PC				
Specialty Food Service											X	X				X
Stadium												C				
Vehicle Auction Facility																
Vehicle Dealership: Enclosed											X	X				
Vehicle Dealership: Outdoor											PC	X				
Vehicle Rental: Enclosed											X	X				
Vehicle Rental: Outdoor											PC	X				
Vehicle Repair Facility: Major																
Vehicle Repair Facility: Minor											C/PC	C/PC				
Institutional and Governmental Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Adult Care Center	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Childcare Center	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				PC

Table 15-1: Use Matrix																
Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Childcare Center, Large	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				PC
Community Center	X	X	X	X	X	X	X	X	X		X	X				X
Correctional Facility																
Cultural Facility											X	X				X
Educational Facility - Pre-School	X	X	X	X	X	X	X	X	X		X	X				X
Educational Facility - Primary or Secondary	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Educational Facility - University or College	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Educational Facility - Vocational	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Government Office/Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X	X	X	X	X
Place of Worship	X	X	X	X	X	X	X	X	X		X	X				X
Public Safety Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X	X	X	X	X
Public Works Facility																
Public Health and Social Service Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Addiction Treatment Facility, Residential																
Alternative Correction Facility																
Children's Home								X	X							
Domestic Violence Shelter	X	X	X	X	X	X	X	X	X							
Drug Treatment Clinic											PC	PC				
Food Bank																
Food Pantry	PC	PC	PC	PC	PC	PC	PC	PC	PC		X	X				
Halfway House																
Healthcare Institution											X	X				X
Homeless Shelter											PC	PC				
Social Service Facility											X	X				
Campus Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Continuum Care Retirement Community (CCRC)													PC	PC		
Educational Campus													X	X		
Government Campus													X	X		
Medical Campus													PC	PC	PC	
Office Campus															PC	
Religious Campus													PC	PC		
Social Service Campus													X	X		
Industrial Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Agriculture - Industrial Processes																
Airport																
Airstrip																
Beneficial Fill Site	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Crematorium																
Industrial, Craft											X	X				PC

Table 15-1: Use Matrix Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Industrial, General																
Industrial, Light																PC
Landfill, Land Clearing & Inert Debris (LCID)																
Light Assembly																PC
Movie Studio											C/PC	C/PC				C/PC
Outdoor Storage Yard																
Quarry																
Rail Freight Terminal																
Recycling Collection Center																
Salvage and/or Junk Yard																
Solar Farm											X	X				
Truck Terminal																
Warehouse and Distribution Center																
Waste Management Facility																
Wholesale Goods Establishment												X				
Wind Farm																
Transportation Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Parking Lot (Principal Use)											X	X				
Parking Structure (Principal Use)											X	X				X
Passenger Terminal												X				
Public Transit Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Truck Stop																
Vehicle Operations Facility												X				
Open Space, Recreation, and Agricultural Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Boarding Stables, Commercial	PC	PC	PC	PC	PC	PC										
Campground	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC										
Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Conservation Area	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC							PC
Driving Range											X	X				
Farm	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Farm, Bona Fide - Charlotte ETJ Only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Golf Course	X	X	X	X	X	X	X	X	X		X	X				
Marina	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC							
Private Recreation Club	X	X	X	X	X	X	X	X	X							
Public Park	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Infrastructure	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Utility (Includes Transmission & Distribution)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wireless Telecommunications	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Table 15-1: Use Matrix Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Temporary Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Mobile Car Wash											PC	PC				
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Real Estate Project Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Contractor's Office and Contractor's Yard	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Entertainment	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Sales	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Storage Container	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Accessory Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC
Accessory Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC
Adult Care Home	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Childcare Center, Accessory to Employment											X	X				X
Childcare Center in Residence	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Childcare Home, Family	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Drive-Through Facility											PC	PC				
Dwelling - Accessory Unit (ADU)	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Helistop																PC
Home Occupation	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC						
Outdoor Entertainment											PC	PC				
Outdoor Sales and Display	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Outdoor Seating/Activity Area											PC	PC				PC
Private Stables	PC	PC	PC	PC	PC	PC										
Rooming House	PC	PC	PC	PC	PC	PC	PC	PC	PC							

Table 15-1: Use Matrix Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Residential Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Dormitory			X	X	X	X	X	X	X	X	X	X	X
Dwelling - Live Work			X	X	X	X	X	X	X	X	X	X	X
Dwelling - Manufactured Home													
Dwelling – Duplex													
Multi-Family Dwelling Attached Unit			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Multi-Family Dwelling Stacked Unit			X	X	X	X	X	X	X	X	X	X	X
Dwelling – Quadraplex													
Dwelling – Single-Family													
Dwelling – Triplex													
Group Home			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Manufactured Home Park													
Multi-Dwelling Development			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Residential Care Facility			X	X	X	X	X			X	X	X	X
Single Room Occupancy (SRO)			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Commercial Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Adult Electronic Gaming Establishment	PC	PC											
Adult Use	PC	PC											
Amusement Facility - Indoor			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Amusement Facility - Outdoor	PC												
Animal Care Facility			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Animal Shelter	PC		PC										
Art Gallery			X	X	X	X	X	X	X	X	X	X	X
Arts or Fitness Studio			X	X	X	X	X	X	X	X	X	X	X
Bed and Breakfast													
Broadcasting Facility - No Antennae			X		X	X	X	X	X	X	X	X	X
Broadcasting Facility - With Antennae	PC	PC											
Car Wash													
Commercial Kitchen	PC		PC										
Contractor Office with Outdoor Storage	PC	PC											
Convention Center							X	X		X		X	
Drive-Through Establishment	PC	PC											
Employment/Labor Service Agency	PC	PC											
Financial Institution			X	X	X	X	X	X	X	X	X	X	X
Funeral Home													
Gas Station	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC							C/PC

Table 15-1: Use Matrix Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Greenhouse/Nursery - Retail													
Greenhouse/Nursery - Wholesale	X												
Heavy Rental and Service Establishment	X												
Heavy Retail Establishment	X												
Hotel/Motel			X		X	X	X	X	X	X		X	
Industrial Design	X	X	X	X	X	X	X	X	X	X	X	X	X
Kennel	PC												
Live Performance Venue - Indoor			X	X	X	X	X	X	X	X	X	X	X
Lodge/Meeting Hall			X	X	X	X	X	X	X	X	X	X	X
Medical/Dental Office			X	X	X	X	X	X	X	X	X	X	X
Micro-Production of Alcohol			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Neighborhood Commercial Establishment													
Nightclub			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Office	PC	PC	X	X	X	X	X	X	X	X	X	X	X
Outdoor Market			X	X	X	X	X	X	X	X	X	X	X
Personal Service Establishment			X	X	X	X	X	X	X	X	X	X	X
Raceway/Dragstrip		C											
Reception Facility			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Research and Development (R&D)	X	X	X		X	X	X	X	X	X	X	X	X
Restaurant/Bar	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Retail Goods Establishment			X	X	X	X	X	X	X	X	X	X	X
Retail Goods: Showroom	X		X	X	X	X	X	X	X	X	X	X	X
Self-Storage Facility: Climate-Controlled	PC		PC		PC								PC
Self-Storage Facility: Outdoor	PC												
Shooting Range, Indoor	PC	PC	PC										
Specialty Food Service	X		X	X	X	X	X	X	X	X	X	X	X
Stadium	C						C	C	C				
Vehicle Auction Facility	X	X											
Vehicle Dealership: Enclosed			X		X	X	X	X	X				X
Vehicle Dealership: Outdoor	X												
Vehicle Rental: Enclosed			X	X	X	X	X	X	X	X	X	X	X
Vehicle Rental: Outdoor	X	X			PC	PC	PC						
Vehicle Repair Facility: Major	C/PC	C/PC											
Vehicle Repair Facility: Minor	C/PC		C/PC	C/PC	C/PC	C/PC							C/PC
Institutional and Governmental Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Adult Care Center			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center, Large			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Table 15-1: Use Matrix Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Community Center			X	X	X	X	X	X	X	X	X	X	X
Correctional Facility	C	C						C					
Cultural Facility			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Pre-School			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Primary or Secondary			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - University or College			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Vocational	X	X	X	X	X	X	X	X	X	X	X	X	X
Government Office/Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Place of Worship			X	X	X	X	X	X	X	X	X	X	X
Public Safety Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Public Works Facility	X	X											
Public Health and Social Service Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Addiction Treatment Facility, Residential			X		X	X	X	X	X	X	X	X	X
Alternative Correction Facility			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Children's Home			X	X	X	X	X	X	X	X	X	X	X
Domestic Violence Shelter			X	X	X	X	X	X	X	X	X	X	X
Drug Treatment Clinic					PC	PC	PC	PC	PC	PC		PC	
Food Bank	X	X											
Food Pantry	X		X	X	X	X	X	X	X	X	X	X	X
Halfway House			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Healthcare Institution			X		X	X	X	X	X	X	X	X	X
Homeless Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Social Service Facility			X	X	X	X	X	X	X	X	X	X	X
Campus Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Continuum Care Retirement Community (CCRC)													
Educational Campus													
Government Campus													
Medical Campus													
Office Campus													
Religious Campus													
Social Service Campus													
Industrial Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Agriculture - Industrial Processes		PC											
Airport		X											
Airstrip	PC	PC											
Beneficial Fill Site	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Crematorium	PC	PC											
Industrial, Craft	X	X	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC

Table 15-1: Use Matrix Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Industrial, General		PC											
Industrial, Light	PC	PC	PC										
Landfill, Land Clearing & Inert Debris (LCID)		C/PC											
Light Assembly	X	X	PC										
Movie Studio	PC	PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC
Outdoor Storage Yard	PC	PC											
Quarry		C/PC											
Rail Freight Terminal		X											
Recycling Collection Center	PC	PC											
Salvage and/or Junk Yard		PC											
Solar Farm	X	X											
Truck Terminal		X											
Warehouse and Distribution Center	X	X											
Waste Management Facility		PC											
Wholesale Goods Establishment	X	X											
Wind Farm	X	X											
Transportation Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Parking Lot (Principal Use)	X	X	X	X	X						X		X
Parking Structure (Principal Use)	X	X	X		X	X	X	X	X	X	X	X	
Passenger Terminal			X			X	X	X	X	X		X	
Public Transit Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Truck Stop	X	X											
Vehicle Operations Facility	X	X											
Open Space, Recreation, and Agricultural Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Boarding Stables, Commercial													
Campground													
Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Conservation Area	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Community Garden			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Driving Range	X												
Farm													
Farm, Bona Fide - Charlotte ETJ Only	X	X	X	X	X	X	X	X	X	X	X	X	X
Golf Course							X						
Marina													
Private Recreation Club			X	X	X	X	X	X	X	X	X	X	X
Public Park	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Infrastructure	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Utility (Includes Transmission & Distribution)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Table 15-1: Use Matrix Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Wireless Telecommunications	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Mobile Car Wash	PC												
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Real Estate Project Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Contractor's Office and Contractor's Yard	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Entertainment			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Sales			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Storage Container	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Accessory Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Accessory Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Adult Care Home													
Childcare Center, Accessory to Employment	X	X	X	X	X	X	X	X	X	X	X	X	X
Childcare Center in Residence													
Childcare Home, Family													
Drive-Through Facility	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC
Dwelling - Accessory Unit (ADU)													
Helistop	PC	PC					PC	PC	PC	PC		PC	
Home Occupation			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Entertainment			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Sales and Display	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Seating/Activity Area	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Private Stables													
Rooming House													

5.1 PERMITTED USES

5.1.1 PRINCIPAL USE TABLE

- A. **Table 5.1.1, Principal Use Table**, displays the principal uses allowed in each zoning district and references use conditions.
- B. **Table 5.1.1, Principal Use Table**, should be read in conjunction with the definitions of principal uses and other terms in **Section 11.2, Definitions**.
- C. Land, buildings, and structures shall only be used in accordance with the districts shown on the Official Zoning Maps, and subject to all requirements and conditions specified in this Ordinance.

5.1.2 ESTABLISHED NONCONFORMING USES

Nonconforming uses as regulated in **Section 9.2, Nonconforming Uses**, shall be permitted.

5.1.3 NEW OR UNLISTED USES AND EXPANSION OF USES CLASSIFIED IN PREVIOUS ZONING ORDINANCES

- A. When a proposed use is not listed in **Table 5.1.1, Principal Use Table**, the Director of Inspections shall classify the use with that use in the Table most similar and enforce the requirements of the similar listed use.
- B. Except when the provisions for nonconforming situations in **Chapter 9, Nonconformities**, apply, whenever a use that was classified under a previous zoning ordinance is increased in intensity or expanded, the Director of Inspections shall classify the entire zoning lot to the most similar current use in **Table 5.1.1, Principal Use Table**.

5.1.4 OTHER DEVELOPMENT REQUIREMENTS OF THE ZONING ORDINANCE

A. ADDITIONAL DEVELOPMENT REQUIREMENTS

In addition to the regulation of uses pursuant to this Section, **Section 5.1, Permitted Uses**, and the use conditions of **Section 5.2, Use-Specific Standards**, the following additional development requirements of this Ordinance may apply to specific properties and situations.

TABLE 5.1.4: ADDITIONAL DEVELOPMENT STANDARDS

SECTION NUMBER	APPLICABLE STANDARDS
Sections 4.5 through 4.8	Supplementary Regulations for Certain Zoning Districts
Section 4.9	Regulations for Overlay and Special Purpose Districts
Section 5.3	Accessory Uses
Section 5.4	Temporary Uses
Section 4.1.4B	Dimensional Requirements
Section 6.5	Sign Regulations
Section 6.1	Parking, Stacking, and Loading Areas
Section 6.2	Landscaping Standards
Section 6.3	Bufferyard Standards
Sections 6.4 through 6.6	Various Development Standards
Section 4.9.5	Historic Preservation
Chapter 9	Nonconforming Situations

B. SITE PLAN REVIEW CONDITIONS

Chapter 5 Use Standards

Section 5.1 Permitted Uses

For uses which require review by the Planning Board, the Board of Adjustment, and/or the Elected Body, or for special use district rezoning requests, additional conditions may be recommended or placed on the use pursuant to **Section 10.1.2, City-County Joint Planning Board, Section 10.1.3, Board of Adjustment, Section 3.2.13E, Special Use Permits Authorized By The Elected Body,** and **Section 3.2.19D, Special Use Districts.**

5.1.5 TABLE OF PRINCIPAL USES

A. INTERPRETATION

1. ZONING PERMIT FROM DIRECTOR OF INSPECTIONS

Uses identified in a particular district column with a Z require only issuance of a zoning permit by the Director of Inspections and shall be allowed in such district with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance.

2. SITE PLAN APPROVAL BY PLANNING BOARD

Uses identified in a particular district column with a P shall be permitted in such district upon approval by the Planning Board of a site plan meeting such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

3. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT

Uses identified in a particular district column with an A shall be permitted in such district upon approval of a Special Use Permit by the Board of Adjustment, **unless exempted per Section 3.2.13D.10 of this ordinance**, with such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

4. SPECIAL USE PERMIT APPROVAL BY ELECTED BODY

Uses identified in a particular district column with an E shall be permitted in such district upon approval of a Special Use Permit by the Elected Body, **unless exempted per Section 3.2.13E.8 of this ordinance**, with such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

5. CONDITIONS COLUMN

The number in the Conditions column references the subsection of **Section 5.2, Use-Specific Standards**, i.e., condition **5.2.72** refers to Section **5.2.72, Residential Building, Single Family (W)**.

