



Agenda

Planning and Zoning Commission

September 15, 2015

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION - Chris Darden
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - August 18, 2015
- V. NEW BUSINESS

REZONINGS

1. Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone 41.9410 acres located near the southeast corner of the intersection of NC Highway 43 S and Ivy Road from RA (Rural Residential-Agricultural - Pitt County's Jurisdiction) to R9S (Residential-Single-family [Medium Density]).
2. Ordinance requested by the North Carolina Department of Transportation to rezone 19.66+/- acres located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road from OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial).

TEXT AMENDMENTS

3. Ordinance to amend the Zoning Ordinance by changing the public street setback in multi-family from 25 feet to 15 feet and adding that single-family detached homes and duplexes will be built only on public streets.
4. Ordinance to amend the Zoning Ordinance by adding temporary sand mining as an allowed land use within the RA-20(Residential/Agricultural) zoning district, subject to an approved special use permit, and establishing specific criteria.

OTHER

5. Petition to Close a Portion of Charles Street

VI. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION

August 18, 2015

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in the Council Chambers of City Hall.

Mr. Tony Parker – Chair *

Mr. Terry King - *	Ms. Chris Darden – *
Mr. Doug Schrade – *	Ms. Ann Bellis – *
Mr. P.J. Connelly- *	Mr. Brian Smith - *
Mr. Dustin Mills - X	Ms. Betsy Leech –*
Ms. Margaret Reid - *	

The members present are denoted by an * and the members absent are denoted by an X.

VOTING MEMBERS: Bellis, King, Smith, Reid, Connelly, Schrade, Darden, Leech

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II; Merrill Flood, Director of Community Development, and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney; Scott Godefroy, City Engineer, and Steve Hawley, Communications Technician.

Ms. Chantae Gooby stated that Ms. Betsy Leech had completed orientation and is able to vote.

MINUTES: Motion was made by Mr. Smith, seconded by Mr. King to accept the July 21, 2015 minutes as presented. Motion carried unanimously.

NEW BUSINESS
REZONINGS

ORDINANCE REQUESTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION TO REZONE CERTAIN PROPERTIES IN THE GENERAL AREA BOUNDED BY READE CIRCLE, DICKINSON AVENUE, THE CSX RAILROAD, AND BONNERS LANE FROM CDF (DOWNTOWN COMMERCIAL FRINGE) AND IU (UNOFFENSIVE INDUSTRY) TO CD (DOWNTOWN COMMERCIAL) CONTAINING A TOTAL OF 12.67 ACRES - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located in the central section of the city. The property is included in The Dickinson Avenue Corridor Study that was accepted by City Council last year. The request is for Area Two from The Dickinson Avenue Corridor Study. It consists of three tracts: tract 1 is 11.35 acres, tract 2 is 0.74 acres and tract 3 is .58 acres. In the plan there are five action items: embrace and support the Transit Infrastructure Plan

for Residential Development immediately adjacent to the GTAC; balance student and market rate housing; coordinate transit between Greenville and ECU; re-align streets to improve wayfinding and connectivity; and new street layout creates land parcels appealing to development. The 10th Street Connector is to the south. These tracts have either CDF (Downtown Commercial Fringe) or IU (Unoffensive Industry) zoning. The majority of the area is already zoned CD (Downtown Commercial), which is the preferred zoning district. The CD zoning has mainly been accomplished via private rezoning requests from property owners. The purpose of the rezoning request is to have the entire Area Two be zoned CD. This zoning district is preferred because it allows for more intensive and complementary uses for the Uptown District with zero-lot line setbacks, mixed use development, no vegetation requirements and less restrictive parking standards. The Future Land Use Plan Map recommends commercial (C) for the area bounded by Reade Circle, Dickinson Avenue, the CSX Railroad, and Bonners Lane. The subject properties are located in the designated regional focus area described as the central business district (Uptown area). The rezoning area is also included in the West Greenville 45-Block Revitalization area. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map, The Dickinson Avenue Corridor Study, and the West Greenville 45-Block Revitalization Plan.

Chairman Parker opened the public hearing.

No one spoke in favor or in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board comments made.

Motion made by Mr. Smith, seconded by Ms. Bellis, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

ORDINANCE REQUESTED BY JULIAN W. RAWL TO REZONE 5.11 ACRES LOCATED 650+/- FEET SOUTH OF WEST 5TH STREET AND 700+/- FEET WEST OF B'S BARBEQUE ROAD FROM MR (MEDICAL-RESIDENTIAL [HIGH DENSITYMULTI-FAMILY]) TO MRS (MEDICAL-RESIDENTIAL [SINGLE-FAMILY ONLY]). - APPROVED

Ms. Gooby delineated the property. It is located in the western section of the City, near the intersection of Hwy 43 and B's Barbeque Road. The property is landlocked. It is accessible through the parking lot of Roundtree Wood Apartments. The other side of the property line is a creek. The applicant owns the properties on the other side of the creek. The property is vacant. The property is zoned multi-family and the request is for single-family. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated. The 100-year floodplain associated with Harris Mill Run which runs along the northern property boundary. In 1976, the property was

incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20. In 1985, the Medical District was adopted by City Council. The subject site was included as part of the Medical District and rezoned to MR (Medical-Residential). Under the current zoning (MR), the site could accommodate 55-60 multi-family units (1, 2 and 3 bedrooms). Under the proposed zoning (RA20), the site could accommodate 16-18 single-family lots. The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) at the southwest corner of the intersection of West 5th Street and B's Barbeque Road transitioning to high density residential (HDR) to the south. Further, conservation/open space is recommended along Harris Mill Run. In staff's opinion, the request is not in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map, and the Medical District Land Use Plan Update (2007).

Ms. Bellis asked what the current occupancy rate in Greenville is for multi-family units.

Ms. Gooby stated she did not know.

Mr. Schrade asked if the same owner as the proposed also owned the adjacent land.

Ms. Gooby stated yes.

Ms. Reid asked if the other surrounding areas were zoned multi-family.

Ms. Gooby states yes on two sides.

Mr. Schrade asked if any properties were zoned single-family.

Ms. Gooby stated yes, the areas owned by Mr. Rawl are RA20 (residential).

Mr. Connelly asked if the cul-de-sac at the apartment complex accessed the property.

Ms. Gooby stated yes.

Ms. Darden asked if there was any access from Hwy 43.

Ms. Gooby stated no.

Chairman Parker opened the public hearing.

Mr. Connelly Branch, representative of the applicant, spoke in favor of the request. He stated the vacant property acts as a buffer to the applicant's home/property. The request is to downgrade the zoning so the applicant can have privacy. He also stated the property is unusable because the sewer line is in the southern portion and a pump station would be needed. This would not be practical due to the cost. The applicant has no development plans for this land.

Ms. Reid asked if Mr. Rawl owned the property.

Mr. Branch stated yes.

Mr. Reid asked why he needs to rezone it if he owns it.

Mr. Branch stated it is because of the valuation process and to make his land a contiguous MRS (medical residential single family) zoning.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

Ms. Bellis stated she feels it would be consistent to have it single family.

Mr. Smith agreed.

Motion made by Ms. Reid, seconded by Mr. Smith, to recommend approval of the proposed amendment to advise that, although the proposed amendment is not consistent with the Comprehensive Plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. In favor: King, Bellis, Smith, Reid, Leech, Schrade, and Darden. Oppose: Connelly. Motion carried.

ORDINANCE REQUESTED BY POHL, LLC C/O V. PARKER OVERTON TO REZONE 3.28 ACRES LOCATED 300+/- FEET SOUTH OF FIRE TOWER ROAD AND ALONG BAYSWATER ROAD FROM R6MH (RESIDENTIAL-MOBILE HOME [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL). - APPROVED

Ms. Gooby delineated the property. It is located in the southern section of the City along Fire Tower Road and adjacent to Dudley's Grant Townhomes. The subject property is part of the approved Fire Tower Junction Preliminary Plat. The majority of the area is vacant. The Winterville Academy School and Champions Fitness are locating in this area. Bayswater Road is a loop road that has two signalized intersections with Fire Tower Road. There is a designated regional commercial focus area in this location where commercial is encouraged and anticipated. These nodes typically contain 400,000+ square feet of conditioned floor space. Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate a net increase of 1,400 additional trips per day. Under the current zoning, the site could yield 35+/- multi-family units (1, 2 and 3 bedrooms). Under the proposed zoning, the site could yield 23,870+/- square feet of retail/ conventional restaurant space. The Future Land Use Plan Map recommends commercial (C) along the southern right-of-way of Fire Tower Road between Bayswater Road and Swamp Fork Canal transitioning to office/institutional/multi-family (OIMF) to the south. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

Mr. Jim Walker, Rivers and Associates, representative of the applicant, spoke in favor of the request. The proposal is for 3.28 acres of land and the Future Land Use Plan recommends commercial in this area. He would appreciate an approval on this request.

Mr. Joseph Surlles spoke in opposition of the request. He is the president of the Dudley's Grant Home Owners' Association. The request is adjacent to Dudley's Grant. The commercial zoning allows for almost anything. He would like to see a barrier between the property and Dudley's Grant to eliminate noise and preserve the quiet in the neighborhood.

Attorney Holec stated that Chairman Parker did not allow time for those who wanted to speak in favor and suggested he reopen that portion of the public hearing.

Mr. Michael Overton spoke in favor of the request. He stated there are covenants in place for the property. They have restricted the uses to make the area a positive community. He stated the intent is for an existing Greenville business of about 30 years to move into this property. He stated they are conscious of the uses and will do what they can to preserve the area.

Ms. Reid asked if they are going to install a buffer.

Mr. Overton stated that since the sewer line is along the property line it creates a nature buffer plus a buffer is required by the City. There is a natural buffer of mature trees already in place.

Mr. King asked if the developer had met with the Dudley's Grant Association.

Mr. Overton stated no but that they will.

Mr. Jack Morgan Jr. spoke in favor of the request. He stated he is going to relocate his business, Morgan's Printer Inc., to this property which is an 8am to 5pm business.

Attorney Holec reminded the Board that they cannot rely on any representation and must consider all the uses allowed within the zoning district.

No one spoke in favor rebuttal or in opposition rebuttal.

Chairman Parker closed the public hearing and opened for board discussion.

Ms. Leech stated that it would be appropriate to get public input and make sure all voices are heard. She is interested in the size of the buffer. She suggested tabling the request until after discussions with the Dudley's Grant Homeowners' Association.

Ms. Gooby displayed the Bufferyard Setback and Vegetation Screening Chart that shows the proposed area is required to have Bufferyard D. The buffer would be twenty feet wide and for every one hundred linear feet there would be four large evergreen trees, 6 small evergreens, and 16 evergreen shrubs. It can be reduced to ten feet wide if an opaque fence is installed.

Mr. Schrade asked if the buffer was enlarged after the sewer line was installed.

Mr. Overton stated the buffer is already there and since the sewer is there it creates a larger buffer area since you can't build on the easement.

Ms. Gooby showed the picture of the property which shows the existing vegetation.

Ms. Darden stated you can still see the townhomes.

Mr. Overton stated the existing buffer is thick and you basically only see are rooftops.

Mr. King asked Mr. Surles' his opinion.

Mr. Surles stated his issue is with the noise. When the sewer line was installed it created a lot of noise and homeowners complained. There is no hill or buffer from the noise when a business goes there it will make a lot of noise.

Mr. Overton stated whoever buys the property still needs to meet minimum vegetation requirements. Additional screening is possible but the City bufferyard requirements have already been met. He stated that they just completed major infrastructure by adding the road and sewer which caused a lot of noise. The goal is to have controlled development that won't harm the neighborhood and will be positive.

Chairman Parker stated that this is a good buffer compared to others. They could have cut all the trees downs and put in small trees and bushes.

Motion made by Mr. King, seconded by Ms. Darden, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

TEXT AMENDMENT

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING A WINE, BEER AND KEG STORE AS AN ALLOWED LAND USE WITHIN THE CN (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. – APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. He stated Tandi Mahn proposed the text amendment. It proposes the addition of a definition and regulations to allow wine, beer and keg stores in the Neighborhood Commercial (CN) zoning district through special use permits and proposes review criteria and operational requirement for such stores. As well as be in a CN zoning district, the location also must be within 500 feet of a focus area. The following are allowed activities for the proposed amendment: on-premise craft beer tasting, on-

premise large production beer tasting, sell and refill growlers for off-premise consumption, sell craft beer in cans and bottles for off-premise consumption, sell large production beer in cans/bottles for off-premise consumption, sell kegs of craft beer for off-premise consumption, sell kegs of large production beer for off-premise consumption, and sell retail products and prepared pre-packaged food. Tastings will be limited to two ounces. Sales cannot exceed 40% of the wine and craft beer shop's total sales of wine and malt beverages including both on-premises and off-premises consumption for any 30-day period. Sales cannot exceed 40% of the wine, beer and keg store's total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. Grocery stores are already an allowed use in the CN zoning district and are allowed to sell wine, beer and kegs. Convenience stores are already an allowed special use in the CN zoning district and are allowed to sell wine, beer and kegs. Wine and Craft Beer Shops are already an allowed special use in the CN zoning district and are allowed to have on-site consumption of wine and craft beer. Craft beer is defined as a malt beverage from a brewer with an annual production of 6 million barrels of beer or less. Permission this text amendment adds than what is currently allowed is that the applicant seeks to sell beer and kegs that do not meet the definition of craft beer since the applicant's proposal allows the sale of beer produced by large beer producers. The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan. The following are relevant excerpts from Horizons: Greenville's Community Plan, 2004. PLAN ELEMENTS Economy: Objective E1. To create conditions favorable for healthy economic expansion in the area. Objective E2. To attract new industry and businesses which strengthen Greenville's role as a regional center.

The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, 2004. Section 2, Future Land Use, Urban Form, 3. Nodes, Neighborhood as follows: "The neighborhood node is only found in neighborhoods and must be able to blend exceptionally well with the residential surroundings in scale and character. Quite often, a neighborhood node may consist of only a neighborhood grocery and possibly a few small specialty shops. Approximate floor areas are less than 40,000 square feet. Examples include the City Market in the Tar River Neighborhood and Fire Tower Crossing on Fire Tower Road." In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

Chairman Parker opened the public hearing.

Ms. Tandi Mahn, applicant, spoke in favor of the request. She is one of the owners of Christy's Europub which is across the street from the proposed. She is also one of the owners of, the soon to be, Dickinson Avenue Public House. The reason why she wrote the text amendment is because the current ordinance for craft beer is for under six million barrels annually. The amendment also would allow the sale of kegs. She stated not many stores sell kegs. Since she already owns a bar and restaurant, she would not be encouraging a bar atmosphere. For that reason, she reduced the tastings from one pint to two ounces.

Ms. Reid asked if there was any drinking in large amounts on the premise.

Ms. Mahn stated no. When City Market was open, they had a wonderful relationship where people could buy the beer she sold in her bar in larger quantities or in a keg.

Mr. Michael Overton spoke in favor of the request. He stated the building that the applicant would like to use used to be the Overton Supermarket. They have recently been renovating the building. He stated he likes what Ms. Mahn is doing with her businesses. City Market was there a long time and did sell kegs. The use would not be different. He stated he supports the amendment and it would be good for the neighborhood.

Mr. Alex Lawrence spoke in favor of the request. He stated this idea is needed and it would be convenient. He likes the idea and likes that Ms. Mahn is reinvesting in the neighborhood.

Mr. Connelly asked Mr. Overton about parking at this location.

Mr. Overton stated there are 93 spaces and there is a lot across the street.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

Mr. Smith stated this was a good idea.

Motion made by Mr. Smith, seconded by Ms. Bellis, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

FUTURE LAND USE PLAN MAP AMENDMENT

ORDINANCE REQUESTED BY BILL CLARK HOMES TO AMEND THE FUTURE LAND USE PLAN MAP FOR THE PROPERTIES LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NC HIGHWAY 43 AND IVY ROAD FROM SUBURBAN RESIDENTIAL (SR) AND RESIDENTIAL-AGRICULTURAL (RA) CATEGORIES (PITT COUNTY'S JURISDICTION) TO MEDIUM DENSITY RESIDENTIAL (MDR) AND CONSERVATION/OPEN SPACE (COS) CATEGORIES (CITY OF GREENVILLE'S JURISDICTION) CONTAINING 41+/- ACRES - DENIED

Ms. Gooby delineated the property. She stated its located south of the City, in the County's Jurisdiction. On August 13, 2015, at the request of the property owners, these properties were annexed into the City of Greenville's Jurisdiction by City Council. Currently, these properties are subject to Pitt County's 2030 Comprehensive Land Use Plan. Since they were annexed into the City and require city zoning, an amendment to the City's Future Land Use Plan Map is necessary prior to the rezoning request. The surrounding uses are scattered single-family residences, farmland, and woodlands. The subject property is impacted by the 500 and 100-year floodplains

associated with the Indian Wells Swamp. Under Horizons: Greenville's Community Plan, the subject properties will be included in Vision Area C. The request is to amend the FLUPM to recommend medium density residential (MDR) and conservation/open space (COS). NC Highway 43 is considered a gateway corridor from its intersection with Fire Tower Road and continuing south. Gateway corridors serve as primary entranceways into the city and help define community character. These roads are designed to carry high volumes of traffic through and across the city. Ivy Road is considered a residential corridor. Under Pitt County's 2030 Comprehensive Land Use Plan, the properties are recommended for suburban residential (SR) and rural residential-agricultural (RA). Land designated as SR is distinguished from land designated as RA by the greater potential for development and the inclusion of a broader range of land uses. Land within this category could develop with or without public sewer. This district is intended to accommodate land uses that are served by public sewer service and is not intended to accommodate development that is served by septic tanks. Sanitary sewer is available via the India Wells Sewer Pump Station which is located across Ivy Road from these properties. Sewer became available January, 2015. Water is available from Eastern Pines Water Corporation. The Horizons: Greenville's Community Plan 2010 Update provides criteria in determining if a change to the FLUPM is considered "compatible". To be considered compatible the request: is a result of changed conditions in the local development pattern, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; the request supports the intent and objective of the current FLUPM, Focus Area Map, and Transportation Corridor Map and other contextual considerations of the comprehensive plan; the request is properly located with respect to existing and future adjoining and area uses and the proposed change is not anticipated to cause undue negative impacts on localized traffic, the natural environment or existing land and future neighborhoods and businesses within and in proximity to the area of proposed amendment; and the request is anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation. Staff recommends approval of the proposed amendment because sanitary sewer just became available this year, the request is in character with the surrounding land uses, the property has several means of ingress/egress, and the request should result in a sustainable land use pattern that is equal to the land use category on the Pitt County Land Use Plan Map.

Chairman Parker opened the public hearing.

Mr. Ritchie Brown, Stroud Engineering spoke in favor of the request. The property owners are working with Bill Clark on this property and would appreciate approval of the amendment.

Mr. Bobby James spoke in opposition of the request. He stated the intersection of Highway 43 and Ivy Road is the worst intersection in Pitt County. There are many accidents due to the curvature of the road. Additional egress/ingress on Highway 43 will make the situation worse. There a ditch in that area that flooded last year.

Ms. Reid asked if his property flooded.

Mr. James stated that water flooded the highway and his property across the road. He stated he has spoken to DOT about the flooding. He was told last year when the sewer line was put in that

no one would be able to connect to sewer that is was specifically for Chicod School.

Chairman Parker asked if the ditch backed up due to lack of maintenance.

Mr. James stated it is not maintained properly and someone took the berms down. He stated he is not against development but is against development not handled properly.

Ms. Bellis asked who would be responsible to maintain the ditch.

Ms. Darden asked for the storm water drainage guidelines.

Mr. Scott Godefroy, City Engineer, stated that normally it would be Pitt County handle maintenance of the ditch. Any drainage issues would be handled during the review process at the time of development and plans submitted.

Attorney Holec stated it is not the City's responsibility. If development is to occur, the developer would have to address the storm water.

Mr. King asked if the development would be according to City standards.

Ms. Godefroy stated yes and there are new rules for residential storm water detention.

Mr. Schrade asked for clarification on what they are voting on.

Ms. Gooby stated that as of last Thursday the property was in the City's Jurisdiction. Therefore, the property needs city zoning so the property needs to be on the City's Future Land Use Map prior to the rezoning request. The applicant is requesting medium density residential use. The vote tonight is to change the designation from the Pitt County Land Use Plan Map categories to the City's Future Land Use Plan Map categories.

Mr. Schrade stated that it is already City. The developer will have to work out the water problem later. Tonight's vote has nothing to do with the water problem.

Ms. Gooby stated that the property owner requested annexation in order to tap onto sewer. In order to tap onto sewer, the property was annex into the City. The property will be developed under city standards.

Mr. Merrill Flood, Director of Community Development, stated that the preliminary plat will show how the site will be developed and how drainage will be handled. This will happen at a later date.

Ms. Leech stated she has a density concern since there already is a drainage issue. The future concentration of potential construction in the area with impervious surfaces could cause a greater impact. She prefers to see a lower density with less concrete for easier drainage.

Ms. Bellis asked if this came about due to the extension of sewer and the property owner requesting to be annexed into the City and then higher densities create more residences in the area. She asked if it was anticipated to have more development along the Highway 43 corridor where sewer is now located.

Ms. Gooby stated that it can be a domino effect. If sewer exists, development will be follow.

Mr. Flood stated at the June City Council meeting, staff advised Council of the interest in this area. He stated the City has growth boundary extension agreements with the Town of Winterville. There is infrastructure that is available and will spur development. Under the statues, if the request is within three miles of the City's Jurisdiction and there is the ability to extend services exists and it is closer to the City then another jurisdiction, it can be annexed. The City Council reviewed and approved this request.

Chairman Parker asked if staff is already working on water mitigation.

Mr. Godefroy stated that prior to last year no retention was necessary for residential property. Now there is a 10-year storm water retention residential requirement. This will need to be submitted as part of the development plan. There is a possibility it could require a 25-year storm plan.

Ms. Bellis asked which council district this property would be in.

Ms. Gooby stated it is closest to district four.

Mr. King asked if a traffic study had been done since many accidents occur in the area.

Ms. Gooby stated Ivy Road/Highway 43 are state maintained roads. When rezonings occur, the Engineering Department prepares a traffic report based on current development and anticipated development. The preliminary plat shows street connections and the number of lots. That information helps determine mitigation measures such as, turn lanes, deceleration lanes, etc...

Mr. King asked if the Greenville Police would be responsible for this area.

Ms. Gooby stated Greenville Police would respond to services call within the subdivision proper.

Ms. Leech asked if development would extend three miles south of this area.

Attorney Holec stated no. It would have to be a contiguous boundary wherever that occurs.

Ms. Lisa Herman, resident at 2682 Ivy Road, spoke in opposition of the request. She has concerns with the easement between her home and the neighbors because it appears it will be egress/ingress. A neighborhood would normally be about 35 mph speed limit but Ivy Road is 50 mph in front of her home. She is concerned with who will respond to Fire/Police calls when both City and County show up. Her property is across the street from the pump station.

Mr. Lee Spain spoke in opposition of the request. His property is at the corner of Highway 43 and Ivy Road. He has seen and heard many dangerous wrecks and many more close calls. He stated building a new neighborhood there would make safety worse.

Mr. Brown spoke in favor rebuttal. He stated that developers are required to keep pre-development and post-development water runoff the same regardless of the density. He stated that DOT has required a turn lane on Ivy Road to head north on NC Highway 43.

Chairman Parker closed the public hearing and opened for board discussion.

Ms. Leech stated she would prefer a lower density.

Ms. Darden agreed.

Attorney Holec stated the Commission must make a vote to approve or deny the request. Suggestions can be made after the vote.

Motion made by Mr. Smith, seconded by Mr. Connelly, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. In favor: Smith, Schrade, and Connelly. Oppose: Leech, Reid, Bellis, King, and Darden. Motion failed.

Motion made by Ms. Darden, seconded by Mr. King, to recommend low density residential. In favor: Leech, Reid, Bellis, King, and Darden. Oppose: Smith, Schrade, and Connelly. Motion carried.

With no further business, motion made by Ms. Bellis seconded by Ms. Darden, to adjourn. Motion passed unanimously. Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Merrill Flood, Secretary to the Commission
Director of Community Development Department



City of Greenville, North Carolina

Meeting Date: 9/15/2015
Time: 6:30 PM

Title of Item: Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone 41.9410 acres located near the southeast corner of the intersection of NC Highway 43 S and Ivy Road from RA (Rural Residential-Agricultural - Pitt County's Jurisdiction) to R9S (Residential-Single-family [Medium Density]).

Explanation: **Abstract:** The City has received a request by Bill Clark Homes of Greenville, LLC to rezone 41.9410 acres located near the southeast corner of the intersection of NC Highway 43 S and Ivy Road from RA (Rural Residential-Agricultural - Pitt County's Jurisdiction) to R9S (Residential-Single-family [Medium Density]).

There is a Future Land Use Plan Map amendment associated with this request that is scheduled to be considered by City Council on September 10, 2015. This report is written based on that request.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on August 31, 2015.

On-site sign(s) posted on August 31, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

Comprehensive Plan:

The subject property is located in Vision Area C.

NC Highway 43 is considered a gateway corridor from its intersection with Fire Tower Road and continuing south. Gateway corridors serve as primary entranceways into the city and help define community character. These roads are designed to carry high volumes of traffic through and across the city.

Ivy Road is considered a residential corridor. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area, and linear expansion outside of the focus area should be prohibited.

The Future Land Use Plan Map recommends medium density residential (MDR) and conservation/open space (COS) near the southeast corner of the intersection of NC Highway 43 S and Ivy Road.

The Future Land Use Plan Map identifies certain areas for conservation/open space (COS) uses. The map is not meant to be dimensionally specific, and may not correspond precisely to conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Future Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

Thoroughfare/Traffic Report Summary (PWD - Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,388 trips to and from the site on NC Highway 43, which is a net increase of 670 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

History/Background:

These properties were annexed into the City of Greenville's Jurisdiction on August 13, 2015.

These properties are included in a Future Land Use Plan Map amendment that will be considered by City Council on September 10, 2014.

Existing Land Use:

Single-family residences and farmland

Water/Sewer:

Sanitary sewer is available via the India Wells Sewer Pump Station which became available January, 2015. Water is available from Eastern Pines Water Corporation.

Historic Sites:

There are no known effects are on the designated property.

Environmental Conditions/Constraints:

The subject property is impacted by the 500 and 100-year floodplains associated

with the Indian Wells Swamp.

Surrounding Land Uses and Zoning:

North: RA- Scattered single-family residences
South: RA - One single-family residence and farmland
East: RA - Woodlands
West: RA - One (1) single-family residence

Anticipated Density:

Under the current zoning, the site could yield 70-75 single-family lots.

Under the proposed zoning, the site could yield 140-145 single-family lots.

The anticipated build-out for is 2-5 years.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed rezoning, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed rezoning, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the

existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Attachments](#)

 [List of Uses for RA to R9S 1011200](#)

EXISTING ZONING

RA DISTRICT (County's Jurisdiction)

(Per zoning permit and by-right - subject to standards)

SELECT USES

Bed and breakfast inn
Family Care Home
Halfway House
Mobile home on individual lot
Mobile home park (5 or less units per park)
Single-family dwelling
Civic, social, and fraternal associations
Private campground and RV Park
Race Track Operation
Riding Academy
Blacksmith
Shooting Range, Outside
Kennels or Pet Grooming
Taxidermist
Welding Shop
Convenience Store
Service Station, Gasoline Sales
Airport or Air Transportation Facility
Landfill, Construction and Demolition
Salvage Yards, Auto Parts
Animal Shelter
Turkey Shoots
Private club or recreational center
Swim and tennis club
Church
Day care center
Nursing home
Retreat or conference center

PROPOSED ZONING

R9S (Residential-Single-Family)

Permitted Uses

(1) General:

- a. Accessory use or building
- c. On-premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical: None*

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair: None*

(10) Retail Trade: None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

(15) Other Activities (not otherwise listed - all categories): None*

R9S (Residential-Single-Family)

Special Uses

(1) General: None*

(2) Residential: None*

(3) Home Occupations (see all categories):

- b. Home occupation; excluding barber and beauty shops
- c. Home occupation; excluding manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining: None*

(6) Recreational/ Entertainment:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical: None*

(8) Services:

- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

(9) Repair: None*

(10) Retail Trade: None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

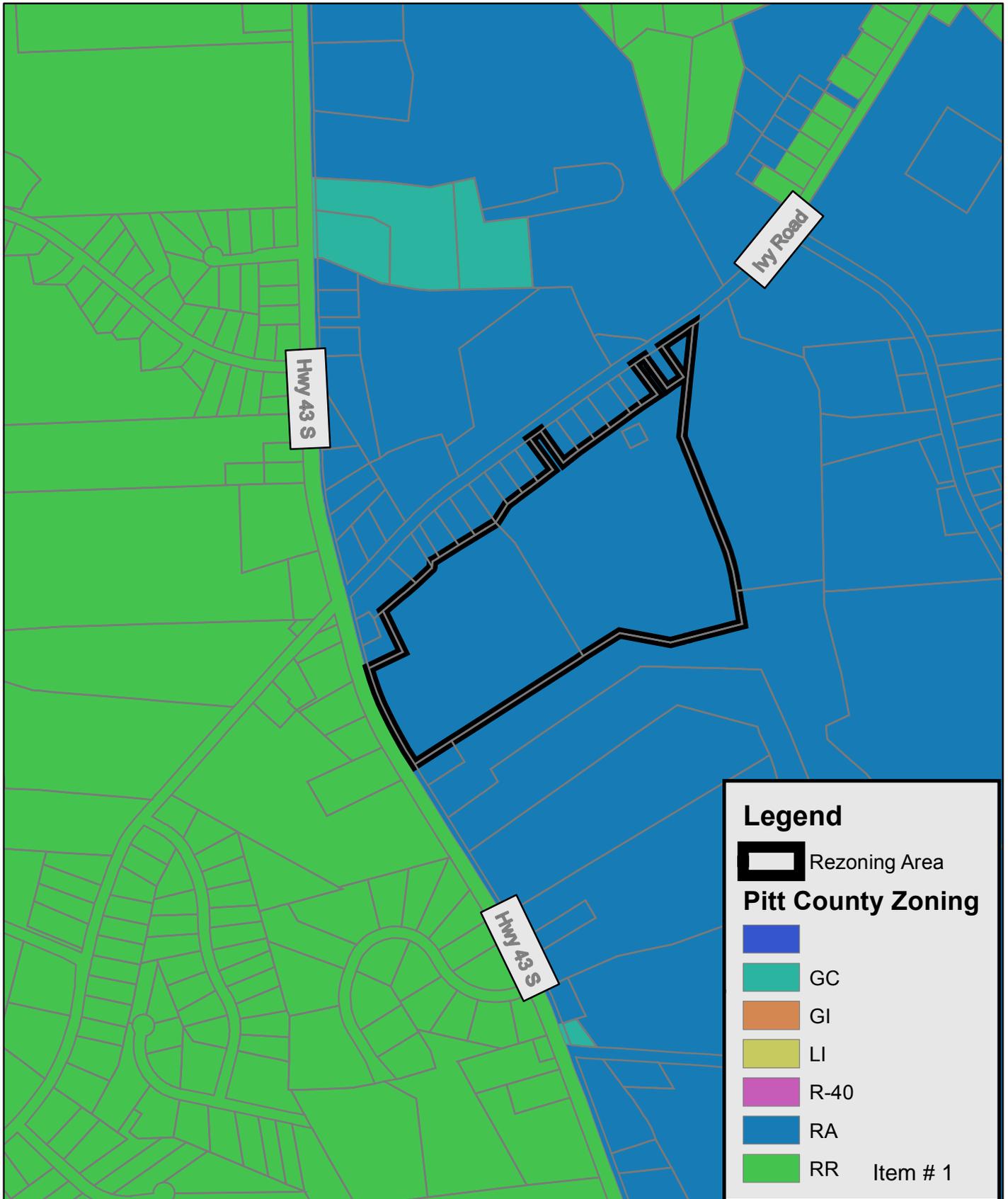
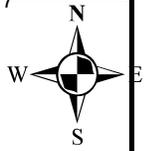
(12) Construction: None*

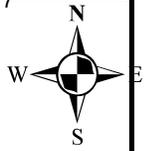
(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

(15) Other Activities (not otherwise listed - all categories): None*

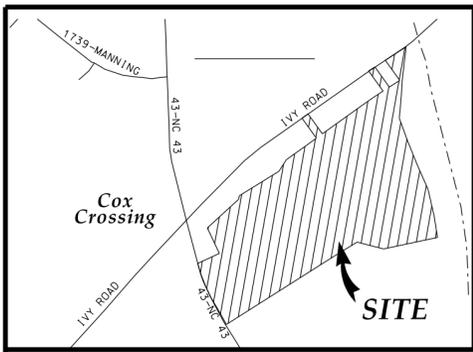
Bill Clark Homes of Greenville, LLC
From: RA (Pitt County Zoning)
To: R9S (City of Greenville Zoning)
41.9410 acres
August 31, 2015





Bill Clark Homes of Greenville, LLC
From: RA (Pitt County Zoning)
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41.9410 acres
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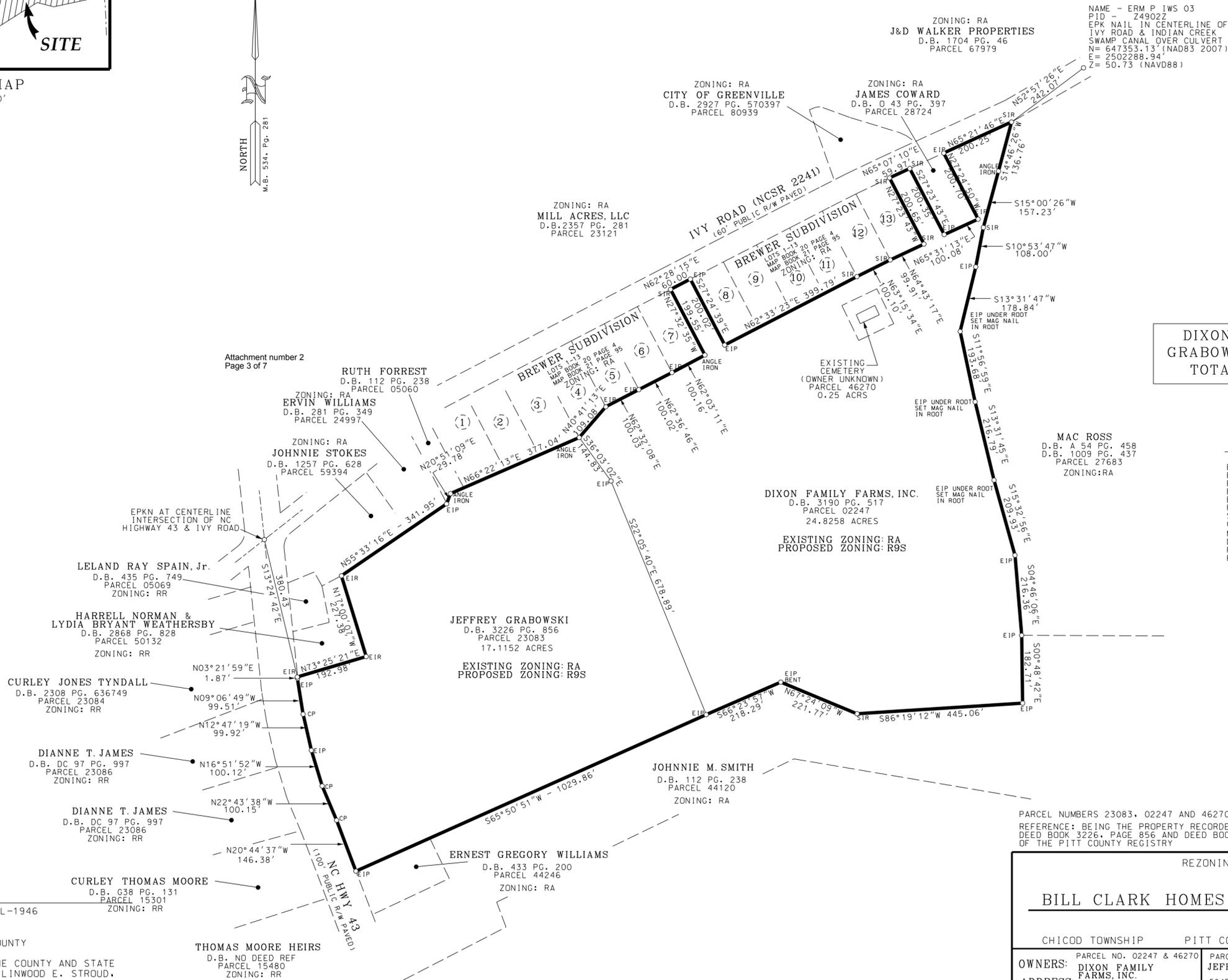




VICINITY MAP
SCALE: 1" = 1000'



Attachment number 2
Page 3 of 7



DIXON TRACT: 24.8258 AC
GRABOWSKI TRACT: 17.1152 AC
TOTAL AREA: 41.9410 AC

LEGEND

EIR	EXISTING IRON ROD
EIP	EXISTING IRON PIPE
EPKN	EXISTING PK NAIL
ECM	EXISTING CONC. MON.
ERRS	EXISTING R/R SPIKE
P1P	PINCHTOP IRON PIPE
SIR	SET IRON ROD
CP	CALCULATED POINT
MB	MAP BOOK
DB	DEED BOOK
PG	PAGE
R/W	RIGHT OF WAY

PARCEL NUMBERS 23083, 02247 AND 46270
REFERENCE: BEING THE PROPERTY RECORDED IN
DEED BOOK 3226, PAGE 856 AND DEED BOOK 3190, PAGE 517
OF THE PITT COUNTY REGISTRY

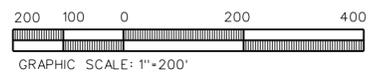
REZONING MAP FOR

BILL CLARK HOMES OF GREENVILLE, LLC

CHICOD TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNERS: DIXON FAMILY FARMS, INC. 3753 MILLS RD. GREENVILLE, NC 27858 252-341-7328	PARCEL NO. 23083 JEFFREY GRABOWSKI 5845 NV 43S. GREENVILLE, NC 27858 252-327-1172	SURVEYED: ECG DRAWN: DM APPROVED: LES DATE: 7/29/15 SCALE: 1" = 200' SHEET 1 OF 1
--	--	--

STROUD ENGINEERING, P.A.
107B COMMERCE ST.
GREENVILLE, NC
(252) 756-9352
LICENSE NO. C-0647



LINWOOD E. STROUD, PLS L-1946

NORTH CAROLINA, PITT COUNTY

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT LINWOOD E. STROUD, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS _____ DAY OF _____, ____.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

THOMAS MOORE HEIRS
D.B. NO DEED REF
PARCEL 15480
ZONING: RR

I, LINWOOD E. STROUD, CERTIFY THAT THIS MAP IS OF A SURVEY OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

LINWOOD E. STROUD, PLS L-1946

Case No: 15-12

Applicant: Bill Clark Homes of Greenville, LLC

Property Information

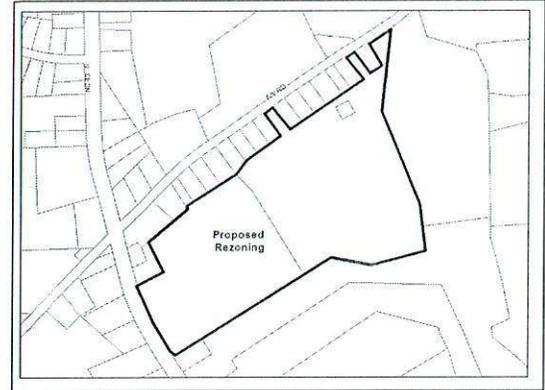
Current Zoning: RA (Residential -Agricultural - Pitt County's Jurisdiction)

Proposed Zoning: R9S (Residential - single-family only)

Current Acreage: 41.9410 acres

Location: East side of NC 43, south of Ivy Road

Points of Access: NC 43 South



Location Map

Transportation Background Information

1.) NC 43- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lane with ditches	Five Lanes - Curb & Gutter
Right of way width (ft)	60	90
Speed Limit (mph)	55	no change
Current ADT:	8,065 (*)	Ultimate Design ADT: 35,700 vehicles/day (**)
Design ADT:	16,400 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along NC 43 that service this property.

Notes: (*) 2012 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 718 -vehicle trips/day (*) **Proposed Zoning: 1,388** -vehicle trips/day (*)

Estimated Net Change: increase of 670 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on NC 43 are as follows:

1.) NC 43 , North of Site (80%): “No build” ADT of 8,065

Estimated ADT with Proposed Zoning (full build) – 9,175

Estimated ADT with Current Zoning (full build) – 8,639

Net ADT change = 536 (6% increase)

2.) NC 43 , South of Site (20%):

"No build" ADT of 8,065

Estimated ADT with Proposed Zoning (full build) – 8,343

Estimated ADT with Current Zoning (full build) – 8,209

Net ADT change = 134 (2% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1388 trips to and from the site on NC 43, which is a net increase of 670 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

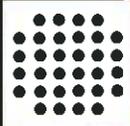
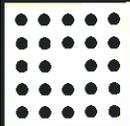
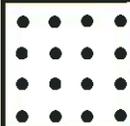
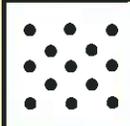
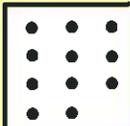
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 6 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 9/15/2015
Time: 6:30 PM

Title of Item: Ordinance requested by the North Carolina Department of Transportation to rezone 19.66+/- acres located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road from OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial).

Explanation: **Abstract:** The City has received a request by the North Carolina Department of Transportation to rezone 19.66+/- acres located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road from OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on August 31, 2015.

On-site sign(s) posted on August 31, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

Comprehensive Plan:

The subject property is in Vision Area A.

North Memorial Drive is designated as a gateway corridor from West Third Street continuing north. Gateway corridors serve as primary entranceways into the City and help define community character. These roads are designed to carry high volumes of traffic through and across the City.

The Future Land Use Plan Map recommends commercial at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road transitioning to office/institutional/multi-family to the west to act as a buffer between the commercial and the residential.

There is a regional focus area located in the vicinity of this rezoning. These nodes typically contain in excess of 400,000 square feet of conditioned floor space.

Land Use Implementation Strategies

3(c). Commercial development should be encouraged at the intersections of major roads (i.e. in a nodal fashion) consistent with the City's future land use plan map.

Thoroughfare/Traffic Report Summary (PWD - Engineering Division):

Based on the analysis comparing the existing zoning (1,663 daily trips) and the requested rezoning, the proposed rezoning classification could generate 279 trips to and from the site on North Memorial Drive, which is a net *decrease* of 1,384 trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

History/Background:

In 1969, the property was zoned IU (Unoffensive Industry). In 1979, as part of the Belvoir Highway Study, the property was rezoned to OR. In the late 1990's/2000, a section of Belvoir Highway was abandoned and was incorporated into the airport property. This resulted in the current terminus of Belvoir Highway at Haw Drive.

This property was included in a Future Land Use Plan Map amendment that was approved by City Council on August 13, 2015.

Existing Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects are on the designated property.

Environmental Conditions/Constraints:

The subject property is impacted by the 500-year floodplain associated with the Tar River.

Surrounding Land Uses and Zoning:

North: CH and R6 - Vacant

South: OR - Pitt-Greenville Airport (runway) and NC Department of Corrections
East: RA20 - NC DOT facility
West: OR - Vacant (under common ownership by the applicant)

Anticipated Density:

Under the current zoning, the site could accommodate 225-250 multi-family units (1, 2 and 3 bedrooms).

Under the proposed zoning, the site is anticipated to accommodate 40,000+/- square feet of heavy equipment garage/storage.

The anticipated build-out for is 1-2 years.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed rezoning, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed rezoning, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Attachments](#)

 [List of Uses OR to CH 983533](#)

EXISTING ZONING

OR (Office-Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales incidental

(2) Residential:

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library

- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) *Repair*: * None

(10) *Retail Trade*:

- s. Book or card store, news stand
- w. Florist

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*: * None

(12) *Construction*:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation*: * None

(14) *Manufacturing/ Warehousing*: * None

(15) *Other Activities (not otherwise listed - all categories)*: * None

OR (Office-Residential)
Special Uses

(1) *General*: * None

(2) *Residential*:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) *Home Occupations (see all categories)*: * None

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*: * None

(6) *Recreational/ Entertainment*:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) *Office/ Financial/ Medical*:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities

- l. Convention center; private
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center

(9) *Repair*: * None

(10) *Retail Trade*:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*: * None

(12) *Construction*: * None

(13) *Transportation*:

- h. Parking lot or structure; principle use

(14) *Manufacturing/ Warehousing*: * None

(15) *Other Activities (not otherwise listed - all categories)*:

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

PROPOSED ZONING

CH (Heavy Commercial)

Permitted Uses

(1) *General*:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) *Residential*: * None

(3) *Home Occupations (see all categories)*: *None

(4) *Governmental*:

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center
- g. Liquor store, state ABC

(5) *Agricultural/ Mining*:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market

- e. Kennel (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

(6) Recreational/ Entertainment:

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities
- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- b. Minor repair; as an accessory or principal use

- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service

h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

(15) Other Activities (not otherwise listed - all categories): * None

CH (Heavy Commercial)
Special Uses

*(1) General:** None

(2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

*(3) Home Occupations (see all categories):** None

*(4) Governmental:** None

*(5) Agricultural/ Mining:** None

(6) Recreational/ Entertainment:

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

*(7) Office/ Financial/ Medical:** None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

(9) Repair:

- a. Major repair; as an accessory or principal use

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:** None

*(12) Construction:** None

*(13) Transportation:** None

(14) Manufacturing/ Warehousing:

- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities

(15) Other Activities (not otherwise listed - all categories):

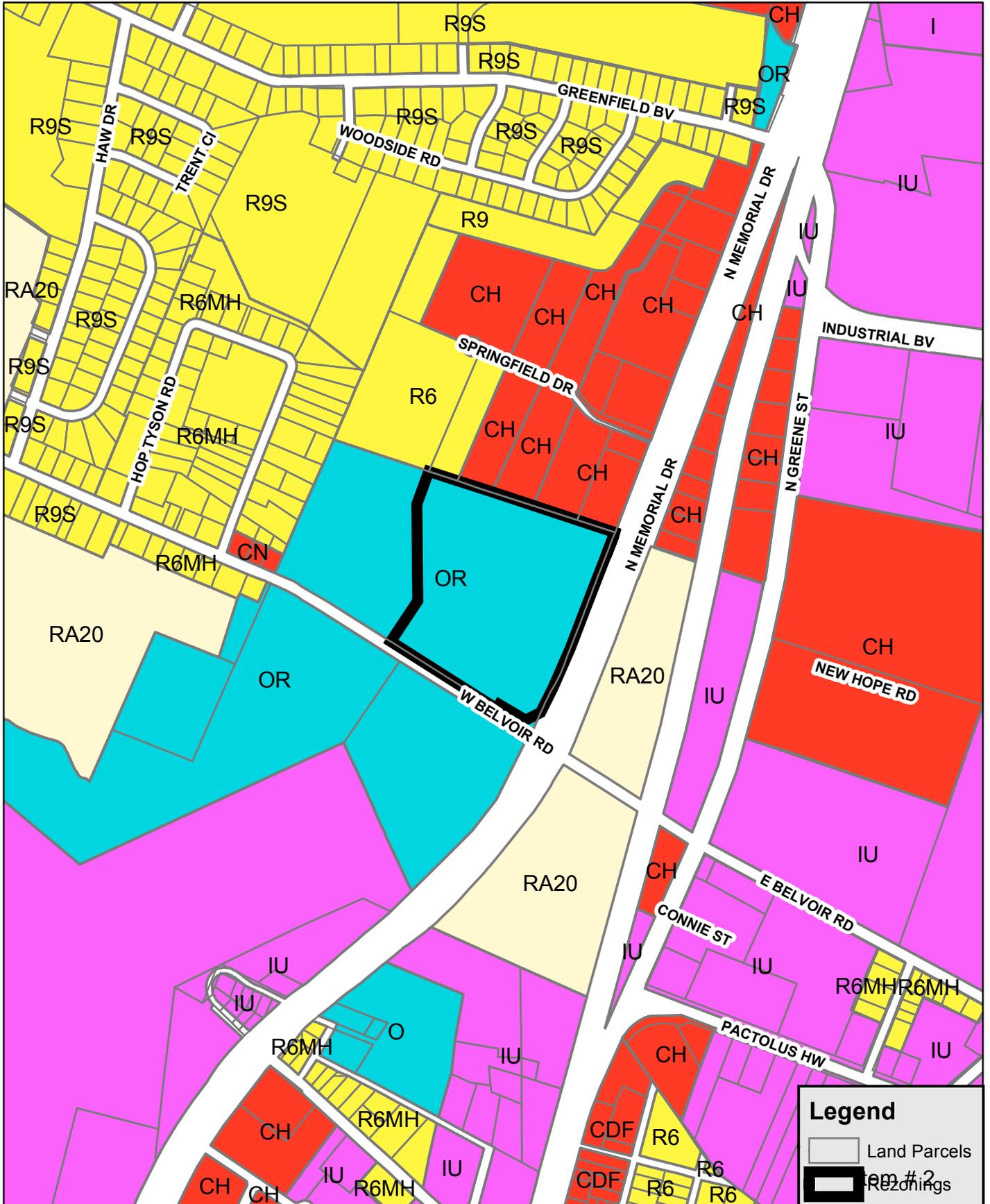
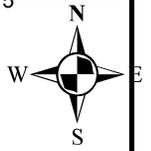
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

North Carolina Department of Transportation (15-11)