6. SPECIAL USE DISTRICT ZONING APPROVAL BY ELECTED BODY

Uses identified in a particular district column with an S shall be permitted in zoning districts designated with a -S suffix after the zoning designations, with such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

B. H DISTRICT

The uses permitted in the H District are not displayed in **Table 5.1.1, Principal Use Table**. Please refer to **Section 4.9.5C.1, Permitted Uses**, for permitted uses in the H District.

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer;

P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit

(Lo) = Following a use indicates the use is a low-intensity use

(Hi) = Following the use is a high-intensity use.

USE TYPE	RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICTS								IND. DIST.	I & MU DIST.	CONDITIONS													
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB		LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI	GI	CI	IP	C	MU-S
RESIDENTIAL USES																																				

Chapter 5 Use Standards

Section 5.1 Permitted Uses

TABLE 5.1.1: PRINCIPAL USE TABLE

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS											IND. DIST.				I & MU DIST.			CONDITIONS	
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI	GI	CI	IP	C		MU-S
Cottage Court (Low)							P / S	P / S	P / S	P / S	P / S	P / S	P / S	P / S	P / S					P / S	P / S							P / S							P / S	5.2.26.1
Residential Building, Single Family (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z						Z ⁶	P					Z	Z	Z	5.2.72
Residential Building, Duplex (Lo)										Z	Z	Z	Z	Z	Z		Z	Z		Z	Z							P						Z	Z	
Residential Building, Townhouse (Lo)										P	P	P	P	P	P		P	P	P ⁷	P	P				P ⁸	P	Z	Z	P			Z		Z	Z	5.2.70; 5.2.71
Residential Building, Twin Home (Lo)										Z	Z	Z	Z	Z	Z		Z	Z		Z	Z							P						Z	Z	5.2.70; 5.2.71
Residential Building, Multifamily (Hi)										P	P	P	P	P	P		P	P	P ⁷	P	P				P ⁸	P	Z	Z	P			Z		Z	Z	5.2.70; 5.2.71
Manufactured Home, Class A (Lo)	A	A	A	A	A	A	A	A	A	A						Z																			Z	5.2.49
Manufactured Home, Class B (F) (Lo)	A	A	A	A	A											Z																				5.2.50
Manufactured Home, Class B (W) (Lo)																Z																				5.2.51
Manufactured Home, Class C (F) (Lo)	A	A	A	A												Z																				5.2.50
Manufactured Home, Class D (Lo)																																				5.2.53
Manufactured Housing Development (Lo)																P																			Z	5.2.54
Boarding or Rooming House (Lo)													Z	Z	Z						Z				Z	Z	Z								Z	5.2.11
Combined Use (Lo)																	Z	Z		Z	Z	Z				Z	Z	Z	Z			Z		Z	Z	5.2.25
Family Group Home A (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z															Z	Z	Z	5.2.30
Family Group Home B (Hi)												P	P	P	P		Z				P					P	P						P	Z	Z	5.2.30
Family Group Home C (Hi)													P	P	P						P					P	P						A	Z	Z	5.2.31

Chapter 5 Use Standards

Section 5.1 Permitted Uses

TABLE 5.1.1: PRINCIPAL USE TABLE

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.				I & MU DIST.			CONDITIONS				
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI	GI	CI	IP		C	MU-S		
Fraternity or Sorority (Hi)												P	P	P	P					Z						Z	Z							Z		5.2.33		
Life Care Community (Lo)												P	P	P	P							P				P	P	Z						Z	Z	5.2.47		
Planned Residential Development (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P										Z						P		Z	5.2.66	
AGRICULTURAL USES																																						
Agricultural Production, Livestock (W) (Lo)		A																																				
Agricultural Production, Crops (F) (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z												Z										Z	Z			Z			
Agricultural Production, Livestock (F) (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z												Z										Z	Z			Z			
Agricultural Tourism (F) (Lo)	Z	Z																																			5.2.6	
Animal Feeding Operation (Hi)		Z																													Z						5.2.8	
Fish Hatchery (Lo)		Z																													Z	Z						
Urban Agriculture (W) (Lo)		Z	A	A	A	A	A	A	A	A	A	A	A	A	A	A						Z	Z		Z	Z				Z	Z			Z	Z	Z		
RETAIL AND WHOLESALE TRADE USES																																						
Arts and Crafts Studio (Lo)																				Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z			
Building Materials Supply (Hi)																									Z	Z		Z	Z	Z	Z					Z		
Bulk Storage of Petroleum Products (Hi)																															Z							
Convenience Store (Hi)																					Z ¹	Z	Z	Z	Z	Z		Z	Z			Z				Z		
Food or Drug Store (Hi)																					Z ¹	Z	Z	Z	Z	Z	Z	Z	Z			Z				Z		
Fuel Dealer (Hi)																									Z	Z					Z	Z	Z					
Furniture and Home Furnishings Store (Lo)																					Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z					Z		
Micro-Brewery or Micro-Distillery (Hi)																						Z	Z	Z	Z	Z	Z	Z	Z	Z	Z					Z	5.2.57	
Motor Vehicle Dismantling and Wrecking Yard (Hi)																															P						5.2.59	

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.	I & MU DIST.			CONDITIONS						
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI		GI	CI	IP	C	MU-S	
Motorcycle Dealer (Hi)																						Z	Z		Z	Z	A	Z		Z	Z	A			Z		
Nursery, Lawn and Garden Supply Store, Retail (Hi)																							Z	Z		Z	Z			Z	Z				Z		
Outdoor Display Retail (Hi)																							Z ²		Z	Z		Z		Z	Z				Z	5.2.63	
Restaurant (without drive-through service) (Hi)																			Z		Z	Z	Z	Z	Z	Z	Z	Z				Z			Z		
Restaurant (with drive-through service) (Hi)																								Z	Z	Z		Z	Z							Z	
Retail Store (Hi)																					Z ¹	Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	5.2.73	
Shopping Center (Hi)																						Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	5.2.80; 5.2.81	
Shopping Center, Small (Hi)																						Z	Z	Z	Z	Z	Z				Z			Z	5.2.82; 5.2.83		
Storage Trailer (Hi)																															Z						
Wholesale Trade A (Hi)																										Z	Z	Z	Z	Z	Z	Z				Z	
Wholesale Trade B (Hi)																														Z	Z						
BUSINESS AND PERSONAL SERVICE USES																																					
Adult Establishment (F) (Hi)																										Z					Z						5.2.5
Adult Establishment (W) (Hi)																										Z					Z						5.2.5
Banking and Financial Services (Hi)																	A	Z	Z	Z	A ¹	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z		
Bed and Breakfast (Lo)			A	A	A	A	A	A	A	A	A	Z	Z	Z	Z		A	Z			A	Z	Z		Z	Z	Z					Z			Z	5.2.10	
Building Contractors, General (Hi)																						Z			Z	Z			Z	Z	Z						
Building Contractors, Heavy (Hi)																														Z	Z						
Car Wash (Hi)																						Z	Z	Z	Z	Z		Z		Z	Z				Z	5.2.14	

Chapter 5 Use Standards

Section 5.1 Permitted Uses

TABLE 5.1.1: PRINCIPAL USE TABLE

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.	I & MU DIST.			CONDITIONS						
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI		GI	CI	IP	C	MU-S	
Electronic Sweepstakes Operation (W) (Hi)																																					5.2.29
Entertainment Facility, Large (Hi)																									E	E	E		Z								
Funeral Home (Lo)																		Z		Z					Z	Z		Z					Z		Z		
Hotel or Motel (Hi)																			Z						Z	Z	Z	Z	Z			Z				Z	
Kennel, Indoor (Hi)																		E					Z	Z		Z	Z		Z	Z					Z		5.2.41
Kennel, Outdoor (F) (Hi)	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>A</u>	<u>A</u>													<u>A</u>					<u>Z</u>		<u>Z</u>	<u>Z</u>				<u>Z</u>	<u>Z</u>						<u>5.2.42</u>
Motor Vehicle, Rental and Leasing (Hi)																			Z						Z	Z	A	Z		Z	Z	Z					
Motor Vehicle, Repair and Maintenance (Hi)																					Z ¹	Z	Z ²	Z		Z	Z	A	Z	Z	Z	Z			Z		5.2.60
Motor Vehicle, Body or Paint Shop (Hi)																									Z	Z				Z	Z						5.2.60
Motor Vehicle, Storage Yard (Hi)																									Z	Z				Z	Z						5.2.61
Offices (Lo)																	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		
Services, A (Lo)																			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z		
Services, B (Hi)																						Z				Z	Z	Z	Z	Z	Z	Z	Z			Z	5.2.77
Signs, Off-Premises (Hi)																									Z					Z	Z	Z					5.2.84
Storage Services, Retail																																					
External (Hi)																									Z	Z				Z	Z						5.2.89
Internal (Lo)																			Z		E	E			Z	Z		Z	Z	Z	Z				Z		
Testing and Research Lab (Lo)																		Z				Z			Z	Z	Z	Z		Z	Z	Z			Z		
Veterinary Services (Lo)																	A				Z ¹	Z	Z	Z		Z	Z		Z	Z		Z			Z	5.2.95	
Warehousing (Hi)																									Z	Z			Z	Z	Z						
RECREATIONAL USES																																					
Campground (F) (Lo)	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>																																<u>5.2.13</u>	
Fishing, Fee Charged (Lo)	A	A	A	A	A	A																													Z	5.2.32	
Golf Course (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									Z						Z		Z	Z		5.2.34	

Chapter 5 Use Standards

Section 5.1 Permitted Uses

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer;

P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS											IND. DIST.			I & MU DIST.			CONDITIONS				
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI	GI	CI	IP		C	MU-S		
Recreation Services, Indoor (Lo)																					Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	A	Z		5.2.69		
Recreation Services, Outdoor (Hi)																						Z			Z	Z	Z	Z	Z		Z	Z	A	Z		5.2.69		
Recreation Facility, Public (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			
Recreational Vehicle Park (Hi)	A	A	A	A																					Z											5.2.68		
Riding Stable (Lo)	A	A	A ³	A ³	A ³																														Z	5.2.74		
Shooting Range, Indoor (F) (Hi)																									Z	Z						Z						
Shooting Range, Outdoor (F) (Hi)		A	A	A	A																										A					5.2.79		
Swimming Pool, Private (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z				Z				Z	Z	Z	Z			Z	Z	Z		5.2.90		
Theater, Drive-In (Hi)																									Z												5.2.91	
Theater, Indoor (Hi)																						Z		Z	Z	Z	Z	Z				Z			Z			
INSTITUTIONAL AND PUBLIC USES																																						
Academic Biomedical Research Facility (Lo)																			Z			Z			Z	Z	Z			Z	Z	Z	P	Z	Z	5.2.1		
Academic Medical Center (Hi)																		Z	Z		Z			Z	Z	Z	Z		Z		Z		Z	Z				
Adult Day Care Center (Lo)												A	A	A	A		A	P	P	P		P	P	P	P	P	P	Z		P		Z	P	Z	5.2.3			
Adult Day Care Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z				Z	Z					Z								Z	5.2.4		
Animal Shelter, Public (Hi)																							Z		Z	Z				Z	Z		E		Z	5.2.95		
Cemetery (Lo)		P	P	P																					Z	Z							Z			5.2.15		
Child Care, Drop-In (Lo)																		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z	Z	Z		5.2.16		
Child Care Institution (Lo)																			P		P					P	A						P	P	Z	5.2.17		
Child Care, Sick Children (Lo)												A	A	A	A		A	P	P	P	A	P	P	P	P	P	P	Z		P		Z	P		Z	5.2.18		
Child Day Care Center (Lo)												A	A	A	A		A	P	P	P	A	P	P	P	P	P	P	Z		P		Z	P	P	Z	5.2.19		
Child Day Care, Large Home (Lo)	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P		P				P												P		Z	5.2.20		

Chapter 5 Use Standards

Section 5.1 Permitted Uses

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS											IND. DIST.				I & MU DIST.			CONDITIONS		
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI	GI	CI	IP	C		MU-S	
Child Day Care, Small Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z				Z	Z					Z							Z	Z	Z	5.2.21
Church or Religious Institution, Community (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A			Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	P	Z	Z	5.2.22	
Church or Religious Institution, Neighborhood (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.23	
Club or Lodge (Hi)																			Z		Z	Z			Z	Z	Z	Z	Z			Z	A		Z	5.2.24	
College or University (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z		Z	A	Z	Z		
Correctional Institution (Hi)																									E	E	E				Z	E				5.2.26	
Dirt Storage (Hi)	A	A	A	A	A																				A	A				A	A					5.2.27	
Government Offices, Neighborhood Organization, or Post Office (Lo)																	Z	Z	Z	Z	Z ¹	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z		Z		
Group Care Facility A (Hi)													A	A	A		P				P					P	P									5.2.35	
Group Care Facility B (Hi)																										P										5.2.35	
Group Care Facility C (Hi)																										S										5.2.36	
Habilitation Facility A (Lo)		A	A	A	A	A	A	A	A	A	A	A	Z	Z	Z				Z	Z		Z	Z		Z	Z	Z	Z				Z	Z	Z	Z	5.2.37	
Habilitation Facility B (Lo)													Z	Z	Z				Z	Z		Z	Z		Z	Z	Z	Z				Z	Z	Z	Z	5.2.38	
Habilitation Facility C (Lo)													A	A	A				Z	Z		Z	Z		Z	Z	Z	Z				Z	Z	Z	Z	5.2.38	
Hospice and Palliative Care (Lo)																	Z		Z									Z						Z	Z	Z	
Hospital or Health Center (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z		Z		Z	Z		
Institutional Vocational Training Facility (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z	Z						
Landfill, Construction & Demolition (F) (Hi)																										P	P			P	P					5.2.43	

TABLE 5.1.1: PRINCIPAL USE TABLE

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.	I & MU DIST.			CONDITIONS						
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI		GI	CI	IP	C	MU-S	
Landfill, Construction & Demolition (W) (Hi)		P	P	P																					P	P				P	P						5.2.43
Landfill, Land Clearing/Inert Debris, (W) (Hi)		P	P	P															P						P	P				P	P			A			5.2.44
Landfill, Land Clearing/ Inert Debris, 2 acres or less (F) (Hi)		P	P	P	A														P						P	P				P	P			A			5.2.44
Landfill, Land Clearing/ Inert Debris, greater than 2 acres (F) (Hi)		E	E	E	E																				P	P				P	P						5.2.44
Landfill, Sanitary (W) (Hi)			E	E																										E							5.2.45
Landfill, Sanitary (F) (Hi)																									A	A				A	A						5.2.45
Library, Public (Lo)		P	P	P	P	P	P	P	P	P	Z	Z	Z	Z	Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z				Z	Z	Z	Z		5.2.46
Limited Campus Uses (Lo)						P	P	P	P	P	P	P	P	P	P		P	Z		P		Z					Z								Z		5.2.48
Museum or Art Gallery (Lo)																		Z		Z	Z	Z	Z	Z	Z	Z	Z	Z				Z	Z	Z	Z		
Nursing Care Institution (Lo)		A	A	A	A							Z	Z	Z	Z				Z		Z					Z	Z	Z				Z	Z	Z	Z		5.2.62
Police or Fire Station (Hi)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.67
Postal Processing Facility (Hi)																					Z						A			Z	Z	Z					
Recycling Center (Hi)																														Z	Z						
School, Private (Hi)		P	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P			P	P	P		P			Z	P	Z	Z		5.2.75
School, Public (Hi)		P	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P			P	P	P		P			Z	P	Z	Z		5.2.76
School, Vocational or Professional (Lo)																		Z	Z		Z	Z	Z		Z	Z	Z	Z		Z	Z	Z	P	Z	Z		
Shelter for Homeless (Lo)																					E					E	E			E							5.2.78
Solid Waste Transfer Station (Hi)																														A	Z						5.2.85
Special Events Center (Hi)	A	A	A	A	A																Z	Z	Z		Z	Z	Z	Z	Z	Z		Z			Z	Z	5.2.86