From: OR To: CH

19.66+/- acres

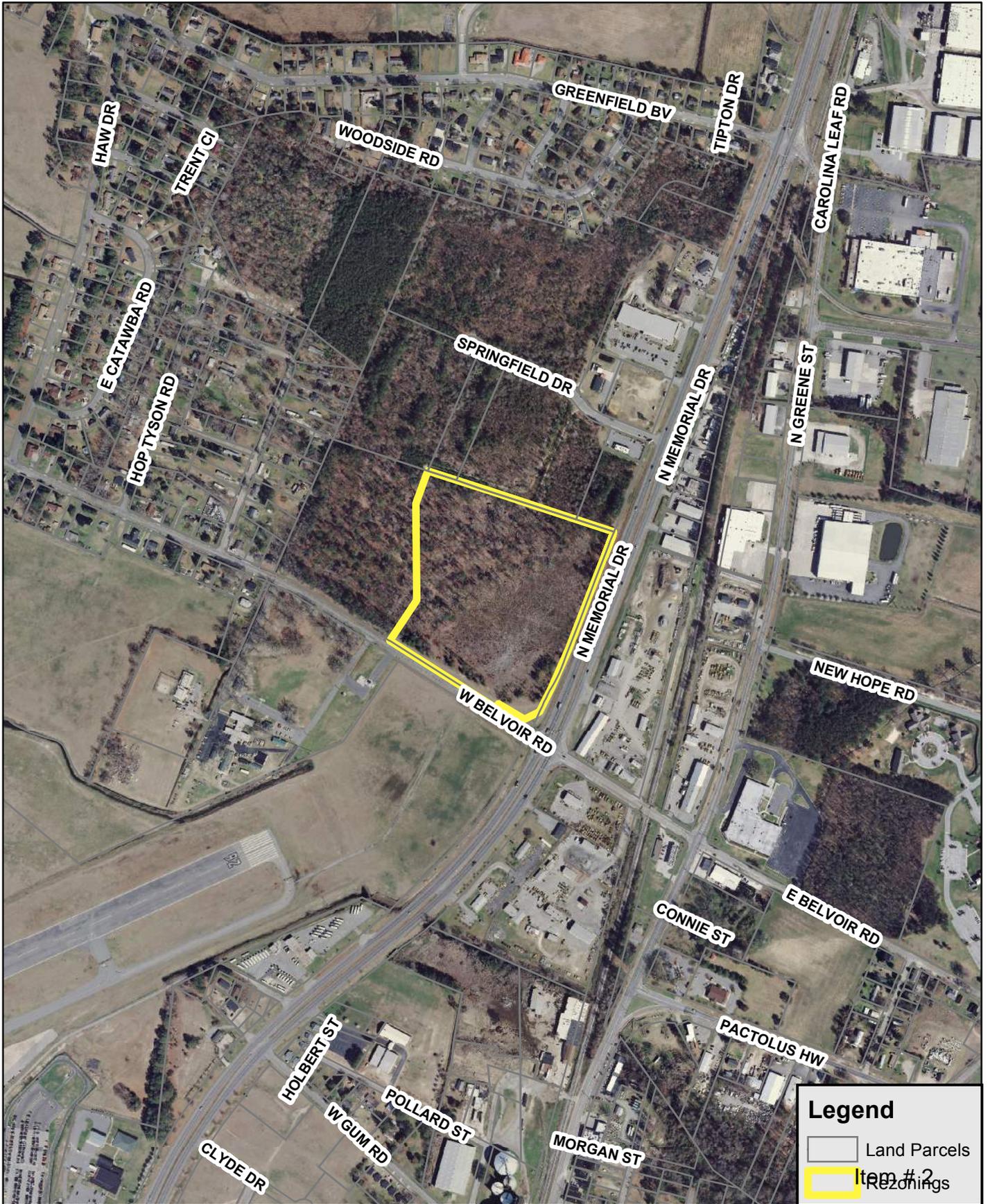
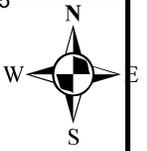
August 31, 2015



Legend

- Land Parcels
- Rem # 2
- Rezonings

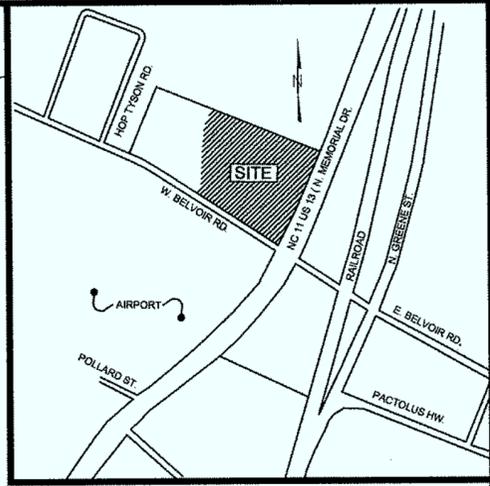
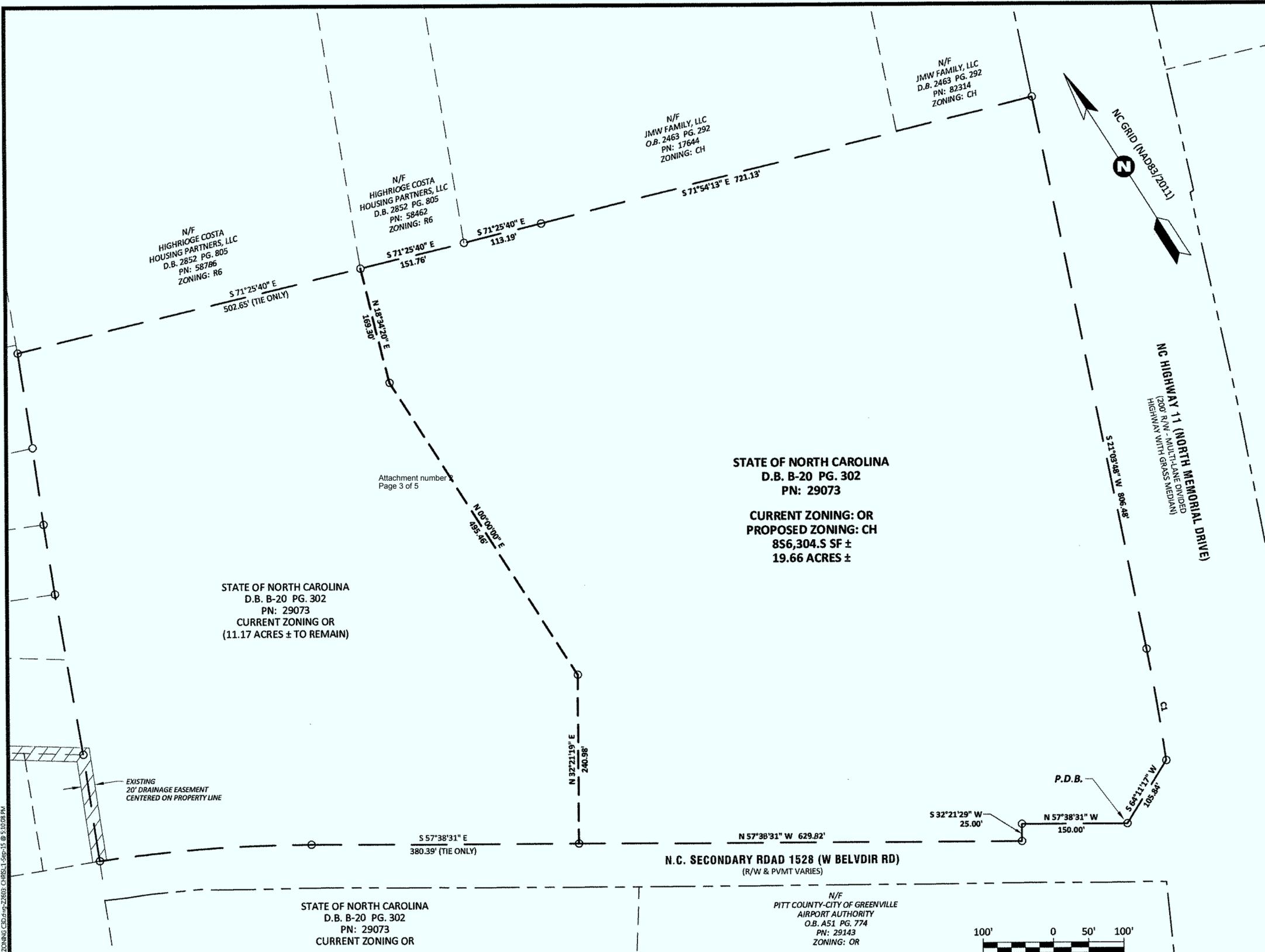
North Carolina Department of Transportation (15-11)
From: OR To: CH
19.66+/- acres
August 31, 2015



Legend

- Land Parcels
- Item # 2

P:\LandDev\MAH - ICDOT Equipment Shop - 2013078 SURVEY 2015-2603 - NCDOT Equipment Shop REZONING CDR 4-17-2015, CHDRS 1-5-15 @ 5:10:08 PM



VICINITY MAP
(NOT TO SCALE)

REFERENCE(S):
 O.B. B-20 PG. 302
 O.B. A-51 PG. 774
 O.B. 2852 PG. 805
 O.B. 2463 PG. 292

SEE NON-RECORDED SURVEY MAP BY
 MICHAEL R. JACKSON, PLS ENTITLED
 SURVEY FOR N.C. DEPARTMENT OF TRANSPORTATION,
 DATED AUGUST 2, 2010.

LEGEND

N/F = NOW OR FORMERLY
 D.B. = O.E.O. BOOK
 PG. = PAGE
 PN = PARCEL NUMBER
 R/W = RIGHT-OF-WAY
 P.V.M.T. = PAVEMENT
 SF = SQUARE FEET
 P.O.B. = POINT OF BEGINNING

— = PROPERTY LINE
 - - - = REZONING LINE
 - · - · - = ADJOINER LINE

STATE OF NORTH CAROLINA
 D.B. B-20 PG. 302
 PN: 29073
 CURRENT ZONING OR
 (11.17 ACRES ± TO REMAIN)

STATE OF NORTH CAROLINA
 D.B. B-20 PG. 302
 PN: 29073
 CURRENT ZONING: OR
 PROPOSED ZONING: CH
 856,304.5 SF ±
 19.66 ACRES ±

STATE OF NORTH CAROLINA
 D.B. B-20 PG. 302
 PN: 29073
 CURRENT ZONING OR

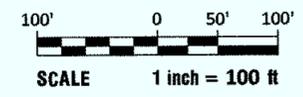
N/F
 PITT COUNTY-CITY OF GREENVILLE
 AIRPORT AUTHORITY
 O.B. A51 PG. 774
 PN: 29143
 ZONING: OR

NOTES

1. AREA DETERMINED BY COORDINATES.
2. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
3. NO POINT SET AT ANY CORNER, UNLESS OTHERWISE NOTED.
4. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON. THIS MAP IS NOT TO BE USED FOR SALES OR CONVEYANCE. NOT ALL EXISTING EASEMENTS OR IMPROVEMENTS AREA SHOWN HEREON.
5. EXISTING ZONING WAS TAKEN FROM THE PITT COUNTY ONLINE INFORMATION SYSTEM WEB SITE ON AUGUST 14, 2015.

CURVE DATA						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	2796.90	161.23	80.64	161.21	S 22°42'55" W	003°18'11"

Item # 2



CERTIFICATION

I, JAMES M. WALKER, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM O.E.O.S AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(11)d, THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 17TH DAY OF AUGUST, 2015.

James M. Walker
 PROFESSIONAL LAND SURVEYOR LICENSE No. L-1556



Date: August 17, 2015
 Survey: - Draft LC
 Design: - Check JMW

NC License: F-0334
Rivers
 & ASSOCIATES, INC.
 riversandassociates.com Since 1918
 Engineers
 Planners
 Surveyors
 Landscape Architects
 107 East Second Street
 Greenville, NC 27858
 (252) 752-4195

REZONING MAP FOR:
NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

OWNER: STATE OF NORTH CAROLINA
 BELVOIR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

Scale: 1" = 100'
 Project No: 2013078
 Drawing No: Z-2603
 Sheet: 1 of 1

04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

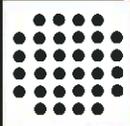
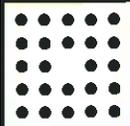
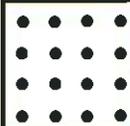
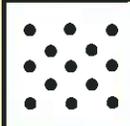
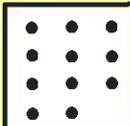
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 6 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 9/15/2015
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance by changing the public street setback in multi-family from 25 feet to 15 feet and adding that single-family detached homes and duplexes will be built only on public streets.

Explanation: In the spring of 2014, the Greenville City Council asked the Public Works Department to prepare a report on private streets. After hearing the report, the City Council then instructed the Planning Staff to prepare an ordinance that would eliminate private streets as a development option. This ordinance was adopted August 14, 2014.

A portion of that ordinance established "named accesses". A "named access" is for commercial or multi-family developments when there are not enough existing street addresses off the adjoining public street. The City Engineer is responsible for determining when a "named access" is necessary. The Engineering Department had earlier informally done this procedure. The adoption of the ordinance formally established this practice.

Single-Family and Duplex development is allowed under the multi-family standards. The Staff feels that with the deletion of private streets as a development option, it is intended for Single-Family and Duplex development to be constructed on public streets. This amendment would clarify that position and remove the "named access" option for Single-Family and Duplex development.

The Staff is also proposing a reduction in the public street setback from 25 feet to 15 feet. This would act as an incentive for developers to use public streets. A 15 foot public street setback is already allowed in Cluster development.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed text amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed text amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Multi family setback and public street amendment 1011363](#)

 [Private Street Ordinance 982786](#)

ORDINANCE NO. 15-_____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 2

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on October 8, 2015, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Section 3, Plan Elements, Housing: Objective H1 to encourage a variety of housing choices through preservation, rehabilitation, code enforcement, and new development; and Objective H2 to encourage quality in the design and construction of new dwellings and multifamily structures; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, attract new businesses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article I, Section 9-4-145 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(1) to read as follows:

(B) Development Standards
(1) Public street right-of-way: 15 feet

Section 2: That Title 9, Chapter 4, Article I, Section 9-4-150 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-150 PRIVATE STREETS

No new private streets are allowed after August 14, 2014. Single-family and two-family dwellings shall only be located on public streets.

Section 3: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 4: That this ordinance shall become effective upon its adoption.

Adopted this 8th day of October, 2015.

Allen M. Thomas, Mayor

Attachment number 1
Page 2 of 2

ATTEST:

Carol L. Barwick, City Clerk

ORDINANCE NO. 14-____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 2
Page 1 of 3

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on August 14, 2014, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 6, Chapter 2, Article B, Section 6-2-33 of the Code of Ordinances, City of Greenville, is hereby amended by the addition of a definition of ‘Named Access’ and by rewriting the definition of ‘private streets’ to read as follows:

Named Access. A private driveway assigned a name by the City Engineer.

Private streets. Streets that have been publicly dedicated by easement and as such constitute public vehicular areas as provided and regulated by the Greenville Subdivision Ordinance. These streets are constructed in accordance with Manual of Standard Designs and Details, but are maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 2: That Title 6, Chapter 2, Article B, Section 6-2-51 of the Code of Ordinances, City of Greenville, is hereby amended by adding subsection (G) to read as follows:

(G) Named Access is assigned to commercial or multifamily developments when there are not enough existing address numbers available to properly address the proposed structures off of the adjoining public street. Named Access is also assigned when three or more structures are located on a private driveway to comply with E911 standards. The City Engineer is responsible for determining when a Named Access is deemed necessary during the plan review process. The proposed names for the Named Access submitted by the developer shall be reviewed by the City Engineer. The City Engineer shall verify that the proposed name for the Named Access is not duplicated in the city and/or Pitt County. All proposed Named Access street names should have a name suffix of “Way”. Once the street name verification process is complete, the City Engineer shall assign the addresses for the structures using the Named Access. Using Named Access will also assist the City Engineer in not having to readdress existing structures to accommodate new development.

Section 3: That Title 9, Chapter 4, Article B, Section 9-4-22 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting the definition of ‘streets; private’ to read as follows:

Streets; private. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by law. The streets shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 4: That Title 9, Chapter 4, Article I, Section 9-4-150 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-150 PRIVATE STREETS

No new private streets are allowed after August 14, 2014.

Attachment number 2
Page 2 of 3

Section 5: That Title 9, Chapter 4, Article J, Section 9-4-166 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(2) to read as follows:

(2) Planned primary and secondary traffic circulation patterns showing proposed and existing public street rights-of-way;

Section 6: That Title 9, Chapter 4, Article J, Section 9-4-166 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(16)(a) to read as follows:

(a) Statements addressing any declarations of covenants, conditions or restrictions which create a property owners’ association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the City Council in order to assess the feasibility of such private maintenance;

Section 7: That Title 9, Chapter 4, Article J, Section 9-4-168 of the Code of Ordinances, City of Greenville, is hereby amended by the deletion of subsection (a)(3) and subsection (D) in their entirety.

Section 8: That Title 9, Chapter 4, Article K, Section 9-4-183 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said to read as follows:

SEC. 9-4-183 PRIVATE STREETS.

No new private streets are allowed after August 14, 2014.

Section 9: That Title 9, Chapter 4, Article M, Section 9-4-204 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-204 PRIVATE STREETS.

No new private streets are allowed after August 14, 2014.

Section 10: That Title 9, Chapter 5, Article A, Section 9-5-5 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting the definition of ‘construction plans’ and rewriting the definition of ‘private streets’ to read as follows:

Construction plans. Construction plans are engineering details and specifications for the provision of necessary and/or required facilities and improvements. Such facilities and improvements may include but not be limited to public streets, water, sanitary sewer and storm drainage systems.

Private streets. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by applicable law. Such streets shall be constructed in accordance with the standards specified in the Manual of Standard Designs and Details and shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 11: That Title 9, Chapter 5, Article B, Section 9-5-45 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (C)(2), (C)(4), (C)(5), and (C)(24) to read as follows:

(2) Existing, platted and proposed streets, their names and numbers (if state marked routes) shown and designated as “public” indicating right-of-way and/or easement widths, pavement widths, centerline curve and corner radius data, including sight distance triangles and typical cross-sections. All streets indicated on the city Thoroughfare Plan shall indicate future right-of-way widths;

(4) Location of all existing buildings with exterior dimensions including heights, number of stories, distance to existing and proposed lot lines, private drives, public rights-of-way and easements;

(5) Existing and proposed property lines, public streets, right-of-way and/or easement widths, pavement widths, easements, utility lines, hydrants, recreation areas or open spaces on adjoining property;

(24) Easements, including but not limited to electric, water, sanitary sewer, storm sewer, drainage, gas or other service delivery easements including their location, width and purpose;

Section 12: That Title 9, Chapter 5, Article B, Section 9-5-45 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (U) to read as follows:

(U) No new private streets are allowed after August 14, 2014.

Section 13: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 14: That this ordinance shall become effective upon its adoption.

ADOPTED this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 9/15/2015
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance by adding temporary sand mining as an allowed land use within the RA-20(Residential/Agricultural) zoning district, subject to an approved special use permit, and establishing specific criteria.

Explanation: **Abstract:** The City of Greenville received an application from Mr. Jeremy Whitehurst, Barnhill Contracting Company, for a text amendment that proposes the addition of a definition and regulations to allow temporary sand mining in the RA-20 (Residential/Agricultural) zoning district through special use permits and proposes review criteria and operational requirements.

Explanation: Greenville's Zoning Ordinance does not allow temporary sand mining in the RA-20 zoning district.

Omission of a particular land use is interpreted to mean uses not listed are prohibited.

The attached staff report provides additional details regarding this text amendment. The applicant's application submittal is attached to the staff report in Appendix B.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed text amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to

adopt the staff report which addresses plan consistency and other matters."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed text amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Staff Report and Application](#)

 [Ordinance Temporary Sand Mining Text Amendment 1011289](#)

ORDINANCE NO. 15-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on October 8, 2015, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Future Land Use, Northwest Vision Area, Management Actions, Objective A19 to obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, attract new businesses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding the following definitions for "Temporary Sand Mining":

Temporary Sand Mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall be for a specifically designated and limited duration in time that coincides with the completion

of the government project. (see also section 9-4-86(SS)).

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended to expand sand mining as a temporary use subject to special use permits in the RA20 (Residential Agricultural) zoning district:

(5) k. “Sand Mining (see also item j. above) (see also section 9-4-86(SS) for temporary sand mining”); by allowing this land use with a special use permit in the Residential/Agricultural (RA-20) zoning district.

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-85(R), of the City Code, is hereby amended to expand the listed use of mining and quarrying to add temporary sand mining:

(R) “Mining, quarrying, and temporary sand mining;

Section 4: That Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code, is hereby amended by adding the following new subsections:

SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.

(SS) Temporary Sand Mining (see also section 9-4-22)

- (1) No excavation shall occur closer than 100 feet to an adjacent residential dwelling.
- (2) A 50 foot buffer (minimum) shall be maintained between the mining activity and adjacent property lines.
- (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project.
- (4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project.
- (5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond).
- (6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose.
- (7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site.
- (8) Any dust or other airborne emissions shall be minimized from the borrow

material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations.

- (9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways.
- (10) All trucks used for transport of borrow material from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina.
- (11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations.
- (12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday.
- (13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways.
- (14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.

Section 5. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 6. That this ordinance shall become effective immediately upon adoption.

Adopted this 8th day of October, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

**Staff Report:
Temporary Sand Mining – Text Amendment**

Applicant: Jeremy Whitehurst, Barnhill Contracting Company

Contents

Background 1
Zone Where Temporary Sand Mining is Proposed Under This Text Amendment 2
Proposed Text Amendment 3
Compliance with the Comprehensive Plan 6

Maps

Map 1: Zoning Districts 7
Map 2: Locations of RA-20 Zoning District..... 8
Map 3: Locations of RA-20 Zoning District..... 9

Exhibits

Exhibit A: Excerpt of the Table of Uses Showing Proposed Amendments 10
Exhibit B: Application 11



**City of Greenville
Community Development Department - Planning Division
September 3, 2015**

Background

Greenville's Zoning Ordinance currently does not allow sand mines in the Residential/Agricultural (RA-20) zoning district. Omission of a particular land use is interpreted to mean uses not listed are prohibited. Sec. 9-4-13, Uses Prohibited states, *"Unless a use of land is specifically allowed in a zoning district, either as a matter of right or as a special use, then the use shall be prohibited in the district."*

The City of Greenville received an application for a text amendment from Jeremy Whitehurst, Barnhill Contracting Company, that proposes the addition of a definition and regulations to allow temporary sand mining in the Residential/Agricultural (RA-20) zoning district. (Exhibit B: Application Submittal Documents). In addition to the applicant's proposed language for the text amendment, Mr. Whitehurst provided the following attachments. Mr. Whitehurst provided these documents to show how standards for sand mining borrow pits used for NCDOT projects are heavily regulated before and after sand excavation activities:

- NCDOT Standard Specifications for Roads and Structures, January 2012;
- Reclamation Procedures for Borrow /Waste/Staging Areas for Operations; and
- NC General Statutes, Sec. 20-116 Size of Vehicles and Load and Sec. 20-118 Weight of vehicles and Load

The application also includes a map of the area that Barnhill Contracting Company is considering for a temporary sand mine, an aerial photograph of the property and a conceptual layout of a reclamation plan. Mr. Whitehurst attached a letter from Greenville Utilities Commission dated August 4, 2015 that notes GUC does not have any concerns related to the proposed activity in the intended location and has no objection to the proposed borrow pit activity. The GUC letter acknowledges that the intended location is within the City of Greenville Water Supply Watershed Overlay District.

The application includes photographs showing examples of sand mining borrow pits created and reclaimed by Barnhill Contracting Company. Mr. Whitehurst also submitted evidence of significant community outreach informing surrounding property owners of Barnhill's interest in establishing a temporary sand mine in proximity to their property. The public outreach portion of the application was too voluminous to attach all of the information submitted to this staff report, but it is on file with the Planning Division for inspection.

If this text amendment is approved, it will apply city-wide in RA-20 zoning districts where applicants can meet the proposed criteria subject to a special use permit. Approval of the text amendment application should be based on the proposed language and not the specific location or conceptual reclamation plan as such plans are not binding until a site plan is submitted and approved.

Zone Where Temporary Sand Mining is Proposed Under This Text Amendment

The text amendment proposes temporary sand mining in the RA-20 (Residential/Agricultural) zoning district through special use permits and proposes review criteria and operational requirements for sand mines. Map 1 illustrates the zoning districts throughout the city limits and extraterritorial jurisdiction (ETJ). Sand mining is currently allowed in the I (Industrial) zoning district as a permitted use and is allowed in the IU (Unoffensive Industry) zoning district with approval of a special use permit. Maps 2 and 3 illustrate locations of property zoned RA-20 throughout the City where temporary sand mines would be allowed under the proposed text amendment, pending special use permit review and compliance with proposed criteria in the text amendment.