Chapter 5 Use Standards

Section 5.1 Permitted Uses

TABLE 5.1.1: PRINCIPAL USE TABLE

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.			I & MU DIST.			CONDITIONS					
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI	GI	CI		IP	C	MU-S		
Stadium, Coliseum, or Exhibition Bldg (Hi)																						Z			Z	Z	Z		Z			Z		Z	Z		5.2.87	
MANUFACTURING AND MINING																																						
Manufacturing A (Hi)																		Z								Z			Z	Z	Z	Z			Z		5.2.55	
Manufacturing B (Hi)																													Z	Z							5.2.55	
Manufacturing C (Hi)																														Z / S							5.2.55.1	
Asphalt and Concrete Plant (F) (Hi)																														Z								
Asphalt and Concrete Plant (W) (Hi)																														E							5.2.9	
Borrow Site (Hi)	A	A	A	A	A																				A	A				A	A						5.2.12	
Hazardous Waste Management Facility (Hi)																														E							5.2.39	
Meat Packing Plant (Hi)																														P							5.2.56	
Mining, Quarry, or Extractive Industry (Hi)																														E							5.2.58	
Recycling Plant (Hi)																														Z								
Storage and Salvage Yard (Hi)																														Z							5.2.88	
TRANSPORTATION AND UTILITIES																																						
Access Easement, Private Off-Site (Lo)	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	Z		E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	E ⁵	Z	5.2.2 ⁵	
Airport, Private (Hi)																		P												P							5.2.7	
Airport, Public (Hi)																														A								
Heliport (Hi)																		P												P	P						5.2.40	
Helistop (Hi)																		A	A		A				A	A	A			A	A	A					5.2.40	
Park and Shuttle Lot (Lo)		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	P		Z		5.2.64	
Parking, Commercial (Lo)																		Z				Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z			

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USE TYPE	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.	I & MU DIST.			CONDITIONS							
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	E	LI		GI	CI	IP	C	MU-S		
Parking, Off-Site, for Multifamily or Institutional Uses			E	E	E	E	E	E	E	E	E	E	E	E	E																						5.2.65	
Terminal, Bus or Taxi (Hi)																						Z				Z	Z	Z	Z		Z	Z	Z			Z		
Terminal, Freight (Hi)																																Z						
Transmission Tower (F) (Hi)		Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z		Z/A	Z/A	Z/A		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z/A	Z	Z	5.2.93
Transmission Tower (W) (Hi)		E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		Z/A	Z/A	Z		Z/A	Z/A	Z/A		Z	Z	Z	Z	Z	Z	Z	Z	Z/A	Z	Z	5.2.92	
Utilities (Hi)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	Z	Z	P	Z	Z	Z		Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	5.2.94	

NOTES:

[1] See Section 4.6.5C, Supplementary District Requirements.

[2] See Section 4.6.7C, Supplementary District Requirements in GMAs 4 and 5.

[3] See Section 5.2.74, Riding Stable, Including Veterinarian Services for Equine Species and Cattle.

[4] Per Section 4.6.12, Major Retail and Business District (MRB-S) (W).

[5] SUP not required if requirements of Section 5.2.2, Access Easement, Private Off-Site, are met.

[6] See Section 5.2.72, Residential Building, Single Family (W).

[7] See Section 4.6.4, GO General Office District.

[8] See Section 4.6.9, HB Highway Business District.

3.2.13 SPECIAL USE PERMIT**A. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT**

Uses identified in a particular district column with an A in **Table 5.1.1, Principal Use Table**, shall be permitted in such district upon approval of a special use permit by the Board of Adjustment, **unless exempted per Section 3.2.13D.10 of this ordinance**, with such conditions as referenced in the conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

B. SPECIAL USE PERMIT APPROVAL BY ELECTED BODY

Uses identified in a particular district column with an "E" in **Table 5.1.1, Principal Use Table**, shall be permitted in such district upon approval of a special use permit by the Elected Body, **unless exempted per Section 3.2.13E.8 of this ordinance**, with such conditions as referenced in the conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

C. APPLICATION PROCEDURE FOR A SPECIAL USE PERMIT**1. APPLICATION AND FEES**

Applications for special use permits shall be submitted in the appropriate electronic plan review system by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled Planning Board meeting accompanied by a completed application form and other required information, site plans meeting the requirements for site plan submittal in **Section 3.2.11, Site Plan**, and fees in accordance with **Section 3.1.1A, Fees**.

2. NOTICE

a. The Planning Board shall post on the property a notice of public meeting at least ten (10) days prior to the date of the meeting of the Planning Board.

b. A sign is required on the property at a conspicuous location(s). Location(s) which are not conspicuous or require additional notification to the public, will be required to have directional sign(s) posted.

c. Each sign(s) or each directional sign(s) will have a charge as determined by the Director of Planning.

d. The signs are, and shall remain, the property of the governmental agency which provided them, and shall be prepared, posted and reclaimed by it.

e. The sign serves as constructive notice of the Elected Body public hearing.

f. The review of the site plan by the Planning Board is not a public hearing.

3. ADVERTISEMENT

The Elected Body shall duly advertise a public hearing.

4. NOTIFICATION TO PROPERTY OWNERS AND ADJACENT PROPERTY OWNERS FOR AN ELECTED BODY SPECIAL USE PERMIT

Letters shall be sent via first class mail to the subject property owner(s) and all property owners within five hundred (500) feet of any portion of the subject property for which the Special Use Permit is requested.

D. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT PROCEDURE**1. APPLICATIONS**

Applications for special use permits to be considered in any month by the Board of Adjustment shall be made by the property owner or the owner's authorized agent to the Director of Planning and Development Services, or designee, in the appropriate electronic plan review system not less than twenty (20) days prior to the established meeting date of that month. Each petition shall be accompanied by:

a. A fee as authorized in **Section 3.1.1A, Fees**.

b. A scaled site plan (plot plan) of the property which may be prepared by either professional or non-professional persons showing the location of any existing and proposed structure(s) and any relevant notations

on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (F)

c. *A scaled site plan (plot plan) of the property showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (W)*

d. Any other written materials the applicant would like to submit to the Board for consideration of the application.

2. POSTED NOTICE OF HEARING

a. The applicant shall post on the property a notice of public hearing at least ten (10) days prior to the date of the hearing before the Board of Adjustment.

b. Such notice shall be of sufficient size to contain, and shall contain, heavy black lettering not less than three (3) inches high on a white background and shall be posted in a conspicuous place on the premises. Where such posting is not clearly visible from the nearest public right-of-way, a second directional sign which is clearly visible from the nearest public right-of-way shall be posted.

c. A sign shall be provided by the Director of Inspections consistent with these requirements. Such sign structure shall be removed by the applicant within thirty (30) days after said public hearing.

3. MAILED NOTICE OF HEARING

a. Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the public hearing; to the owner of the property that is subject to the public hearing, if different from the applicant; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other person entitled to receive notice as otherwise provided in this Ordinance.

b. The county tax listing shall be utilized to determine the owners entitled to receive mailed notice.

c. The notice must be deposited in the mail at least ten (10), but not more than twenty-five (25) days, prior to the date of the hearing.

4. PLANNING BOARD REPORT

a. Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:

i. Riding stables per **Table 5.1.1, Principal Use Table;**

ii. Kennels, outdoor per **Table 5.1.1, Principal Use Table;**

iii. Shooting ranges, outdoor per **Table 5.1.1, Principal Use Table;**

iv. Manufactured homes class A, class B and class C per **Table 5.1.1, Principal Use Table;**

v. Expansion or conversion of a nonconforming use per **Section 9.2.3B, Special Use Permit,** and **Section 9.2.4A, Special Use Permit Required;**

vi. Accessory uses as follows:

1. Dwelling, accessory (detached) per **Section 5.3.4C, Dwelling, Accessory (Detached);**

2. Separation, processing, storage or wholesale sale of materials in LCIDs per **Section 5.2.44M, Accessory Uses (F),** and **Section 5.2.44N, Accessory Uses (W);**

3. Home occupations in Rural Areas (GMAs 4 and 5) per **Section 5.3.4D.2.b.ii, Special Use Permits;**

vii. Accessory structures as follows:

1. Exceeding size limits for accessory structures per **Section 5.3.1F, Size Limits for Accessory Structure;**

viii. Parking reductions for churches per **Section 5.2.22D, Parking,** and **Section 5.2.23C, Parking;**

ix. Veterinary services per **Table 5.1.1, Principal Use Table;**

x. *Keeping of horses, mules, donkeys, goats, sheep, or cattle per* **Section 5.3.3F, Keeping of Horses, Mules, Donkeys, Goats, Sheep, or Cattle (W)**;

xi. Child daycares, large home;

xii. Transmission towers per **Table 5.1.1, Principal Use Table**;

xiii. Campgrounds; and

xiv. Special events centers.

b. The Planning Board shall submit its report in writing to the Director of Inspections not more than sixty (60) days after receipt of the application in accordance with established review procedures.

c. In reviewing the request, the Planning Board shall review the application to assure compliance with all provisions of this Ordinance.

d. The Planning Board report shall make a finding that the application as submitted either complies with the Ordinance, complies with recommended conditions, or does not comply with the Ordinance.

e. If the Planning Board recommends conditions, the Planning Board shall have the authority to recommend conditions as identified in **Section 10.1.2B.1.a, Approval and Conditions**, to reduce impacts associated with the project.

5. REQUIRED FINDINGS

a. The Board of Adjustment shall issue a special use permit only when the Board of Adjustment makes an affirmative finding as follows:

i. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

ii. That the use meets all required conditions and specifications;

iii. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

iv. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

b. Except with regard to the conversion of nonconforming uses in **Section 9.2, Nonconforming Uses**, no provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a special use permit for any use unless authorized in **Table 5.1.1, Principal Use Table**. In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents.

c. If the Board of Adjustment denies the application for the issuance of a special use permit, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.

6. BOA PROCEDURE FOR VOTING ON SPECIAL USE PERMITS

a. A majority vote of the members shall be required to issue a special use permit.

b. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives to take the place of such members.

7. PERMIT EXPIRATION

a. A special use permit shall become void if the terms of such permit, in the judgment of the Director of Inspections, are not exercised within a period of two (2) years from the date of approval.

b. Special use permits are also subject to the provisions in **Section 2.7, Vested Rights**.

8. EXTENSION OF PERMIT

A letter requesting an extension of time and indicating the reason for such request, submitted prior to the termination date and duly approved by the Board of Adjustment, shall extend the validity of such permit for a period of six (6) months. No other extension of time shall be granted.

9. REVIEW OF REQUEST FOR EXTENSION

In considering such extension, the Board of Adjustment may make such changes in the conditions under which the permit was granted as may be indicated by any new information relating to the property or to the use proposed thereon, provided the extension or changes still comply with the affirmative finding set forth above.

10. SPECIAL USE DISTRICT ZONING

No separate special use permit is required for a use which is permitted as a part of a special use district zoning adopted by the Elected Body and which meets the requirements of this Ordinance.

E. SPECIAL USE PERMITS AUTHORIZED BY THE ELECTED BODY

1. ELECTED BODY REVIEW

The Elected Body shall review all requests for permits as designated in **Table 5.1.1, Principal Use Table**, and, in doing so, shall follow quasi-judicial procedures.

2. PUBLIC HEARING

Applications for special use permits requiring approval by the Elected Body may be approved after the Elected Body receives a report on conformance of the site plan with UDO requirements from the Planning Board and holds a duly advertised public hearing in each case.

3. PERMIT ISSUANCE

No zoning or building permit shall be issued until a special use permit for the requested use has been approved by the Elected Body.

4. SUBMISSION OF WRITTEN COMMENTS

a. At least two (2) days before the Elected Body's proposed vote on a request for a special use permit, any resident or property owner in the local government's jurisdiction may submit a written statement to the clerk's office regarding the proposed special use permit. The clerk shall provide only the names and addresses of the individuals providing written comment to the Elected Body, and the provision of such names and addresses to all members of the Elected Body shall not disqualify any member of the Elected Body from voting

5. ELECTED BODY DECISION

a. The Elected Body shall consider the matter and the review of the site plan by the Planning Board and may:

i. APPROVE

Approve the application and direct issuance of the special use permit therefor;

ii. APPROVE WITH CONDITIONS

Approve the application with the conditions as recommended by the Planning Board or additional conditions as specified in **Section 10.1.2B.1.a, Approval and Conditions**, to assure that the site will be developed in a manner conducive to the public health, safety and welfare, and direct issuance of the special use permit; or

iii. DENY

Deny the application.

b. No vote greater than a majority vote shall be required for the Elected Body to issue a special use permit. For the purposes of this section, vacant positions on the Elected Body and members who are absent or excused from voting on a special use permit shall not be considered members of the Elected Body for calculation of the requisite majority.

6. REQUIRED FINDINGS

a. The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:

- i. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- ii. That the use meets all required conditions and specifications;
- iii. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

iv. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

b. No provision of this Ordinance shall be interpreted as conferring upon the Elected Body the authority to approve an application for a special use permit for any use unless authorized in **Table 5.1.1, Principal Use Table**.

c. In approving an application for the issuance of a special use permit, the Elected Body may impose additional conditions as identified in **Section 10.1.2B.1.a, Approval and Conditions**. If the Elected Body denies the application for the issuance of a special use permit, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.

7. EXTENSION OF PERMIT

In considering any request for extension of the permit, the Elected Body may, in the public interest, make such changes in the conditions under which the permit was granted as may be indicated by any new information relating to the property or to the use proposed.

8. SPECIAL USE DISTRICT ZONING

No separate special use permit is required for a use which is permitted as a part of a special use district zoning adopted by the Elected Body and which meets the requirements of this Ordinance.

I. Universal use table

Table 18-19.2: Universal use table, lists all uses permitted in each zoning district within the city. In the event of a conflict between the use tables within each of the zoning district groups and Table 18-19.2, Table 18-19.2 shall prevail.