The RA-20 (Residential/Agricultural) zoning district is defined in the Zoning Ordinance, Sec. 9-4-4-46 as follows:

The RA-20 Residential/Agricultural District is primarily designated to accommodate a compatible mixture of single-family dwellings and agricultural uses at lower densities. These areas are generally found in areas without sewer service that are not yet appropriate for development at higher densities.

Title 9, Chapter 4, Article D, Section 9-4-78, Appendix A, Table of Uses, lists the following land uses currently allowed, by right, in the RA-20 district:

- Single-family dwelling
- Master Plan Community
- Residential cluster development
- Family Care home
- Room Renting
- City of Greenville municipal government building or use
- Farming, agriculture, horticulture, forestry
- Wayside market for farm products produced on site
- Kennel
- Stable; horse only
- Stable; per definition
- Animal boarding not otherwise listed; outside facility, as an accessory or principle use
- Beekeeping; minor use
- Public park or recreation facility
- Private noncommercial park or recreational facility
- Church or place of worship
- Construction office; temporary, including modular office

Title 9, Chapter 4, Article D, Section 9-4-78, Appendix A, Table of Uses, lists the following land uses currently allowed, by special use permit, in the RA-20 district:

- Two-family attached dwelling (duplex)
- Mobile home

- Retirement center or home
- Nursing, convalescent or maternity home; minor care facility
- Nursing, convalescent or maternity home; major care facility
- Home occupation; not otherwise listed
- Home occupation; barber and beauty shop
- Home occupation; manicure, pedicure or facial salon
- Public utility building or use
- Greenhouse or plant nursery, including accessory sales
- Beekeeping; major use
- Solar energy facility
- Golf course; 18-hole regulation length
- Golf course; 9-hole regulation length
- Tennis club; indoor and outdoor facilities
- Child day care facilities
- Adult day care facilities
- Cemetery
- School; junior and senior high
- School; elementary
- School; kindergarten or nursery

Title 9, Chapter 4, Article D, Section 9-4-78, Appendix A, Table of Uses, (15) Other Activities (not otherwise listed – all categories) provides limited flexibility for other activities, not otherwise listed, in the Table of Uses for certain zoning districts through approval of special use permits. This catch-all flexibility tool is allowed in nine of the twenty seven zoning districts. However, the RA-20 (Residential/Agricultural) zoning district is not one of the zoning districts where this allowance is available.

Proposed Text Amendment

In order to amend the Zoning Code to allow temporary sand mines to operate in the RA-20 zoning district, text amendments must be adopted. This text amendment application requires a public hearing before City Council. The Planning and Zoning Commission is required to review and if supportive, recommend an ordinance relating to temporary sand mining regulations since they would be added in the Zoning Ordinance.

Proposed text amendments to add temporary sand mining provisions are illustrated below using underlined text to denote regulations to be added.

Section 9-4-22 is proposed to be amended to add a definition for the new land use of temporary sand mining as follows.

SEC. 9-4-22 WORDS AND TERMS DEFINED.

Temporary Sand Mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall before a specifically designated and limited duration

in time that coincides with the completion of the government project. (see also section 9-4-86(SS)).

Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A) is proposed to be amended as follows to expand sand mining as a temporary use subject to special use permits in the RA20 (Residential Agricultural) zoning district (refer to attached excerpt of the Table of Uses in Exhibit A of this staff report):

- (5)k. “Sand Mining (see also item j. above)(see also section 9-4-86(SS) for temporary sand mining)”; by allowing this land use with a special use permit in the Residential/Agricultural (RA-20) zoning district.

Title 9, Chapter 4, Article E, Section 9-4-85(R), of the City Code is proposed to be amended to expand the listed use of mining and quarrying to add temporary sand mining:

- (R) “Mining, ~~and quarrying~~, and temporary sand mining;

Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code is proposed to be amended to add the following new subsections:

Title 9, Chapter 4, Article E, Section 9-4-86(SS)

(SS) Temporary Sand Mining (see also section 9-4-22)

- (1) No excavation shall occur closer than 100 feet to an adjacent residential dwelling.
- (2) A 50 foot buffer (minimum) shall be maintained between the mining activity and adjacent property lines.
- (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project.
- (4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project.
- (5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond).

- (6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose.
- (7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site.
- (8) Any dust or other airborne emissions shall be minimized from the borrow material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations.
- (9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways.
- (10) All trucks used for transport of borrow material from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina.
- (11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations.
- (12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday.
- (13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways.
- (14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.

Compliance with the Comprehensive Plan

Consideration of any modification to the city zoning ordinance should include a review of the community's comprehensive plan and other officially adopted plans that are applicable.

Greenville's comprehensive plan, Horizons: Greenville's Community Plan, 2004 and the 2009/2010 update contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendments are in compliance with the Plan, and effectively with the community's values.

Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

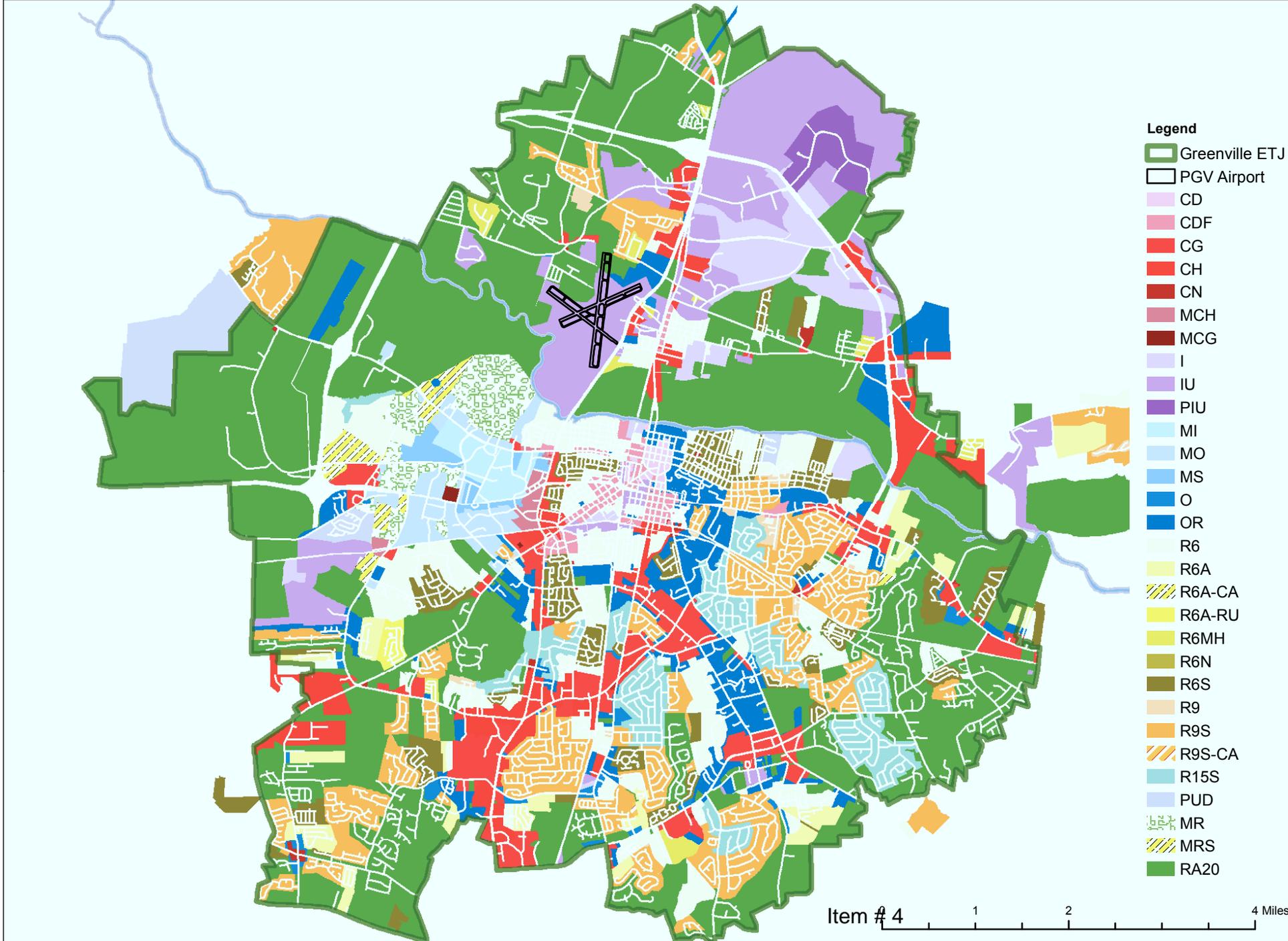
Following are relevant excerpts from Horizons: Greenville's Community Plan, 2004.

Section 2, FUTURE LAND USE

Vision Areas, Northwest, Management Actions

Objective A19. *Obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives.*

Map 1 - Zoning Districts



Item # 4 1 2 4 Miles

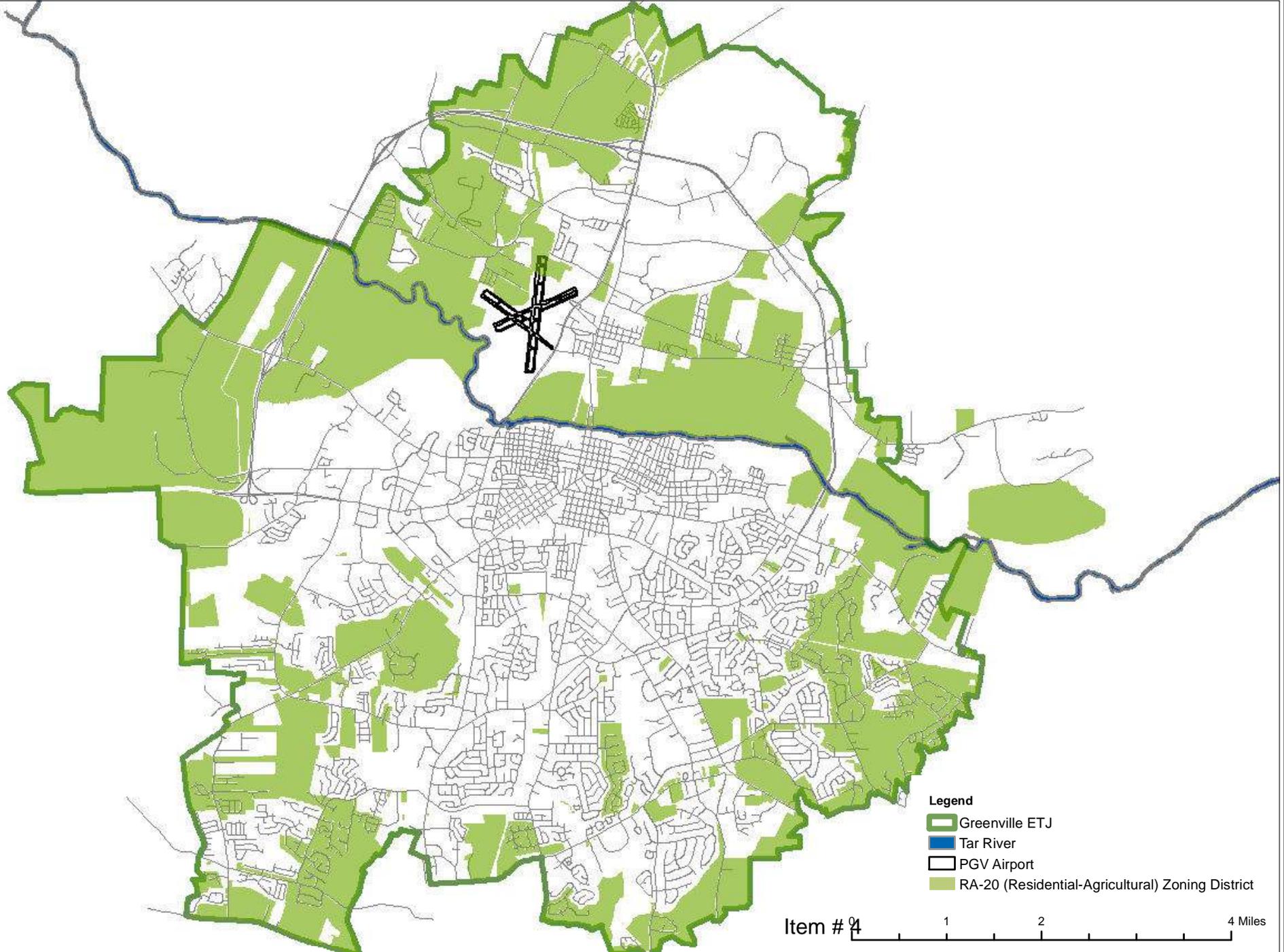




EXHIBIT A: EXCERPT OF THE TABLE OF USES SHOWING PROPOSED AMENDMENTS

Excerpt of Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A: Table of Uses) 5, Agricultural/mining - Showing Proposed Text Amendment to add Temporary Sand Mining as an Allowed Use within the RA20 (Residential Agricultural) Zoning District with Approved Special Use Permits, Indicated with the Addition of the Letter "S" in Subsections (5)k under the RA20 zoning district column.

(5) *Agricultural/mining.*



USE	L U C #	RA 20	R 15 S	R 9 S	R 6 S	R 6 N	R 9	R 6	R 6 A	R 6 M H	M I	M S	M O	M C G	M R	M C H	M R S	O R	O	C D	C D F	C G	C N	C H	I U	I	P I U	P
a. Farming; agriculture, horticulture, forestry (see also § 9-4-103)	1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
b. Greenhouse or plant nursery; including accessory sales	3	S													P	S									P	P	P	P
c. Wayside market for farm products produced on site	4	P																										
d. Farmers market	4																								P	P		
e. Kennel (see also § 9-4-103)	4	P																							P	P	P	P
f. Stable; horse only (see also § 9-4-103)	4	P	S														P								P	P	P	P
g. Stable; per definition (see also § 9-4-103)	4	P															P								P	P	P	P
h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use	4	P															P								P	P	P	P
i. Livestock sales pavilion, auditorium, yard, distribution or transshipment facility	5																									P	P	
j. Quarrying, mining, excavation and works including material storage and distribution; sand, stone, gravel	5																									P		
k. Sand mining (see also item j. above)(see also § 9-4-86(SS) for temporary sand mining)	5	<u>S</u>																								S		
l. Beekeeping; minor use (see also § 9-4-103)	1	P	P	P		P	P	P	P	P					P		P					P	P		P	P	P	
m. Beekeeping; major use	4	S																							S	S	S	
n. Solar energy facility	4	S																										



EXHIBIT B: APPLICATION



Date Received August 14, 2015, T.W.

CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s): **Barnhill Contracting Company**
c/o Jeremy Whitehurst

Mailing Address: **800 Tiffany Blvd., Rocky Mount, North Carolina 27804**

Contact Phone Number **(252) 824-8291 (office) (252) 885-0634 (cell)**

Contact Fax Number **(252) 823-0137**

Zoning Ordinance Section Proposed to be Amended: **Section 9-4-22, Section 9-4-78(f)(5), Section 9-4-85 and Section 9-4-86**

Reason for Request: **Temporary Sand Mining in RA-20 zoning district as related to Southwest Bypass Highway Project**

Proposed Language of Text Amendment (attach additional pages if needed): **See attached**

Jeremy Whitehurst
Print Name


Signature of Applicant

8/14/15
Date

#899917

BARNHILL CONTRACTING COMPANY

ZONING ORDINANCE TEXT AMENDMENT
ATTACHMENT TO APPLICATION

- 1) Requested text amendment to add a new definition for “Temporary Sand Mining” in Section 9-4-22 as follows:

“Temporary Sand Mining”. The extraction by excavation of naturally occurring materials, such as sands and dirt (“borrow materials”), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) (“borrow site”), to be used in conjunction with a specifically designated government highway construction project, and which shall be for a specifically designated and limited duration in time that coincides with the completion of the government project.

- 2) The requested text amendment, if adopted, would also amend Section 9-4-78(f)(5) (Table of Uses) to add an “S” in row k. to align under the RA-20 (Residential/Agricultural) zoning district column heading to indicate that temporary sand mining is an allowed use subject to special use permits within the RA-20 district.
- 3) Requested text amendment to add a new listed use under Section 9-4-85 for which the board of adjustment may grant permission as a special use as follows:

(mm.) Temporary Sand Mining.

- 4) Requested text amendment to add specific conditions and criteria for Temporary Sand Mining under Section 9-4-86 as follows:

Temporary sand mining.

Temporary sand mining may be allowed as a special use in the RA-20 (Residential/Agricultural) zoning district provided the borrow material excavation complies with the following additional criteria:

- (1) No excavation shall occur closer than 100' to an adjacent residential dwelling.*
- (2) A 50' buffer (minimum) shall be maintained between the mining activity and adjacent property lines.*
- (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project.*

(4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project.

(5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond).

(6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose.

(7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site.

(8) Any dust or other airborne emissions shall be minimized from the borrow material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations.

(9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways.

(10) All trucks used for transport of borrow materials from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina.

(11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations.

(12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday.

(13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways.

(14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.



August 4, 2015

Mr. Merrill Flood
Director of Community Development
City of Greenville
Greenville, NC 27835-7207

Subject: Barnhill Contracting Company
Proposed Borrow Pit, Pitt County Parcel #12484
Water Supply Watershed District

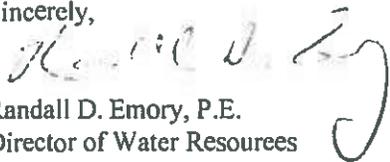
Dear Mr. Merrill:

Greenville Utilities has been informed of a borrow pit being proposed by Barnhill Contracting Company on property identified as Parcel #12484 in the Pitt County Online Parcel Information System. We have reviewed the location of the proposed borrow pit and the provisions of the City of Greenville Water Supply Watershed Overlay District Ordinance. GUC is not aware of any issues related to this proposed activity as it relates to protection of the water supply watershed.

Greenville Utilities does not have any concerns related to this proposed activity in the intended location and has no objection to the proposed borrow pit activity.

If there are any questions, please give us a call at 551-1551.

Sincerely,


Randall D. Emory, P.E.
Director of Water Resources

c: Mr. Anthony C. Cannon, General Manager/CEO
Mr. Phil Dixon, Commission Attorney
Mr. Jim Hopf, Barnhill Contracting Attorney
Mr. Jeremy Whitehurst, Barnhill Contracting Company

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RALEIGH**

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FOR
ROADS AND STRUCTURES**



JANUARY 2012

Section 1018

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**SECTION 1018
BORROW MATERIAL**

1018-1 GENERAL

Borrow material is used for embankments, backfill or other intended uses. Material that contains roots, root mats, stumps or other unsatisfactory material will not be acceptable.

1018-2 APPROVAL OF BORROW SOURCE

The approval of borrow sources is subject to Section 230.

(A) Statewide Criteria for Acceptance of Borrow Material

See exceptions in Subarticle 1018-2(B).

Use only natural earth materials as borrow material. Any other materials are subject to rejection.

TABLE 1018-1 PIEDMONT AND WESTERN AREA CRITERIA FOR ACCEPTANCE OF BORROW MATERIAL	
Soil with PI of 25 or less	Acceptable
Soil with PI of 26 through 35	Acceptable, but not to be used in top 2 ft of embankment or backfill
Soil with PI of more than 35	Not Acceptable

(B) Exceptions to Statewide Criteria for Acceptance of Borrow Material

(1) Soils in the Coastal Plain (area described below) will be accepted in accordance with the Table 1018-2.

TABLE 1018-2 COASTAL AREA CRITERIA FOR ACCEPTANCE OF BORROW MATERIAL	
Soil with PI of 15 or less	Acceptable
Soil with PI of 16 through 20	Acceptable, but not to be used in top 2 ft of embankment or backfill
Soil with PI of more than 20	Not Acceptable

Areas where Table 1018-2 is applicable are as follows:

- Division 1 Entire Division except Northampton (West of I-95)
- Division 2 Entire Division
- Division 3 Entire Division
- Division 4 Edgecombe, Wayne, Johnston (East of US 301), Wilson (East of I-95), Nash (East of I-95), Halifax (East of I-95)
- Division 6 Bladen, Columbus, Robeson, Cumberland, Harnett (South of NC 27)
- Division 8 Scotland, Hoke, Moore (Southeast of US 15-501, NC 73, NC 211), Richmond (East of US 220 North and US 1 South)

Table 1018-2 shall be applicable to the flood plains of the Roanoke, Tar, Neuse, Cape Fear and Lumber Rivers and their tributaries that are outside the above described areas.

- (2) Waste or by-products from industrial processes or mining operations are not acceptable except by specific written approval.
- (3) When tested, soils having a pH of less than 5.5 or an organic content more than 4.0% may be rejected.

Section 230

1 230-2 COORDINATION WITH SEEDING OPERATIONS

2 Coordinate the work in this section with the construction of embankments in accordance with
3 Article 225-2.

4 230-3 MATERIALS

5 Refer to Division 10.

Item	Section
Borrow Material	1018
Shoulder and Slope Material	1019

6 230-4 CONSTRUCTION METHODS

7 (A) General

8 Thoroughly clear and grub and clean the surface of the borrow area of all unsuitable
9 material before beginning the excavation and, where applicable, before cross sections are
10 taken. Dispose of material resulting from clearing and grubbing in accordance with
11 Article 200-6. Remove and dispose of overburden in accordance with Section 802.

12 Do not accumulate exposed, erodible slope area in each borrow operation in excess of
13 1 acre at any one time without beginning permanent seeding and mulching of the borrow
14 source or installing other erosion control measures as may be approved.

15 Remove and stockpile topsoil at locations that will not interfere with the borrow
16 operations and that meet the approval of the Engineer. Install temporary erosion control
17 measures as needed to prevent the erosion of the stockpile material. Once all borrow has
18 been removed from the source or portion thereof, uniformly spread the stockpiled topsoil
19 over the area and permanently seed and mulch the area.

20 Where payment is made by cross section, notify the Engineer sufficiently before
21 beginning excavation of the borrow material so that the area may be staked and
22 cross sectioned. Excavate the material to the lines and slopes as staked in an orderly
23 manner to facilitate measurement at any time.

24 Where payment is to be made by truck measurement, furnish trucks with bodies suitable
25 for accurate measurement. Load trucks uniformly and to prevent spillage.

26 When necessary to haul borrow material over existing roads or streets, comply with
27 Article 105-15. Use all necessary precautions to prevent damage to the existing
28 structures or pavement. Conduct hauling operations so as to not interfere with the normal
29 flow of traffic and keep the traffic lanes free from spillage at all times.

30 Furnish borrow sources except where otherwise indicated in the contract.

31 (B) Contractor Furnished Sources

32 Before the approval of any borrow sources developed for use on any project, obtain
33 certification from the State Historic Preservation Officer of the State Department of
34 Cultural Resources certifying that the removal of the borrow material from the borrow
35 sources will have no effect on any known district, site building, structure or object,
36 architectural and/or archaeological that is included or eligible for inclusion in the
37 National Register of Historic Places. Furnish a copy of this certification to the Engineer
38 before performing any work on the proposed borrow source.

39 Borrow sources will not be allowed in any area under the Corps of Engineers regulatory
40 jurisdiction until the Contractor has obtained a permit for such borrow sources from the
41 Corps District Engineer having jurisdiction and has furnished a copy of this permit to the
42 Engineer. Requests for additional contract time, additional compensation or for work
43 stoppage due to permit violations will not be considered.

Section 230

1 The approval of borrow sources furnished by the Contractor is subject to the following
2 conditions:

3 (1) Proof of Rights

4 Provide written proof of the right to take the material and any rights of access that
5 may be necessary, for locating and developing the source and any clearing and
6 grubbing and drainage ditches necessary. The proof shall include an agreement with
7 the owner that the borrow source be dressed, shaped, seeded, mulched and drained as
8 required by these Specifications after all borrow has been removed.

9 (2) Sampling and Testing

10 Sampling and testing of contractor furnished borrow material will be in accordance
11 with procedures set forth in the *Borrow Pit Sampling Manual* in effect on the date of
12 advertisement for the project. Copies of this document are available from the
13 Materials and Tests Unit. The criteria for acceptance of the proposed contractor
14 furnished borrow material is shown in Section 1018.

15 (3) Reclamation Plan

16 Except where borrow is to be obtained from a commercial source, jointly submit
17 with the property owner a borrow source development, use and reclamation plan to
18 the Engineer for his approval before engaging in any land disturbing activity on the
19 proposed source other than material sampling that may be necessary. The
20 Department's borrow and waste site reclamation procedures for contracted projects
21 is available on the website and shall be used for all borrow and waste sites on this
22 project. Address the following in the plan:

23 (a) Topography

24 Detail the existing topography and locations of the proposed access and egress
25 haul roads. Detail the proposed final topography of the waste or disposal area
26 showing any proposed drainage systems. Excavate the source according to the
27 plan and dress and shape it in a continuous manner to contours that are
28 comparable to and blend in with the adjacent topography. Grade the source to
29 drain such that no water will collect or stand. Provide a functioning drainage
30 system for the source. If drainage is not practical and the source is to serve as
31 a pond, the minimum depth shall be a least 4 ft as determined from the water
32 table at the time the reclamation plan is executed. The slope of the soil below
33 the water shall be between 5:1 and 2:1. The slope of the sides above the water
34 line shall be 2:1 or flatter.