Table 18-19.2: Universal use table												
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited												
Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Civic and institutional												
Assembly	Section 18-126											
Civic club or lodge, private										P		P
Community center												
Building footprint up to 5,000 sq. ft.		S	S	S	S	S	S	S	S	C		P
Building footprint greater than 5,000 sq. ft.							S	S		C		P
With outdoor facilities		S	S	S	S	S	S	S	S	C		P
Entertainment and trade										C		P
Religious		C	C	C	C	C	C	C	C	C		P
Chemical dependency treatment facility										P		
Community garden	Section 18-134	C	C	C	C	C	C	C	C	C	C	C
Correctional facility	Section 18-137											
Daycare, adult or child	Section 18-138	C	C	C	C	C	C	C		C		C
Domestic violence shelter	Section 18-139	C	C	C	C	C	C	C		P	P	P
Dormitory, fraternity, or sorority house	Section 18-140						S	S		S		C
Government facilities excluding of rights-of-way	Section 18-148	C	C	C	C	C	C	C	C	P		P
Hospital	Section 18-153											

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Civic and institutional											
Assembly	Section 18-126										
Civic club or lodge, private			S	S	P	P	P	P			
Community center					P	P	P	P			
Building footprint up to 5,000 sq. ft.		S	S	S							
Building footprint greater than 5,000 sq. ft.											
With outdoor facilities		S	S	S							
Entertainment and trade			C	S	P	P	P	P			
Religious		C	C	C	P	P	P	P	C		
Chemical dependency treatment facility					P			P			
Community garden	Section 18-134	C	C	C							
Correctional facility	Section 18-137									C	
Daycare, adult or child	Section 18-138		S	S	C	C	C	C	C		
Domestic violence shelter	Section 18-139	C	C	C	P	P	P	P			
Dormitory, fraternity, or sorority house	Section 18-140		S					C			
Government facilities excluding of rights-of-way	Section 18-148		C	C	P	P	P	P	P	P	
Hospital	Section 18-153							C			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Civic and institutional												
Library	Section 18-155	C	C	C	C	C	C	C	C	C		P
Nursing home												P
Public parks, playgrounds, boat ramps		P	P	P	P	P	P	P	P	P		P
Rehabilitation facility										P		
School	Section 18-167											
College or university										P		P
Primary and secondary		C	C	C	C	C	C	C		P		P
Trade, business, technical, and vocational										C		P
Commercial												
Alternative financial services	Section 18-123									S		C
Animal hospital, veterinary clinic												
No outdoor pens or runs										P		P
With outdoor pens or runs	Section 18-124											
Art gallery										P	P	P
Artisan food and beverage production	Section 18-125									C		C

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Civic and institutional											
Library	Section 18-155		C	S	P	P	P	P			
Nursing home					P			P			
Public parks, playgrounds, boat ramps		P	P	P	P	P	P	P			
Rehabilitation facility					P			P			
School	Section 18-167										
College or university			C	S				P			
Primary and secondary		C	C	C	C	C		C			
Trade, business, technical, and vocational			C	C		P	P	P	P	P	
Commercial											
Alternative financial services	Section 18-123		S	S		C	C				
Animal hospital, veterinary clinic											
No outdoor pens or runs					P	P	P	P	P		
With outdoor pens or runs	Section 18-124				C	C	C	C	C		
Art gallery			P	P	P	P	P	P			
Artisan food and beverage production	Section 18-125		C	C	C	C	C		P		

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Auction house	Section 18-128											P
Banks and financial institutions										P		P
Cemetery												
Commercial parking	Section 18-132	S	S	S	S	S	S	S				C
Commercial recreation, indoor												
Drop-in childcare										P		P
Electronic gaming establishment	Section 18-142											C
General, large: building footprint greater than 2,000 sq. ft.										P		P
General, small: building footprint up to and including 2,000 sq. ft.										P		P
Commercial recreation, outdoor	Section 18-133											
General, large: building footprint greater than 5,000 sq. ft.												
General, small: building footprint up to and including 5,000 sq. ft.										P		P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Auction house	Section 18-128					C	C		P		
Banks and financial institutions			P	P	P	P	P	P			
Cemetery											P
Commercial parking	Section 18-132				C	C	C	C	C	C	
Commercial recreation, indoor											
Drop-in childcare					P	P	P	P	P		
Electronic gaming establishment	Section 18-142				C	C	C		P		
General, large: building footprint greater than 2,000 sq. ft.			P	P		P	P		P		
General, small: building footprint up to and including 2,000 sq. ft.			P	P	P	P	P		P		
Commercial recreation, outdoor	Section 18-133										
General, large: building footprint greater than 5,000 sq. ft.					P	P			P		
General, small: building footprint up to and including 5,000 sq. ft.					P	P			P		

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Commercial recreation, outdoor												
Golf course												
Golf driving range												
Zoo												
Crematory										P		P
Equipment repair	Section 18-143									P		C
Exterminating services										P		
Farmers' market	Section 18-145									C		P
Food catering services										P		P
Funeral home and mortuary										P		
General business services	Section 18-146									C	C	P
General personal services										P	P	P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Commercial recreation, outdoor											
Golf course						C					
Golf driving range						C	C				
Zoo						S	S				
Crematory			P	P	P	P	P	P	P	P	P
Equipment repair	Section 18-143		C	C	P	P	P		C	P	
Exterminating services						P	P		P	P	
Farmers' market	Section 18-145				C	C	C				
Food catering services					P	P	P		P		
Funeral home and mortuary			P	P	P	P	P	P			P
General business services	Section 18-146		C	C	C	C	C	C	P	P	
General personal services			P	P	P	P	P	P			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
General retail	Section 18-147											
Large: building footprint 40,001 sq. ft. or larger												P
Medium: building footprint 5,001 sq. ft. - 40,000 sq. ft.										P		P
Small: building footprint up to 5,000 sq. ft.										P	C	P
Heavy equipment sales, rentals, services												
Home maintenance services	Section 18-152									C		
Kennel, commercial	Section 18-154											
Laboratory												
Laundry service										P		P
Lodging	Section 18-157											
Bed and breakfast		C	C	C	C	C	C	C		C		C
Campground									C			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
General retail	Section 18-147										
Large: building footprint 40,001 sq. ft. or larger					C	C	C				
Medium: building footprint 5,001 sq. ft. - 40,000 sq. ft.					P	P	P				
Small: building footprint up to 5,000 sq. ft.			P		P	P	P		P		
Heavy equipment sales, rentals, services						P	P		P	P	
Home maintenance services	Section 18-152		C	C	P	P	P		P		
Kennel, commercial	Section 18-154				C	C	C		P		
Laboratory						P	P	P	P	P	
Laundry service					P	P	P				
Lodging	Section 18-157										
Bed and breakfast		C	C	C							
Campground											

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Lodging	Section 18-157											
Homestay		C	C	C	C	C	C	C		C	C	C
Hotel/motel										P		P
Whole house		C	C	C	C	C	C	C		C		C
Marina	Section 18-157									S		P
Movie theater												P
Nightclub	Section 18-161									C		P
Offices										P	P	P
Recreation facility, neighborhood		P	P	P	P	P	P	P	P	P		P
Recreation facility, private	Section 18-165	S	S	S	S	S	S	S	S	P		P
Restaurant	Section 18-166									P		P
Sexually oriented business	Section 18-169											
Spas and health clubs	Section 18-171									P		P
Studio, performing art, fine art, dance, martial arts										P	P	P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Lodging	Section 18-157										
Homestay		C	C	C	C	C	C	C			
Hotel/motel					P	P	P	P			
Whole house		C	C	C	C	C	C	C			
Marina	Section 18-158				P	P	P		P	P	
Movie theater						P	P				
Nightclub	Section 18-161				C	P	P		C		
Offices		P	P	P	P	P	P	P	P	P	
Recreation facility, neighborhood											
Recreation facility, private	Section 18-165				P	P	P	P			
Restaurant	Section 18-166		C	C	P	P	P	P	C		
Sexually oriented business	Section 18-169								C	C	
Spas and health clubs	Section 18-171		S	S	P	P	P	P			
Studio, performing art, fine art, dance, martial arts			P	P	P	P	P	P			

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Commercial												
Truck stop	Section 18-172											
Urban farm	Section 18-174	S	S	S	S	S				C		
Vehicle renting	Section 18-175									C		C
Vehicle repair and service	Section 18-176											
Major												
Minor												
Vehicle sales	Section 18-177									C		C
Vehicle towing	Section 18-178											C
Vehicle wash	Section 18-179											C
Water transportation												P
Industrial												
Airport	Section 18-122											
Boat building and repair												
Brewery or distillery	Section 18-129											
Micro										C		C
Small/regional										C		C
Manufacturing												
Building materials or product sales												

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Commercial											
Truck stop	Section 18-172					C	C		C	C	
Urban farm	Section 18-174				C	C	C		C		
Vehicle renting	Section 18-175					C	P		C		
Vehicle repair and service	Section 18-176										
Major						C	C				
Minor					C	C	C		P		
Vehicle sales	Section 18-177					C	C		C		
Vehicle towing	Section 18-178								C	C	
Vehicle wash	Section 18-179					C	C		C		
Water transportation					P	P	P	P	P	P	
Industrial											
Airport	Section 18-122								C	C	
Boat building and repair									P	P	
Brewery or distillery	Section 18-129										
Micro					C	C	C		P	P	
Small/regional						C	C		P	P	
Manufacturing							C		P	P	
Building materials or product sales						P	P		P	P	

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Industrial												
Bus and taxi services										P		P
Contractor storage yard	Section 18-136											
Distribution facilities												
Dry cleaning												
Express and parcel delivery services												P
Freight and intermodal terminals												
Fuel storage facility												
Heavy manufacturing, general												
Heliports/helipads	Section 18-151											
Laundry services, industrial												
Light manufacturing, general	Section 18-156									C		
Manufactured homes sales												
Metal coating, engraving and allied services												
Mills, sawing or planing												
Motion picture production and distribution	Section 18-159									C		

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Industrial											
Bus and taxi services						P	P		P	P	
Contractor storage yard	Section 18-136					C	C		C	P	
Distribution facilities									P	P	
Dry cleaning									P	P	
Express and parcel delivery services									P	P	
Freight and intermodal terminals									P	P	
Fuel storage facility										P	
Heavy manufacturing, general										P	
Heliports/helipads	Section 18-151								C	C	
Laundry services, industrial							P		P	P	
Light manufacturing, general	Section 18-156								P	P	
Manufactured homes sales									P	P	
Metal coating, engraving and allied services									P	P	
Mills, sawing or planing									P	P	
Motion picture production and distribution	Section 18-159						C		P	P	

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Industrial												
Moving company	Section 18-160											
Nurseries and greenhouses	Section 18-162											
Including retail sales												
Not including retail sales												
Outdoor storage	Section 18-163											
Petroleum and natural gas related industries												
Railroad facilities	Section 18-164											
Freight												
Passenger												C
Self-storage facilities	Section 18-168											
Indoor												
Outdoor												
Shipping container storage and sales												
Solar farm	Section 18-170											

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Industrial											
Moving company	Section 18-160					C	P		P	P	
Nurseries and greenhouses	Section 18-162										
Including retail sales					C	P	P		P		
Not including retail sales							P		P	P	
Outdoor storage	Section 18-163						C		C	P	
Petroleum and natural gas related industries										P	
Railroad facilities	Section 18-164										
Freight							C		P	P	
Passenger					C	C	C	C	P	P	
Self-storage facilities	Section 18-168										
Indoor							C		C	C	
Outdoor							C		C	C	
Shipping container storage and sales									P	P	
Solar farm	Section 18-170								C	C	

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Industrial												
Utility and public facility	Section 18-173											
Major										S	S	C
Minor		C	C	C	C	C	C	C	C	C	P	C
Warehouses and distribution centers	Section 18-180									C		
Welding repair												
Wholesale business	Section 18-181											
Wind energy conversion system, commercial	Section 18-182											
Wireless telecommunication facility	Section 18-183	C	C	C	C	C	C	C	C	C	C	S
Residential												
Assisted living residence	Section 18-127	C	C	C	C	C	C	C		S	S	P
Continuum of care community	Section 18-135				C	C	C	C		P		
Dwelling unit	Section 18-141											
Attached: duplex				P	P	P	C	C		P	P	
Attached: multiple							P	P		P		P
Attached: townhouse					C	C	P	P		P		P

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Industrial											
Utility and public facility	Section 18-173										
Major			S	S		C	P	C	P	P	
Minor		C	C	C	P	P	P	C	P	P	
Warehouses and distribution centers	Section 18-180						C		P	P	
Welding repair									P	P	
Wholesale business	Section 18-181						C		P	P	
Wind energy conversion system, commercial	Section 18-182						S		S	S	
Wireless telecommunication facility	Section 18-183	C	C	C	C	C	C	C	C	C	
Residential											
Assisted living residence	Section 18-127		S	S				C			
Continuum of care community	Section 18-135				C			C			
Dwelling unit	Section 18-141										
Attached: duplex		P	P	P							
Attached: multiple		S	C	C							
Attached: townhouse		S	C	C							

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Residential												
Dwelling unit	Section 18-141											
Attached: triplex, quadraplex				C	C	C	P	P		P	P	P
Commercial district mixed use	Section 18-131											
Detached: single		P	P	P	P	P	C	C		P	P	
Manufactured home									P			
Family care home	Section 18-144	C	C	C	C	C	C	C	C	C	C	C
Group home residential	Section 18-149				S	S	S	S		S	S	S
Group home supportive	Section 18-150											
Large							C	C		C	C	C
Medium		C	C	C	C	C	C	C	C	C	C	C
Small		C	C	C	C	C	C	C	C	C	C	C

Table 18-19.2: Universal use table

Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited

Principal use	Additional standards	HDR	HDMU	HD	CB	RB	CS	O&I	LI	IND	CEM
Residential											
Dwelling unit	Section 18-141										
Attached: triplex, quadraplex		C	C	C							
Commercial district mixed use	Section 18-131				C	C		C			
Detached: single		P	P	P							
Manufactured home											
Family care home	Section 18-144	C	C	C				C			
Group home residential	Section 18-149	S	S	S	S	S	S	S			
Group home supportive	Section 18-150										
Large			S	S	C			C			
Medium		C	C	C	C			C			
Small		C	C	C	C			C			

(Ord. No. O-2022-41, §1, 6-7-2022; Ord. No. O-2023-41, §1, 6-6-2023)

5. Infrastructure improvements

- a. Site plans shall be conditioned to include requirements that street and utility or other improvements be made to the same extent as required by Section 23.12 of the city charter and Article 6, Subdivision Regulations.
- b. The approval may require payment in lieu of the dedication of property and rights-of-way or construction of improvements to the same extent as required by this chapter. This provision shall not apply to site plans for individual detached, single-dwelling and duplex dwelling units to be constructed on previously subdivided lots.
- c. This provision shall not apply to additions of less than five percent of gross floor area on an annual basis unless such addition causes an increase in the off-street parking requirement or a change in occupancy as defined by the North Carolina State Building Code.

D. Building permit issuance

Upon approval of a site plan, the building inspector may issue a building permit.

E. Effect and duration of plan approval

1. Approval of a site plan shall expire after 18 months from the date of such approval if the applicant has failed to make substantial progress on the site.
2. The city manager may grant a single, six-month extension of this time limit for site plans, for good cause shown, upon receiving a request from the applicant before the expiration of the approved plan.
3. In the event site plan approval has expired, for whatever reason, and the owner or applicant wishes to proceed with development, the owner or applicant shall be required to resubmit for approval of a site plan that meets current development standards, unless otherwise permitted in this article.

F. Appeals

All appeals from decisions under this section shall be to the board of adjustment.

Section 18-589: Special use permit

A. Purpose

1. The purpose of this section is to establish procedures for consideration of an application for a special use permit.
2. Special use permits add flexibility to the land development code. Subject to high standards of planning and design, certain land uses may be allowed in a district where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, land uses that would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

B. Authority

1. Following an evidentiary hearing, special use permits shall be issued or denied by resolution of the city council or resolution of the board of adjustment for those uses of land and buildings requiring a special use permit as listed in each zoning district classification.
2. Special use permits may only be granted by the appropriate board, as designated in this article, after an evidentiary hearing conducted in keeping with the requirements of NCGS 160D-406.