35 (b) Erosion Control

36 Detail the temporary and permanent erosion control measures, along with design
37 calculations, that are intended during use of the site and as part of the
38 reclamation. Unless considered impractical due to special circumstances,
39 provide in the plan for the use of staged permanent seeding and mulching and
40 appropriate fertilizer topdressing continually during site use and the immediate
41 total reclamation of the site when the site is no longer needed. Define the seed
42 mixture proposed for establishing temporary and permanent vegetation.
43 Establish permanent stand of vegetation before acceptance of the project.

Section 230

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(4) Buffer Zones

Allocate sufficient area between the nearest property line and the tie-in of the slope to natural ground to allow for the operation of excavation, hauling and seeding equipment and for the installation of any and all erosion control devices required. Leave additional undisturbed area between the source and any water course or body to prevent siltation of the water course or body and the movement of the shore line either into the water course or body or into the waste areas. Determine if the adjoining property owners or other government agencies require any additional buffer zones and comply with those requirements. Suggested minimum distances are 10 ft from property lines and 50 ft from water bodies or water courses. Where it is necessary to drain the borrow source, perform work in accordance with Section 240.

(5) Evaluation for Potential Wetlands and Endangered Species

Hire an experienced environmental consultant from the approved list to perform an assessment of the borrow site for potential conflicts with wetlands, Areas of Environmental Concern designated by the Coastal Area Management Act and federally protected species. This evaluation will not be required for permitted commercial sites.

Delineate the boundaries of any wetlands, jurisdictional surface waters and streams encountered. Follow the standard practice for documenting the wetland delineation including completion of the Army Corps of Engineers' Approved Jurisdictional Determination Form. Document information including data regarding soil, vegetation and hydrology. Maintain a minimum 25 ft buffer adjacent to all sides of the wetland boundary and a minimum 50 ft buffer adjacent to any stream. Depict the limits of the delineated wetland and surrounding buffer on the Reclamation Plan. Do not remove borrow material in any area under the Corps of Engineers' or any other environmental agencies' regulatory jurisdiction unless and until the Department permit has been modified to allow such disposal activity in the jurisdictional area.

Perform a site assessment for federally listed threatened or endangered species to include habitats that may support these species. Provide a detailed technical report on the assessment findings. If federally listed threatened or endangered species or habitat that may support such species exist on the proposed borrow site, notify the Engineer before continued pursuit of such site.

(6) Approval

Obtain written approval from the Engineer before excavating any material within the proposed borrow source area.

Submit a revised or additional reclamation plan if the non-permitted waste or disposal area is expanded by more than one acre or is significantly changed from the previously approved submittal.

If the Contractor proposes a borrow source, the environmental assessment shall include wetland and stream delineation extending 400 ft beyond the proposed borrow source limits.

(a) If wetlands or streams are present within 400 ft of the borrow source, submit a hydrologic analysis (Skaggs Method) or equivalent to determine if lateral effects will permanently impact or cause degradation to wetlands or streams. Perform analysis with an environmental or hydraulics engineer with expertise in this discipline and include:

- (i) Hydric soil type,
- (ii) Average profile depth to restrictive soil layer,
- (iii) Effective hydraulic conductivity or permeability,
- (iv) Average drainable porosity or available water capacity and
- (v) Required buffer width, including safety factor.

Section 230

1 (b) If wetlands or streams are present within 400 ft and the Contractor does not
2 propose to excavate below the seasonal high water table or the water level in the
3 adjacent stream, no documentation will be required.

4 (c) If wetlands or streams are not present within 400 ft, no additional documentation
5 will be required.

6 During Department review of the proposed borrow area, the hydrologic analysis will
7 be submitted to the U.S. Army Corps of Engineers for evaluation. Obtain copy of
8 *Skoggs Method for Determining Lateral Effects of a Borrow Pit on Adjacent*
9 *Wetlands* from the Department's website.

10 **(C) Maintenance**

11 During construction and until final acceptance, use any methods approved by the
12 Engineer that are necessary to maintain the work covered by this section so that the work
13 will not contribute to excessive soil erosion.

14 **230-5 MEASUREMENT AND PAYMENT**

15 *Borrow Excavation* will be measured and paid in cubic yards. Borrow excavation will be
16 measured in place in its original position except that truck measurement will be made where
17 called for in the contract.

18 If the quantity of borrow excavation used is excessive as evidenced by the presence of surplus
19 suitable material from the roadway excavation, the measured quantity of borrow excavation
20 will be reduced by the quantity of such surplus suitable material.

21 **(A) In-Place Measurement**

22 *Borrow Excavation* to be paid will be the actual number of cubic yards of approved
23 material, measured in its original position by cross sectioning and computed by the
24 average end area method, that has been excavated from the borrow source and
25 incorporated into the completed and accepted work. No measurement will be made of
26 any overburden, unsuitable material removed from the source or any material excavated
27 before cross sections are taken.

28 **(B) Truck Measurement**

29 *Borrow Excavation* to be paid will be the actual number of cubic yards of approved
30 material, measured in trucks excavated from the borrow source and incorporated into the
31 completed and accepted work. Each truck will be measured and shall have a legible
32 identification mark indicating its capacity. Load each truck to at least its measured
33 capacity at the time it arrives at the point of delivery. The recorded capacity will be
34 adjusted by making a 25% deduction to allow for shrinkage and the adjusted capacity will
35 be the quantity to be paid.

36 Topsoil that is stockpiled and placed back on the source as part of the reclamation effort will
37 be measured in the stockpile by cross sectioning and computed by the average end area
38 method and paid per cubic yard for *Borrow Excavation*. No in-place measurement will be
39 made of the topsoil.

40 Seeding, mulching and establishment of temporary erosion control for all borrow sources will
41 be paid at the contract unit prices for the items established in the contract as payment for
42 *Seeding And Mulching* in Section 1660.

Section 235

1 Payment includes, but is not limited to, furnishing the source of the borrow; providing and
 2 implementing a development, use and reclamation plan, evaluation of potential wetlands and
 3 endangered species, building, maintaining and obliterating haul roads, clearing and grubbing
 4 or draining the borrow source; removing, stockpiling and replacing topsoil, removing and
 5 disposing of overburden and other unsuitable material, excavation, hauling, formation of
 6 roadway embankments, subgrades and shoulders, restoration of the source and haul roads to
 7 an acceptable condition, obtaining permits and certifications and maintaining the work.

8 Payment will be made under:

Pay Item	Pay Unit
Borrow Excavation	Cubic Yard

9
10

**SECTION 235
EMBANKMENTS**

11 **235-1 DESCRIPTION**

12 Place suitable material excavated under Sections 225, 226, 230 and 240 in embankments,
 13 backfills and earth berms, to conform with the lines, grades and typical cross sections shown
 14 in the plans. Fill and compact holes, pits and other depressions when unsuitable material has
 15 been removed. Work includes preparation, formation, compaction and maintenance of the
 16 embankment area as well as the formation of benches in the existing ground with rises less
 17 than 60".

18 **235-2 MATERIALS**

19 Refer to Division 10.

20 Use soil consisting of loose, friable, sandy material free of subsoil admixtures, refuse, stumps,
 21 rocks, roots, root mats or other unsatisfactory material. Do not use material that meets
 22 AASHTO M 145 for soil classification A-2-5 and A-5 with a PI of less than 8 within 12" of
 23 the subgrade.

24 Wet, dry or frozen material may be suitable when dried, wetted or thawed, respectively.
 25 Aerate and dry material containing moisture content in excess of what is required to achieve
 26 embankment stability and specified density. Waste suitable material only with written
 27 authorization.

28 **235-3 CONSTRUCTION METHODS**

29 Coordinate work with excavation operations in accordance with Articles 107-12 and 225-2.

30 **(A) Preparation for Embankment**

31 Finish clearing and grubbing within an area before starting embankment in accordance
 32 with Section 200. Remove and waste organic or other unsuitable material unless
 33 otherwise directed.

34 Plow mowed sod and leave in place where the height of embankment to be constructed is
 35 greater than 6 ft measured under the roadbed. Plow or scarify and break up cleavage
 36 planes of all underlying road surfaces. Remove or break up existing pavement in
 37 accordance with Section 250.

38 Bench existing slopes steeper than 4:1 measured at right angles to the roadway. Provide
 39 rises of at least 12" and no more than 60" as embankment is brought up in layers.
 40 Provide sufficient width for the operation of placing and compaction equipment. Begin
 41 bench cut at the intersection of the original ground and the vertical side of the previous
 42 cut. Construct benches greater than 60" in height only when shown in the plans. Such
 43 benches will be paid in accordance with the contract.

Section 107

1 107-12 CONTROL OF EROSION, SILTATION AND POLLUTION

2 (A) General

3 The Contractor shall take whatever measures are necessary to minimize soil erosion and
4 siltation, water pollution and air pollution caused by his operations. The Contractor shall
5 comply with the applicable regulations of all legally constituted authorities relating to
6 pollution prevention and control. The Contractor shall keep himself fully informed of all
7 such regulations that in any way affect the conduct of the work and shall at all times
8 observe and comply with all such regulations. In the event of conflict between such
9 regulations and the specifications, the more restrictive requirements shall apply.

10 The Engineer will limit the area over which clearing and grubbing, excavation, borrow
11 and embankment operations are performed whenever the Contractor's operations do not
12 make effective use of construction practices and temporary measures which will
13 minimize erosion, or whenever construction operations have not been coordinated to
14 effectively minimize erosion, or whenever permanent erosion control features are not
15 being completed as soon as permitted by construction operations.

16 Following completion of any construction phase or operation, on any graded slope or any
17 area greater than one acre, the Contractor shall provide ground cover sufficient to restrain
18 erosion within 21 calendar days or within a time period specified by the
19 NCG 010000 Construction Permit. The ground cover shall be either temporary or
20 permanent and the type specified in the contract.

21 (B) Erosion and Siltation Control

22 The Contractor shall exercise every reasonable precaution throughout the life of the
23 project to prevent the eroding of soil and the silting of rivers, streams, lakes, reservoirs,
24 other water impoundments, ground surfaces or other property.

25 Before suspension of operations on the project or any portion thereof, the Contractor shall
26 take all necessary measures to protect the construction area, including, but not limited to,
27 borrow sources, soil type base course sources and waste areas from erosion during the
28 period of suspension.

29 Unless otherwise approved in writing by the Engineer, construction operations in rivers,
30 streams and water impoundments shall be restricted to those areas where channel changes
31 are shown in the plans and to those areas which must be entered for the construction or
32 removal of temporary or permanent structures.

33 Excavated materials shall not be deposited, nor shall earth dikes or other temporary earth
34 structures be constructed, in rivers, streams, or impoundments. As an exception to the
35 above, confined earth materials will be permitted when approved in writing by the
36 Engineer.

37 Frequent fording of live streams with construction equipment will not be permitted;
38 therefore, temporary bridges or other structures shall be used wherever frequent stream
39 crossings are necessary. Unless otherwise approved in writing by the Engineer,
40 mechanized equipment shall not be operated in live streams except as may be necessary
41 to construct channel changes and to construct or remove temporary or permanent
42 structures.

Section 107

1 (C) Coordination of Erosion Control Operations

2 Temporary and permanent erosion control measures shall be provided as shown in the
3 plans or as directed by the Engineer. All permanent erosion control work shall be
4 incorporated into the project at the earliest practicable time. Temporary erosion control
5 measures shall be coordinated with permanent erosion control measures and all other
6 work on the project to assure economical, effective and continuous erosion control
7 throughout the construction and post construction period and to minimize siltation of
8 rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces, or other
9 property.

10 Temporary erosion control measures shall include, but not be limited to, the use of
11 temporary berms, dikes, dams, drainage ditches, silt basins, silt ditches, slope drains,
12 structures, vegetation, mulches, mats, netting, gravel, or any other methods or devices
13 that are necessary. Temporary erosion control measures may include work outside the
14 right-of-way or construction limits where such work is necessary as a result of
15 construction such as borrow operations, haul roads, plant sites, equipment storage sites
16 and disposal of waste or debris. The Contractor shall be liable for all damages to public
17 or private property caused by silting or slides originating in waste areas furnished by the
18 Contractor.

19 Materials for temporary erosion control measures shall have been approved by the
20 Engineer before being used or shall be as directed by the Engineer. The Contractor shall
21 acceptably maintain erosion control measures installed.

22 (D) Water and Air Pollution

23 Exercise every reasonable precaution throughout the life of the project to prevent
24 pollution of ground waters and surface waters, such as rivers, streams and water
25 impoundments. Do not discharge onto the ground or surface waters any pollutants such
26 as chemicals, raw sewage, fuels, lubricants, coolants, hydraulic fluids, bitumens and any
27 other petroleum products. Operate and maintain equipment on site in a manner as to
28 prevent the potential or actual pollution of surface or ground waters of the State. Dispose
29 of spent fluids in accordance with applicable Federal and State disposal regulations.
30 Immediately clean up any spilled fluids to the extent practicable and dispose of properly.

31 Manage, control and dispose of litter on site such that no adverse impacts to water quality
32 occur. Comply with all Federal, State or local air pollution regulations throughout the
33 life of the project.

34 (E) Dust Control

35 The Contractor shall control dust throughout the life of the project within the project area
36 and at all other areas affected by the construction of the project, including, but not
37 specifically limited to, unpaved secondary roads, haul roads, access roads, disposal sites,
38 borrow and material sources and production sites. Dust control shall not be considered
39 effective where the amount of dust creates a potential or actual unsafe condition, public
40 nuisance, or condition endangering the value, utility, or appearance of any property.

41 The Contractor will not be directly compensated for any dust control measures necessary,
42 as this work will be incidental to the work covered by the various contract items.

43 (F) Application of Specifications

44 Article 107-12 shall apply to all construction operations. Further references and detailed
45 requirements concerning erosion, siltation and pollution prevention and control are given
46 in other sections of the *Standard Specifications* as supplements to the general
47 requirements of this article.

Section 107

1 (G) Sanctions

2 In the event that temporary erosion and pollution control measures become necessary due
3 to the Contractor's negligence, carelessness, or failure to incorporate permanent erosion
4 control measures into the project at the earliest practicable time, such measures shall be
5 performed by the Contractor as directed by the Engineer at no cost to the Department. If
6 the Contractor fails to perform such measures as directed, the Engineer may have the
7 work performed in accordance with Article 105-16.

8 Failure of the Contractor to fulfill any of the requirements of this article may result in the
9 Engineer ordering the stopping of construction operations in accordance with
10 Article 108-7 until such failure has been corrected. Such suspension of operations will
11 not justify an extension of contract time.

12 Failure on the part of the Contractor to perform the necessary measures to control
13 erosion, siltation and pollution will result in the Engineer notifying the Contractor to take
14 such measures. In the event that the Contractor fails to perform such measures within
15 24 hours after receipt of such notice with adequate forces and equipment, the Engineer
16 may suspend the work as provided above, or may proceed to have such measures
17 performed with other forces and equipment, or both. No payment will be made to the
18 Contractor for the performance of this work and the cost of such work so performed will
19 be deducted from monies due the Contractor on his contract.

20 107-13 PROTECTION OF PUBLIC LANDS

21 In the execution of any work within or adjacent to any National or State forest, park or other
22 public lands, the Contractor shall comply with all regulations of all authorities having
23 jurisdiction over such forest, park or lands, governing the protection of public lands and the
24 carrying out of work within public lands and shall observe all sanitary laws and regulations
25 with respect to the performance of work in public lands. He shall keep the areas in an orderly
26 condition, properly dispose of all refuse and obtain permits for the construction and
27 maintenance of all construction camps, stores, warehouses, residences, latrines, cesspools,
28 septic tanks and other structures in accordance with the regulations of the appropriate
29 authorities.

30 The Contractor shall take all reasonable precaution to prevent and suppress forest fires and
31 shall require his employees and subcontractors, both independently and at the request of forest
32 officials, to do all reasonable within their power to prevent and suppress and to assist in
33 preventing and suppressing forest fires and to make every possible effort to notify a forest
34 official at the earliest possible moment of the location and extent of any fire seen by them.

35 The Contractor shall obtain any construction permits that may be required for his operations,
36 which are not a part of the project, in accordance with the regulations of the appropriate
37 authorities.

38 107-14 RESPONSIBILITY FOR DAMAGE CLAIMS

39 The Contractor shall indemnify and save harmless the Board and its members and the
40 Department, its officers, agents and employees from all suits, actions, or claims of any
41 character brought for any injury or damages received or sustained by any person, persons, or
42 property by reason of any act of the Contractor, subcontractor, its agents or employees, in the
43 performance of the contract. The Contractor's liability to save harmless and indemnify shall
44 include, but not by way of limitation, the following:

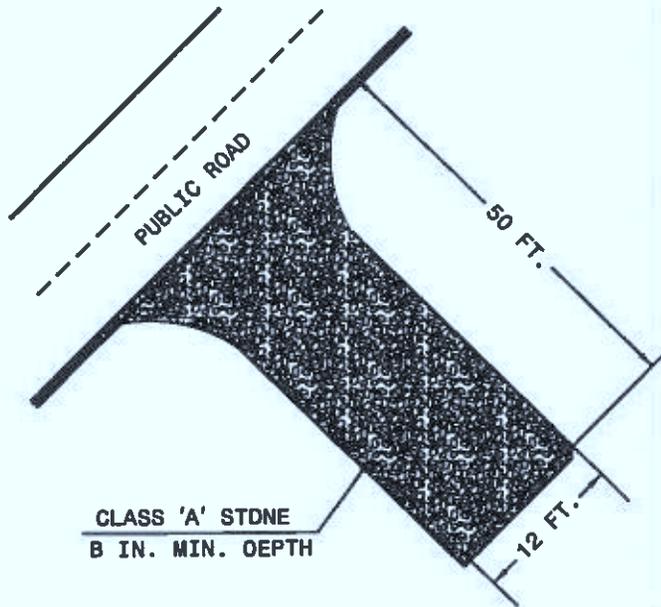
- 45 (A) Damages or claims for the failure of the Contractor to safeguard the work;
- 46 (B) Damages or claims by reason of the failure of the Contractor to erect adequate barricades
47 and post adequate warnings to the public of such barricades;
- 48 (C) Any damage or claims caused through the Contractor's use of defective materials or by
49 the performance of defective work;

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RALEIGH, N.C.

1-12

ENGLISH STANDARD DRAWING FOR
GRAVEL CONSTRUCTION ENTRANCE

SHEET 1 OF 1
1607.01



NOTES

1. PROVIDE TURNING RADIUS SUFFICIENT TO ACCOMMODATE LARGE TRUCKS.
2. LOCATE ENTRANCES TO PROVIDE FOR UTILIZATION BY ALL CONSTRUCTION VEHICLES.
3. MUST BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR DIRECT FLOW OF MUO ONTO STREETS. PERIODIC TOPORESSING WITH STONE WILL BE NECESSARY.
4. ANY MATERIAL TRACKED ONTO THE ROADWAY MUST BE CLEANED UP IMMEDIATELY.
5. LOCATE GRAVEL CONSTRUCTION ENTRANCE AT ALL POINTS OF INGRESS AND EGRESS UNTIL SITE IS STABILIZED. PROVIDE FREQUENT CHECKS OF THE DEVICE AND TIMELY MAINTENANCE.
6. NUMBER AND LOCATION OF CONSTRUCTION ENTRANCES TO BE DETERMINED BY THE ENGINEER.
7. USE CLASS 'A' STONE OR OTHER COARSE AGGREGATE APPROVED BY THE ENGINEER.
8. INSTALL CONSTRUCTION ENTRANCES IN A WAY TO PREVENT VEHICLES FROM BYPASSING CONSTRUCTION ENTRANCE LEAVING PROJECT SITE.

NOTE: PLACE FILTRATION GEOTEXTILE BENEATH STONE

1-12] STATE OF
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ENGLISH STANDARD DRAWING FOR
GRAVEL CONSTRUCTION ENTRANCE

SHEET 1 OF 1
1607.01

12/11/08

RECLAMATION PROCEDURES FOR BORROW/WASTE/STAGING AREAS FOR OPERATIONS

A Reclamation Plan shall accompany any land disturbing activity associated with the project that exceeds the project limits. These include waste and borrow sites as well as applicable staging areas. Waste consists of all excavated materials that are not utilized in the construction of the project, including overburden from borrow sources and soil type base course sources. This shall include permanent or temporary stockpiles placed beyond the project limits. Borrow consists of excavated material brought in from outside of the project limits and utilized in the construction of the project. Staging areas consists of temporary areas, beyond the project limits, utilized during the pursuit of a contract, to store equipment, materials, supplies, or other activities related to the project.

In order to comply with Section 107-1 of the NCDOT *Standard Specifications*, it is necessary to provide documentation ensuring the staging areas do not impact jurisdictional features such as, but not limited to, buffer zones, wetlands, streams, and threatened or endangered species habitats. Staging areas that do not contain erodible material or involve land disturbing activities shall require an environmental evaluation as described in the Environmental Evaluation section of these procedures. Buffer areas and wetlands found within the staging area boundary shall be delineated using highly visible fencing, with the contractor receiving compensation for highly visible fencing or equivalent.

Staging areas that contain erodible material or involve land disturbing activities shall require a full Reclamation Plan submitted to the Engineer as outlined in these procedures.

Staging areas located at existing office, institutional, commercial, residential, or industrial facilities that do not contain erodible material or involve land disturbing activities are exempt from an environmental evaluation and reclamation plan, unless jurisdictional features are present.

Staging areas related to mobile operations that involve overnight parking of equipment are exempt from an environmental evaluation and reclamation plan.

Plan Procedure

- The Engineer or his representative will prepare seven copies of the reclamation plan. As an alternative, an electronic version can be submitted to expedite review and approval.
- The Engineer performs a cursory review to determine if the plan is complete and includes the property owner signatures and the environmental assessment.
- The Engineer must make a site visit. It is suggested that the Property Owner be contacted and invited to attend this visit. Assure that the haul road is shown on map and note the site distance that will be provided for all vehicles at the proposed intersection.
- The Engineer should assure that an adequate number of devices are specified and sized to control erosion and address drainage. If the site is commercial, the mining permit cover page, location map and site plan shall be included. Devices should be sized to comply with Best Management Practices (BMP), including sediment storage volume, surface settling, and spillway capacity.
- Assure that minimum undisturbed vegetated buffers and setbacks have been delineated on the map: eg. 50' riparian buffer for regulated basins and jurisdictional streams, 25' buffer from wetlands (additional buffer areas may be required if it is determined that the regulated wetland and/or stream will be indirectly impacted by borrow pit operations), 50' buffer from trout waters,

12/11/08

10' setback from property lines (local ordinances may require additional setbacks). The Environmental Officer should assure that any additional buffers, such as additional buffers around watersheds or live streams not in a currently protected basin, imposed by local or statewide governing bodies, are complied with. The haul road is a part of the plan and must comply with applicable setbacks. Neither waste activities nor applicable staging areas can occur within the 100 year floodplain unless superseded by an environmental permit. Borrow activities can occur within the 100 year floodplain as long as stockpiling of borrow material is limited. No waste or Borrow activities or applicable staging areas can occur within High Quality Water Zones (water classifications include WS-1, WS-2, ORW, Class SA, and Primary Nursery Waters) unless superseded by an environmental permit. If isolated wetlands are located within the site, the Environmental Officer must contact the Division of Water Quality for consultation.

- If the site is for waste, the only waste allowed, without a permit from the Solid Waste Division, is for beneficial fill consisting of inert debris strictly limited to concrete (encapsulated rebar is OK), brick, concrete block, uncontaminated soil, rock and gravel. Asphalt, placed at least of 4 feet above the water table, is allowed but is not considered beneficial fill. If wood is present in the waste, then the rules for a Land Clearing and Inert Debris Landfill must be followed in accordance with Section 200-5, Disposition of Timber, Stumps, and Debris.
- After review by the Roadside Environmental Field Operations Engineer, the Engineer will submit approved copies of the map and plan as detailed on the Reclamation Plan Check Sheet. Any revisions must be initialed by the Engineer and Property Owner prior to final approval.
- If the pit is expanded by any dimension or size, the original environmental evaluation shall have been performed over the area in which the expansion is planned and shall account for the expansion and the expanded activity, or a new environmental evaluation shall be submitted. It is suggested that the entire parcel be included during the initial environmental evaluation.
- The boundaries of the pit and any environmentally sensitive areas within the pit or within the area of the environmental evaluation shall be physically delineated and GPS coordinates shall be provided.
- The Engineer should advise the property owner that a 1 year, post-final compliance review will be held. If corrective work is needed as a result of the 1 year, post final compliance review, the Property Owner shall allow access to DOT to perform the work.
- Minor maintenance operations may be handled with Property Owner "Release" forms.