C. Process

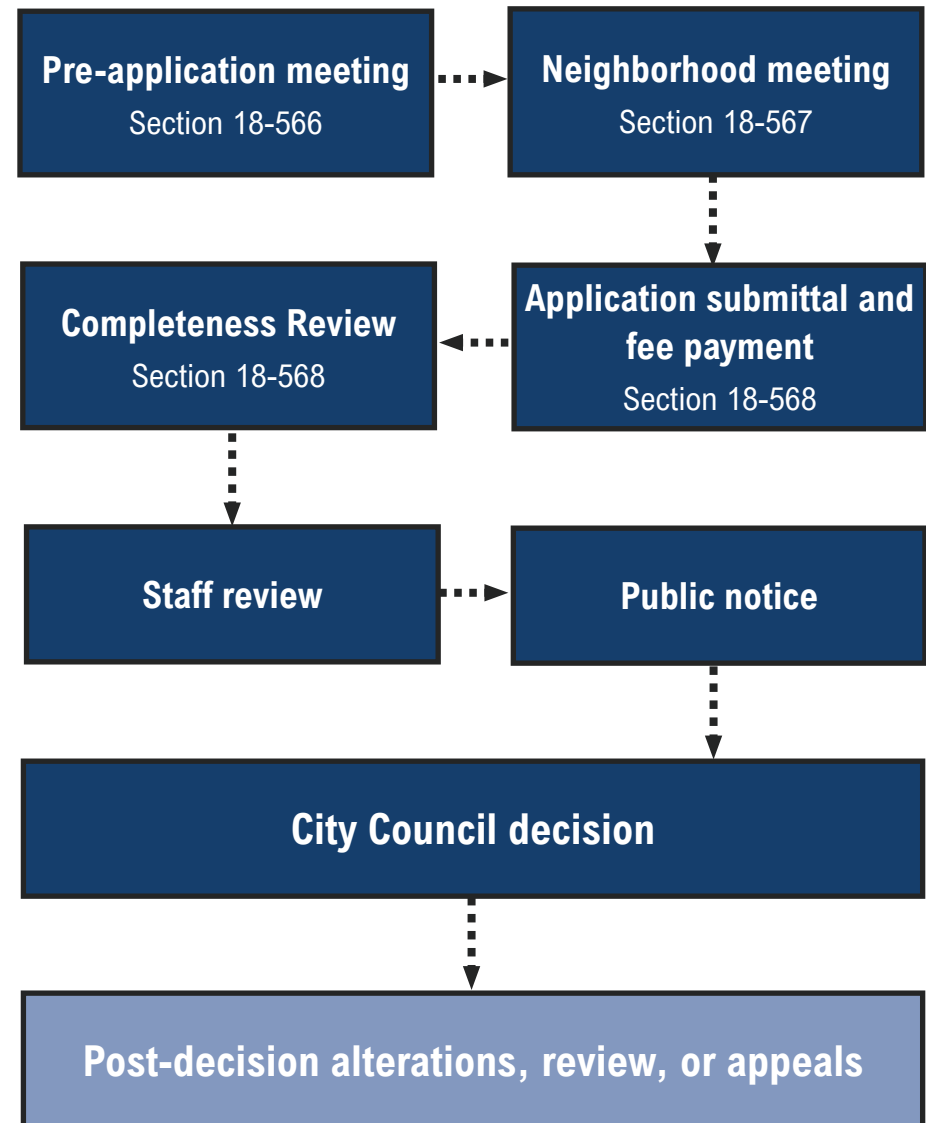
A special use permit application shall be processed as described in Figure 18-589: Special use permit process.

1. Applicants shall be required to attend a pre-application meeting pursuant to Section 18-566: Pre-application meeting.
2. Applicants shall be required to hold a neighborhood meeting pursuant to Section 18-567: Neighborhood meetings.
3. A special use permit application shall be submitted in compliance with the requirements of Section 18-568: Applications, submissions, contents, fees.
4. Any special use permit that requires a quasi-judicial decision to be made by the Board of Adjustment, Historic Preservation Commission, or Design Adjustment Committee must attain approval of the request prior to being heard by the City Council.

D. Decision making

1. Public notice shall be provided as required in Section 18-569: Public notice.
2. Action by board
 - a. Review factors
 - i. The appropriate board, in granting a special use permit, must find that all four of the following factors exist:
 1. That the use would not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;
 2. That the use meets all required conditions and specifications;
 3. That the use would not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 4. That the location and character of the use, if

Figure 18-589: Special use permit process



developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and in general conformity with adopted comprehensive plans, the CAMA plan, and adopted special area plans.

- ii. A finding of the decision-making body that the four required conditions exist, or a finding that one or more of the four required conditions do not exist, shall be based on sufficient and competent evidence presented to the decision-making body at the hearing at which the special use permit is considered.
- b. When issuing or denying special use permits, the decision-making body shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the city council to issue such permits, and every such decision of the city council shall be subject to review by the superior court by proceedings in the nature of a certiorari.
- c. In issuing or denying the special use permit, city council shall enter the reasons for its action in the minutes of the meeting at which the action is taken.

E. Appeal

No appeal may be taken to the board of adjustment from the city council in granting or denying a special use permit. Any appeal from an action of the city council on a special use permit shall be in accordance with NCGS 160D-1402.

F. Permit voidance

- 1. The city manager shall ensure compliance with plans approved by the city council or with any other conditions imposed upon the special use permit. In the event of failure to comply, no building permits for further construction or certificates of occupancy under this special use permit shall be issued, and all completed buildings and structures shall be regarded as nonconforming

uses subject to the provisions of this chapter.

- 2. A special use permit shall become null and void if construction or occupancy of the proposed use as specified on the special use permit has not commenced within two years of the date of issuance.
 - a. An extension of time for a special use permit, not to exceed two, one-year extensions may be granted by the city manager upon review and recommendation by the director of planning, development, and transportation, or its successor department.
 - b. A request for extension shall be submitted in writing prior to the original expiration date.
 - c. In granting an extension, the city manager shall not have the authority to amend the conditions of the special use permit nor to approve any major modifications to the approved plan as described in this section.
- 3. At any time after a special use permit has been issued, the city council may hold a hearing to determine whether the permit should be terminated. Upon findings that the conditions of a special use permit are not being fulfilled, council shall revoke it and the use of the property allowed by such permit shall be discontinued immediately. If a special use permit is terminated for any reason, it may only be reinstated after a full review and approval in accordance with the provisions of this division.

G. Modifications to approved site plan

- 1. Major changes to approved plans and conditions of development may be authorized only by city council in the same manner as outlined in this division for original submission. Major changes include, but are not limited to:
 - a. Change in use;
 - b. Increase in intensity of the development, such as increase

in density, whether residential, office, commercial, or industrial; an increase in number of off-street parking or loading spaces; or an increase in impervious surface area;

- c. An increase in overall ground coverage by buildings or structures;
 - d. A change in any site dimension by more than 10 percent;
 - e. A reduction in approved open space set aside, buffering, or screening;
 - f. A reduction in size of public utilities;
 - g. A change in the soil erosion and sedimentation controls, unless approved by the city engineer;
 - h. A change in access and internal circulation design.
2. Minor changes shall be those not otherwise classified as major changes. Minor changes may be authorized by the city manager if required by engineering or other physical circumstances not foreseen at the time of approval.

(Ord. No. O-2021-75, §7, 11-3-2021; Ord. No. O-2022-88, §16(Att. A), 11-1-2022)

Section 18-590: Appeal of administration determination

A. Authority

The board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by the city official charged with enforcement of this chapter.

B. Applicants

Appeals to the board of adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer, department, commission, or board of the city.

C. Process

1. Appeal of administrative determinations may be taken by filing a notice of appeal specifying the grounds thereof with the city clerk within 30 days after receiving active or constructive notice of the decision (see Figure 18-590: Appeal of administrative determination process).
2. Upon proper filing of an appeal, the official who made the decision shall transmit to the board of adjustment all papers then constituting the record upon which the action appealed was taken, as provided in the rules of procedure. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
3. The board shall fix a reasonable time for the hearing of appeal, give public notice, and give due notice to the parties of interest, and decide the same within a reasonable time. At the hearing, any person may appear in person or by agent or attorney.

D. Decision making

1. An evidentiary hearing shall be held on an application for appeal. Any person may appear at said hearing in person or by agent or attorney.
2. Board of adjustment decision making
 - a. In denying an appeal, the board of adjustment shall make findings of fact that one or more of the requirements of this section do not exist.
 - b. The findings of fact made by the board of adjustment shall be based on evidence presented at the hearing at which the variance is considered.

E. Stay of proceedings

1. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed, unless the official

SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE

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LAND USES	ZONING CLASSIFICATIONS																					
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
ACCESSORY USES, Incidental to any permitted use (Sec. 1002)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ADDRESSING SERVICE/BULK MAILING																				P	P	P
AGRICULTURAL OR RURAL FARM USE	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
AIRPORT OPERATIONS, minor (Sec. 902)		S																			S	S
AIRPORT OPERATIONS, major																						P
ALCOHOLIC BEVERAGE CONTROL SALES																				P		
APPAREL AND ACCESSORY SALES																		P	P	P		
ASSEMBLIES, Community, assembly hall, armory, stadium, coliseum, community center, fairgrounds etc. (Sec. 916)		P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P
AUCTION SALES, excluding livestock auctioning & motor vehicles																				P	P	P
BAKERY PRODUCTION AND WHOLESALE SALES																				P	P	P
BAKING, on premises and retail only																		P	P	P		
BANKS, SAVINGS AND LOAN COMPANY AND OTHER FINANCIAL ACTIVITIES																	P	P	P	P		
BARBERING AND HAIRDRESSING SERVICES/SALONS (Sec. 916)		S																P	P	P		
BARS & NIGHT CLUBS, except as regulated by Sec. 924																				P		
BED AND BREAKFAST (Sec. 903), except as regulated by Sec. 924		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P		
BILLBOARDS (SEC 1307)																				S		P
BINGO																		P		P		
BOOKS & PRINTED MATTER SALES, except as regulated by Sec. 924																	P	P	P	P	P	P
BORROW SOURCE OPERATIONS (Sec. 904)		S																			S	S
BOTTLED GAS DISTRIBUTING, bulk storage																					P	P
BOTTLING																						P
BUILDING SUPPLY																			P	P	P	P
BUS STATION ACTIVITIES, storage terminal activities																				P	P	P
CABINET MAKING AND OTHER WOODWORKING																					P	P
CALL CENTER																						P
CEMETERY, public (Sec. 916)		P		S	S			S										P	P	P	P	P

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	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
CLUB OR LODGE (Sec. 905), except as regulated by Sec. 924		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	P		
CONVENIENCE CONTAINER AND RECYCLING FACILITY (Sec. 905.1)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P
CONVENIENCE RETAIL W/ GASOLINE SALES, including drive thru motor vehicle washing (Sec 916)		P																P	P	P	P	P
COTTON GIN (Sec. 916)		P	P																		P	P
CREMATORIUM																				P	P	P
DAY CARE FACILITY (Sec. 906)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S ¹	S ¹
DETENTION FACILITIES/PRISONS (Sec. 907)		Z	Z																	Z	Z	Z
DISTILLERY, small																				P		
DRY CLEANING AND LAUNDRY COLLECTION, no cleaning on premises except in conjunction with service counter, provided not more than 2500 square feet are devoted to these processes																		P	P	P		
DRY CLEANING/LAUNDRY, self service																		P	P	P		
DRY CLEANING OR LAUNDRY, commercial																				P	P	P
DWELLING, SINGLE & MULTIPLE FAMILY		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S ²	S ²	S ²	S ²		
EXTERMINATING SERVICES																			P	P	P	P
EQUESTRIAN FACILITIES		P	P	P	P	P	P	P	S	S												
FARM SUPPLIES MERCHANDISING & MACHINERY SALES/SERVICING (Sec. 916)		P																	P	P	P	P
FIRE STATION OPERATIONS/EMERGENCY SERVICES (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
FIRING RANGE, OUTDOOR (Sec. 907.1)		Z																				
FISH HATCHERY (Sec. 916)	P	P																			P	P
FLOWER SHOP																		P	P	P		
FOOD PROCESSING																					P	P
FOOD PRODUCTION, with on premises retail sales of product																			P	P		
FOOD PRODUCTION/WHOLESALE SALES																				P	P	P
FOOD SALES/GROCERY STORES (Sec. 916)		P																P	P	P		
FUNERAL HOME, incl. incidental crematorium		P															P	P	P	P		
GOLF COURSES (Sec. 908)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GROUP HOME, six or less clients (Sec. 909)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
GROUP QUARTERS (Sec. 910)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
HARDWARE, PAINT & GARDEN SUPPLY SALES																		P	P	P		
HAZARDOUS WASTE STORAGE/DISPOSAL FACILITY (Sec. 911)																					S	S
HOME FURNISHING AND APPLIANCE SALES																			P	P		

¹Only in approved industrial parks

²Special Use Permit required for Mixed Use Building, see Section 914.1 (Amd. 01-19-10)

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	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)	
HOME OCCUPATIONS, Incidental (Sec.1002A)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
HOTEL/MOTEL, except as regulated by Sec. 924																			P	P			
INDUSTRIAL OPERATIONS NOT OTHERWISE PROHIBITED																						P	
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE																					P	P	
INTERNET CAFÉ/VIDEO GAMING																				P			
JANITORIAL SERVICE																			P	P	P	P	
KENNEL OPERATIONS ³ (Sec. 912)		P	S	S	S														P	P	P	P	
LABORATORY OPERATIONS, medical or dental																	P	P	P	P			
LABORATORY, RESEARCH																	P	P	P	P	P	P	
LANDFILL, DEMOLITION/INERT DEBRIS																					P	P	
LIBRARY (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
LIVESTOCK SALES & AUCTIONING (Sec. 916)		P																			P	P	
LOCKSMITH, GUNSMITH																			P	P	P		
MACHINE TOOL MANUFACTURING OR WELDING																						P	
MANUFACTURED HOME CLASS A, for residential occupancy		P	P		P		P	P		P				P ⁴									
MANUFACTURED HOME CLASS B, for residential occupancy		P			P			P						P ⁴									
MANUFACTURED HOME CLASS C, for residential occupancy (Sec. 913)														P ⁴									
MANUFACTURED HOME PARK (County Subdivision Ordinance), excluding any manufactured home sales														P									
MANUFACTURED HOME SALES																				P	P	P	
MASSAGE & BODYWORKS THERAPY																		P	P	P			
MILLING OR GRINDING GRAIN AND SEED INTO FOOD (Sec. 916)		P																			P	P	
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (no outside commercial storage of motor vehicles (Sec. 914))		P														S	S	P	P	P	P	P	
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (including outside commercial storage of motor vehicles)		S																		P	P	P	
MONUMENT SALES																				P	P	P	
MONUMENT WORKS																					P	P	
MOTOR VEHICLE PARKING LOT, commercial																	P	P	P	P		P	

³Repealed. (Amd. 01-19-10; Amd.10-15-12)

⁴Group developments in the R6A Residential district shall not be approved for more than one manufactured dwelling unit. (Amd. 08-20-12)

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	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
MOTOR VEHICLE PARTS AND ACCESSORIES SALES, contained within a building and without storage																		P	P	P		
MOTOR VEHICLE REPAIR AND/OR BODY WORK (Sec. 916), excluding commercial wrecking/dismantling/storage of junked vehicles		P																		P	P	P
MOTOR VEHICLE RENTALS																			P	P	P	P
MOTOR VEHICLE SALES, new and used, including motor vehicle auctions																			P	P	P	P
MOTOR VEHICLE SERVICE STATION OPERATIONS (Sec. 916)																		P	P	P	P	
MOTOR VEHICLE STORAGE YARD																					P	P
MOTOR VEHICLE WASHING																			P	P	P	P
MOTOR VEHICLE WRECKING YARDS AND JUNKYARDS (Sec. 915) including sale of parts																					S	P
NURSERY OPS/PLANT HUSBANDRY/GREENHOUSES (Sec. 916)	P	P						P											P	P	P	P
NURSING HOME/CONVALESCENT HOME/HOSPITAL/RETIREMENT HOME, etc. (Sec. 917)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		
OFFICE SUPPLIES AND EQUIPMENT SALES AND SERVICE/MAILBOX SERVICE																			P	P		
OFFICE USE – of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinics (Sec. 916)		P	P	P	P			P									P	P	P	P		
OFFICE USE – with no on-premises stock or goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material																	P	P	P	P		
PET SALES, excluding kennel activities or outside storage of animals																			P	P		
PHOTOGRAPHY STUDIO																	P	P	P	P		
PRINTING AND REPRODUCTION LARGE SCALE, => 4000 sq. ft.																				P	P	P
PRINTING AND REPRODUCTION SMALL SCALE, <4000 sq. ft.																	P	P	P	P		

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	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
PUBLIC/COMMUNITY UTILITY STATIONS/SUBSTATIONS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS (Sec. 918)		S																	P	P	P	P
PUBLISHING																					P	P
QUARRY (Sec. 919)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY																	P	P	P	P		
RAILROAD STATION/OPERATIONS																				P	P	P
RECREATION/AMUSEMENT INDOOR (Sec. 920) conducted inside building for profit, not otherwise listed & not regulated by Sec. 924								P											P	P		
RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924	P	P	S	S	S	S	S	S	S	S	S	S							S	P		
RECREATION/AMUSTMENT OUTDOOR (with mechanized vehicle operations) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924		P																		P		
RECREATION OR AMUSEMENT PUBLIC/PRIVATE (Sec. 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., & not regulated by Sec. 924	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S	P	P	P	P	S	S
RECREATION VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)	S	S	S					S											P	P		
RELIGIOUS WORSHIP ACTIVITIES		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
REPAIR, RENTAL AND/OR SERVICING, of any product the retail sale of which is a use by right in the same district																		P	P	P	P	P
RESIDENTIAL HABILITATION SUPPORT FACILITY (Sec. 922)		S	S		S			S									P	P		P		
RESTAURANT, operated as commercial enterprise, except as regulated by Section 924																		P	P	P		
RETAILING OR SERVICING. With operations conducted and merchandise stored entirely within a building and not otherwise listed herein																			P	P		
SANITARIUM																	P					

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	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
SAWMILL AND/OR PLANING OPERATION (Sec. 916)	P	P																			P	P
SCHOOL, business and commercial for nurses or other medically oriented professions, trade, vocational & fine arts																	P	P	P	P	P	P
SCHOOLS, public, private, elementary or secondary (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
SECOND-HAND, PAWN AND FLEA MARKET (Sec. 923)																				P		
SEPTAGE DISPOSAL SITE		P																			P	P
SEXUALLY ORIENTED BUSINESSES (Sec. 924)																				S		P
SHEET METAL FABRICATION																						P
SOLAR FARM		P																			P	P
SOLID WASTE DISPOSAL FAC. (Sec. 925)		S	S																			S
SPECIAL INFORMATION SIGNS (Sec. 1304 D)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
STORAGE-FLAMMABLE																						P
STORAGE-OPEN																						P
STORAGE-WAREHOUSE																						P
SWIMMING POOLS, Incidental to a principal use, (Sec. 1002C)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
TAILORING (Dressmaking)																		P	P	P		
TAXICAB STAND OPERATION																			P	P		
TELEPHONE SWITCHING/BOOSTER STATION		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
THEATER PRODUCTIONS, indoor, which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924																		P	P	P		
THEATER PRODUCTIONS, outdoor (Sec. 926), which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924		S	S					S											S	P		
TIRE RECAPPING																						P
TOWER (Sec. 927)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P
TRADES CONTRACTOR ACTIVITIES, with or without outside storage of equipment or supplies																			P	P	P	P
TRAILER RENTALS, Including terminal activities, hauling and/or storage, incidental to same, but excluding mini-warehousing as defined herein																				P	P	p

SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE

P = PERMITTED USE

S = SPECIAL USE (Sec. 1606 Board of Adjustment)

Z = CONDITIONAL ZONING (Article V – County BOC)

LAND USES	ZONING CLASSIFICATIONS																					
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
TRUCK TERMINAL ACTIVITIES, repair & hauling and/or storage																				P	P	P
UPHOLSTERING OR FURNITURE REFINISHING																			P	P	P	P
VARIETY, GIFT AND HOBBY SUPPLY SALES																		P	P	P		
VENDING MACHINE RENTAL																				P	P	P
VETERINARIAN (Sec. 916)		P	P	P	P			P											P	P		
WHOLESALE SALES, with operations conducted and merchandise stored entirely within a building and not otherwise listed herein																				P	P	P
WIRELESS COMMUNICATIONS & ACCESSORY SALES																		P	P	P		

(Section 403 amendments: Amd. 02-21-06, Amd. 02-19-08, Amd. 03-17-09, Amd. 01-19-10; Amd. 04-18-11; Amd.08-20-12; Amd.04-20-15; Amd. 04-20-20)

D. The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

(Amd. 02-01-21)

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. No change in permitted uses may be authorized by a variance. The Board of Adjustment is also not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies a variance request, the board shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

(Amd. 02-01-21)

SECTION 1606. SPECIAL USE PERMITS.

The Board of Adjustment shall hear and decide applications for Special Use Permits. The various Special Uses set forth in the Use Matrix in Article IV, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and neighborhoods, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

A. Purpose. Permitting Special Uses adds flexibility to this ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses that would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

B. Procedure. Special Use Permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and a detailed site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff

will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule.

Developers are encouraged to discuss their Special Use plans with the Planning and Inspections Staff before submission. The staff shall assist the developer upon request by reviewing Special Use plans to ensure that the technical requirements of this ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the Special Use Permit requested. In granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.

D. Final Disposition. In granting approval of a Special Use Permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest and as authorized under N.C. Gen. Stat. Chapter 160D. The applicant/landowner must give written consent to all imposed conditions. In granting a Special Use Permit, the Board of Adjustment may give due consideration to one or all of the following:

(Amd. 02-01-21)

1. The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood;

2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding area and neighborhood;

3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area;

4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels and weight-bearing limitations;

5. The added noise level created by activities associated with the proposed use;

6. The requirements for public services where the demands of the proposed use are in excess of the individual demands of the adjacent land uses, in terms of police and fire protection, and the presence of any potential or real fire hazards created by the proposed use;

7. Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel;

8. The impact of night lighting in terms of intensity, duration and frequency of use, as it impacts adjacent properties and in terms of presence in the neighborhood;

9. The impact of the landscaping of the proposed use, in terms of maintained landscaped areas, versus areas to remain in a natural state, as well as the openness of landscaped areas, versus the use of buffers and screens;

10. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas, in terms of noise transfer, water runoff and heat generation;

11. The availability of public facilities and utilities;

12. The harmony in scale, bulk, coverage, function and density of the proposed development and compliance with the development standards of the individual uses; and

13. The reasonableness of the request as compared to the purpose and intent of the most recent Land Use Plan, this ordinance, and adopted policies, for the physical development of the district, and protection of the environment.

All such additional conditions imposed on the permit by the Board of Adjustment shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. The specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns. The applicant for the Special Use Permit is responsible for the recordation of the "Notice of Special Use Permit" with the Cumberland County Register of Deeds prior to application for any zoning permit.

If the Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same Special Use Permit on the same property without a substantial material change concerning the property and the application.

E. Expiration of Permits. Any Special Use granted becomes null and void if not exercised within the time specified in such approval, or if no date is specified, within one calendar year from the date of such approval if the permit has not been recorded with the County Register of Deeds. Furthermore, once the Certificate of Occupancy has been issued for a Special Use and then the Special Use ceases to exist for a time period of one calendar year or more, a re-submittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards.

F. Modifications to Plans. The Board of Adjustment shall review any change, enlargement or alteration in site plans submitted as a part of a Special Use application, and new conditions may be imposed where findings require. The Planning and Inspections Staff may approve minor modifications of the approved plans in the same manner as authorized in Section 506 for Conditional Zoning districts, provided that the changes do not materially alter the original plan as approved, and the intent and objectives of the original approval are not deviated from.

G. Noncompliance. If for any reason any condition imposed pursuant to this section is found to be illegal or invalid, the Special Use Permit shall be null and void and of no effect, and the Planning and Inspections Staff shall institute proceedings for the case to be reheard by the Board of Adjustment.

Compliance with all the conditions of a Special Use Permit is an essential element of the Special Use Permit's continued validity and effectiveness. If the Coordinator shall determine that a permittee has failed to comply with a condition of an approved Special Use Permit, he shall so notify the permittee or the permittee's successor in interest and shall place the matter on the Board of Adjustment's agenda for the Board's decision whether or not to revoke the Special Use Permit. Such hearing shall be on reasonable

written notice to the permittee or the permittee's successor in interest and shall be a quasi-judicial proceeding according to quasi-judicial procedures. The decision of the Board of Adjustment shall be a final decision, and a decision to revoke the Special Use Permit may be appealed to the Superior Court of Cumberland County within 30 days after the permittee or the permittee's successor in interest has been served with written notice of the Board of Adjustment's decision. Service by personal delivery, electronic mail or certified mail, return receipt requested, of a certified copy of the Board of Adjustment's approved minutes for its meeting at which such decision is made, may constitute written notice and service of the Board of Adjustment's decision hereunder.

H. Appeals of Special Use Permit Decisions. No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit except through the Cumberland County Superior Court in the same manner as set forth in this article for appeal of any Board of Adjustment decision.

SECTION 1607 HEARINGS

A. The applicant, the County, and any person who would have standing to appeal the decision under N.C. Gen. Stat. 160D-1402(d) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal, the standing of a party, or the inclusion or exclusion of administrative material may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board.

(Amd. 02-01-21)

B. The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted written request for a copy, prior to the date the decision becomes effective. The Clerk to the board shall certify that proper notice has been made and the certificate shall be deemed conclusive in the absence of fraud.

(Amd. 02-01-21)

C. The Secretary to the Board of Adjustment shall ensure the Commanders of Fort Bragg, Pope Army Airfield, and Simmons Army Airfield are notified of any application affecting the use of property located within five miles or less of the perimeter boundary of said bases in accordance with N.C. GEN. STAT. §160D-601.

(Amd. 02-01-21)

SECTION 1608. REQUIRED VOTE.

A. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this sub-section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

B. A member of the Board of Adjustment exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(Amd. 02-01-21)

SECTION 1609. REVERSAL/REVOCATION OF DECISION.

After a hearing has been held and approval granted, the Board of Adjustment may reverse or revoke any decision in the same manner as was required for the approval upon finding that:

(Amd. 02-01-21)

A. The approval was obtained by fraud;

B. The use for which such approval was granted is not being executed;

C. The use for which such approval was granted has ceased to exist or has been suspended for one calendar year or more;

D. The permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval;

E. The permit granted is in violation of an ordinance or statute; or

F. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

SECTION 1610. APPEAL OF FINAL DECISION.

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to N.C. GEN. STAT. §160D-1402. A petition for review of a quasi-judicial decision shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. The provisions of N.C. Gen. Stat. § 160D-1402 shall apply to the appeal.

(Amd. 02-19-08; Amd. 08-18-08; Amd. 01-19-10; Amd. 04-18-11; Amd. 08-21-17; Amd. 02-01-21)

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-4: Use Standards

30-4.A. Use Table

30-4.A.2. Use Table

30-4.C.2.b.3 Extractive Industry

Table 30-4.A.2 Use Table																							
P = Permitted Use S = Special Use																							
MP = Allowed Subject to a Planned Development Master Plan																							
"/" = Prohibited Use [1]																							
USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R		PD- EC	PD- TN
AGRICULTURAL USE CLASSIFICATION																							
Agriculture	Plant nursery	S	P	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	MP	/	MP	30-4.C.1.	
	All other agriculture	P	P	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	MP	/	MP		
	Urban Agriculture	/	/	/	/	/	/	/	/	S	P	P	/	/	/	/	/	P	/	/	/	30-4.C.1.	
Agricultural Support and Services	Equestrian facility	/	P	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	MP	/	MP	30-4.C.1.	
	All other agricultural support and services	/	P	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	/	/	/	30-4.C.1.	
RESIDENTIAL USE CLASSIFICATION																							
Household Living [1]	Cottage developments	/	P	P	P	P	P	/	/	/	/	/	/	/	P	/	/	/	/	/	/	30-4.C.2.	
	Dwelling/Unit, live/work	/	/	/	/	S	P	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.
	Dwelling, multi-family	/	/	/	/	S	P	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30.5.H
	Dwelling, single-family attached [3]	/	/	/	S	S	P	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-5.H

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL						BUSINESS										PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R		PD- EC	PD- TN
	Dwelling, single-family detached	/	P	P	P	P	P	P	P	P	S	/	P	S	P	/	/	/	/	MP	/	MP	30-5.G
	Dwelling, multi-unit single-family, detached on one lot	/	/	/	/	/	P	/	P	P	/	/	/	/	/	/	/	/	/	/	/	/	30-5.P
	Dwelling, two- to four-family	/	/	S	S	S	P	/	P	P	S	/	P	/	P	/	/	/	/	MP	/	MP	30-4.C.2.
	Dwelling, upper story	/	/	/	/	P	P	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Manufactured home, Class A [2]	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
Group Living	Dormitory	/	/	/	/	/	P	/	P	/	P	/	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.2.
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	P	/	/	/	/	MP	MP	MP	30-4.C.2.
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	S	/	/	/	/	MP	/	MP	30-4.C.2.
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	P	P	/	/	/	/	MP		MP	30-4.C.2.
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.
	Transitional housing								S	S	S	S	S	S	S	/	/						30-4.C.2.
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																							
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Day Resource Center	/	/	/	/	/	/	/	/	/	/	S	S	/	S	/	/	S	P	/	/	/	30-4.C.3.
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	P	P	/	/	/	MP	/	MP	
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.3.
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.3.