Environmental Evaluation for Borrow/Waste Site/Staging Area

The attached information is provided to assist you in the review of the necessary documentation to confirm that candidate borrow/waste sites and/or staging areas do not impact wetlands, surface waters (streams, lakes or ponds), regulated riparian buffers or federally-protected species. The Division Environmental Officer will evaluate the environmental documentation that is required, along with the reclamation plan and associated checklist. Approval of the use of the borrow/waste site and/or staging area for activities exclusively in support of a North Carolina Department of Transportation project will be, in part, dependent on the presence or absence of these sensitive environmental resources at the candidate sites. In order to provide the necessary environmental documentation, the Environmental Officer will perform appropriate site investigations that will confirm or refute the occurrence of wetlands, surface waters, regulated riparian buffers and federally protected species within the impact limits of the proposed borrow/waste sites and/or staging areas and associated access or haul roads.

12/11/08

Once the Environmental Officer has completed thorough field inventories of the candidate borrow/waste sites and/or staging areas, appropriate documentation should be submitted to the Engineer, detailing any pertinent findings. The following information should be included in the report:

- General description of candidate site location including a location map, USGS Topographic Map, and a Soil Survey Map.
- General description of the vegetative communities at and adjacent to the candidate site.
- Identification, delineation, and discussion of jurisdictional wetlands at the candidate site (including a discussion of soils, vegetation, and hydrology and completion of USACE wetland data sheets).
- Identification, delineation and discussion of jurisdictional surface waters (streams, ponds or lakes) at the candidate site. If dewatering of the pit is proposed, define the point at which the discharge effluent enters into jurisdictional waters. Identify upstream and downstream sampling locations.
- Identification, delineation and discussion of regulated riparian buffers at candidate sites and within 50 feet of candidate sites located within river basins that are subject to buffer rules. If a stream, pond or lake is depicted on the most recent U.S. Geologic Service topographic map (1:24,000 scale) or soil survey prepared by the U.S. Department of Agriculture-Natural Resource Conservation Service, (formerly Soil Conservation Service), the system is subject to the riparian buffer rule. The Environmental Officer may contact the N.C. Division of Water Quality for an on-site determination to identify inaccurately depicted surface waters or waters that the DEO determines may be blue-lined but are not depicted.
- Evaluation of potential habitat for federally protected species and surveys for federally protected species if habitat is identified at the candidate borrow/waste site and/or staging area. Biological conclusions shall be rendered for each species.
- If jurisdictional areas are identified within the proposed pit or the 400' perimeter and dewatering/wet mining/ excavating below seasonal water table or adjacent streambed elevation is planned, the Engineer shall maintain a 400' buffer between the land disturbing activity or obtain concurrence for the proposed activity from the USACE. When jurisdictional areas are within 400' of the borrow pit, follow the procedures outlined in Skaggs Method for Determining Lateral Effects of a Borrow Pit on Adjacent Wetlands found on REU Field Operations website at: (http://www.ncdot.org/doh/operations/dp_chief_eng/roadside/fieldops/downloads/). Any meeting with the USACE will include the Engineer or a member of their staff. Identification of jurisdictional wetlands, surface waters, and protected riparian buffers at the site or within 400' perimeter of the site are required. These types of maps include U.S. Geologic Service topographic map (1:24,000 scale) and soil survey prepared by the U.S. Department of Agriculture-Natural Resource Conservation Service, (formerly Soil Conservation Service), and site map. All copies of the reclamation plan shall include color topographic maps. The maps will be clear enough to allow someone unfamiliar with the locale to travel to the site and identify all points of interest discussed in the report using GPS coordinates (i.e. wetlands, surface waters, regulated riparian buffers and federally protected species). Local roads should be labeled and each map shall be prepared to scale. At least one figure should identify the boundaries of the candidate site within a larger landscape setting. Additionally, boundaries of the candidate site shall be flagged. The environmental evaluation shall consider impacts to adjacent wetlands and surface waters within a 400' perimeter of the proposed site.
 - If water is to be pumped from the site, and the site falls within one of these 15 counties; Beaufort, Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Martin, Onslow, Pamlico, Pitt, Washington, Wayne, Wilson, the Engineer's plan to comply with the North

12/11/08

Carolina Division of Water Resource's Central Coastal Plain Capacity Use Area rules shall be discussed.

- Include State Historic Preservation Office (SHPO) Review form for borrow and waste sites. (<http://www.hpo.dcr.state.nc.us/borrowpit.pdf>)
- Qualifications and experience of the investigators and the methodologies employed in the investigation.

The purpose of this report is to verify whether there are wetlands, surface waters, regulated riparian buffers, or federally protected species at the site prior to the initiation of construction activities.

During Construction

- Assure that if buffer zones are required, they have been physically delineated in a manner approved by the Engineer.
- Assure that approved sediment controls are adequately installed.
- Require the stockpiling of topsoil for replacement on pit slopes.
- Seed and mulch the stockpile and provide temporary sediment control if needed.
- Inspect each pit at least weekly as a part of the routine weekly erosion control inspection.
- If water is being pumped, ensure that BMP's have been designed, installed, operated, and maintained to minimize turbidity to the extent to avoid habitat degradation or removal of a use designation. Refer to Procedures for Monitoring Borrow Pit Discharge Special Provision for more details.
- No more than one acre of erodible slope area should be allowed prior to beginning seeding.
- Excavate sites in a manner that allows for dressing and seeding of slopes in keeping with the 1 acre tolerance.
- Assure that a minimum of 4 feet of water shall remain in the pit if it is to serve as a pond.
- Occasionally check the site for plan conformance and either revise the plan or correct the site.
- Check slope rates during construction. Slopes should be built to plan rates during the initial disturbance to provide the best opportunity for permanent stability and limit the need for temporary seeding.

Final Inspection

- Compare the final condition of the pit to the plan and amend the plan or the pit if differences exist. The two items are required to be the same.
- Upon completion of all construction activities necessary within the waste/borrow site and/or staging area, ensure that the disturbed areas are completely stabilized with a permanent stand of vegetation. The type of vegetation should meet the reclamation plan seed mixture.
- Assure that at least 4 ft. of water is remaining in the pit if it is to serve as a pond.
- Assure that at least 6 in. of soil, capable of supporting vegetation, is covering waste.
- Ensure that no standing pools of water remain. If the site is required to be left in a dry condition, ensure the topography is graded to drain to natural outlets.
- Ensure that all temporary sediment controls have been removed.
- Ensure that the final contours are compatible with the surrounding topography.
- IN WRITING, notify the Property Owner that the project is complete and all work on the site is complete. This notification shall refer to the property owner's signed statement allowing site inspections and any repair work during the coming year.

12/11/08

Borrow/Waste Site/Staging Area Reclamation Plan Maps

1. Person preparing this plan must be Level III-B E&SC/Stormwater Certified.
2. Prepare five (5) copies.
3. Include an inset showing a vicinity map. This vicinity map may be a copy of a county secondary road map.
4. The map will be an accurately scaled drawing, aerial photograph or enlarged topographic map showing the following:
 - a) Property lines, easements and rights of way of the tract(s) of land under consideration.
 - b) Wetlands & buffer zones.
 - c) Blue line streams & buffer zones shown either on topographic maps or soil conservation maps or as field determined by the Division of Water Quality.
 - d) Outline of the proposed pit or waste area.
 - e) Outline of stockpile areas.
 - f) Location of access roads, haul roads and ditches along with proposed sediment and turbidity (if de-watering) control measures.
 - g) Show size and type of specific erosion control measures. Indicate drainage area and disturbed area flowing to each device. Include calculations for time of concentration, sediment storage volume (3600 ft³/disturbed acre), peak flow for design storm (Q_{10peak} in ft³/s), surface area in ft² (A = 435.6 * Q_{10peak}), basin dimensions (limit depth to 3 ft. max), and stone spillway capacity (L=Q_{10peak} /CH^{1.5}; limit H to 0.5 ft. max; use C = 2.5 and L=4 ft. min). Use 25 year (Q_{25 peak}) design in High Quality Water zones.
 - h) In the event skimmer outlets or flashboard riser outlets are used, sediment storage volume (1800 ft³/disturbed acre), peak flow for design storm (Q_{10peak} in ft³/s), surface area in ft² (A=325*Q_{10peak}), basin dimensions (limit depth to 3 ft. max), and fabric lined spillway capacity (L=Q_{25peak} /CH^{1.5}; limit H to 0.5 ft. max; use C = 2.5 and L=4 ft. min). Use 25 year design (Q_{25peak}) in High Quality Water zones.
 - i) If borrow pit requires dewatering, the volume of the borrow pit dewatering basin will be based on a 2 hour retention time. Using the formula, V= 8.0203 * Q * t, where V is volume in cubic feet, Q is the pump rate in gallons per minute (GPM), and t is the retention time of 2 hours. The pump rate shall not exceed 1,000 GPM (60,000 GPH). The basin shall conform to the following: rectangular in shape with 2:1 to 5:1 length to width ratio; maximum depth of 3 feet; interior and exterior slopes of basin must be no steeper than 2:1. The outlet riser pipe and barrel shall have a minimum diameter of 12 inches or D=3.5Q (Q in cfs), whichever is larger. The top invert of the riser must be set 0.5 feet (6 inches) below the top of the dam.
 - j) Since some borrow pits requiring dewatering result in significant topographical changes and significant reduction in stormwater runoff, the perimeter erosion control design shall be sequenced to address this rapid construction phase
 - k) Show the cross section, eg. 3:1, degree of slope for all slopes, whether fill or cut slopes. Include the cross slope and longitudinal slope of any ditch employed in the plan.
 - l) Map Legend shall include the following:

Name of Responsible Party	Project Number or WBS Element
Plans prepared by	Contract Number
Level III-B E&SC/Stormwater Cert #	Scale
Name of Property Owner(s)	Date Prepared
North Arrow	
County Name	

12/11/08

Reclamation Plan Checklist for Operations

Date Received _____

Borrow Pit ()

Waste Site ()

Staging Area ()

Project #/WBS Element: _____

Property Owner Address: _____

Pit Address(if different): _____

Description: _____

	YES	NO	N/A
1. For Division Operation Projects, has a Minimum Criteria Determination Checklist been performed and copy attached?			
2. Is the source commercial?			
3. If commercial, has:			
Mining permit number been provided?			
Copy of Mining Permit cover page submitted?			
Commercial Permit Number:			
4. If there is no permit number has the DENR Regional Engineer been notified?			
5. Has the Reclamation Plan been submitted?			
Has the Narrative been submitted?			
Has the Map been submitted?			
6. Are all required signatures on narrative and map?			
7. Does map include vicinity map?			
8. Has site inspection been made?			
Has the Property owner been invited?			
9. Are all questions satisfactorily answered on narrative?			
10. Has the mandatory letter from the SHPO been attached & any required conditions addressed?			

12/11/08

	YES	NO	N/A
11. If this is a waste site, has the type of debris and the amount of cover been addressed?			
12. Are Map Items Included?			
Name of designer and Level III-B E&SC/Stormwater Cert # included			
Name of Responsible Party			
Name of Property Owner			
North Arrow			
County			
Project No.			
Scale			
Date Prepared			
13. Has the Environmental Evaluation been submitted?			
Are wetlands present?			
Have blue line streams been delineated?			
Are buffer rules applicable?			
If yes, has diffuse flow been provided?			
Has a physical method of delineating buffers been described?			
Are applicable setbacks shown?			
Is site within 100-year floodplain?			
Has DEO reviewed the assessment?			
Has the Roadside Environmental Field Operations Engineer reviewed the plan?			
14. Are slope rates indicated?			
≥ 3:1 for Coastal Plain Borrow			
≥ 2:1 for Statewide Criteria			
15. Will water remain in the pit?			
Is the current water table elevation indicated?			
Is the proposed depth of water in the pond indicated?			
16. Will the excavation require temporary de-watering?			
Will excavation extend below the water table?			
If so and a buffer less than 400' has been proposed, has the Skaggs Method report been attached?			
Method for controlling and reducing turbidity to levels acceptable with Water Quality standards?			
If within 15 county CCPCUA region, is the responsible person listed?			
If within CCPCUA region are wells identified with GPS?			
If within CCPCUA region and pumping is required, are pump discharge coordinates indicated?			
17. Are haul roads shown in the plan?			
18. Are construction entrances shown and detailed on the plan?			
Is sight distance adequate where trucks will enter an existing roadway?			
19. Have temporary devices been checked for location and size? (size, surface area, spillway capacity)			
Has the method of maintenance for devices been described?			
20. Is the cross slope rate of temporary ditches, including de-watering excavation, indicated?(typ. ≥ 2:1)			
21. Is staged seeding, per acre of exposed erodible slope, provided for?			
Is the seed mixture indicated and is it acceptable?			
Will the indicated mixture provide long term vegetative cover?			
22. Is maintenance of the site by the property owner, after final acceptance, accounted for?			

12/11/08

**Reclamation Plan for Operations
Borrow Pit**

Date: _____

Project #/WBS Element: _____ **County:** _____

Responsible Person: _____

Address: _____

Property Owner: _____ **Phone Number:** _____

Property Owner Address: _____

**Borrow Pit Property
Address:** _____

Total acreage of proposed pit: _____

Expected depth of excavation: _____

Present use of land: _____

Proposed use after reclamation: _____

Proposed sequence of excavation (include amount of clearing & proposed slope rates):

Did the Environmental Evaluation indicate the presence of any wetlands or endangered species?(If yes, briefly list findings and indicate physical means by which buffer zone will be delineated):

Is any portion of the pit or access & haul roads within a watershed with riparian buffer zone requirements? (If yes, indicate physical means by which buffer will be delineated and how diffuse flow into the buffer zone will be maintained):

12/11/08

Is the site adjacent to High Quality Waters as defined by the Department of Environment and Natural Resources? (If yes, note how the devices have been designed to meet DENR requirements):

Are there any conditions identified on the State Historic Preservation Office Review Form for borrow activities? Explain: _____

Describe the intended plan for the reclamation and subsequent use of all affected lands, and indicate the general methods to be used in reclaiming this land, including any stockpile areas, haul roads and ditches. Describe the sequence for reclaiming the pit. Attach a map which illustrates this plan, showing the location and design of all temporary and permanent erosion control devices. All features must comply with the appropriate specifications, standards and reflect Best Management Practices (BMP). The plan must indicate setbacks to adjacent properties, buffer zones and if de-watering is required and the pit is located within the 15 county region of the CCPCUA, the GPS coordinate location of any well located within 1500 ft. of the pit.

Will excavation extend below the water table? (If yes, see a, b, & c, below): _____

a) Specify how de-watering will be accomplished. Include proposed method of reducing effluent turbidity so that it meets the requirements of the Division of Water Quality. Show any pit dewatering basins, construction details and calculations on the plan:

b) If the pit is within the Central Coastal Plain Capacity Use Area, list the person responsible for completing The Division of Water Resources CCPCUA spread sheet and method of submission to the Engineer:

c) If water is to remain in the pit after completion, state the estimated depth of the water. (At least a depth = 4'). Indicate the water table depth prior to beginning excavation and the method used to obtain this information.

12/11/08

Describe the proposed schedule of permanent seeding and mulching. Detail the frequency of permanent seeding and mulching. Note that a permanent stand of vegetation is required prior to a final inspection.

12/11/08

Property Owner's Statement for Borrow Site:

I hereby certify that I am in agreement with this development, use, and reclamation plan, and any exceptions noted when approved by the Engineer, and that I understand that I will be responsible for the site upon completion of its use in the construction of the project noted in the map legend. I understand that this plan, when approved, will serve as a guide in controlling erosion and sediment in accordance with the Mining Act and the Sediment and Pollution Control Act and as enforced by the North Carolina Department of Environment and Natural Resources (DENR). I understand that any work exceeding the minimum necessary for compliance with DENR requirements, should be negotiated between the Engineer and the Property Owner. My signature below authorizes The Department of Transportation (DOT), the Department of Environment and Natural Resources (DENR) or its agents, to enter upon my property for a period of one year from the date of final acceptance of the project for which this site plan is executed. If necessary, the DOT or its agents will be allowed to repair any areas that are not in compliance with DENR requirements. After a one year inspection is held, I will be solely responsible for assuring that the site is in compliance with DENR regulations. I have the right to change the condition of the site after the final inspection and prior to the one year follow-up inspection. However, if I make such changes, I acknowledge that DOT is released from all obligations and conditions of this agreement and I will become solely responsible for the condition of the site beginning on the date that I change the final inspection condition.

Signatures:

Owners of record:

Witness	Owner
_____ (signature/date)	_____ (signature/date)
_____ (signature/date)	_____ (signature/date)
_____ (signature/date)	_____ (signature/date)

Engineer: _____
(signature/date)

Exceptions: _____

Concurrence with exceptions:

Property Owner: _____ Engineer: _____
(signature/date) (signature/date)

Attachments: site map w/ details
Environmental Evaluation

Cc:

12/11/08

**Reclamation Plan for Operations
Waste Pit**

Date: _____

Project #/WBS Element: _____ **County:** _____

Responsible Person: _____

Address: _____

Property Owner: _____ **Phone Number:** _____

Property Owner Address: _____

**Waste Site Property
Address:** _____

Total acreage of proposed pit: _____

Expected depth of waste: _____

Present use of land: _____

Proposed use after reclamation: _____

Expected type of waste that will be placed in the site (examples include: asphalt, concrete, soil, stone):

Proposed sequence of placing waste (include proposed slope rates):

Did the Environmental Evaluation indicate the presence of any wetlands or endangered species?(If yes, briefly list findings and physical means by which buffer zone will be delineated):

12/11/08

Is any portion of the pit within a watershed with riparian buffer zone regulations? (If yes indicated physical means by which buffer will be delineated and how diffuse flow will be maintained):

Is the site adjacent to High Quality Waters as defined by the Department of Environment and Natural Resources? (If yes, note how the devices have been designed to meet DENR requirements):

Are there any conditions identified on the State Historic Preservation Office Review Form for waste activities? Explain: _____

Describe the intended plan for the reclamation and subsequent use of all affected lands, and indicate the general methods to be used in reclaiming this land, including any stockpile areas, haul roads and ditches. Describe the sequence for reclaiming the site. Attach a map illustrating this plan, showing the location and design of all temporary and permanent erosion control devices. All features shall comply with the appropriate specifications, standards and reflect Best Management Practices (BMP). The plan shall indicate setbacks to adjacent properties, buffer zones and wetlands.

Describe the proposed schedule of permanent seeding and mulching. Detail the frequency of permanent seeding and mulching. Note that a permanent stand of vegetation is required prior to a final inspection.

12/11/08

Property Owner's Statement for Waste Site:

I hereby certify that I am in agreement with this development, use, and reclamation plan, and any exceptions noted when approved by the Engineer, and that I understand that I will be responsible for the site upon completion of its use in the construction of the project noted in the map legend. I understand that this plan, when approved, will serve as a guide in controlling erosion and sediment in accordance with the Mining Act and the Sediment and Pollution Control Act and as enforced by the North Carolina Department of Environment and Natural Resources (DENR). I understand that any work exceeding the minimum necessary for compliance with DENR requirements, should be negotiated between the Engineer and the Property Owner. My signature below authorizes The Department of Transportation (DOT), the Department of Environment and Natural Resources (DENR) or its agents, to enter upon my property for a period of one year from the date of final acceptance of the project for which this site plan is executed. If necessary, the DOT or its agents will be allowed to repair any areas that are not in compliance with DENR requirements. After a one year inspection is held, I will be solely responsible for assuring that the site is in compliance with DENR regulations. I have the right to change the condition of the site after the final inspection and prior to the one year follow-up inspection. However, if I make such changes, I acknowledge that DOT is released from all obligations and conditions of this agreement and I will become solely responsible for the condition of the site beginning on the date that I change the final inspection condition.

Signatures:

Owners of record:

Witness	Owner
_____	_____
(signature/date)	(signature/date)
_____	_____
(signature/date)	(signature/date)
_____	_____
(signature/date)	(signature/date)

Engineer: _____
(signature/date)

Exceptions: _____

Concurrence with exceptions:

Property Owner: _____ Engineer: _____
(signature/date) (signature/date)

Attachments: site map w/ details
Environmental Evaluation

Cc:

§ 20-116. Size of vehicles and loads.

(a) The total outside width of any vehicle or the load thereon shall not exceed 102 inches, except as otherwise provided in this section. When hogsheads of tobacco are being transported, a tolerance of six inches is allowed. When sheet or bale tobacco is being transported the load must not exceed a width of 114 inches at the top of the load and the bottom of the load at the truck bed must not exceed the width of 102 inches inclusive of allowance for load shifting or settling. Vehicles (other than passenger buses) that do not exceed the overall width of 102 inches and otherwise provided in this section may be operated in accordance with G.S. 20-115.1(c), (f), and (g).

(b) No passenger-type vehicle or recreational vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(c) No vehicle, unladen or with load, shall exceed a height of 13 feet, six inches. Provided, however, that neither the State of North Carolina nor any agency or subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of 12 feet, six inches. Provided further, that the operator or owner of any vehicle having an overall height, whether unladen or with load, in excess of 12 feet, six inches, shall be liable for damage to any structure caused by such vehicle having a height in excess of 12 feet, six inches.

(d) **Maximum Length.** - The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

- (1) Except as otherwise provided in this subsection, a single vehicle having two or more axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.
- (2) Trucks transporting unprocessed cotton from farm to gin, or unprocessed sage from farm to market shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.
- (3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors.
- (4) Vehicles owned or leased by State, local, or federal government, when used for official law enforcement or emergency management purposes, shall not exceed 45 feet in length overall, excluding bumpers and mirrors.

(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions: Motor vehicle combinations of one semitrailer of not more than 53 feet in length and a truck tractor (power unit) may exceed the 60-foot maximum length. Said maximum overall length limitation shall not apply to vehicles operated in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties, provided the trailer length does not exceed 53 feet in length, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of said projecting load to clearly mark the dimensions of such load: Provided that vehicles designed and used exclusively for the transportation of motor vehicles shall be permitted an overhang tolerance front or rear not to exceed five feet. Provided, that wreckers may tow a truck, combination tractor and trailer, trailer, or any other disabled vehicle or combination of vehicles to a place for repair, parking, or storage within 50 miles of the point where the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to trailers not exceeding three in number drawn by a motor vehicle used by

municipalities for the removal of domestic and commercial refuse and street rubbish, but such combination of vehicles shall not exceed a total length of 50 feet inclusive of front and rear bumpers. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a driveway service when no more than three saddle mounts are used and provided further, that equipment used in said combination is approved by the safety regulations of the Federal Highway Administration and the safety rules of the Department of Public Safety.

(f) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of the vehicle. Under this subsection "load" shall include the boom on a self-propelled vehicle.

A utility pole carried by a self-propelled pole carrier may extend beyond the front overhang limit set in this subsection if the pole cannot be dismembered, the pole is less than 80 feet in length and does not extend more than 10 feet beyond the front bumper of the vehicle, and either of the following circumstances apply:

- (1) It is daytime and the front of the extending load of poles is marked by a flag of the type required by G.S. 20-117 for certain rear overhangs.
- (2) It is nighttime, operation of the vehicle is required to make emergency repairs to utility service, and the front of the extending load of poles is marked by a light of the type required by G.S. 20-117 for certain rear overhangs.

As used in this subsection, a "self-propelled pole carrier" is a vehicle designed to carry a pole on the side of the vehicle at a height of at least five feet when measured from the bottom of the brace used to carry the pole. A self-propelled pole carrier may not tow another vehicle when carrying a pole that extends beyond the front overhang limit set in this subsection.

(g) (1) No vehicle shall be driven or moved on any highway unless the vehicle is constructed and loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled, dumped, or spread on a roadway in cleaning or maintaining the roadway. For purposes of this subsection, the terms "load" and "leaking" do not include water accumulated from precipitation.

(2) A truck, trailer, or other vehicle licensed for more than 7,500 pounds gross vehicle weight that is loaded with rock, gravel, stone, or any other similar substance, other than sand, that could fall, blow, leak, sift, or drop shall not be driven or moved on any highway unless:

- a. The height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; and
- b. The load is securely covered by tarpaulin or some other suitable covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.

(3) A truck, trailer, or other vehicle:

- a. Licensed for any gross vehicle weight and loaded with sand; or
- b. Licensed for 7,500 pounds or less gross vehicle weight and loaded with rock, gravel, stone, or any other similar substance that could fall, blow, leak, sift, or drop;

shall not be driven or moved on any highway unless:

- a. The height of the load against all four walls does not extend above a horizontal line six inches below the top when loaded at the loading point;
- b. The load is securely covered by tarpaulin or some other suitable covering; or
- c. The vehicle is constructed to prevent any of its load from falling, dropping,

sifting, leaking, blowing, or otherwise escaping therefrom.

- (4) This section shall not be applicable to or in any manner restrict the transportation of seed cotton, poultry or livestock, or silage or other feed grain used in the feeding of poultry or livestock.

(h) Whenever there exist two highways of the State highway system of approximately the same distance between two or more points, the Department of Transportation may, when in the opinion of the Department of Transportation, based upon engineering and traffic investigation, safety will be promoted or the public interest will be served, designate one of the highways the "truck route" between those points, and to prohibit the use of the other highway by heavy trucks or other vehicles of a gross vehicle weight or axle load limit in excess of a designated maximum. In such instances the highways selected for heavy vehicle traffic shall be designated as "truck routes" by signs conspicuously posted, and the highways upon which heavy vehicle traffic is prohibited shall likewise be designated by signs conspicuously posted showing the maximum gross vehicle weight or axle load limits authorized for those highways. The operation of any vehicle whose gross vehicle weight or axle load exceeds the maximum limits shown on signs over the posted highway shall constitute a Class 2 misdemeanor: Provided, that nothing in this subsection shall prohibit a truck or other motor vehicle whose gross vehicle weight or axle load exceeds that prescribed for those highways from using them when its destination is located solely upon that highway, road or street: Provided, further, that nothing in this subsection shall prohibit passenger vehicles or other light vehicles from using any highways designated for heavy truck traffic.

(i) Repealed by Session Laws 1973, c. 1330, s. 39.

(j) Nothing in this section shall be construed to prevent the operation of self-propelled grain combines or other self-propelled farm equipment with or without implements, not exceeding 25 feet in width on any highway, unless the operation violates a provision of this subsection. Farm equipment includes a vehicle that is designed exclusively to transport compressed seed cotton from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet in width may be operated only if they meet all of the conditions listed in this subsection. A violation of one or more of these conditions does not constitute negligence per se.

- (1) The equipment may only be operated during daylight hours.
- (2) The equipment must display a red flag on front and rear ends or a flashing warning light. The flags or lights shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.
- (3) Equipment covered by this section, which by necessity must travel more than 10 miles or where by nature of the terrain or obstacles the flags or lights referred to in subdivision (2) of this subsection are not visible from both directions for 300 feet at any point along the proposed route, must be preceded at a distance of 300 feet and followed at a distance of 300 feet by a flagman in a vehicle having mounted thereon an appropriate warning light or flag. No flagman in a vehicle shall be required pursuant to this subdivision if the equipment is being moved under its own power or on a trailer from any field to another field, or from the normal place of storage of the vehicle to any field, for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route.
- (4) Every piece of equipment so operated shall operate to the right of the center line when meeting traffic coming from the opposite direction and at all other times when possible and practical.
- (5) Repealed by Session Laws 2008-221, s. 6, effective September 1, 2008.
- (6) When the equipment is causing a delay in traffic, the operator of the equipment shall move the equipment off the paved portion of the highway at the nearest practical location until the vehicles following the equipment have passed.
- (7) The equipment shall be operated in the designed transport position that minimizes

equipment width. No removal of equipment or appurtenances is required under this subdivision.

- (8) Equipment covered by this subsection shall not be operated on a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways without authorization from the North Carolina Department of Transportation. The Department shall develop an authorization process and approve routes under the following conditions:
- a. Persons shall submit an application to the Department requesting authorization to operate equipment covered by this subsection on a particular route that is part of a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways.
 - b. The Department shall have a period of 30 days from receipt of a complete application to approve or reject the application. A complete application shall be deemed approved if the Department does not take action within 30 days of receipt by the Department; such a route may then be used by the original applicant.
 - c. The Department shall approve an application upon a showing that the route is necessary to accomplish one or more of the following:
 1. Prevent farming operations from traveling more than five miles longer than the requested route during the normal course of business.
 2. Prevent excess traffic delays on local or secondary roads.
 3. Allow farm equipment access due to dimension restrictions on local or secondary roads.
 - d. For applications that do not meet the requirements of sub-subdivision c. of this subdivision, the Department may also approve an application upon review of relevant safety factors.
 - e. The Department may consult with the North Carolina State Highway Patrol, the North Carolina Department of Agriculture and Consumer Services, or other parties concerning an application.
 - f. Any approved route may be subject to any of the following additional conditions:
 1. A requirement that the subject equipment be followed by a flag vehicle with flashing lights that shall be operated at all times on the route so as to be visible from a distance of at least 300 feet.
 2. Restrictions on maximum and minimum speeds of the equipment.
 3. Restrictions on the maximum dimensions of the equipment.
 4. Restrictions on the time of day that the equipment may be operated on the approved route.
 - g. The Department shall publish all approved routes, including any conditions on the routes' use, and shall notify appropriate State and local law enforcement officers of any approved route.
 - h. Once approved for use and published by the Department, a route may be used by any person who adheres to the route, including any conditions on the route's use imposed by the Department.
 - i. The Department may revise published routes as road conditions on the routes change.

(k) Nothing in this section shall be construed to prevent the operation of passenger buses having an overall width of 102 inches, exclusive of safety equipment, upon the highways of this State which are 20 feet or wider and that are designated as the State primary system, or as municipal streets, when, and

not until, the federal law and regulations thereunder permit the operation of passenger buses having a width of 102 inches or wider on the National System of Interstate and Defense Highways.

(l) Nothing in this section shall be construed to prevent the operation of passenger buses that are owned and operated by units of local government, operated as a single vehicle only and having an overall length of 45 feet or less, on public streets or highways. The Department of Transportation may prevent the operation of buses that are authorized under this subsection if the operation of such buses on a street or highway presents a hazard to passengers of the buses or to the motoring public.

(m) Notwithstanding subsection (a) of this section, a boat or boat trailer with an outside width of less than 120 inches may be towed without a permit. The towing of a boat or boat trailer 102 inches to 114 inches in width may take place on any day of the week, including weekends and holidays, and may take place at night. The towing of a boat or boat trailer 114 inches to 120 inches in width may take place on any day of the week, including weekends and holidays from sun up to sun down. A boat or boat trailer in excess of 102 inches but less than 120 inches must be equipped with a minimum of two operable amber lamps on the widest point of the boat and the boat trailer such that the dimensions of the boat and the boat trailer are clearly marked and visible.

(n) Vehicle combinations used in connection with motorsports competition events that include a cab or other motorized vehicle unit with living quarters, and an attached enclosed specialty trailer, the combination of which does not exceed 90 feet in length, may be operated on the highways of this State, provided that such operation takes place for one or more of the following purposes:

- (1) Driving to or from a motorsports competition event.
- (2) For trips conducted for the purpose of purchasing fuel or conducting repairs or other maintenance on the competition vehicle.
- (3) For other activities related to motorsports purposes, including, but not limited to, performance testing of the competition vehicle.

The Department of Transportation may prohibit combinations authorized by this subsection from specific routes, pursuant to G.S. 20-115.1(b). (1937, c. 246; c. 407, s. 80; 1943, c. 213, s. 1; 1945, c. 242, s. 1; 1947, c. 844; 1951, c. 495, s. 1; c. 733; 1953, cc. 682, 1107; 1955, c. 296, s. 2; c. 729; 1957, c. 65, s. 11; cc. 493, 1183, 1190; 1959, c. 559; 1963, c. 356, s. 1; c. 610, ss. 1, 2; c. 702, s. 4; c. 1027, s. 1; 1965, c. 471; 1967, c. 24, s. 4; c. 710; 1969, cc. 128, 880; 1971, cc. 128, 680, 688, 1079; 1973, c. 507, s. 5; c. 546; c. 1330, s. 39; 1975, c. 148, ss. 1-5; c. 716, s. 5; 1977, c. 464, s. 34; 1979, cc. 21, 218; 1981, c. 169, s. 1; 1983, c. 724, s. 2; 1985, c. 587; 1987, c. 272; 1989, c. 277, s. 1; c. 790, s. 2; 1991, c. 112, s. 1; c. 449, ss. 1, 2.1; 1993, c. 539, s. 355; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 573, s. 1; c. 756, s. 14; 1998-149, s. 7; 1999-438, s. 28; 2000-185, s. 2; 2001-341, ss. 3, 4; 2001-512, s. 2; 2002-72, s. 19(c); 2002-159, s. 31.5(b); 2002-190, s. 2; 2003-383, s. 8; 2005-248, s. 2; 2007-77, s. 1; 2007-194, ss. 2, 3; 2007-484, s. 5; 2007-499, s. 1; 2008-221, ss. 5, 6; 2008-229, s. 1; 2009-7, s. 1; 2009-127, s. 1; 2009-128, s. 1; 2011-145, s. 19.1(g); 2012-33, s. 1; 2012-78, s. 5; 2013-413, s. 59.2(f).)

§ 20-118. Weight of vehicles and load.

(a) For the purposes of this section, the following definitions shall apply:

- (1) **Single-axle weight.** - The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
- (2) **Tandem-axle weight.** - The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
- (3) **Axle group.** - Any two or more consecutive axles on a vehicle or combination of vehicles.
- (4) **Gross weight.** - The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.
- (5) **Light-traffic roads.** - Any highway on the State Highway System, excepting routes designated 1, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.

(b) The following weight limitations shall apply to vehicles operating on the highways of the State:

- (1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.
- (2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 38,000 pounds.
- (3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or less	38000	38000				
more than 8	38000	42000				
9	39000	42500				
10	40000	43500				
11		44000				
12		45000	50000			
13		45500	50500			
14		46500	51500			
15		47000	52000			
16		48000	52500	58000		
17		48500	53500	58500		
18		49500	54000	59000		
19		50000	54500	60000		
20		51000	55500	60500	66000	
21		51500	56000	61000	66500	
22		52500	56500	61500	67000	
23		53000	57500	62500	68000	

24	54000	58000	63000	68500	74000
25	54500	58500	63500	69000	74500
26	55500	59500	64000	69500	75000
27	56000	60000	65000	70000	75500
28	57000	60500	65500	71000	76500
29	57500	61500	66000	71500	77000
30	58500	62000	66500	72000	77500
31	59000	62500	67500	72500	78000
32	60000	63500	68000	73000	78500
33		64000	68500	74000	79000
34		64500	69000	74500	80000
35		65500	70000	75000	
36		66000**	70500	75500	
37		66500**	71000	76000	
38		67500**	72000	77000	
39		68000	72500	77500	
40		68500	73000	78000	
41		69500	73500	78500	
42		70000	74000	79000	
43		70500	75000	80000	
44		71500	75500		
45		72000	76000		
46		72500	76500		
47		73500	77500		
48		74000	78000		
49		74500	78500		
50		75500	79000		
51		76000	80000		
52		76500			
53		77500			
54		78000			
55		78500			
56		79500			
57		80000			

* Distance in Feet Between the Extremes of any Group of Two or More Consecutive Axles.

** See exception in G.S. 20-118(c)(1).

(4) The Department of Transportation may establish light-traffic roads and further restrict the axle weight limit on such light-traffic roads lower than the statutory limits. The Department of Transportation shall have authority to designate any highway on the State Highway System, excluding routes designated by I, U.S. and N.C., as a light-traffic road when in the opinion of the Department of Transportation, such road is inadequate to carry and will be injuriously affected by vehicles using the said road carrying the maximum axle weight. All such roads so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon.

(c) Exceptions. - The following exceptions apply to G.S. 20-118(b) and 20-118(e).

(1) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each without penalty provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-118(b)(2), or 20-

118(b)(3), but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by G.S. 20-118(b)(3), the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:

- a. Where the single-axle load exceeds the statutory limits, but does not exceed 21,000 pounds.
 - b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 40,000 pounds.
- (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the owner of the vehicle shall be permitted, without penalty, to shift the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.
- (4) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided for pursuant to G.S. 20-118(b)(4), when transporting supplies, material or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of such vehicle and load is located solely upon said light-traffic road.
- (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to either one of the two nearest highways that is not a light-traffic road. If that vehicle's point of origin is a non-light-traffic road and that road is blocked by light-traffic roads from all directions and is not contiguous with other non-light-traffic roads, then the road at point of origin is treated as a light-traffic road for purposes of this subdivision:
- a. Processed or unprocessed seafood transported from boats or any other point of origin to a processing plant or a point of further distribution.
 - b. Meats, live poultry, or agricultural crop products transported from a farm to a processing plant or market.
 - c. Forest products originating and transported from a farm or from woodlands to market without interruption or delay for further packaging or processing after initiating transport.
 - d. Livestock or live poultry transported from their point of origin to a processing plant or market.
 - e. Livestock by-products or poultry by-products transported from their point of origin to a rendering plant.
 - f. Recyclable material transported from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms "recyclable material" and "processing" have the same meaning as in G.S. 130A-290(a).
 - g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term "garbage" does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5.
 - h. Treated sludge collected from a wastewater treatment facility.
 - i. Apples when transported from the orchard to the first processing or packing point.
 - j. Trees grown as Christmas trees from the field, farm, stand, or grove, and other

- forest products, including chips and bark, to a processing point.
- k. Water, fertilizer, pesticides, seeds, fuel, and animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).
- (6) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4) when such motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and such motor vehicles are used in connection with installation, restoration or emergency maintenance of utility services.
- (7) A wrecker may tow any disabled truck or other motor vehicle or combination of vehicles to a place for repairs, parking, or storage within 50 miles from the point that the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle without being in violation of G.S. 20-118 provided that the wrecker and towed vehicle or combination of vehicles otherwise meet all requirements of this section.
- (8) A firefighting vehicle operated by any member of a municipal or rural fire department in the performance of his duties, regardless of whether members of that fire department are paid or voluntary and any vehicle of a voluntary lifesaving organization, when operated by a member of that organization while answering an official call shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4).
- (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- (10) Fully enclosed motor vehicles designed specifically for collecting, compacting and hauling garbage from residences, or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption shall not apply to vehicles operating on interstate highways, vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).
- (11) A truck or other motor vehicle shall be exempt for light-traffic road limitations issued under subdivision (b)(4) of this section when transporting heating fuel for on-premises use at a destination located on the light-traffic road.
- (12) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:
- a. Is transporting any of the following items within 150 miles of the point of origination:
1. Agriculture crop products transported from a farm to a processing plant or market.
 2. Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).
 3. Meats, livestock, or live poultry transported from the farm where they were raised to a processing plant or market.
 - 3a. Feed that is used in the feeding of poultry or livestock and transported from a storage facility, holding facility, or mill to a farm.
 4. Forest products originating and transported from a farm or woodlands to market with delay interruption or delay for further packaging or processing after initiating transport.
 5. Wood residuals, including wood chips, sawdust, mulch, or tree bark from any site.
 6. Raw logs to market.

7. Trees grown as Christmas trees from field, farm, stand, ^{Attachment 2} processing point. Page 51 of 67

- b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
 - b1. Does not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products.
 - c. Meets any of the following vehicle configurations:
 - 1. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
 - 2. Consists of a five or more axle combination vehicle that does not exceed a single-axle weight of 26,000 pounds, a tandem-axle weight of 44,000 pounds and a gross weight of 90,000 pounds, with a length of at least 48 feet between the center of axle one and the center of the last axle of the vehicle and a minimum of 11 feet between the center of axle one and the center of axle two of the vehicle.
 - 3. Consists of a two-axle vehicle that does not exceed a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least 14 feet between the center of axle one and the center of axle two of the vehicle.
 - d. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (13) Vehicles specifically designed for fire fighting that are owned by a municipal or rural fire department. This exception does not apply to vehicles operating on interstate highways.
- (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
- a. Is hauling aggregates from a distribution yard or a State-permitted production site located within a North Carolina county contiguous to the North Carolina State border to a destination in another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.
 - b. Does not operate on an interstate highway or exceed any posted bridge weight limits.
 - c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not apply, and vehicles must be licensed in accordance with G.S. 20-88.
 - d. Repealed by Session Laws 2001-487, s. 10, effective December 16, 2001.
 - e. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
- a. Is transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings from a site that does not have a certified scale for weighing the vehicle.
 - b. Does not operate on an interstate highway, a posted light-traffic road, except as provided by subdivision (c)(5) of this section, or exceed any posted bridge weight limits.

- c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.
 - d. Does not exceed a single-axle weight of more than 22,000 pounds and a tandem-axle weight of more than 42,000 pounds.
 - e. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
- a. Is hauling unhardened ready-mixed concrete.
 - b. Does not operate on an interstate highway or a posted light-traffic road, or exceed any posted bridge weight limits.
 - c. Has a single steer axle weight of no more than 22,000 pounds and a tandem-axle weight of no more than 46,000 pounds.
 - d. Does not exceed a maximum gross weight of 66,000 pounds on a three-axle vehicle with a length of at least 21 feet between the center of axle one and the center of axle three of the vehicle.
 - e. Does not exceed a maximum gross weight of 72,600 pounds on a four-axle vehicle with a length of at least 36 feet between the center of axle one and the center of axle four. The four-axle vehicle shall have a maximum gross weight of 66,000 pounds on axles one, two, and three with a length of at least 21 feet between the center of axle one and the center of axle three.

For purposes of this subdivision, no additional weight allowances as found in this section shall apply for the gross weight, single-axle weight, and tandem-axle weight, and the tolerance allowed by subsection (h) of this section shall not apply.

- (17) Subsections (b) and (e) of this section do not apply to a truck owned, operated by, or under contract to a public utility, electric or telephone membership corporation, or municipality that meets all of the conditions listed below, but all other enforcement provisions of this Article remain applicable:
- a. Is being used in connection with the installation, restoration, or maintenance of utility services within a North Carolina county located in whole or in part west of Interstate 77, and the terrain, road widths, and other naturally occurring conditions prevent the safe navigation and operation of a truck having more than a single axle or using a trailer.
 - b. Does not operate on an interstate highway.
 - c. Does not exceed a single-axle weight of more than 28,000 pounds.
 - d. Does not exceed a maximum gross weight in excess of 48,000 pounds.

(d) The Department of Transportation is authorized to abrogate certain exceptions. The exceptions provided for in G.S. 20-118(c)(4) and 20-118(c)(5) as applied to any light-traffic road may be abrogated by the Department of Transportation upon a determination of the Department of Transportation that undue damage to such light-traffic road is resulting from such vehicles exempted by G.S. 20-118(c)(4) and 20-118(c)(5). In those cases where the exemption to the light-traffic roads are abrogated by the Department of Transportation, the Department shall post the road to indicate no exemptions.

(e) Penalties. -

- (1) Except as provided in subdivision (2) of this subsection, for each violation of the single-axle or tandem-axle weight limits set in subdivision (b)(1), (b)(2), or (b)(4) of this section or axle weights authorized by special permit according to G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the vehicle in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any

part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) per pound. These penalties apply separately to each weight limit violated. In all cases of violation of the weight limitation, the penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted.

- (2) The penalty for a violation of the single-axle or tandem-axle weight limits by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (1) of this subsection.
- (3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision (b)(3) of this section plus any tolerance allowed in subsection (h) of this section or axle-group weights or gross weights authorized by special permit under G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the motor vehicle. The penalty shall be assessed on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section, or by a special permit issued pursuant to G.S. 20-119, as follows: for the first 2,000 pounds or any part thereof, two cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten cents (10¢) per pound. Tolerance pounds in excess of the limit set in subdivision (b)(3) are subject to the penalty if the vehicle exceeds the tolerance allowed in subsection (h) of this section. These penalties apply separately to each axle-group weight limit violated. Notwithstanding any provision to the contrary, a vehicle with a special permit that is subject to additional penalties under this subsection based on a violation of any of the permit restrictions set out in G.S. 20-119(d1) shall be assessed a civil penalty, not to exceed ten thousand dollars (\$10,000), based on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section.
- (4) The penalty for a violation of an axle-group weight limit by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (3) of this subsection.
- (5) A violation of a weight limit in this section or of a permitted weight under G.S. 20-119 is not punishable under G.S. 20-176.
- (6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the amount it otherwise would be under subdivisions (1) and (3) of this subsection.
- (7) The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by the Department of Transportation pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(f) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 15.

(g) General Statutes 20-118 shall not be construed to permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72.

(h) Tolerance. - A vehicle may exceed maximum and the inner axle-group weight limitations set forth in subdivision (b)(3) of this section by a tolerance of ten percent (10%). This exception does not authorize a vehicle to exceed either the single-axle or tandem-axle weight limitations set forth in subdivisions (b)(1) and (b)(2) of this section, or the maximum gross weight limit of 80,000 pounds. This exception does not apply to a vehicle exceeding posted bridge weight limitations as posted under G.S. 136-72 or to vehicles operating on interstate highways. The tolerance allowed under this subsection does not authorize the weight of a vehicle to exceed the weight for which that vehicle is licensed under G.S. 20-88. No tolerance on the single-axle weight or the tandem-axle weight provided for in subdivisions (b) (1) and (b)(2) of this section shall be granted administratively or otherwise. The Department of

Transportation shall report back to the Transportation Oversight Committee and to the General Assembly on the effects of the tolerance granted under this section, any abuses of this tolerance, and any suggested revisions to this section by that Department on or before May 1, 1998.

- (i) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 16.
- (j) Repealed by Session Laws 1987, c. 392.

(k) A vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles shall be exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures. (1937, c. 407, s. 82; 1943, c. 213, s. 2; cc. 726, 784; 1945, c. 242, s. 2; c. 569, s. 2; c. 576, s. 7; 1947, c. 1079; 1949, c. 1207, s. 2; 1951, c. 495, s. 2; c. 942, s. 1; c. 1013, ss. 5, 6, 8; 1953, cc. 214, 1092; 1959, c. 872; c. 1264, s. 6; 1963, c. 159; c. 610, ss. 3-5; c. 702, s. 5; 1965, cc. 483, 1044; 1969, c. 537; 1973, c. 507, s. 5; c. 1449, ss. 1, 2; 1975, c. 325; c. 373, s. 2; c. 716, s. 5; c. 735; c. 736, ss. 1-3; 1977, c. 461; c. 464, s. 34; 1977, 2nd Sess., c. 1178; 1981, c. 690, ss. 27, 28; c. 726; c. 1127, s. 53.1; 1983, c. 407; c. 724, s. 1; 1983 (Reg. Sess., 1984), c. 1116, ss. 105-109; 1985, c. 54; c. 274; 1987, c. 392; c. 707, ss. 1-4; 1991, c. 202, s. 1; 1991 (Reg. Sess., 1992), c. 905, s. 1; 1993, c. 426, ss. 1, 2; c. 470, s. 1; c. 533, s. 11; 1993 (Reg. Sess., 1994), c. 761, ss. 10-16; 1995, c. 109, s. 3; c. 163, s. 4; c. 332, ss. 1-3 ; c. 509, s. 135.1(b); 1995 (Reg. Sess., 1996), c. 756, s. 29; 1997-354, s. 1; 1997-373, s. 1; 1997-466, s. 2; 1998-149, ss. 8, 9, 9.1; 1998-177, s. 1; 1999-452, s. 23; 2000-57, s. 1; 2001-487, ss. 10, 50(e); 2002-126, s. 26.16(a); 2004-145, ss. 1, 2; 2005-248, s. 1; 2005-276, s. 6.37(o); 2005-361, s. 3; 2006-135, s. 1; 2006-264, s. 37; 2008-221, ss. 7, 8, 9; 2009-127, s. 2; 2009-376, ss. 6, 16(a), 16(b); 2009-531, s. 1; 2010-129, s. 3; 2010-132, s. 10; 2011-71, s. 1; 2011-145, s. 19.1(g); 2011-200, s. 1; 2012-78, ss. 6, 13; 2013-120, s. 1; 2013-134, s. 1.)



Pitt County Government

Greenville, North Carolina



www.pittcountync.gov



Parcel	12484
Physical Address	1855 STATON HOUSE RO
Owner Name	STEINER DONNA WORTHINGTON
OwnerAddress1	CLARK WAYNE KIRBY JR
OwnerAddress2	ETAL
OwnerAddress3	3901 LITCHFORD PL
City / State / Zip	WINTERVILLE NC 28590
NC PIN	4679586738
Subdivision / Section / Phase	
Prior Legal Description	BROWN
Block / Lot	
Tract	
Building Number / Unit	
Acres	100.05
Current Owner	
Deed/Document	02014E 00346
Map Book	OB155-25
Deed / Document Date	05/2014
Deed / Document Sales Price	\$0
Building Type / Use	RESIDENTIAL(Rural Homesite)
Number of Buildings	0
Year Built	
Total Living Area	
Building Value	
Extra Features Value	\$3,720
Land Value	\$418,108
Total Current Market Value	\$421,828
Total 2011 Market Value	\$419,588
Revaluation Year	2012
Municipality	
Township	BELVOIR
Fire Service District	STATON HOUSE FIRE SERVICE DISTRICT
Census Tract	20 01
Neighborhood	001031
Elementary School	BELVOIR ES
Middle School	WELLCOME MS
High School	NORTH PITT HS



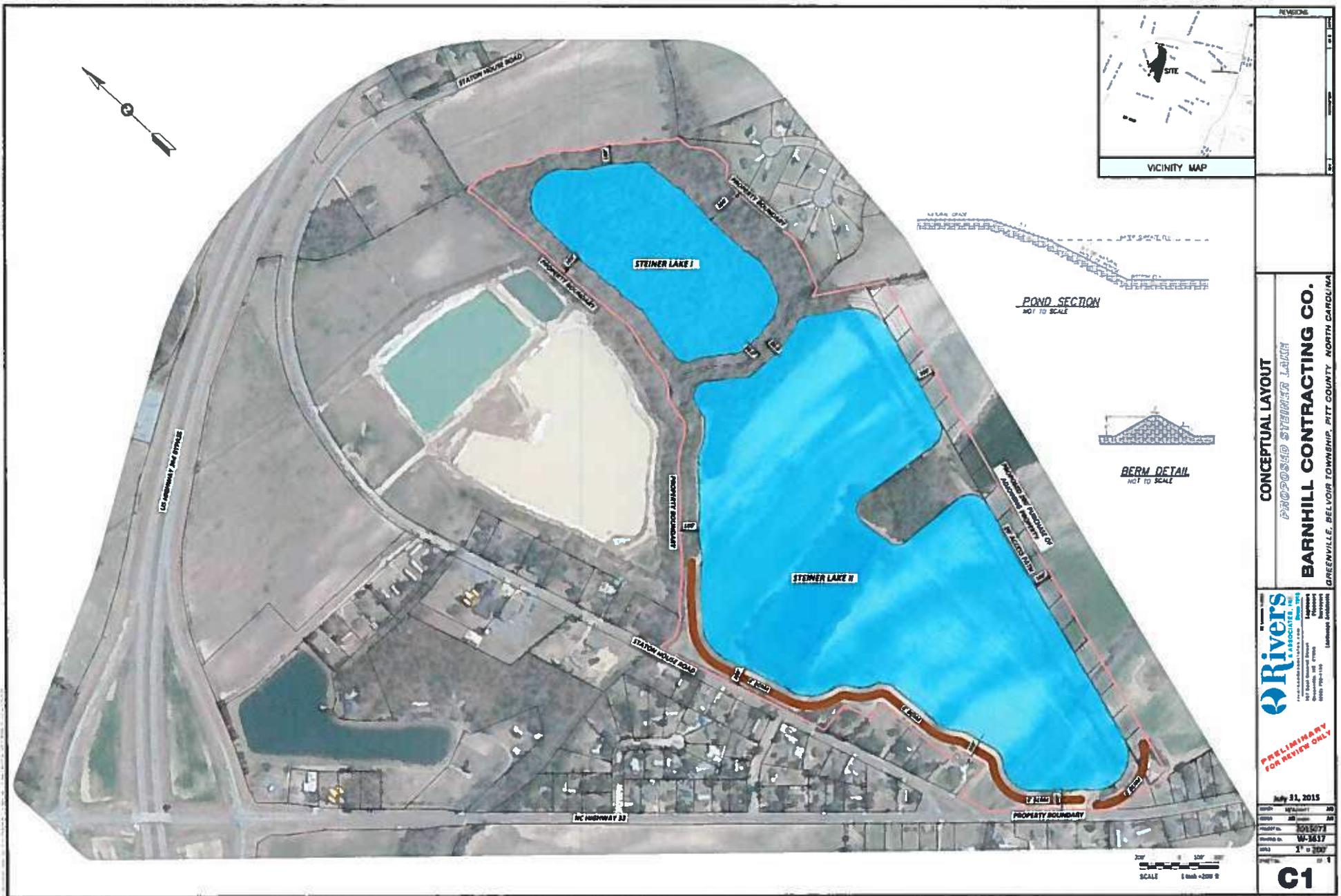
Disclaimer: This tax record is prepared for the inventory of real property within Pitt County and is compiled from recorded deeds, plats, tax maps, surveys, and other public records. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification. Pitt County assumes no legal responsibility for the information contained herein.

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PLEASE NOTE:
Parcel ownership information updated nightly.



Item # 4



REVISION	DATE	BY

VICINITY MAP

CONCEPTUAL LAYOUT
PROPOSED STEINER LAKES
BARNHILL CONTRACTING CO.
GREENVILLE, BELVOIR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

Rivers
ASSOCIATES, INC.
1475 W. HARRIS STREET
GREENVILLE, NC 27609
800.333.7777

**PRELIMINARY
FOR REVIEW ONLY**

DATE	31, 2015
BY	
APP'D BY	
PROJECT NO.	1016-77
DATE IN	01-30-15
SCALE	1" = 200'

C1

Item # 4

Proposed Steiner Pit neighborhood

OOT #	Parcel	Address	Owner	Comments
1	19094	1915 Staton House Rd	Jimmy and Joyce Roberts	Spoke with Mr. Roberts - no objections to proposed site
2	45616	1901 Staton House Rd	Juan Vallejo-Lopez	Spoke with Mr. Lopez on 7-30-15 - no objections to proposed site
3	32968	1893 Staton House Rd	Wayne Kirby Clark Heirs	Spoke with tenants - no objections to proposed site
4	06390	1883 Staton House Rd	Gloria Hathaway	Spoke with Mrs. Hathaway - no objections to proposed site, would rather have pond than other development
5	15679	1869 Staton House Rd	Gloria Hathaway	Spoke with Mrs. Hathaway - no objections to proposed site, would rather have pond than other development
6	39448	1777 Staton House Rd	Jeffery and Lori Harris	Spoke with Mr. Harris - no objections to proposed site
7	34557	1767 Staton House Rd	Sam and Teresa Jordan	Not Home 7-22-15 or 7-23-15
8	33807	1755 Staton House Rd	Bobby and Betsy Harris	Spoke with Mr. Harris - no objections to proposed site He will let neighbors know if we can't reach them
9	26799	1737 Staton House Rd	Jeffery and Lori Harris	Not Home 7-22-15 or 7-23-15
10	22472	1717 Staton House Rd	Argyle and Sherry Stancill	Not Home 7-22-15 or 7-23-15
11	41570	1711 Staton House Rd	Wendy Stancill	Not Home 7-22-15 or 7-23-15
12	26798	1726 Staton House Rd	Mt. Pleasant Christian Church	Spoke with Pastor Ormond - no objections to site
13	00658	1756 Staton House Rd	Mary Atkinson Heirs	Not Home 7-22-15 or 7-23-15
14	29737	1794 Staton House Rd	Andres Helarez	Not Home 7-22-15 or 7-23-15
15	27841	1806 Staton House Rd	Yardley Morning	Not Home 7-22-15 or 7-23-15
16	29736	1812 Staton House Rd	Thomas and Judy Heath	Not Home 7-22-15 or 7-23-15
17	29735	1820 Staton House Rd	Thomas Heath	Not Home 7-22-15 or 7-23-15
18	29734	1828 Staton House Rd	Randy and John Goff	Spoke to Mr. Goff - no objections to site
19	29733	535 Fenner Dr	Albert Riggan	Not Home 7-22-15 or 7-23-15
20	29705	1854 Staton House Rd	Norman and Bessie Reveal	Spoke with Mrs. Reveal - no objections to site Mrs. Reveal is friends with Mrs. Lewis and will let her know
21	29704	1862 Staton House Rd	Battie Properties LLC	Not Home 7-22-15 or 7-23-15
22	29703	1870 Staton House Rd	Ben Roberson	Spoke to Mr. Roberson - no objections to site
23	29702	1878 Staton House Rd	Donald Greene	Not Home 7-22-15 or 7-23-15
24	29697	1890 Staton House Rd	Jasper Latham	Spoke with Mrs. Latham - no objections to site
25	28526	2034 Belvoir Hwy	James Wingate	Not Home 7-22-15 or 7-23-15
26	29699	2054 Belvoir Hwy	Rochelle Taylor	Spoke with Mr Taylor - no objections to site
27	29700	2062 Belvoir Hwy	Santiago Sanchez	Not Home 7-22-15 or 7-23-15
28	29701	2068 Belvoir Hwy	Kenneth Barnes	Left card and information with house guest
29	48605	516 Fenner Dr	Myrtle Lewis	Mrs. Lewis would not speak with us thought that we were salesmen
30	27842	2076 Belvoir Hwy	Oonnie Acklin	Spoke with tenants - no objections to proposed site
31	29706	506 Fenner Dr	Linda Forrest	Not Home 7-22-15 or 7-23-15
32	29707	511 Fenner Dr	Dwight Gray	Not Home 7-22-15 or 7-23-15
33	29708	2108 Belvoir Hwy	Timothy and Venita Mosley	Not Home 7-22-15 or 7-23-15
34	29709	2116 Belvoir Hwy	Dwight and Sue Gray	Not Home 7-22-15 or 7-23-15
35	29710	2122 Belvoir Hwy	Dwight and Sue Gray	Spoke with Mr. Gray - no objections to site. Mr. Gray will also speak to his renters and family about site
36	29711	2128 Belvoir Hwy	Dwight Gray	Not Home 7-22-15 or 7-23-15
37	29712	2136 Belvoir Hwy	David and Gloria Tuten	Spoke with Mr. Tuten - no objections to site
38	29713	508 Burruss Pl	Oorothy Heath	Spoke with Mrs. Heath - no objections to site
39	29731	518 Burruss Pl	Bernice Nichols	Not Home 7-22-15 or 7-23-15
40	29730	540 Burruss Pl	Sue Gray	Spoke with tenants - no objections to proposed site
41	29729	544 Burruss Pl	Dwight and Sue Gray	Spoke with tenants - no objections to proposed site
42	29728	546 Burruss Pl	Dwight Gray	Spoke with tenants - no objections to proposed site
43	29732	519 Fenner Dr	Jerry Reveal	Not Home 7-22-15 (in long term care per Mrs. Reveal)
44	28529	527 Fenner Dr	William and Sandy Hahn	Not Home 7-22-15 or 7-23-15
45	29727	548 Burruss Pl	Dalton and Shirley Russell	Spoke with Mrs. Russell - no objections to site
46	29726	551 Burruss Pl	Katherine Morris	Spoke with Mrs. Morris caregiver - she will pass on business card and information
47	29725	549 Burruss Pl	Thomas and Judy Heath	Not Home 7-22-15 or 7-23-15
48	29724	547 Burruss Pl	Ray Matthews	Not Home 7-22-15 or 7-23-15
49	29723	541 Burruss Pl	Sue and Derrick Gray	Not Home 7-22-15 or 7-23-15
50	29722	537 Burruss Pl	Bernice Haddock Heirs	Not Home 7-22-15 or 7-23-15
51	29721	531 Burruss Pl	Charlotte Anderson	Spoke with Mr. Mercer - no objections to site

Item # 4

52	29720	529 Burruss Pl	Camerino Zuniga and Celia Beltran	Not Home 7-22-15 or 7-23-15
53	29719	525 Burruss Pl	Sidney and Doris Oneal	Not Home 7-22-15 or 7-23-15
54	29718	519 Burruss Pl	James Little Heirs	Not Home 7-22-15 or 7-23-15
55	29715	515 Burruss Pl	Dwight Gray	Not Home 7-22-15 or 7-23-15
56	29714	509 Belvoir Hwy	Sue Gray	Not Home 7-22-15 or 7-23-15
57	29716	2166 NC 33	Faith Carson	Not Home 7-22-15 or 7-23-15
58	29717	2172 Belvoir Hwy	Faith Carson	Not Home 7-22-15 or 7-23-15
59	27982	218D Belvoir Hwy	Carolina Telephone	Small Bulldng not a home
60	49755	596 McMillan Ln	Viola McMillan	Not Home 7-22-15 or 7-23-15
61	63076	588 McMillan Ln	Viola McMillan	Not Home 7-22-15 or 7-23-15
62	09920	2238 NC 33	Lillie Stevens	Not Home 7-22-15 or 7-23-15
63	12055	2252 NC 33	Lillie Jenkins	Not Home 7-22-15 or 7-23-15
64	34193	2260 NC 33	Browns Chapel Apostolic Faith Church	Not Home 7-22-15 or 7-23-15
65	51729	502 McMillan Ln	Arthur McMillan	Not Home 7-22-15 or 7-23-15
66	53913	624 McMillan Ln	Arthur and Heldi McMillan	Spoke to Mr. McMillan - no objections to site
67	36910	959 Coward Ln	Vickie Coward	Not Home 7-22-15 or 7-23-15
68	38567	955 Coward Ln	Vickie Coward	Not Home 7-22-15 or 7-23-15
69	38566	943 Coward Ln	Waiter Williams Heirs	Spoke with Mr. Williams - no objection to site
70	20019	937 Coward Ln	Sheila Grimes	Not Home 7-22-15 or 7-23-15
71	38927	923 Coward Ln	Doyle Maness and Brian Southerland	Spoke with tenants - no objections to proposed site
72	56473	1306 Dusk Ct	Geraldine and Kateena Pearson	Not Home 7-22-15 or 7-23-15
73	56474	1307 Dusk Ct	Jerry Sutton	Spoke with tenants - no objections to proposed site
74	56475	725 Dusk Ct	Michael and Jeanne-Marie Lawrence	Not Home 7-22-15 or 7-23-15
75	56476	1303 Dusk Ct	Teresa Anderson	Not Home 7-22-15 or 7-23-15
76	56477	13D1 Duce Dr	Jason and Katie Egnar	Spoke with Mr. Egnar - no objections to site
77	56478	13D2 Duce Dr	Belinda Oudley	Not Home 7-22-15 or 7-23-15
78	56479	1304 Duce Dr	Marian Smith	Spoke with Mrs. Smith - no objection to site
79	56480	1667 Ouce Dr	Latrevis and Savita Sutton	Spoke with Mr. Sutton - no objections to site.
80	56481	13D5 Duce Dr	Leven Langiey	Spoke with tenants - no objections to proposed site
81	57329	2251 Saddle Club Dr	David Mayo iii	Mr. Mayo is part owner of the site. No objections
82	03935	1990 Saddle Club Dr	Linda Teal	No objections - adjacent property owner
83	08931	0 Belvoir Hwy	Billy and Mary Gray	Not Home 7-22-15 or 7-23-15
84	23940	0 Belvoir Hwy	Billy and Mary Gray	Not Home 7-22-15 or 7-23-15
85	08930	187D Belvoir Hwy	Billy and Mary Gray	Spoke to Mr. Gray - No objection to site
86	17259	1850 Belvoir Hwy	RV Holdings Four LLC	Not Home 7-22-15 or 7-23-15
87	21703	184D Belvoir Hwy	Tommy Sutton	Not Home 7-22-15 or 7-23-15
88	06510	1810 Belvoir Hwy	Mary Lambert and Laraine Vines	Not Home 7-22-15 or 7-23-15
89	45652	2055 Belvoir Hwy	Herbert and Jo Anne Corey	Not Home 7-22-15 or 7-23-15
90	41670	2047 NC 33	Sue Glisson	Spoke with Mrs. Glisson - no objections to site
91	41671	2043 NC 33	Robert Salerno	Not Home 7-22-15 or 7-23-15
92	41672	2D33 Belvoir Hwy	Maulay and Oeborah Sidi Hida	Not Home 7-22-15 or 7-23-15
93	41673	2027 NC 33	Larry Lloyd	Spoke with tenants - no objections to proposed site
94	41674	2021 NC 33	Danny and Diane Pollard	Spoke with tenants - no objections to proposed site
95	41675	2D11 NC 33	Michael Webb	Not Home 7-22-15 or 7-23-15
96	25877	1961 Belvoir Hwy	Donna Steiner	No objections - part owner of site
97	62727	1951 Belvoir Hwy	David Douglas	Not Home 7-22-15 or 7-23-15
98	61551	1931 Belvoir Hwy	Lillian and Alexander Bullock	Not Home 7-22-15 or 7-23-15
99	45817	1921 Belvoir Hwy	Tony and Joyce Clark	Not Home 7-22-15 or 7-23-15
100	56472	726 Dusk Ct	James and Dorothy Tripp	Spoke with Mr. Tripp - no objections to site
101	1303	1303 Ouce Dr	El Shaddai LLC	Spoke with tenants - no objections to proposed site
102	56483	1649 Ouce Dr	Steve Suggs	Spoke with Mr. Suggs - no objections to site
103	28527	1750 West Winds Dr	Charlie and Kathy Speight	Spoke with Floyd Carroll and Ronnie Plnkster of the neighborhood watch - no objections to site



Item # 4



Item # 4



Item # 4



Item # 4



Item # 4



Item # 4



Item # 4



City of Greenville, North Carolina

Meeting Date: 9/15/2015
Time: 6:30 PM

Title of Item: Petition to Close a Portion of Charles Street

Explanation: **Abstract:** This item is to consider a petition to close a portion of Charles Street. Upon approval, the City will no longer receive Powell Bill funds for the closed section.

Explanation: The City received a petition from East Carolina University requesting the closure of a portion of Charles Street lying and being north of Tenth Street and at the current terminus of Charles Street. The State of North Carolina owns all the property adjoining the street section requested to be closed.

Staff Comments: The petition has been reviewed by City staff and the Greenville Utilities Commission. Greenville Utilities has requested the placement of an easement over and upon the utilities that will remain in the closed street right-of-way.

Fiscal Note: Budgeted funds for the maintenance of the street section will no longer be required upon adoption of a Resolution to Close by City Council. The City will no longer receive Powell Bill funds for the closed street section.

Recommendation: Recommend to City Council the closure of a portion of Charles Street.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

I, WILLIAM B. HILLIARD, PROFESSIONAL LAND SURVEYOR NO. L-4509, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THIS, A OR B:

- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- C. ANY OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
 3. THAT THE SURVEY IS A CONTROL SURVEY.
- D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

SURVEYOR _____ DATE _____

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- 2) THIS PROPERTY IS SUBJECT TO THE TAR/PAMLICO RIVER RIPARIAN BUFFER RULES.
- 3) THE SURVEYOR MADE NO ATTEMPT TO LOCATE OR DELINEATE ANY WETLANDS LOCATED ON THE SUBJECT PROPERTY.
- 4) THE SURVEYOR MAKES NO GUARANTEE THAT THERE ARE NO OTHER EASEMENTS THAT MAY BENEFIT OR BURDEN THE SUBJECT PROPERTY.
- 5) THIS PROPERTY IS LOCATED IN ZONE X AND IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS TAKEN FROM N.F.I.P. RATE MAP DATED JANUARY 2, 2004 COMMUNITY PANEL 3720467700J.
- 6) FOR BUILDING SETBACK RESTRICTIONS REFER TO THE CITY OF GREENVILLE ZONING REQUIREMENTS.

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF LAWRENCE STREET.

RESOLUTION: _____

SIGNED: _____

SIGNED: _____

STATE OF NORTH CAROLINA PITT COUNTY

I, WILLIAM B. HILLIARD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE CLASS A ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

POSITION ACCURACY: < 0.10'
 TYPE OF FIELD PROCEDURE: RTK
 DATE(S) OF SURVEY: 09/15/14
 DATUM/EPOCH: NAD 83 (2011)
 PUBLISHED/FIELD CONTROL MONUMENTS USED: MESSICK & PLANT
 GEIOD MODEL: GEIOD99
 COMBINED GRID FACTOR: 0.99988921
 UNITS: U.S. SURVEY FEET

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS DATE DAY OF MONTH, 20 15.

PRELIMINARY
 NOT FOR RECORDATION
 CONVEYANCE OR SALES

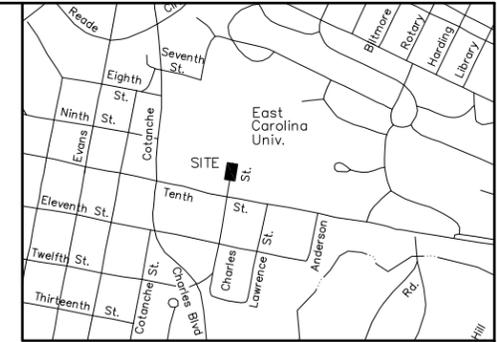
I, _____, REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____

DATE _____

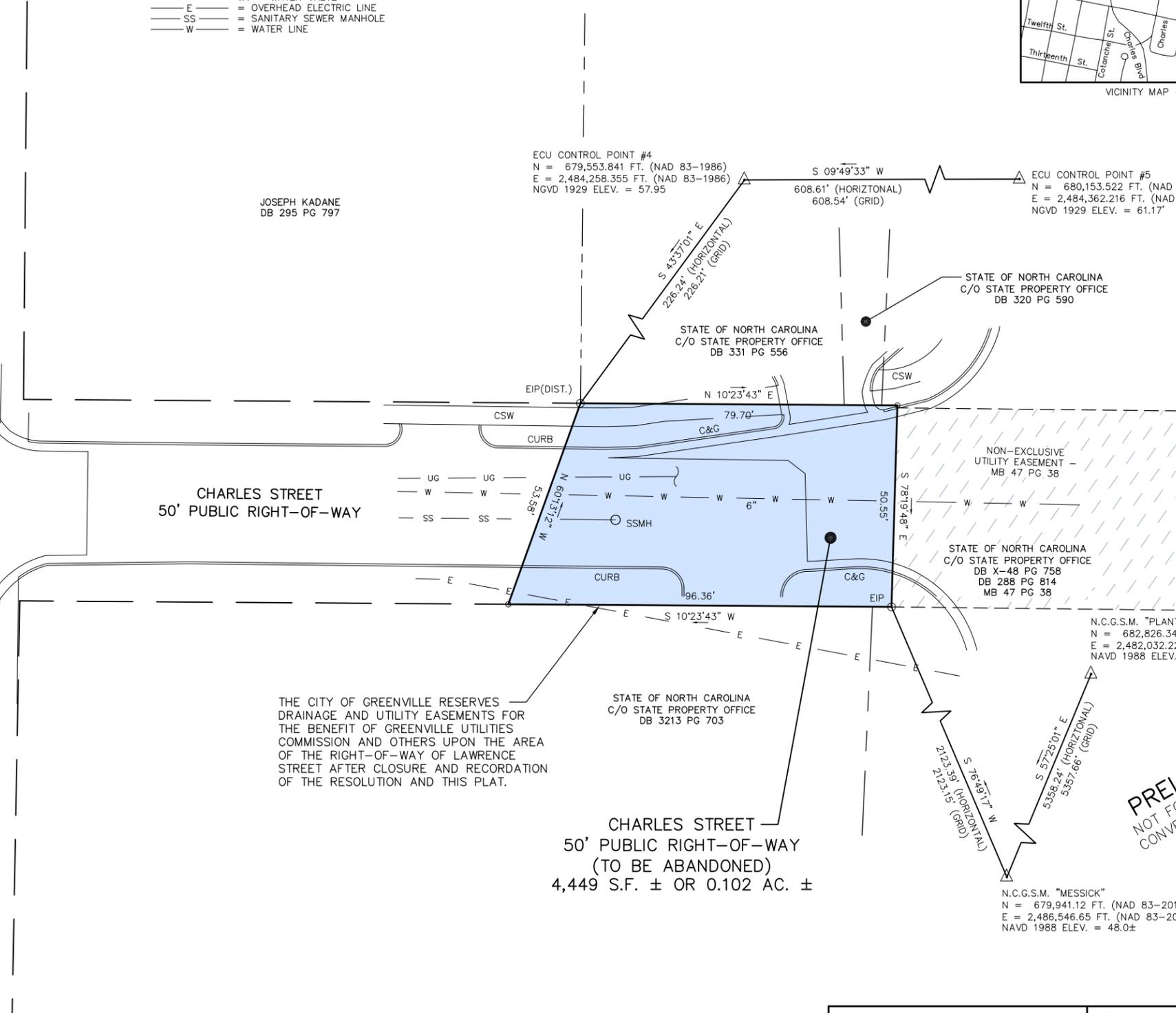
Attachment number 1
 Page 1 of 1

- LEGEND
- CDW = CONCRETE DRIVEWAY
 - CSW = CONCRETE SIDEWALK
 - C&G = CURB & GUTTER
 - EIP = EXISTING IRON PIPE
 - GW = GUY WIRE
 - PP = POWER POLE
 - RWM = RIGHT-OF-WAY MONUMENT
 - SSMH = SANITARY SEWER MANHOLE
 - TC = TERRACOTTA
 - WV = WATER VALVE
 - E — = OVERHEAD ELECTRIC LINE
 - SS — = SANITARY SEWER MANHOLE
 - W — = WATER LINE



PRELIMINARY
 NOT FOR RECORDATION
 CONVEYANCE OR SALES

TENTH STREET NCDOT PUBLIC RIGHT-OF-WAY VARIES



THE CITY OF GREENVILLE RESERVES DRAINAGE AND UTILITY EASEMENTS FOR THE BENEFIT OF GREENVILLE UTILITIES COMMISSION AND OTHERS UPON THE AREA OF THE RIGHT-OF-WAY OF LAWRENCE STREET AFTER CLOSURE AND RECORDATION OF THE RESOLUTION AND THIS PLAT.

CHARLES STREET
 50' PUBLIC RIGHT-OF-WAY
 (TO BE ABANDONED)
 4,449 S.F. ± OR 0.102 AC. ±

PRELIMINARY
 NOT FOR RECORDATION
 CONVEYANCE OR SALES



REVISION	DATE	INIT.

DRAWN BY: WBH	PROJECT NO.: 20130198
SURVEYED BY: GDF	DATE: DATE
SCALE: 1" = 20'	DRAWING NAME: charles-street-abandon

THE EAST GROUP
 324 S. EVANS ST. GREENVILLE, NC 27834 (252) 758-3746
 4325 LAKE BOONE TRAIL SUITE 311 RALEIGH, NC 27607 (919) 784-9330
 CORPORATE LICENSE NO. C0206
 • Engineering • Architecture • Surveying • Technology