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																				ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS										PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R	PD- EC		PD- TN
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.3.
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	/	P	P	P	P	/	MP	/	
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	P	P	/	MP	MP	MP	
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	P	P	/	P	/	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	P	/	/	P	/	/	MP	MP	
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	/	S	/	/	P	/	MP	MP	MP	30-4.C.3.
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	P	P	/	/	P	/	/	MP	/	30-4.C.3.
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	S	P	/	MP	MP	MP	
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	/	P	P	/	/	MP	/	(Reserved)
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	P	/	/	MP	/	30-4.C.3.
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	P	P	/	/	/	/	MP	/	30-4.C.3.
	Community Reintegration Center	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	/	/	/	MP	/	MP	30-4.C.3.
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	S	/	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	S	/	/	/	/	/	MP	/	
Parks and Open Areas	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.3.
	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	/	/	/	/	/	/	/	/	/	30-4.C.3.
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	P	/	P	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	P	P	/	/	/	MP	MP	MP	

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																				ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS										PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R	PD- EC		PD- TN
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	/	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	/	/	S	P	/	/	/	30-4.C.3.
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	P	/	/	P	P	MP	MP	MP	
Transportation/ Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	/	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.
	Telecommunications antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.
	Telecommunications antenna, placement on existing building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.
	Telecommunications tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	/	P	S	S	S	MP	MP	MP	30-4.C.3.
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	/	/	P	P	P	/	MP	/	30-4.C.3.
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																							
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.	
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	/	S	/	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	P	P	/	/	/	/	/	MP	/	

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																					ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL						BUSINESS										PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R	PD- EC	PD- TN	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	/	/	P	/	/	/	MP	/	30-4.C.4.
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.
	Food truck court	/	/	/	/	/	/	/	/	S	P	P	P	P	P	/	/	P	P	/	/	/	30-4.B.5.
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	P	S	/	MP	MP	MP	30-4.C.4.
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.
	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	S	P	S	P	P	P	P	/	/	/	MP	/	30-4.C.4.
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	P	/	/	MP	MP	MP	
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	/	/	MP	MP	MP	30-4.C.4.

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		SPECIAL		RESIDENTIAL					BUSINESS										PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R		PD- EC	PD- TN
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	P	/	/	MP	MP	MP	30-4.C.4.
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	P	/	/	MP	MP	MP	30-4.C.4.
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	/	S	S	P	P	P	P	/	/	P	P	MP	MP	MP	
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	P	/	MP	MP	MP	30-4.C.4.
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	/	/	MP	MP	MP	30-4.C.4.
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	P	P	/	/	/	MP	/	30-4.C.4.
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	P	/	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	P	P	/	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	P	/	/	MP	/	
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	P	/	MP	MP	MP	30-4.C.4.
	Convenience store, without gas sales	/	/	/	/	/	P	/	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	P	/	/	MP	MP	MP	30-4.C.4.
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	P	/	/	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	S	P	P	P	S	P	/	P	P	/	/	MP	/	30-4.C.4.
	Flea market	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	/	P	/	/	/	/	30-4.C.4.

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	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.	
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	/	MP	MP	MP		
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.	
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	/	/	/	/	S	/	/	/	MP	30-4.C.4.	
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	/	S	P	P	P	P	P	/	/	/	/				30-4.C.4.
Self-Service Storage	Mini-warehouse (with external access)	/	/	/	/	/	/	/	/	/	S	P	P	/	/	/	/	P	P	/	MP	/	30-4.C.4.	
	Mini-warehouse (internal access only)	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	P	P	/	MP	/		
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	S	/	/	P	P	/	/	/	30-4.C.4.	
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	/	/	30-4.C.4.	
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	/	P	P	/	MP	/	30-4.C.4.	
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	/	P	P	/	MP	/		
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	/	/		
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	S	/	/	P	/	/	/	/	30-4.C.4.	
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	/	S	/	/	P	P	/	MP	/	30-4.C.4.	
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	P	/	/	MP	/	30-4.C.4.	
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	/	P	/	MP	MP	MP	30-4.C.4.	
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	/	/	MP	/		

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	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	P	/	/	P	P	/	MP	/	30-4.C.4.	
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.	
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	P	/	/	/	MP	/	30-4.C.4.	
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	P	/	/	/	MP	/	30-4.C.4.	
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.	
INDUSTRIAL USE CLASSIFICATION [1]																								
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.		
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	MP	/		
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	MP	/	30-4.C.5.	
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/		
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/		
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	MP	/	30-4.C.5.	
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/		
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	/	/	P	P	/	/	/	30-4.C.5.	
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	/	MP	/	30-4.C.5.	
	Office-warehouse	/	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	/	S	P	P	P	/	P	/	P	P	P	/	MP	/	30-4.C.5.
	Research and development	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	P	P	P	/	MP	/	
	Tool repair	/	/	/	/	/	/	/	/	/	/	/	P	P	/	P	/	P	P	P	/	/	/	30-4.C.5.
Manufacturing and	Manufacturing, heavy	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/		

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Production	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	P	P	P	/	MP	/	
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	P	/	/	P	P	/	/	/	
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	P	/	/	MP	MP	MP	30-4.C.5.
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	P	/	/	MP	MP	MP	30-4.C.5.
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	P	P	P	/	MP	/	30-4.C.5.
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	P	/	/	P	P	/	MP	/	30-4.C.5.
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	S	/	/	/	/	S	S	/	/	/	30-4.C.5.
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	/	P	/	/	P	P	MP	MP	MP	30-4.C.5.
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	S	P	/	/	MP	/	30-4.C.5.

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS										PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT -1	DT -2	UC	BP 4	LI	HI	PD -R		PD-EC

NOTES:

- [1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments require a Neighborhood Compatibility Permit (see Section 30-2.C.21).
- [2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.
- [3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.
- [4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreation facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.
- [5] In MR-5 districts, permitted uses shall be established only on parcels abutting and accessed by an Arterial, Collector, or Major Street, as defined in Article 30-5.I Definitions.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017; Ord. No. S2019-008, § 1, 04/23/2019; Ord. No. S2019-009, § 1, 04/23/2019; Ord. No. S2020-011, § 2, 11/23/2020; Ord. No. S2021-004, § 3, 04/15/2021; Ord. No. S2021-042, § 1, 10/25/2021; Ord. No. S2021-043, § 1, 10/25/2021; Ord. No. S2021-044, § 1, 10/25/2021; Ord. No. S2022-003, § 1, 03/28/2022; Ord. No. S2022-023, § 1, 09/26/2022; Ord. No. S2023-001A, § 1, 01/26/2023; Ord. No. S2023-018, § 1, 03/23/2023; Ord. No. S2023-018D, § 1, 03/23/2023)

Effective on: 4/15/2021

City Council



TA24-009

October 7, 2024



Proposed Changes:

- **Use Table Adjustments:** Modify permissible uses and categories.
- **Special Use Permits (SUPs):** Revise regulations and requirements.

Purpose:

- **Streamline Development Process:**
 - Simplify application and approval procedures.
 - Reduce delays and improve efficiency.
 - Provide clearer guidelines for property owners.
- **Encourage Development Diversity:**
 - Support a variety of residential, commercial, and industrial development.
 - Promote innovative and flexible land use options.
 - Enhance community growth and stability.

- Varying Approaches to SUPs in NC:
- Raleigh: SUP process with Planning Director review, public notice, and Board of Adjustment quasi-judicial hearing based on eight standards
- Charlotte: Uses 'Prescribed Conditions' instead of SUPs, aligning with additional standards in Fayetteville's UDO
- Wilmington: Issues or denies SUPs through city council or board of adjustment resolutions, requires neighborhood meeting and completeness review
- Cumberland County: Board of Adjustment handles special use permit requests

- SUP Trends:
 - The majority of SUP applications approved (72.2%)
 - Few denied (11.1%) due to specific issues
 - High approval rate for uses like transitional housing and telecom towers
- Consider Reclassification:
 - Explore reclassifying high-approval uses as permitted by right
 - Simplify the development process and reduce the administrative burden
- Historical Context:
 - Zoning Commission/Board of Adjustment previously held duties for SUP approval in Fayetteville.

- Fayetteville (115)
- Winston Salem (58)
- Durham (45)
- Cumberland County (28)
- Raleigh (22)
- Wilmington (14)

- In the past 5 years, the City Council has seen the following SUP applications
 - Single Family Attached (10)
 - Two to Four Family (9)
 - Wrecker Service (4)
 - Telecommunications and Utilities (3)
 - Self-Service Storage (2)
 - Auto Repair/Paint and Body (2)
 - Separation Standards (2)
 - Outdoor Storage and Display (1)
 - Crematory (1)
 - Halfway House (1)
 - New construction of individual retail space larger than 2500 square feet in floor area in NC (1)
 - Legal nonconforming use expansion in CTO (1)
 - Warehouse Distribution (1)
 - Child Care Center (1)
 - Kennels (1)
 - School (1)

Category	Current	Moved to Permitted (%)	Moved to Not Permitted (%)	Stay the Same (%)
Agriculture	5	40.00 (2)	60.00 (3)	0.00
Residential	30	30.00 (9)	23.33 (7)	46.67(14)
Public/Institutional	131	37.40 (49)	13.74 (18)	48.85 (64)
Commercial	86	37.21 (32)	30.23 (26)	32.56 (28)
Industrial	44	6.82 (3)	20.45 (9)	72.73 (32)
Total	296	32.09 (95)	21.28 (63)	46.62 (138)

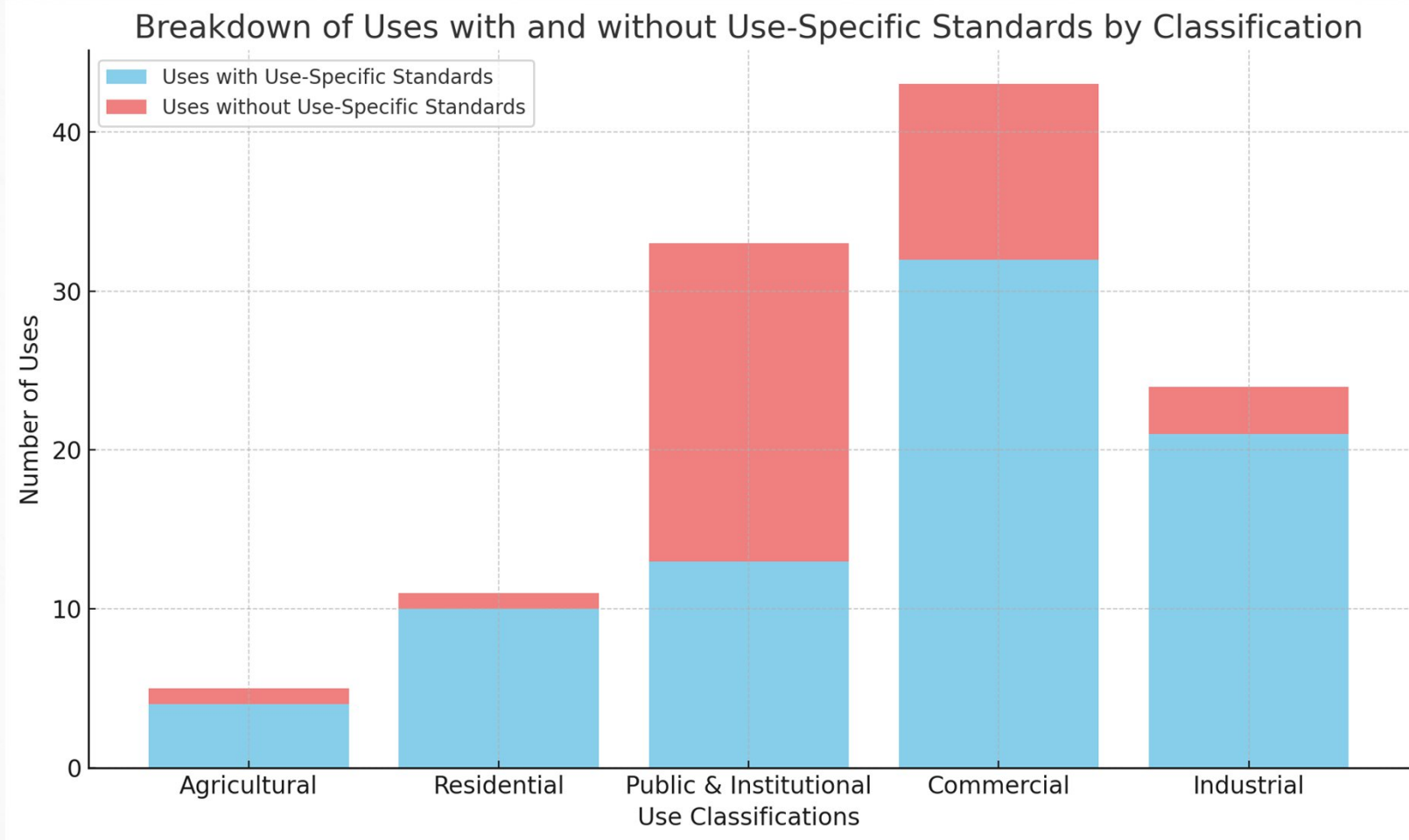
The current distribution of Special Use Permits (SUPs) across various categories totals 296, with 5 in Agriculture, 30 in Residential, 131 in Public/Institutional, 86 in Commercial, and 44 in Industrial. Proposed changes include moving 95 SUPs to permitted use (32.09% reduction), 63 to not permitted use (21.28% reduction), and leaving 138 unchanged (46.62%). The total percent reduction in SUPs is 53.38%. Numbers in parentheses = number of use types represented by the percentage

Impact Level	Use Type	Details
Low	Agriculture, Government Facilities, Community & Educational Facilities, Places of Worship, Healthcare Facilities, Transportation & Utilities, Certain Commercial Uses	Minimal negative impacts; support local supply chains; essential services; compatible with various zoning districts when designed properly
Moderate	Therapeutic Homes, Cultural Facilities, Adult Day Care Centers, Child Care Centers, Specialty Commercial Uses, Other Retail Sales	Require more scrutiny due to potential impacts on traffic, parking, noise, or aesthetics; planning and mitigation needed
Moderate to High	Multi-Family Dwellings, Single-Family Attached Dwellings, Two-to-Four-Family Dwellings	Impacts on traffic, parking, infrastructure, and neighborhood character vary; careful consideration of size, location, and project design needed

This breakdown highlights which classifications have the most Special Use Permits with Use-Specific Standards and notes the exceptions for each category.

- **Agricultural Use Classification:**
 - 4 out of 5 uses have Use-Specific Standards (80%)
 - Exception: All Other Agriculture
- **Residential Use Classification:**
 - 10 out of 11 uses have Use-Specific Standards (91%)
 - Exception: Fraternity or Sorority House
- **Public and Institutional Classification:**
 - 13 out of 33 uses have Use-Specific Standards. (39%)
 - Exceptions: Community Center, Cultural Facility, Library, Museum, Youth Club Facility, Adult Day Care Center, Government Maintenance Storage or Distribution Facility, Government Office, Post Office, Medical or Dental Clinic, Assisted Living Facility, Club or Lodge, Nursing Home, Psychiatric Treatment Facility, Public Golf Course, Fire or EMS Facility, Police Station, Airport, Passenger Terminal/Surface Transportation, and Minor Utilities.
- **Commercial Use Classification:**
 - 32 out of 43 uses have Use-Specific Standards. (74%)
 - Exceptions: Private Golf Course, Athletic Field and Clubhouse, Golf Driving Range, Other Outdoor Commercial Recreation, Entertainment Establishment, Crematory, Financial Institution without Drive-Thru Service, Funeral Home, Other Retail Sales Establishments, Truck Stop, and Taxicab Service.
- **Industrial Classification:**
 - 21 out of 24 uses have Use-Specific Standards. (88%)
 - Exceptions: Building, Heating, Plumbing, or Electrical Contractor with outside storage, Light Manufacturing, Research and Technology Production.

Use-Specific Standards (Visualized)

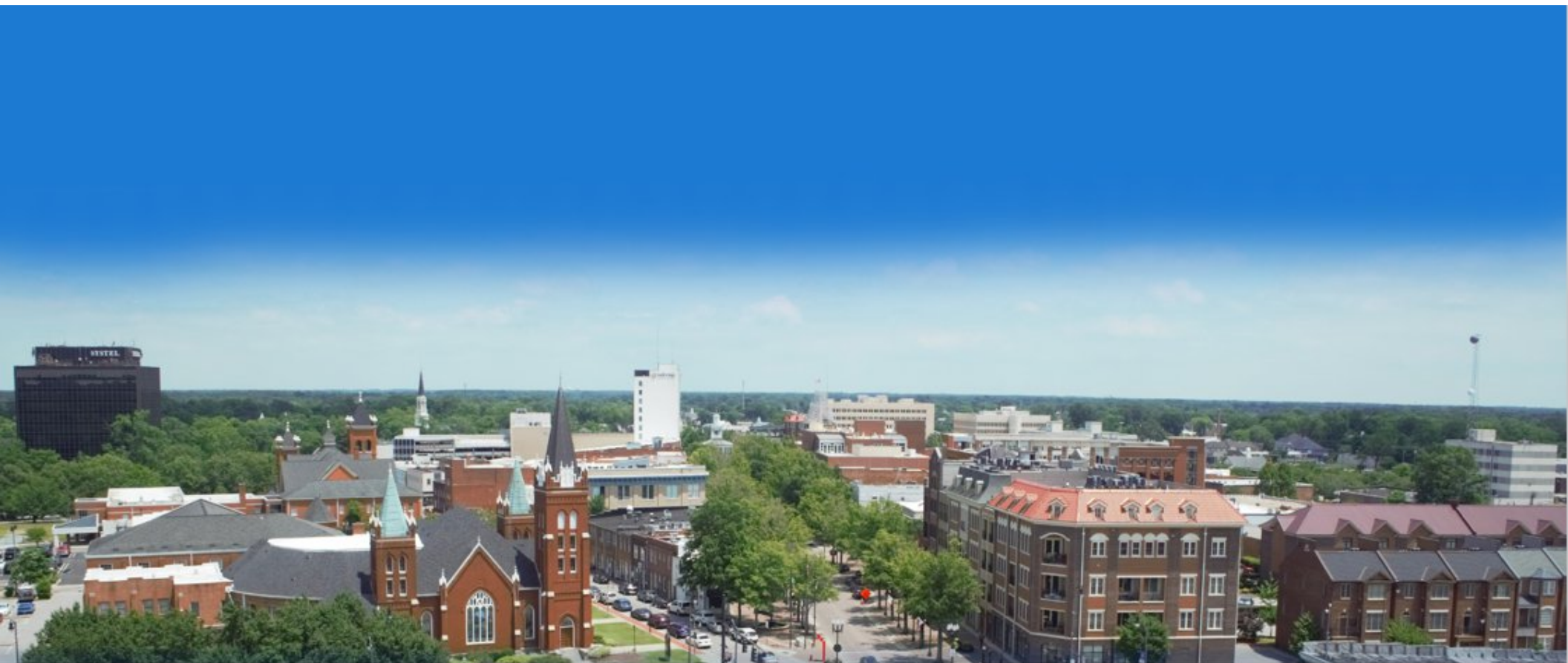


Options:

- Approve staff recommendations and direct the development of a text amendment for submission to the Planning Commission.
- Authorize staff to explore alternative City Council recommendations and begin drafting a text amendment for Planning Commission review.
- Refer the proposal back to staff for a comprehensive review, including potential changes to the Special Use Permit list.
- Take no action and maintain the current number of use types requiring Special Use Permits.

Recommended Action:

- The Professional Planning Staff recommends option 2.



FayettevilleNC.gov

Criteria	Requirement	Criteria	Measurement
Lot Area per Unit	Minimum 15,000 sq. ft. per unit	Property Size	60,000 sq. ft.
Lot Width	Minimum 100 ft.	Lot Width	150 ft.
Lot Coverage	Maximum 25%	Lot Coverage	Up to 15,000 sq. ft. (25%)
Height	Maximum 35 ft.	Height	Up to 35 ft.
Setbacks		Setbacks	
- Front and Corner Side	30 ft. or 55 ft. from the centerline of private streets	- Front and Corner Side	30 ft. or 55 ft. from the centerline of private streets
- Side	15 ft.	- Side	15 ft.
- Rear	35 ft.; 20 ft. where corner side setback is 30 ft. or more.	- Rear	35 ft.; 20 ft. where corner side setback is 30 ft. or more.

Criteria	Requirement
Lot Area per Unit (sq. ft.)	SF Detached: 6,000 min. SF Attached and Two- to Four-Family: 5,000 min. All Other: 6,000 min.
Lot Width	Minimum 60 ft.
Lot Coverage	Maximum 40%
Height	Maximum 35 ft.
Setbacks	
- Front and Corner Side	25 ft. or 55 ft. from the centerline of private streets
- Side	10 ft.
- Rear	30 ft.; 15 ft. where corner side setback is 25 ft. or more.

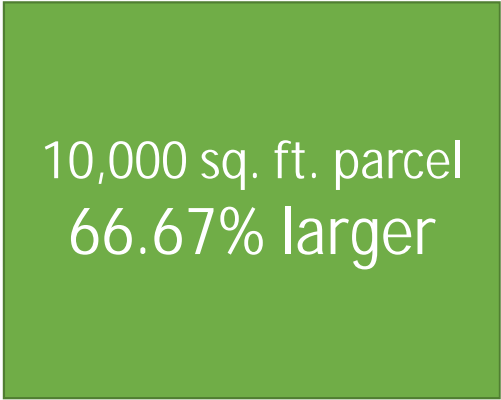
Criteria	Measurement
Property Size	8,000 sq. ft.
Lot Width	70 ft.
Lot Coverage	Up to 3,200 sq. ft. (40%)
Height	35 ft.
Setbacks	
- Front and Corner Side	25 ft.
- Side	10 ft.
- Rear	30 ft.

Single Family Detached:
6,000 sf. Min. lot size.



6,000 sq. ft.
parcel

Duplex:
10,000 sf. Min. lot size.




10,000 sq. ft. parcel
66.67% larger

Single Family Detached:
10,000 sf. Min. lot size.



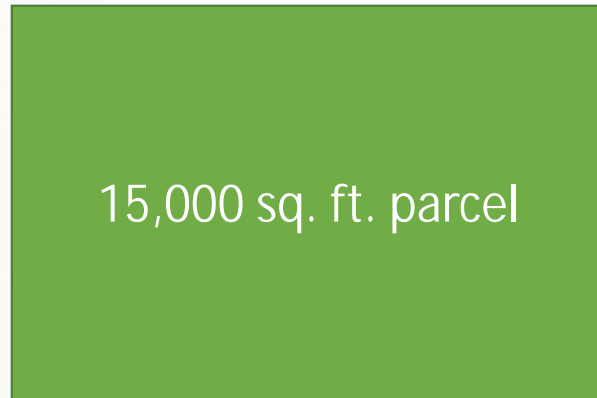
10,000 sq. ft. parcel

Duplex:
15,000 sf. Min. lot size.

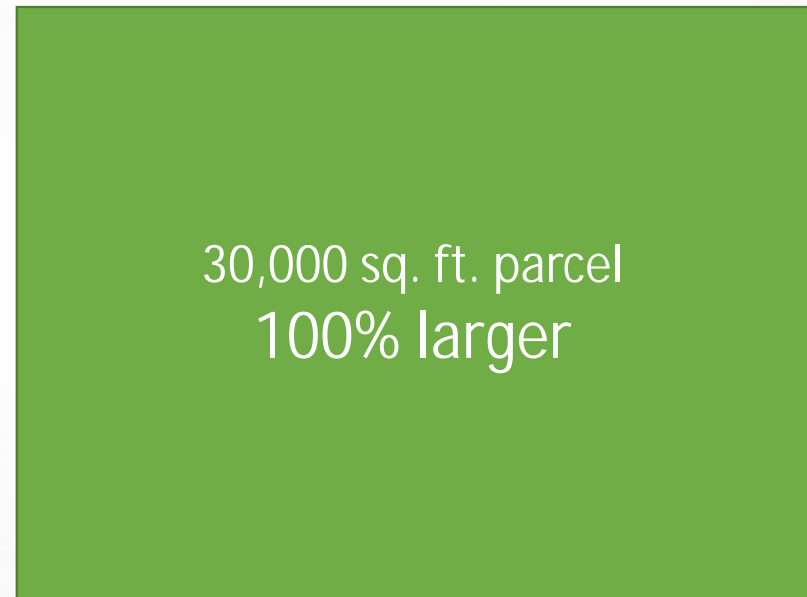


15,000 sq. ft. parcel
50% larger

Single Family Detached:
15,000 sf. Min. lot size.



Duplex:
30,000 sf. Min. lot size.



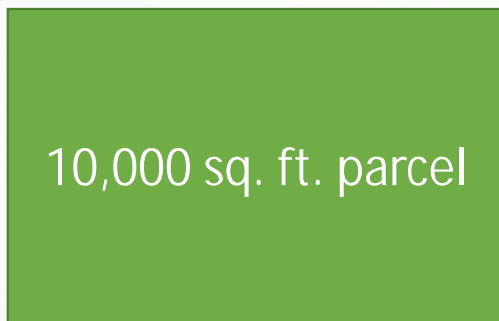
Single Family Detached:
6,000 sq. ft. Min. lot size.

6,000 sq. ft.
parcel

Quadplex:
20,000 sq. ft. Min. lot size.

20,000 sq. ft. parcel
233.33% larger

Single Family Detached:
10,000 sf. Min. lot size.

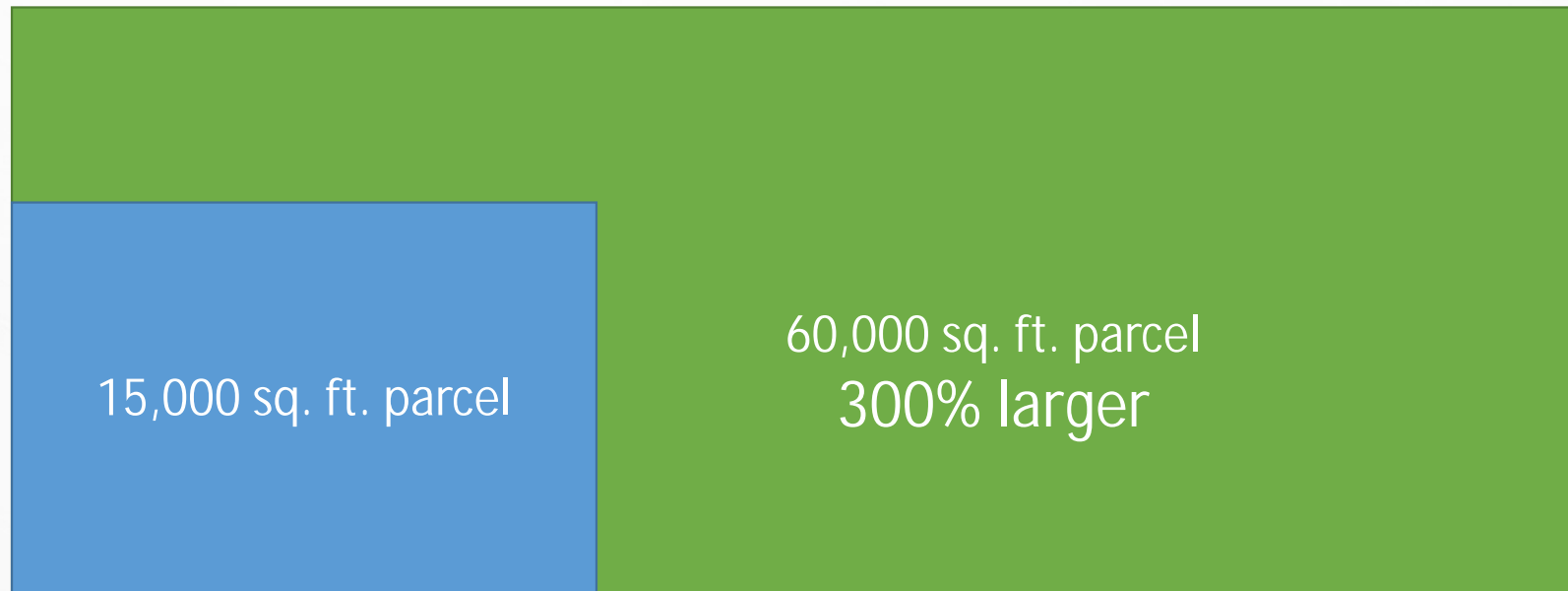


Quadplex:
30,000 sf. Min. lot size.



Single Family Detached:
15,000 sf. Min. lot size.

Quadplex:
60,000 sf. Min. lot size.





City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4203

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.08

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Benavente

DATE: October 7, 2024

RE:

City Council Agenda Item Request - Driving Equality Laws - Council Member Benavente

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request



City Council Agenda Item Request

Date of Request: August 28, 2024 Requester: Council Member Benavente

Agenda Item Title: Driving Equality Laws

Estimated Cost: TBD Anticipated Funding Source: General Fund

City Department(s) Support Requested: City manager's office

Estimated Staff Time Required: 1 HR

Anticipated Date for Future Council Work Session Discussion: 10/07/24

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

- Goal I Safe and Secure Community
- Goal II Diverse and Viable Economy
- Goal IV Desirable Place to Live, Work and Recreate

What do you envision accomplishing with this agenda item request?

Opportunity to hear from Philadelphia Elected officials, and Denver, CO Chief of Police on the topic of Driving Equality Laws.

Additional Comments:

Philadelphia: <https://phlcouncil.com/councilmember-thomas-driving-equality-is-law/>

Denver:

<https://www.denver7.com/news/front-range/denver/denver-police-shifts-away-from-low-level-traffic-stops-to-prioritize-bigger-threats-to-public-safety>



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-4256

Agenda Date: 10/7/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 6.09

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Mario Benavente

DATE: October 7, 2024

RE:

City Council Agenda Item Request - Transit - Council Member Benavente

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

Council Member Request Form



City Council Agenda Item Request

Date of Request: Sept 29 2024 Requester: CM Benavente

Agenda Item Title: Long Term Mass Transit

Estimated Cost: TBD Anticipated Funding Source: TBD

City Department(s) Support Requested: Transit

Estimated Staff Time Required: 5 HRS

Anticipated Date for Future Council Work Session Discussion: OCT 7 2024

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

Goal I Safe and Secure Community
Goal VI Citizen Engagement & Partnerships

What do you envision accomplishing with this agenda item request?

Hyper-Prioritize Mass Public Transit, to the point that we make it the most convenient way to travel around the city. 5 Year Plan, 10 Year Plan.

Positive impact on # of folks on the streets, improving traffic & safety. Viable alternative for folks who struggle to maintain their vehicles.

Additional Comments: