

**ZEBULON
BOARD OF COMMISSIONERS
AGENDA
May 3, 2021
7:00pm**

Due to COVID-19 we have limited in person seating. If you would like to attend please email Stacie Paratore (sparatore@townofzebulon.org) by 12:00pm on May 3, 2021 to reserve your seat. We perform COVID-19 symptom and temperature screenings at the door.

All meetings are live streamed on our Facebook (@TownofZebulon) and YouTube (@TownofZebulon) pages.

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. PROCLAMATION

- A. Clerks Week*
- B. Police Week*
- C. Public Works Week*
- D. Historic Preservation Month*

IV. PUBLIC COMMENT PERIOD

Due to COVID-19 we will be taking public comments in writing. Comments will be read into the record at the meeting. Please send comments of 400 words or less to Stacie Paratore (sparatore@townofzebulon.org) by 3:00pm on May 3, 2021.

V. PUBLIC HEARING

- A. Special Use Permit Application: Adult Day Care at 111 N. Church Street*
- B. Planning*
 - 1. Special Use Permit Application: Adult Day Care at 111 N. Church Street

VI. CONSENT

- A. Minutes*
 - 1. April 12, 2021 – Regular Meeting
 - 2. April 19, 2021 – Joint Public Hearing

B. Finance

1. Monthly Items
 - a. Wake County Tax Report – February 2021
 - b. Financial Report as of April 19, 2021

C. General

1. Quarterly Reports from the Fire and Planning Departments

VII. OLD BUSINESS

A. Planning

1. Ordinance 2021-65 – TA 2021-02 Required Text Amendments 160-D

VIII. NEW BUSINESS

A. Administration

1. Budget Presentation FY 2021-2022
2. Eastern Wake EMS UTV and trailer
3. Ordinance 2021-66 – Eastern Wake EMS Property

IX. BOARD COMMENTS

X. MANAGER’S REPORT

A. Zebulon Historic District Meeting May 6 at Community Center at 6pm

XI. CLOSED SESSION

Per N.C. General Statute § 143-318.11(a)(5): “... to instruct the [Town] staff or negotiating agents concerning the position to be taken by or on behalf of the [Town] in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; ...”



PROCLAMATION
MUNICIPAL CLERKS WEEK
May 2 - May 8, 2021

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, we, the Board of Commissioners of the Town of Zebulon, do recognize the week of May 2 through May 8, 2021 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Adopted this the 3rd day of May, 2021

Robert S. Matheny—Mayor

Seal

Lisa M. Markland, CMC—Town Clerk



PROCLAMATION
NATIONAL POLICE APPRECIATION WEEK
May 9 - May 15, 2021

WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 9 falls as National Police Week; and

WHEREAS, the members of law enforcement in the Town of Zebulon as well as Wake County and the State of North Carolina play an essential role in safeguarding the rights and freedoms of our community; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agencies, and that members of our law enforcement recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of law enforcement of the Town of Zebulon unceasingly provide a vital public service;

NOW, THEREFORE, the Town of Zebulon Board of Commissioners calls upon all citizens of the Town of Zebulon and upon all patriotic, civic, and educational organizations to observe the week of May 9 - 15, 2021, as Police Week with appropriate observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to this community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

THEREFORE, we do hereby proclaim the week of May 9 - 15, 2021 as Police Week and call upon all citizens of the Town of Zebulon to observe the 15th day of May, 2021, as Peace Officers' Memorial Day in honor of Federal, State and municipal law enforcement officers who have made the ultimate sacrifice in service to their community or have become disabled in the performance of their duty.

WITNESS, my hand and seal of the Town of Zebulon this the 3rd day of May, 2021.

SEAL

Robert S. Matheny—Mayor

Lisa M. Markland, CMC—Town Clerk



PROCLAMATION
NATIONAL PUBLIC WORKS WEEK
May 16 – May 22, 2021

WHEREAS, public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the citizens of Zebulon; and

WHEREAS, those facilities and services could not be provided without the dedicated efforts of public works employees; and

WHEREAS, those individuals build, operate, maintain and administer the streets, sidewalks, greenways, stormwater infrastructure, solid waste and recycling collections, public buildings, and other structures and facilities that are vital to the citizens of Zebulon; and

WHEREAS, it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in:

- (1) Protecting the environment;
- (2) Improving public health and safety;
- (3) Contributing to economic vitality; and
- (4) Enhancing the quality of life of our community

THEREFORE, the Board of Commissioners of the Town of Zebulon joins the American Public Works Association and other interested agencies and civic organizations in recognizing the contributions of public works professionals to the health, safety and quality of life in Zebulon and resolves that:

1. The week of May 16 through May 22, 2021 is proclaimed as “National Public Works Week.”
2. The Board of Commissioners recognizes and celebrates the important contributions public works professionals make every day to the community.

IN WITNESS WHEREOF, the Board of Commissioners has approved this proclamation and has caused it to be signed by the Mayor and attested to by the Town Clerk, this 3rd day of May 2021.

Robert S. Matheny – Mayor

Seal

Lisa M. Markland, CMC – Town Clerk

Zebulon Board of Commissioners
Minutes
April 12, 2021

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Larry Loucks, Shannon Baxter, Glenn York, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Sam Slater-Town Attorney

Mayor Matheny called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Loucks.

APPROVAL OF AGENDA

Commissioner Baxter made a motion, second by Commissioner Clark to approve the agenda. There was no discussion and the motion passed unanimously.

SCHOOL RECOGNITION

Mayor Matheny recognized student Elijah Easley and teacher Tyra Keitt, both from Zebulon Middle School.

PROCLAMATION

Mayor Matheny read the proclamation for April – School Library Month.

Commissioner Baxter made a motion, second by Commissioner Loucks to adopt the Proclamation for April – School Library Month. There was no discussion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

No comments were submitted.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 1, 2021 meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 1, 2021 closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 8, 2021 Joint Public Hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 22, 2021 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 22, 2021 closed session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Moore to approve the Wake County Tax Report – January 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the financial report as of March 29, 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-56 – Appropriation of Green Pace Rd Property Sale. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-57 – Appropriation of Insurance Proceeds. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-58 – Appropriation of United Healthcare Wellness Grant Proceeds. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Interlocal Agreement Contract with Wake County for Building Services. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Ordinance 2021-60 – TA 2021-01 – Building Maintenance Regulations

Michael Clark explained this was a staff initiated request to amend Chapter 95 of the Zebulon Code of Ordinances. This amendment would establish regulations regarding the conditions and appearance of non-residential buildings within the DTP (Downtown Periphery) and DTC (Downtown Core) districts.

The proposed text amendments were in response to deteriorating conditions of buildings within the Downtown Zoning District and the number of vacant buildings that work against the Town's effort to have a vibrant downtown. The proposed regulations required vacant building exteriors be maintained to address safety and aesthetic concerns as well as eliminate the appearance of vacancy. The text amendment would create vibrancy outlined in the Town's 2030 Strategic Plan.

The Planning Board unanimously recommended approval at their March 8, 2021 meeting and staff recommended approval of Ordinance 2021-60.

Commissioner Baxter inquired about boarded storefronts. It was explained that building owners would work with staff to make sure the displays were appropriate and had a suitable timeline to

remove any boarded storefronts. If a building was under construction, the building owner would submit a site specific plan to staff.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-60. There was no discussion and the motion passed unanimously.

2. Ordinance 2021-61 – RZ 2020-02 – 1513 N. Arendell Avenue

Michael Clark explained this was a staff initiated rezoning request to amend the official zoning map from Heavy Industrial (HI) to Heavy Commercial (HC) for the property at 1513 N. Arendell Avenue. The parcel size was approximately 1.32 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The subject parcel was zoned HB-Heavy Business under the previous zoning code, however due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject property was designated as LI-Light Industrial in error. The site was currently occupied by Bojangles and under the LI-Light Industrial, it was an existing, nonconforming use. The rezoning to HC would bring the use into conformity with the UDO.

The Planning Board unanimously recommended approval at their March 8, 2021 meeting and staff recommended approval of Ordinance 2021-61.

Commissioner York made a motion, second by Commissioner Baxter to approve Ordinance 2021-61. There was no discussion and the motion passed unanimously.

3. Ordinance 2021-62 – RZ 2020-03 – 49 Green Pace Road

Michael Clark explained this was a staff initiated request to amend the official zoning map from Light Industrial (LI) to Heavy Commercial (HC) for a section of the property at 49 Green Pace Rd. that fronts on N. Arendell. The parcel size was approximately 1.31 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The property was zoned HB-Heavy Business under the previous zoning code until January 1, 2020. Due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the property was designated as LI Light Industrial in error. The site was currently vacant but was part of a larger tract owned and operated by BB&T.

Staff recommended approval of Ordinance 2021-62.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-62. There was no discussion and the motion passed unanimously.

4. Ordinance 2021-63 – RZ 2020-04 – 213 Moss Road

Michael Clark explained this was a staff initiated rezoning request to amend the official zoning map from Residential (R-2) to Heavy Commercial (HC) for the property at 213 Moss Road. The parcel size was approximately 1.27 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The property at 213 Moss Road was rezoned from R2-Residential to HB-Business in 2012 and remained in that classification as part of the previous zoning code. Due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject area was designated as R2- Residential in error. The site was currently occupied by a commercial use and owned by Wilbur and Theresa Pulley.

The Planning Board voted 3 to 1 at their March 8, 2021 meeting to rezone the property as NC - Neighborhood Commercial finding it would be more appropriate for the context and geographical location of the particular site and finding it was consistent with Section 2.2.2.4(J).

The property owner's activity at the site would not be in compliance with the NC – Neighborhood Commercial classification, therefore staff recommended approval of Ordinance 2021-63 to rezone the property to HC – Heavy Commercial.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-63. There was no discussion and the motion passed unanimously.

5. Ordinance 2021-64 – CZ 2020-06 – Zebulon Outdoor Storage

Meade Bradshaw explained this was a request by John Olgesby, representing the property owner - Tommy Perry, for a Conditional Zoning from Heavy Industrial (HI) to Heavy Industrial-Conditional (HI-C) for the property located at 1817 Old US 264 Hwy.

The parcel size was approximately 15.28 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

On March 8, 2021 the Planning Board unanimously recommend denial of CZ 2020-06 finding the proposal was not consistent with Standards four and two.

The Unified Development Ordinance Section 2.2.6.K provides the following standards in which the Board was to base a decision:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objective, and policies of the Town's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance and
5. Any other factors as the Board of Commissioners may determine to be relevant.

After the meeting, staff met with the applicant and worked on ways the site could conform to meet Standards four and two. The applicant amended the conditions to their conditional zoning request.

In accordance with Section 2.2.6 of the Town of Zebulon Unified Development Ordinance and NCGS 160D-703, the following conditions were agreed upon for request CZ 2020-06.

1. There shall be a maximum of 80% site coverage with washed stone surfacing.

- a. Top layer of crushed stone surfacing will be No. 5 washed stone to prevent dust.
 - b. All stone vehicular areas shall be properly maintained, including vegetation control, smoothing, scraping and top dressing at regular intervals.
 - c. The attached Exhibit, prepared by CSD Engineering, for typical cross sections governing the proposed paved area and crushed stone. Deviations from this cross section may be approved by Town Staff if recommended by a Geotechnical Engineering Firm, engaged by the property owner, following evaluation of the soils on the site, determination of compaction requirements and recommendations of the appropriate thickness of ABC Stone. In either event, the final site work design and calculations for gravel and pavement shall be submitted for review and approval by Town Staff prior to installation.
2. The site shall be designed to a storm water management standard that would recognize crushed stone surface areas as being fully impermeable. No parking and/or vehicle storage shall occur on grass areas.
 3. The entrance apron and approximately 300 feet of access road shall consist of concrete or asphalt following analysis of the soils on site and recommendation of a Geotechnical Engineering Firm engaged by the property owner, reviewed and approved by Town Staff prior to installation.
 4. There shall be an evergreen hedge 6 feet in height with plants spaced 8 feet on center between the access roadway and security fence for additional screening of parking/storage areas.
 5. There shall be a 40 foot wide Type D opaque buffer between the security fence and the Old US 264 Highway right of way. The buffer shall consist of an undisturbed 20 foot area and a 20 foot area planted with new vegetation including a 6 foot high evergreen hedge with plants spaced 8 feet on center. (Note: the 20 ft. undisturbed area along the Old 264 right of way lies slightly behind power lines running across the front of property, thus new plantings, if any, will be limited.)
 6. A 30 ft. vegetative buffer shall be installed and maintained between the US 264 Highway controlled access right of way and the subject property's security fence. This buffer will consist of 20 feet in width of existing vegetation/ trees which will be left undisturbed and an additional 10 foot contiguous area to be planted with 2-3 foot tall Type D plantings (8 feet on center forming an evergreen hedge). **Note:** To clarify, the buffer referenced in Condition #6 will be 80 feet, consisting of the 50 feet of existing trees/vegetation within the Highway 264 right-of-way, 20 feet of existing trees/vegetation within the subject property (which shall remain undisturbed) and 10 feet within the subject property to be enhanced by the planting of 2-3 foot tall shrubs on eight foot centers.
 7. There shall be a total of 20 ft. Type C Semi opaque buffer, as illustrated on the site plan submitted as part of the Conditional Zoning application, between the adjoining property identified as Wake County PIN 2715737661 and the security fence starting at the gate.

8. Approximately 400 feet of 6 ft. wide concrete sidewalk shall be provided adjacent to Old US 264 Highway approximately 1 ft. inside the existing right of way either through construction by the property owner concurrent with development, or via payment of a fee in lieu in an amount agreed upon by the property owner's engineer and Town Staff.
9. The applicant shall apply to annex the subject property into the Town of Zebulon within 30 days of final approval of this conditional rezoning.
10. Signs shall not exceed five feet in height until or unless approved as part of a site plan for an alternate use meeting Zebulon specifications in the HI zoning district.
11. Lighting shall be designed by Duke/Progress Energy engineers to meet Zebulon's lighting requirements in the HI zoning district.
12. The use shall be limited to outdoor parking/storage as illustrated on the site plan submitted as part of the Conditional Zoning application until and unless a revised site plan for outdoor storage is reviewed and approved, or until a new site plan for an alternative use permitted in the Zebulon HI zoning district is reviewed and approved by Town staff.
13. The design weights for both parking/storage areas and the access drive shall be the maximum highway loads allowed by NCDOT on area highways. Use of the site for vehicle parking/storage will be by contract only the terms of which will specify that weights exceeding NCDOT allowances are prohibited.

*All other applicable Unified Development Ordinance requirements shall remain as written and the requirements by other agencies will be reviewed and regulated at the time of Technical Review Committee review process.

Commissioner Baxter inquired about the impermeable layer of the crushed stone and stone in the geogrid. Meade Bradshaw explained the stone layers would be built to meet stormwater control measures as stated in condition two.

Commissioner Baxter expressed concerns about herbicides reaching into the ground and water systems.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-64. There was no discussion and the motion passed unanimously.

B. Administration

1. Utility Merger Agreement – Second Amendment

Joe Moore gave an outline of the merger history. Staff explained the Town could sell back water and sewer capacity, transfer cash from developer impact fees, and receive credit for projects that were not going to be completed.

Graphs showing the current purchased water and sewer capacity vs. the actual and forecasted capacity were shown. A map showing the growth opportunities and capacity availability were also

shown. It was explained the Town had enough water capacity now to serve the population of Wake Forest and the water allocation would continue to grow each year.

There was detailed discussion about future water and sewer capacity and how the Town would know when we reached capacity. The merger close-out options were discussed.

Commissioner Clark made a motion, second by Commissioner York to approve the Utility Merger Agreement – Second Amendment. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Planning

1. TA 2021-02 –160D

Michael Clark Michael Clark explained 160D would amend Chapters 95, 151, and 153 of the Zebulon Code of Ordinances and the Zebulon UDO to conform to NCGS 160D. The new state law enabled legislation for land use regulations and combined sections of 153A for counties and 160D for cities into a single document. The law became effective on June 19, 2020 and all amendments had to be adopted by July 1, 2021.

The changes from 160D were explained which included minor regulation changes, clarification on intent, consistency statements for approvals, quasi-judicial processes, internal staff processes and emphasis on land use plans.

The Joint Public Hearing was scheduled for April 19, 2021.

Commissioner Baxter asked for clarification of the difference between parties with standing and any party in attendance that was in Section 3.3.3.7.C (2) Quasi-judicial public hearings. Parties with standing was someone who had direct interest in the outcome of the request such as an applicant or next-door neighbor who had pertinent information.

There was a question if a homeowner altered the structure of their home were they considered a developer. In accordance with 160D the homeowner would be considered a developer if they made any repairs or renovations to their home.

There was clarification from the Town Attorney about conflicts of interest for a rezoning matter under Section 10.3.2.

B. Community and Economic Development

1. Ordinance 2021-59 – FY 2021 CIP Budget Transfer Request

Sheila Long stated this was a request for a budget transfer from the Alley Connectivity project to the Alley Activation project. NCDOT had concerns about the proximity of the mid-block crosswalk to the existing stop lights and staff was working with NCDOT to resolve those issues. The Alley Activation project included installation of electrical infrastructure, installation of a handicap ramp, removal of asphalt and installation of concrete and brick accents to match the alley work across the street.

Staff estimated the cost for the Alley Activation to be approximately \$27,000.

Board of Commissioners
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Commissioner Clark made a motion, second by Commissioner Moore approve Ordinance 2021-59.

Commissioner Baxter asked where any additional funds would go. Sheila Long explained there may be some unknown expenses when removing asphalt which the funds would cover. Any remaining funds would either stay in the budget line item or return to the general fund at the end of the budget year.

There was no further discussion and the motion passed unanimously.

C. Finance

1. Auditor Recommendation

Bobby Fitts asked the Board to consider proposals to conduct the Town's required annual financial audit. A Request for Proposals was sent out on February 19, 2021 and the Town received seven proposals:

- Joyce & Company, CPA
- S. Preston Douglas & Associates, LLP
- Sharpe Patel CPA
- Mauldin & Jenkins, LLC
- Martin Starnes & Associates, CPA
- Cherry Bekaert
- Winston, Williams, Creech, Evans and Co, LLP

The costs of the seven proposals ranged from \$19,156 to \$42,000 with the average being \$30,272.

Staff recommended Mauldin & Jenkins, LLC as the auditors for a three-year contract beginning with the fiscal year ending June 30, 2021.

Commissioner Baxter inquired about the scoring system. Staff explained the categories and scores.

Commissioner Clark made a motion, second by Commissioner York to appoint Mauldin & Jenkins, LLC as the auditors for a three-year contract beginning with the fiscal year ending June 30, 2021.

Commissioner Loucks asked if the price was locked in for three years. Bobby Fitts explained there was a small escalation for each year. If there was more than one audit performed there would be an additional \$2,500 charge.

There was no further discussion and the motion passed unanimously.

D. Administration

1. Board Appointments

Stacie Paratore explained there was one in-Town vacancy on the Planning Board with a term expiring on June 30, 2024.

Three people had submitted an application for the position:

- Joshua Robinson
- Arika Shelist
- Mark Cronk

Joshua Robinson spoke to the Board about his qualifications. Arika Shelist was not present and did not submit comments. Stacie Paratore read comments submitted by Mark Cronk.

Commissioner York made a motion, second by Commissioner Clark to appoint Joshua Robinson to the Planning Board as an in-Town member with a term expiring on June 30, 2024. There was no discussion and the motion passed unanimously.

E. Public Works

1. Resolution 2021-07 – Weavers Pond – Phase 6 Infrastructure Acceptance

Chris Ray asked the Board to consider acceptance of roadway and storm-drain infrastructure within Weavers Pond Phase 6 for ownership and maintenance.

Staff recommended approval of Resolution 2021-07.

Chris Ray stated the Resolution had an error. The storm drainage was 598 LF, not 3,770 LF.

Staff stated the one-year warranty began as soon as the Resolution was approved. The final overlay was estimated to be completed within the next six to nine months.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Resolution 2021-07 with the 598 LF correction. There was no discussion and the motion passed unanimously.

MANAGER'S REPORT

A. Joe Moore gave some detail about the upcoming Joint Public Hearing scheduled for April 19, 2021. The meeting would include 160D.

B. Joe Moore gave some detail about the upcoming work session scheduled for April 21, 2021 at 6:00pm. The meeting would include the Comprehensive Plan: Land Use, Comprehensive Plan: Transportation and the FY '22 Budget preview.

It was clarified the Budget Work Session #2 was scheduled for Wednesday, May 19, 2021.

Joe Moore explained the National Register Advisory Committee tabled the Zebulon Historic District. Staff was working on ways to get public information and public engagement for the Zebulon Historic District.

Bobby Fitts clarified about auditor Mauldin & Jenkins, LLC's yearly price increase. The first year was \$25,000, second year was \$26,000 and third year was \$27,000.

Board of Commissioners
Minutes
April 12, 2021

Bobby Fitts gave the following budget transfers:

Finance:

Moved \$3,000 from Group Insurance to Materials & Supplies

Fire:

Moved \$5,000 from Defibrillators - \$2,000 to Contract Services and \$3,000 to Salaries (Overtime)

Special Appropriations/Community Development:

Moved \$2,500 from Streetscape Match to Façade Improvement Grants

BOARD COMMENTS

Commissioner York recognized Debnam Hardware for their years of service to the community and commended Planning staff for their work on creating the Planning dashboard on the Town's website.

Commissioner Baxter stated the Police Department was raising funds for the Special Olympics by selling t-shirts and beach towels, there were splintered poles in Town and for people to be aware if there was bad weather before the poles were repaired and asked the Board to take into consideration how they want the downtown to be shaped.

Commissioner Clark stated the downtown flowerpots looked very nice.

Commissioner Moore liked seeing the Police walking around Town and made her feel safe.

Commissioner Loucks stated the Blue Star Memorial looked very nice.

Commissioner Loucks made a motion, second by Commissioner York to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 3rd day of May 2021.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

**Zebulon
Joint Public Hearing
Minutes
April 19, 2021**

Present: Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Sam Slater-Attorney
Absent: Robert S. Matheny

Planning Board Present: Laura Johnson, Michael Germano, Jessica Luther, David Lowry, Stephanie Jenkins and Gene Blount
Absent: Joshua Robinson

Mayor Pro Tem York called the meeting to order at 7:00pm.

PUBLIC HEARING

A. TA 2021-02 160 D Text Amendments
Mayor Pro Tem York opened the public hearing.

Commissioner Baxter inquired about approving the agenda.

Commissioner Baxter made a motion, second by Commissioner Clark to approve the agenda. There was no discussion and the motion passed unanimously.

Michael Clark explained this was a staff initiated request to amend Chapters 95, 151, and 153 of the Zebulon Code of Ordinances and the Zebulon UDO to conform to NCGS 160D. The new state law enabled legislation for land use regulations and combined sections of 153A for counties and 160D for cities into a single document. The law became effective on June 19, 2020 and all amendments had to be adopted by July 1, 2021.

The changes from 160D were explained which included minor regulation changes, clarification on intent, consistency statements for approvals, the quasi-judicial processes, internal staff processes and emphasis on land use plans.

Staff recommended approval of TA 2021-01.

Mayor Pro Tem York asked if either Board had questions. There were none.

It was stated there was no one to speak in favor or opposition since the only audience members were the Board of Commissioners, Planning Board and Staff and no written comments were received.

Mayor Pro Tem York closed the public hearing and referred the matter to the Planning Board for their recommendation.

Joint Public Hearing
Minutes
April 19, 2021

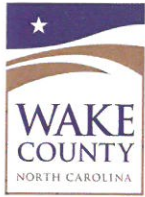
Commissioner Clark made a motion, second by Commissioner Loucks to adjourn the meeting. There was no discussion and the motion passed unanimously.

Adopted this the 3rd day of May 2021.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

MATT CALABRIA, CHAIR
VICKIE ADAMSON, VICE-CHAIR
MARIA CERVANIA
SUSAN EVANS
SIG HUTCHINSON
SHINICA THOMAS
JAMES WEST

April 6, 2021

Ms. Lisa Markland
Town Clerk
Town of Zebulon
1003 North Arendell Avenue
Zebulon, North Carolina 27597

Dear Ms. Markland:

The Wake County Board of Commissioners, in regular session on April 5, 2021, approved and accepted the enclosed tax report for the Town of Zebulon.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Yvonne Gilyard".

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

02/01/2021 - 02/28/2021

DATE

03/03/2021

TIME

9:01:34 PM

PAGE

1

ZEBULON

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
778178	0.00	0.00	181.40	0.00	181.40	02/05/2021	0006921616	2020	2018	000000	TETHIS INC
778180	0.00	0.00	1,322.17	0.00	1,322.17	02/05/2021	0006921616	2020	2020	000000	TETHIS INC
778179	0.00	0.00	2,635.00	0.00	2,635.00	02/05/2021	0006921616	2020	2019	000000	TETHIS INC
SUBTOTALS FOR BUSINESS ACCOUNTS	0.00	0.00	4,138.57	0.00	4,138.57		3	Properties Rebated			
BUSINESS REAL ESTATE ACCOUNTS											
777632	2,256.00	0.00	0.00	0.00	2,256.00	02/01/2021	0000073312	2020	2020	000000	VENTAS GC ZEBULON LP
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	2,256.00	0.00	0.00	0.00	2,256.00		1	Properties Rebated			
INDIVIDUAL PROPERTY ACCOUNTS											
778308	52.12	0.00	0.00	0.00	52.12	02/08/2021	0006913172	2020	2019	000000	PONTO, SCOTT ANTHONY
778306	95.08	20.00	0.00	0.00	115.08	02/08/2021	0006913166	2020	2019	000000	PONTO, SCOTT ANTHONY
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	147.20	20.00	0.00	0.00	167.20		2	Properties Rebated			



Wake County Tax Administration
 Rebate Details
 02/01/2021 - 02/28/2021
ZEBULON

DATE: 03/03/2021
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 PAGE: 2

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
INDIVIDUAL REAL ESTATE ACCOUNTS											
777627	682.81	0.00	0.00	0.00	682.81	02/01/2021	0000007822	2020	2020	000000	BRANNAN, ANDY CURTIS
777626	455.20	0.00	0.00	0.00	455.20	02/01/2021	0000007820	2020	2020	000000	BRANNAN, ANDY CURTIS
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	1,138.01	0.00	0.00	0.00	1,138.01	2	Properties Rebated				
TOTAL REBATED FOR ZEBULON	3,541.21	20.00	4,138.57	0.00	7,699.78	8	Properties Rebated for City				



Wake County Tax Administration

Rebate Details

02/01/2021 - 02/28/2021

ZEBULON

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03/03/2021

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PAGE

1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
Grand Total:	313,712.08	1,080.00	5,929.05	0.00	320,721.13		199	Properties Rebated for All Cities			

Topic: FY 2021 Monthly Financial Statement Update

Speaker: Bobby Fitts, Finance Director (if pulled from Consent)

Prepared by: Bobby Fitts, Finance Director

Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

This monthly report summarizes the status of the Town's revenues and expenditures.

Background:

The attached financials are a summary of revenues and expenditures to date. These are provided to keep the Board informed, on a monthly basis, of how revenues and expenditures are trending throughout the year. The enclosed statements are through April 19, 2021.

Information:

Expenditures

At 9½ months into Fiscal Year 2021, the Town has spent approximately 61% (~\$8,729,000) of its General Fund budget of \$14,329,035. The higher percentage of Powell Bill expenditures is a reflection of the recently completed Street Improvements paving project.

Revenues

- Property Tax (largest revenue stream)
 - + \$7,373,000 collected to date (97.3% of budgeted revenues (\$7,579,300)).
 - + 7.3% more than collected this time last fiscal year (\$6,870,304).
 - + Observations:
 - # Most of the larger taxpayers have now paid their FY 2021 taxes.
 - # Three more months of vehicle taxes will be received this fiscal year.
 - # Five of our largest taxpayers experienced a decline in personal property values (The 5.9% decline in value (\$24,900,000) resulted in an approximate decrease of \$137,000 in property tax revenue).

- Sales Tax (second largest revenue stream)
 - + Monthly comparisons (January's sales (reports lag 3-months)):
 - # \$22,919 (27.2%) more collected than last January for all sales tax.
 - # \$10,671 (28.3%) more collected than last January for "local" sales tax.
 - + Year-to-Date comparisons (sales through the first seven months of the fiscal year)
 - # \$79,202 (+11.6%) more collected than at this time last for all sales tax
 - # Collections are 72% of budgeted revenues (ahead of schedule through conservative budgeting and robust sales).

- Utilities Sales Tax (5% of revenue stream): third quarterly disbursement to be received June 15
 - + FY 2021 (2nd quarter totals (reports received quarterly))
 - + \$15,313 (9.9%) collected under FY 2020 actual for same quarter
 - + Reflects natural gas and electricity sales and heavily weather dependent

- Permits & Zoning
 - + \$239,181 collected to date (159% of budgeted revenues (\$150,000))
 - + 32.7% more than what was collected this time last fiscal year (\$180,272).
 - + An indication of development activity and corresponding support services.

- Transportation Impact Fees
 - + \$414,579 collected to date (296% of budgeted revenues (\$140,000)).
 - + 40% more than what was collected to date this time last fiscal year (\$297,028).
 - + Revenue placed in reserve for transportation projects to be spent within 10 years

Policy Analysis: N/A

Financial Analysis: Budgeted revenue is \$14,329,035 while year to date revenue collected is \$11,258,177 (78.6% of budgeted). As shown in the chart on the Revenue Statement, 66% of year-to-date revenues come from property taxes.

Staff Recommendation:

No staff recommendation or Board action is necessary. These are informational only.

Attachments:

1. General Fund Fiscal Year 2021 Expenditure Statement and Revenue Statement (as of April 19, 2021)
2. Sales Tax – FY 2021

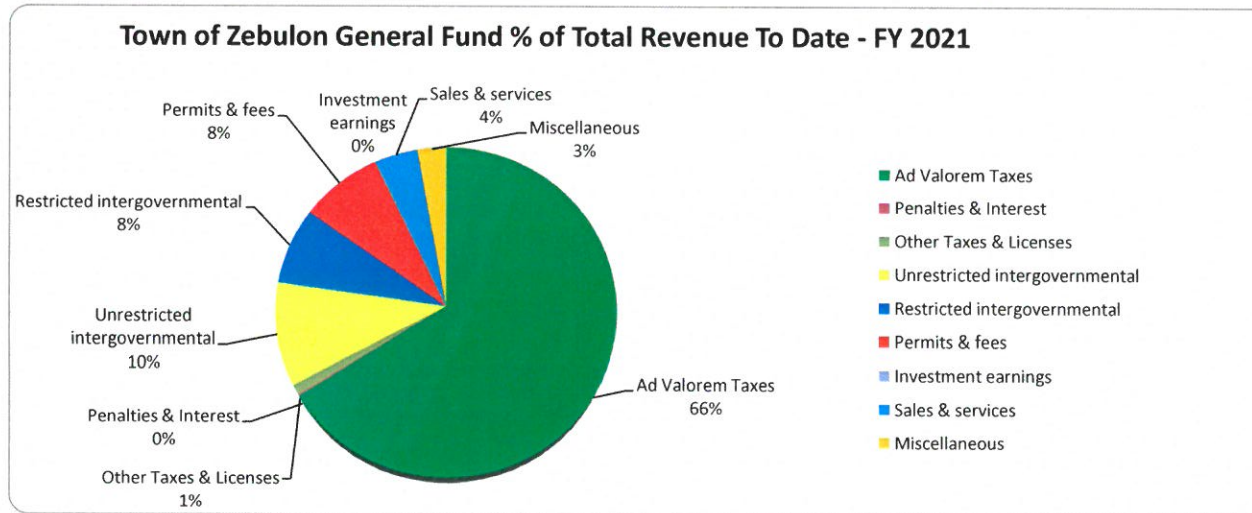
ZEBULON

NORTH CAROLINA

TOWN OF ZEBULON
 Revenue Statement: 2020 - 2021 As of 4/19/2021
 for Accounting Period 6/30/2021
 GENERAL FUND

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$7,623,800	\$7,445,236	97.7%	66.1%
Penalties & Interest	\$11,000	\$15,669	142.4%	0.1%
Other Taxes & Licenses	\$95,500	\$111,512	116.8%	1.0%
Unrestricted intergovernmental	\$1,742,600	\$1,122,767	64.4%	10.0%
Restricted intergovernmental	\$884,500	\$856,244	96.8%	7.6%
Permits & fees	\$412,500	\$910,514	220.7%	8.1%
Investment earnings	\$120,000	\$2,578	2.1%	0.0%
Sales & services	\$699,500	\$475,196	67.9%	4.2%
Miscellaneous	\$280,294	\$318,460	113.6%	2.8%
Fund Balance Appropriated	\$2,459,341	\$0	0.0%	0.0%
Total Revenues	\$14,329,035	\$11,258,177	78.6%	100%

Town of Zebulon General Fund % of Total Revenue To Date - FY 2021





TOWN OF ZEBULON
Expenditure Statement:2020 - 2021
for Accounting Period 6/30/2021
GENERAL FUND

As of 4/19/2021

<u>Dept #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$437,594	\$262,045	59.9%
420	FINANCE	\$412,250	\$277,073	67.2%
430	ADMINISTRATION	\$1,019,265	\$649,414	63.7%
490	PLANNING AND ZONING	\$911,257	\$569,425	62.5%
500	PUBLIC WORKS-PROPERTY & PROJECT MGMT	\$2,228,127	\$1,441,292	64.7%
510	POLICE	\$2,683,857	\$1,838,731	68.5%
520	PUBLIC WORKS-OPERATIONS	\$2,282,858	\$1,560,570	68.4%
530	FIRE	\$2,883,289	\$1,370,288	47.5%
570	POWELL BILL	\$129,500	\$103,998	80.3%
620	PARKS & RECREATION	\$1,111,351	\$623,774	56.1%
690	COMMUNITY & ECONOMIC DEVELOPMENT	\$229,687	\$32,606	14.2%
	Total Expenditures	\$14,329,035	\$8,729,216	60.9%

Sales Tax

FY 2021

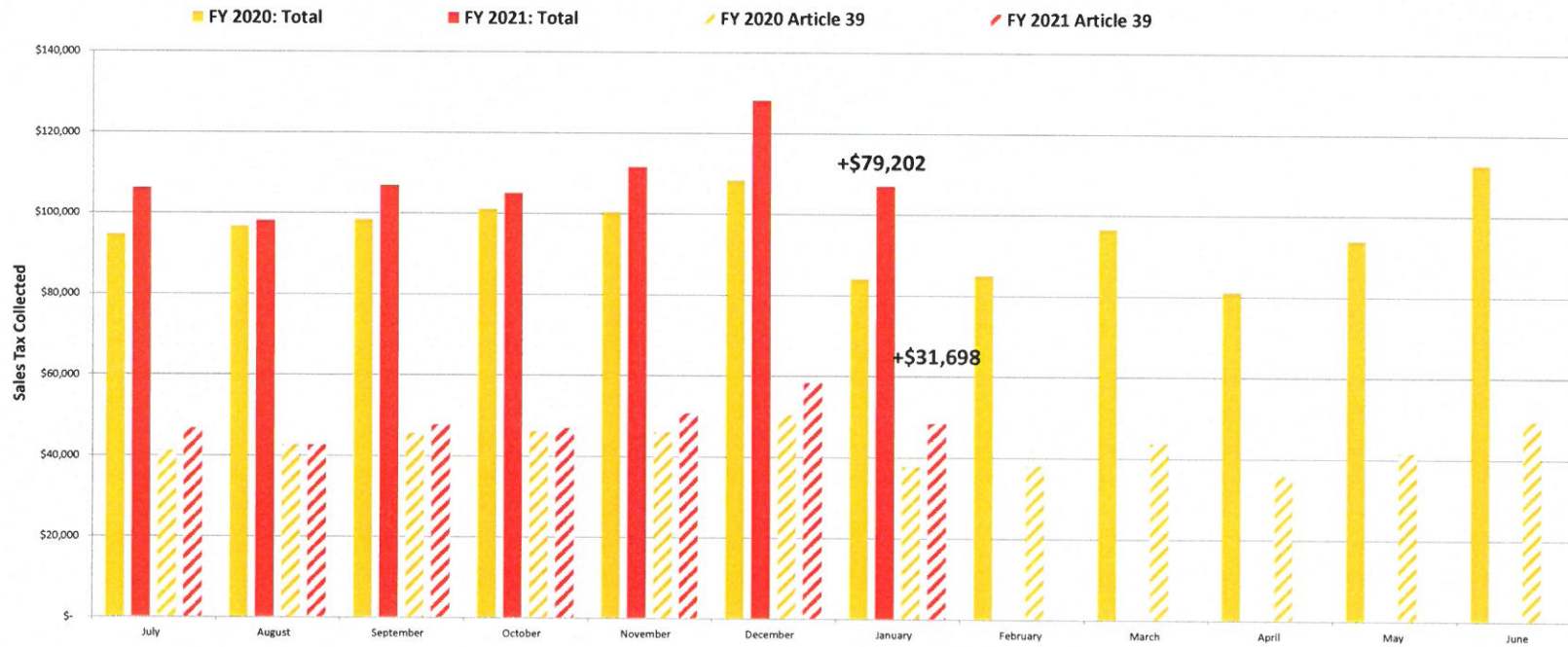
Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 21 Totals	Prior Year (FY 2020)	% Inc (Dec) from Prior Yr
July	\$ 46,727	\$ 19,891	\$ 23,331	\$ (7)	\$ 16,351	\$ 106,293	\$ 94,711	12.2%
August	42,713	18,626	21,327	11	15,457	98,134	96,820	1.4%
September	47,770	19,733	23,858	(2)	15,658	107,017	98,482	8.7%
October	46,956	19,326	23,433	(13)	15,354	105,056	101,205	3.8%
November	50,717	20,199	25,285	(2)	15,574	111,773	100,498	11.2%
December	58,329	23,016	29,146	10	17,704	128,204	108,478	18.2%
January	48,410	19,425	24,185	1	15,012	107,034	84,115	27.2%
February	-	-	-	-	-	-	85,027	-100.0%
March	-	-	-	-	-	-	96,647	-100.0%
April	-	-	-	-	-	-	81,112	-100.0%
May	-	-	-	-	-	-	93,940	-100.0%
June	-	-	-	-	-	-	112,742	-100.0%
Total	\$ 341,623	\$ 140,215	\$ 170,565	\$ (3)	\$ 111,111	\$ 763,512	\$ 684,309	11.6%

FY 2020

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 20 Totals	Prior Year (FY 2019)	% Inc (Dec) from Prior Yr
July	\$ 41,205	\$ 17,900	\$ 20,548	\$ 43	\$ 15,016	\$ 94,711	\$ 82,490	14.8%
August	42,670	18,069	21,290	1	14,791	96,820	90,393	7.1%
September	45,534	17,330	22,718	1	12,899	98,482	89,061	10.6%
October	46,223	17,994	23,069	(1)	13,920	101,205	89,671	12.9%
November	46,102	17,842	22,999	9	13,546	100,498	97,904	2.6%
December	50,451	18,922	25,168	2	13,935	108,478	104,983	3.3%
January	37,739	15,421	18,827	0	12,127	84,115	76,871	9.4%
February	38,082	15,647	18,979	0	12,318	85,027	75,834	12.1%
March	43,777	17,750	21,887	(1)	13,235	96,647	104,736	-7.7%
April	35,710	15,381	17,829	(0)	12,193	81,112	97,795	-17.1%
May	41,524	17,658	20,749	(0)	14,009	93,940	101,771	-7.7%
June	49,544	21,107	24,751	(0)	17,341	112,742	105,892	6.5%
Total	\$ 518,561	\$ 211,021	\$ 258,812	\$ 54	\$ 165,330	\$ 1,153,778	\$ 1,117,401	3.3%

* Net proceeds of the Article 39 tax are returned to the county of origin.

Monthly Summary of Sales Tax Collected



TOWN OF ZEBULON FIRE DEPARTMENT 3RD QUARTER REPORT (JANUARY-MARCH) FEBRUARY, 2021



EXECUTIVE SUMMARY

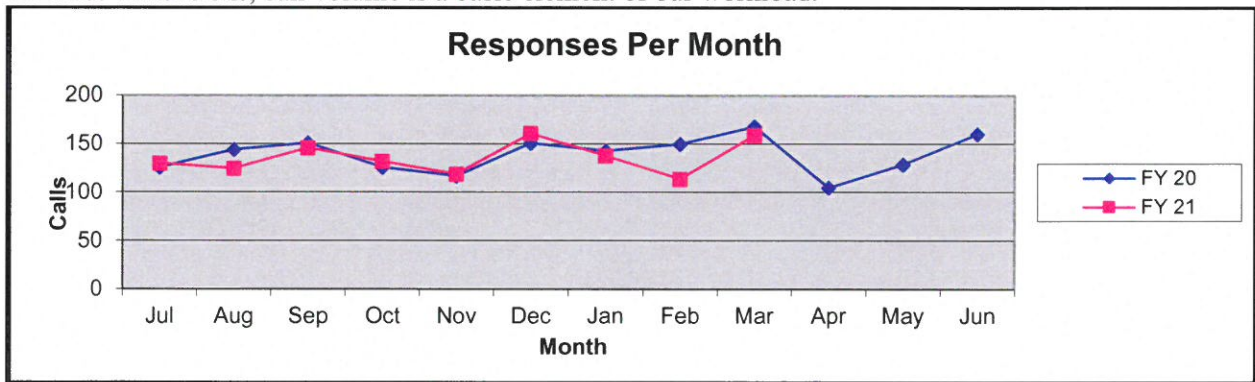
The Fire Department quarterly report summarizes the service trends/benchmarks, personnel updates, project updates, and emerging issues. Incident workload continues to trend on a slight increase with increasing demands for fire code enforcement and fire/life safety education programs.

SERVICE TRENDS/BENCHMARKS

Several dimensions are constantly monitored to track trends related to our service delivery, identify emerging needs and/or issues, and as a means of quality control. Call volume and the departmental activities are two of the workload indicators.

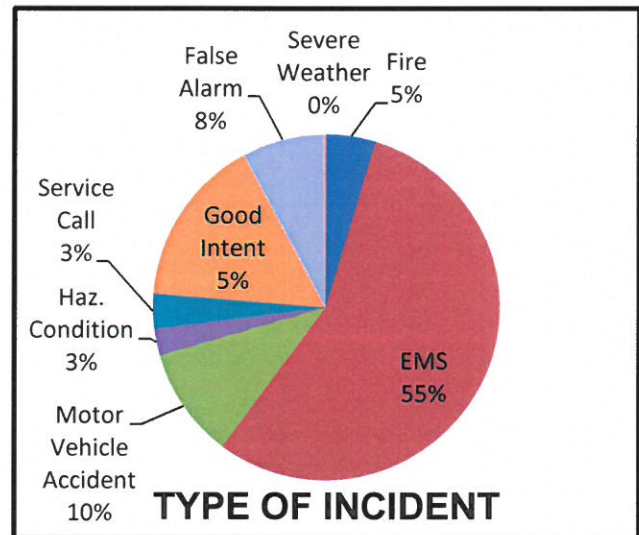
CALL VOLUME

Of these dimensions, call volume is a basic element of our workload.



Take-Aways:

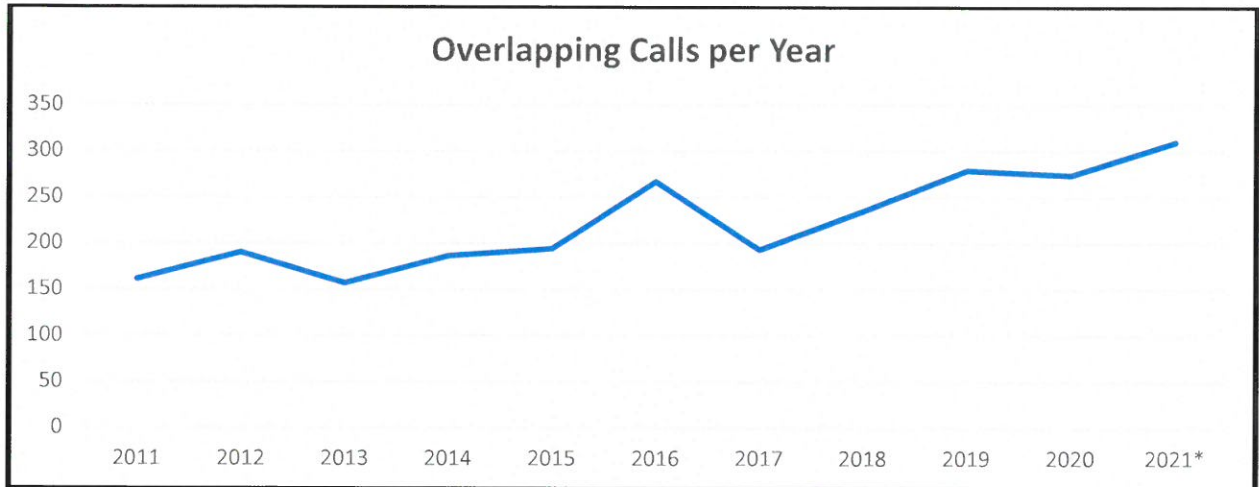
- Call volumes have returned to normal from previous slower months due to COVID.
- February and March 2020 were uncharacteristically higher than normal, so this quarter's 2021 calls are lower; however, we still expect to finish with more calls this fiscal year than in previous years.
- Due to COVID, this fiscal year has had the lowest percentage of EMS calls in recent history (fiscal year-to-date).



Did you know? EMS calls typically account for about **65-70%** of all calls responded to by our department.

OVERLAPPING INCIDENTS

Another element of workload is the count of overlapping incidents. This is indicative of workload in relation to our capacity to handle those calls. With our staffing level, multiple/overlapping calls are a challenge as there is often a delay associated with responding to subsequent calls. These additional calls are typically answered by volunteers responding from home or fire crews from other areas. Over the last ten year period, we see that the number of overlapping calls continues to increase.



*Number estimated based upon 2021 year to date.

Take-Aways:

- The number of multiple incidents at the same time is increasing each year.
- Simultaneous calls are likely to have delayed response times due to the availability of personnel
- Additional staffing will need to be considered as call volume continues to increase.

INSURANCE SERVICES OFFICE (ISO)/NC DEPARTMENT OF INSURANCE INSPECTION

This quarter we received official notification that the NC Department of Insurance would be inspecting our department in June to update our ISO rating. This rating is used to determine property insurance. Our last inspection was in 2014.

Four areas will be graded: fire department, emergency communications, water supply, and community risk reduction.

Listed below is a brief summary of each area.

Fire Department

- Administration, organization, agreements, contracts
- Staffing and call response
- Training (required for various positions and actually attended)
- Apparatus and equipment
- Pre-incident planning



Emergency Communications

- 9-1-1 center staff on duty
- Radios and 9-1-1 equipment
- Emergency circuits and call processing time



Water Supply

- Fire Hydrants (count, condition, location, testing, and maintenance)
- System capacity and available flow
- Rural water supply (and the ability of department to haul water where there are no hydrants)



Community Risk Reduction

- Fire Code Enforcement
- Fire Investigations
- Outreach programs

PERSONNEL UPDATES

Since the last quarterly report, the following individuals received these recognitions:

Firefighter Lee Chamblee, Jr. has been hired to fill a vacant position. He previously was affiliated with Hopkins Fire Department and was active duty in the National Guard prior to his employment. Firefighter Chamblee started on February 1, 2021 and has been assigned to A Shift.

Firefighter Peyton Richardson has been hired to fill a position which floats between shifts (filling vacant positions). He previously was a volunteer firefighter with our department, working part-time for various departments after his graduation from the Nash Community College fire academy program. Firefighter Richardson started on February 1, 2021.

PARTING SHOTS

Below are a few pictures from the quarter.



Crews on scene of kitchen fire on Privette Street



Residential Structure Fire in Carroll Heights subdivision

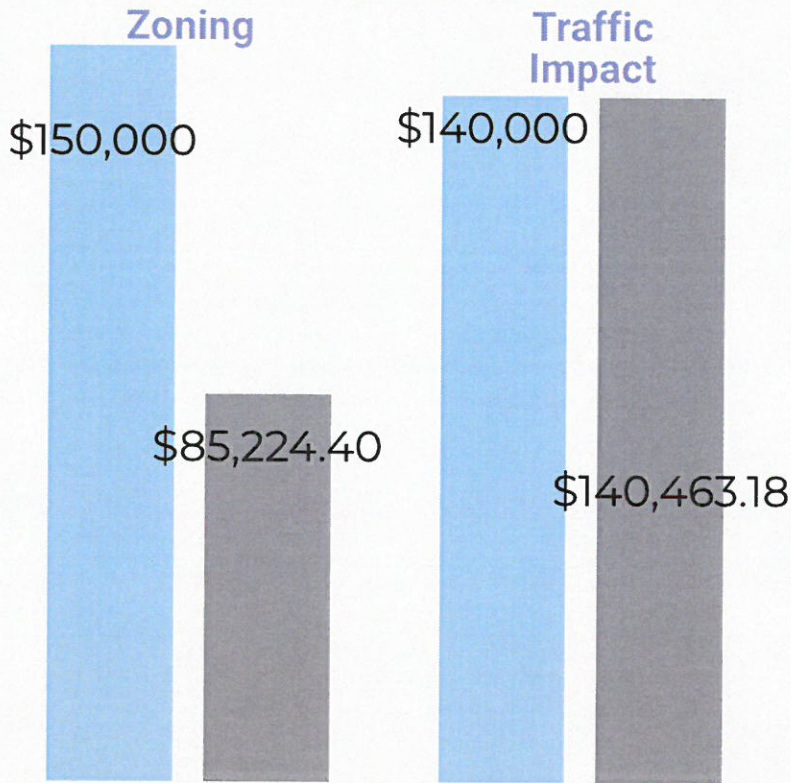


Water Haul Training at one of night training sessions

Zebulon 2021

PLANNING Q3 REPORT

FY2021 FEES



Cases

Finalized in Q3

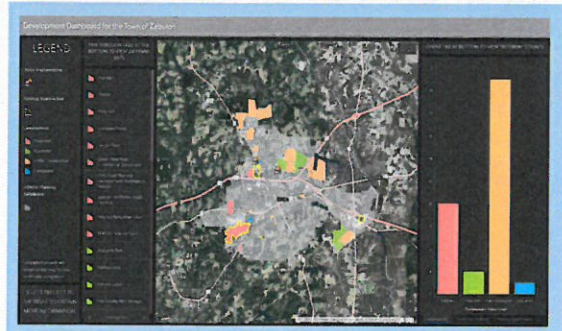
- **Technical Review Committee**
 - Weavers Pond Phase 5
 - Weavers Ridge
 - Popeyes
 - Pizza Hut
 - SBM Life Science Farm
- **Plat Recording**
 - Weaver's Pond Phase 6

Rezoning

- CZ 2020-06 Zebulon Outdoor Storage from HI to HI-C
- RZ 2020-02 1513 N Arendell Ave from HI to HC
- RZ 2020-03 49 Green Pace Road from HI to HC
- RZ 2020-04 213 Moss Road from R-2 to HC

What's New

Interactive Development Map



The dashboard displays pending rezonings, street improvements, and projects that have received plan approval, under construction, or completed.

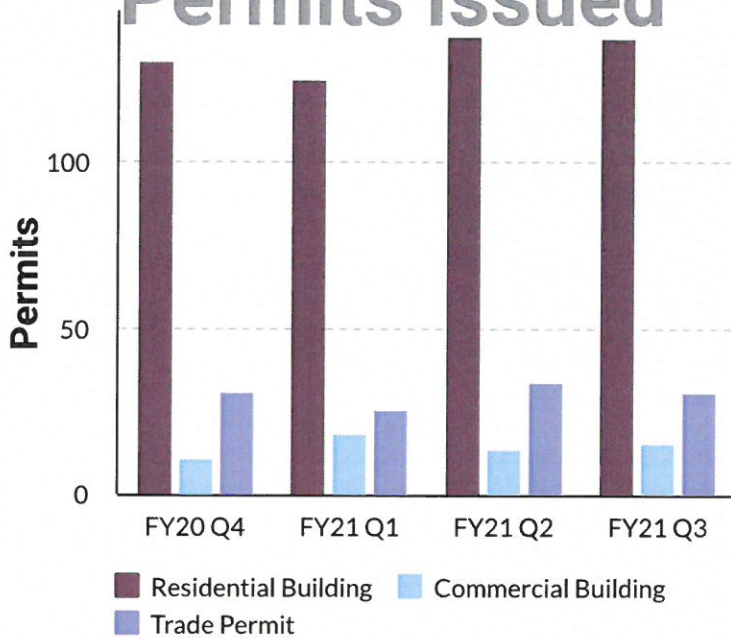
Code Enforcement Dashboard



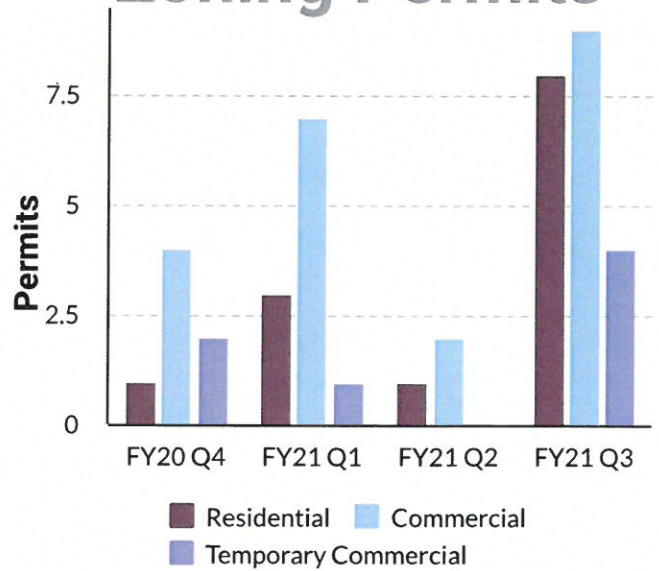
The dashboard displays code enforcement cases, both open and closed, from 2017 to current. This exhibits the cases by category in a bar graph to represent the violation type most offended.

Permitting

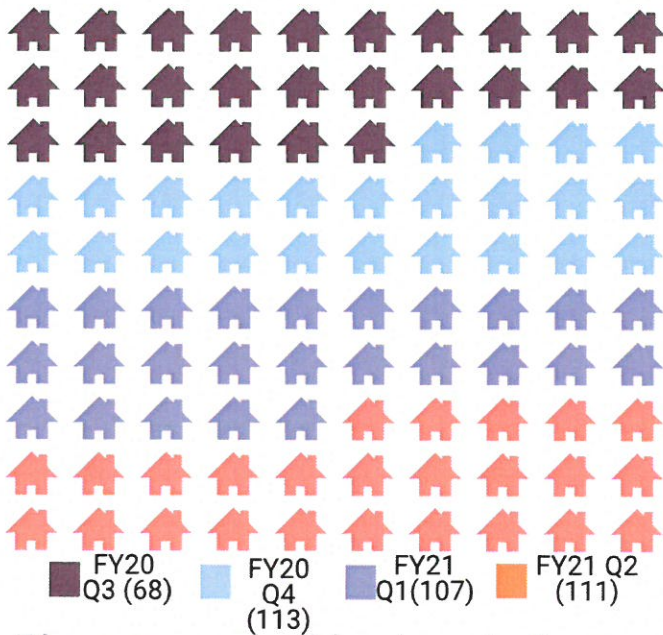
Permits Issued



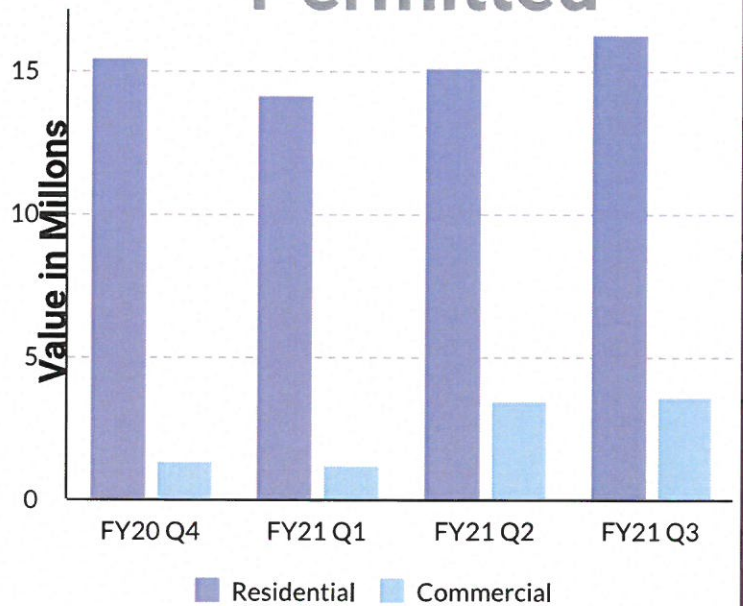
Zoning Permits



Homes Permitted



Value of Work Permitted



The average builders' cost of a new home was \$139,189.64 in Q3 of FY2021.

Code Enforcement

Minimum Housing Cases



Opened: 0
Closed: 1

Code Enforcement Cases



Opened: 33
Closed: 22


Stop Work Orders



Issued: 0

STAFF REPORT
ORDINANCE 2021-65
TEXT AMENDMENT 2021-2 – 160D
MAY 3, 2021

Topic: Ordinance 2021-65, TA 2021-02 Required Text Amendments 160-D

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider Ordinance 2021-65 for text amendments to the Unified Development Ordinance and the Zebulon Code of Ordinances necessitated by adoption of North Carolina General Statute 160D.

Background:

The State of North Carolina formerly regulated land use and planning through chapters 153 and 160A of the General Statutes. Chapter 153 regulated land under county jurisdiction and Chapter 160A regulated land under municipal jurisdiction. Session Law 2020-25 unified the regulation of land use and planning with the creation of Chapter 160D. All jurisdictions must modify their applicable land use and planning ordinances to reference Chapter 160D no later than July 1, 2021.

The attached text amendments reflect the modification of Zebulon's Code of Ordinances and Unified Development Ordinance to reference Chapter 160D.

Discussion:

The discussion before the board is to approve the attached Ordinance to adopt the proposed text amendments to bring local regulations into alignment with NCGS 160D.

Policy Analysis:

North Carolina's cities gain their authority to act (e.g., provide services, regulate activities, raise revenues) from the North Carolina General Assembly. Chapter 160D is the new enabling legislation for land use regulations within North Carolina. Zebulon's land use and planning ordinances must reflect Chapter 160D to have statutory backing and authority.

Financial Analysis:

Land use and planning ordinances absent statutory backing lack enforcement authority on development projects and code cases.

Joint Public Hearing:

No one was present at the April 19, 2021 Joint Public Hearing to speak in favor or in opposition to the proposed text amendments.

Planning Board Recommendation:

The Planning Board unanimously recommended approval of the proposed request to amend Chapters 95, 151, and 153 of the Zebulon Code of Ordinances and the amendments to the UDO as presented at the April 19, 2021 meeting finding that the proposed request is consistent with Section 2.2.20.G of the Town of Zebulon Unified Development Ordinance and the Vision 2030 Strategic Plan.

STAFF REPORT
ORDINANCE 2021-65
TEXT AMENDMENT 2021-2 – 160D
MAY 3, 2021

Staff Recommendation:

Staff recommends approval of the attached Ordinance and the proposed text amendments as presented at the April 19th Joint Public Hearing.

Sample Motion/Consistency Statement:

I hereby recommend approval of the Ordinance 2021-65 for the adoption of the proposed text amendments to Chapters 95, 151, and 153 of the Town of Zebulon Code of Ordinances and the Town of Zebulon Unified Development Ordinance to reflect statutory changes with the implementation of North Carolina General Statute 160D as presented at the April 19, 2021 Joint Public Hearing, finding that the proposed request is consistent with the standards of 2.2.20.G of the Unified Development Ordinance and the Vision 2030 Strategic Plan.

Attachments:

1. Ordinance 2021-65

ORDINANCE 2021-65
AMENDMENT TO CHAPTERS 95, 151 AND 153
OF THE ZEBULON CODE OF ORDINANCES
ARTICLES 1, 2, 3, 4, 5, 6, 8, 9 AND 10 OF
THE UNIFIED DEVELOPMENT ORDINANCE

§ 95.01 DEFINITIONS.

PUBLIC NUISANCE TO HEALTH AND SAFETY. The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits of the town which is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(10) The Planning Department shall make inspections as are necessary to determine whether the noxious weeds and tall grass constitute a public nuisance. If a violation is found to exist on the property, the enforcement rules and procedures as listed within ~~Title XV, Land Use, Chapter 152, Zoning Code, Article VI, Enforcement~~[the Town of Zebulon Unified Development Ordinance and Review](#), of the Town of Zebulon Code of Ordinances shall be adhered to.

§ 151.02 AUTHORITY.

The Town Board is authorized to adopt ~~this~~[this](#) ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; the Charter of the Town of Zebulon; G.S. § 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter ~~160A~~[160D](#), §§ 174, and 185.

(Ord. 2010-27, passed 1-6-2010)

§ 153.02 PURPOSE AND SCOPE.

(A) In order to protect the health, safety and welfare of the residents of the town and its extraterritorial area as authorized by G.S. Ch. ~~160A, Art. 19 Part 6,~~[160D, Art 12](#) it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § ~~160A-444.~~[160D-1205](#)

(B) The provisions of this chapter shall apply to all existing housing and to all housing hereafter constructed within the Town of Zebulon and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map recorded with the Register of Deeds of Wake County. This chapter establishes minimum requirements for the initial and continued occupancy of all buildings and structures used for human habitation, and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this chapter.

(1985 Code, § 153.02)

§ 153.31 COSTS, A LIEN ON PREMISES.

As provided by G.S. § ~~160A-432~~[160D-1125](#), the amount of the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Building Inspector pursuant to § 153.30 of this chapter shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by ~~G.S. Ch. 160A, Art 10.~~[G.S. 160D-1125.](#)

UNIFIED DEVELOPMENT ORDINANCE:

1.3.2 North Carolina General Statutes:

The North Carolina General Statutes, including:

Chapter 160A, Article 8 (Police Powers);

Chapter 160A, Article 15 (Streets, Traffic, and Parking);

Chapter ~~160A, Article 19~~[160D](#) -(Planning and Regulation of Development);

Chapter 143, Article 21 (Water and Air Resources); and

Chapter 113A, Article 4 (Sedimentation and Pollution Control).

1.6.2 CONFORMANCE

ADVISORY

Adopted policy guidance is advisory in nature and does not carry the effect of law. Except as provided in Section ~~160A-382~~[160D-605](#) and ~~Section 160A-383~~ of the North Carolina General Statutes, consistency with adopted policy guidance shall not be a requirement for the continuing validity of any provision of this Ordinance.

CONSISTENCY

This Ordinance is intended to promote development that is consistent with the goals, objectives, policies, strategies, and actions contained in the Town's adopted policy guidance.

Consistency between a decision made under this Ordinance and the Town's adopted policy guidance is desirable, but is not a legal requirement.

Decisions on applications for amendments to the text of this Ordinance or to the Official Zoning Map shall be accompanied by a statement of consistency recognizing if the proposed decision is or is not consistent with the Town's adopted policy guidance in accordance with Section ~~160A-383~~[160D-605](#) of the North Carolina General Statutes.

2.2.2 Annexation:

D. APPLICATION SUBMITTAL

1. The annexation petition shall be signed by all the owners of land proposed for annexation.
2. An annexation petition shall include a signed statement declaring whether or not any vested right with respect to the land subject to the petition has been established under Section ~~160A-385.1~~[160D-108](#) of the North

Carolina General Statutes.

G. ANNEXATION REVIEW STANDARDS

Approval of an annexation is a matter committed to the legislative discretion of the Town Board of Commissioners. The voluntary annexation petition may be approved upon a finding the petition complies with all the standards in Section 160A-31 or Section 160A-58 in the North Carolina General Statutes, as appropriate, and:

2.2.3 Appeal

J. APPEAL

1. Any decision by the BOA shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section ~~160A-393~~[160D-1402](#) of the North Carolina General Statutes.

2.2.4 Building Permit

F. BUILDING PERMIT REVIEW STANDARDS

A building permit shall be issued if the application complies with:

1. The applicable sections of the State Building Code(s);
2. The standards in Section ~~160A-417~~[160D-403](#) of the North Carolina General Statutes;
3. Any applicable requirements of the Wake County Environmental Services Department;
4. The site plan, if applicable;
5. The zoning compliance permit;
6. All other standards or conditions of any prior, applicable permits, and development approvals;
and
7. All other applicable requirements of this Ordinance, the Town Code of Ordinances, state law, and federal law.

H. APPEAL

1. An appeal of a decision on a building permit may be filed with the North Carolina Commissioner of Insurance, in accordance with Section ~~160A-434~~[160D-1127](#) of the North Carolina General Statutes.
2. Appeal of decisions on building inspections shall be made to the Wake County Permits and Inspections Department in accordance with their procedures and requirements.

2.2.5 Certificate of Occupancy

J. APPEAL

1. Appeal of decisions on certificates of occupancy shall be made to the Wake County Permits and Inspections Department in accordance with their procedures and requirements.
2. An appeal pertaining to a State Building Code(s) issue shall be filed with to the North Carolina Commissioner of Insurance in accordance with Section ~~160A-434~~[160D-1127](#) of the North Carolina General Statutes.

2.2.6 Conditional Rezoning

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town's planning jurisdiction as well as for land coming into the Town's planning jurisdiction via annexation in accordance with the ~~standards in Sections 160A-382 through 160A-385~~[Section 160D-703](#) of the North Carolina General Statutes.

2.2.7 Development Agreement

B. APPLICABILITY

1. At the request of an applicant, the Board of Commissioners may enter into a development agreement with a developer for a development of any size and for any duration, provided the duration is specified in the agreement.
2. All development agreements shall be subject to Sections ~~160A-400.22 through 400.32~~[160D-1001-160D-1012](#) of the North Carolina General Statutes, and the provisions of this section.

2.2.8 Exempt Subdivision

A. PURPOSE AND INTENT

The purpose for this exempt subdivision procedure is to establish a clear and predictable procedure for a landowner to determine and document that a proposed division of land is exempted from the subdivision requirements of this Ordinance in accordance with Section ~~160A-376~~ 160D-802 of the North Carolina General Statutes. Exempt subdivision reviews are provided as a courtesy, and may not be mandated by the Town.

E. EXEMPT SUBDIVISION REVIEW STANDARDS

A division of land shall be certified as an exempt subdivision if it:

1. Is excluded from the definition of a subdivision in accordance with Section ~~160A-376~~ 160D-802 of the North Carolina General Statutes;
2. Complies with all applicable standards in Article 3: Districts;
3. Complies with all standards or conditions of any applicable permits and development approvals; and
4. Complies with all other applicable requirements in the Town Code of Ordinances.

2.2.18 Special Use Permit

K. APPEAL

1. A decision by the BOC on a special use permit shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section ~~160A-393~~ 160D-1402 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.21 Variance

M. APPEAL

1. Any decision by the BOA shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section ~~160A-393~~ 160D-1402 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.22 Vested Rights Determination

B. APPLICABILITY

1. A vested right may be established, in accordance with Section ~~160A-385.1~~160D-108 of the North Carolina General Statutes, and this section.
2. A vested rights determination shall be limited to development included in a site specific development plan. For the purposes of this section, a site specific development plan shall be limited to any one of the following development approvals:
 - a. Special use permits;
 - b. Preliminary plats;
 - c. Planned developments; or
 - d. Site plans.
3. An application for a vested rights determination shall be processed concurrently or after the approval of a special use permit, preliminary plat, planned development, or site plan.

F. EFFECT

1. A vested rights certificate shall be approved prior to issuance of a building permit.
2. Each document used to establish a site specific development plan shall bear the following notation:

“Approval of this plan establishes a zoning vested right under Section ~~160A-385.1~~160D-108 of the North Carolina General Statutes. Unless terminated at an earlier date, the vested right shall be valid until _____(date).”
3. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the Town, including building, fire, plumbing, electrical, and mechanical codes.

2.2.24 Zoning Map Amendment

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town’s planning jurisdiction as well as for land coming into the Town’s planning jurisdiction via annexation in accordance with the standards in Sections ~~160A-382 through 160A-385~~160D-602 through 160D-605 of the North Carolina General Statutes.

2.3.6 Public Notice

C. PUBLIC NOTIFICATION REQUIREMENTS

1. All development applications subject to public notification shall comply with the appropriate standards in the North Carolina General Statutes. More specifically, Section ~~160A-364~~160D-601(a) for published notice, Section ~~160A-384(a)~~160D-602(a) for mailed notice, and Section ~~160A-384(c)~~160D-602(c) for posted notice.

D. PUBLISHED NOTICE REQUIREMENTS

1. When the provisions of Section ~~160A-364~~160D-601 of the North Carolina General Statutes require that public notice be published, the designated review authority shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the Town.

2. The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

E. MAILED NOTICE REQUIREMENTS

When the provisions of Section ~~160A-384(a)~~160D-602(a) of the North Carolina General Statutes require that public notice be mailed, the designated review authority shall provide the required mailed public notice in accordance with the following:

1. Mailed notice specified in Table 2.3.6.C, Public Notification Requirements, shall be mailed to:
 - a. The applicant, if different from the landowner; and
 - b. All landowners entitled to receive notice in accordance with Section ~~160A-384(a)~~160D-602(a) of the North Carolina General Statutes, as well as Town policy, whose address is known by reference to the latest county tax listing.
2. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 2.3.6.G, Notice Content, and Section ~~160A-384(a)~~160D-602(a) of the North Carolina General Statutes.
3. A copy of the mailed notice shall be maintained in the offices of the designated review authority for public inspection during normal business hours.
4. Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6.E, Mailed Notice Requirements.

F. POSTED NOTICE REQUIREMENTS

When the provisions of Section ~~160A-384(c)~~160D-602(c) of the North Carolina General Statutes require that public notice be posted, the Planning Director shall provide the required posted public notice in accordance with the following:

1. A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s). Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.
2. The content and form of the notice shall comply with Section 2.3.6.G, Notice Content, and Section ~~160A-384(c)~~160D-602(c) of the North Carolina General Statutes.

2.3.7 Public Hearings and Meetings

B. LEGISLATIVE PUBLIC HEARINGS

Table 2.2, Application Review Procedures, identifies the kinds of development applications decided following completion of a legislative public hearing, which shall be conducted in accordance with the following requirements:

1. PROCEDURE

a. Legislative public hearings shall not be conducted until

2. VOTING

- a. The Board of Commissioners shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.2, Application Review Procedures.
- b. A Board of Commissioners member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with Section ~~160A-381(d)~~ [160D-109](#) of the North Carolina General Statutes.
- c. A decision of the Board of Commissioners on an application shall be decided by a simple majority of the Board of Commissioners, excluding any members who are recused from voting due to a conflict of interest.

3.3.7.C QUASI-JUDICIAL PUBLIC HEARINGS:

Table 2.2, Application Review Procedures, identifies the kinds of development applications decided following a quasi-judicial public hearing, which shall be conducted in accordance with ~~state law~~ [G.S.160D-406](#), the review authority's rules of procedure, and the following requirements:

1. NOTICE REQUIRED

Quasi-judicial public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.3.6, Public Notice.

2. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

a. [Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments;](#)

b. [Non-parties may present competent, material, and substantial evidence that is not repetitive subject to the approval of the chairperson. Any party in attendance shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross-examine the applicant, the applicant's representatives, Town staff, and the Town staff's representatives.](#)

3. LIMITATION ON EVIDENCE

a. The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.

b. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.

3.8.2. FLOOD HAZARD OVERLAY (FHO) DISTRICT

A. STATUTORY AUTHORIZATION, FINDINGS OF FACTS, PURPOSE AND OBJECTIVES

1. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry in Sections 143.215.54, 143-215.54(a), 143-215.54A, 143-215.56, 143-215.56(c), 143.215.57A, and ~~160A-458.1~~ [160D-923](#) of the North Carolina General Statutes.

3.8.5 Manufactured Home Overlay (MHO) District

B. ESTABLISHMENT

1. Manufactured Housing Overlay (MHO) districts shall only be established in accordance with Section ~~160A-383.1~~160D-910 of the North Carolina General Statutes and Section 2.2.24, Zoning Map Amendment.
2. In requesting the establishment of an MHO district, an applicant shall present factual information to ensure, in the discretion of the Board of Commissioners, that property values of surrounding lands are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the proposed MHO district is consistent with these standards.
3. To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that are constructed on adjacent or nearby land, an applicant may, for illustrative purposes only, present examples of the types and design of such proposed dwellings.

4.3.4 Institutional Uses

S. Wireless Telecommunication Facilities

3. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF WIRELESS TELECOMMUNICATIONS FACILITIES

The following requirements shall apply to all new wireless telecommunications facilities and any modifications to an existing wireless telecommunications facility that exceeds the scope of routine

maintenance, as defined in this section.

a. BUILDING PERMIT REQUIRED

Prior to installation or modification exceeding the scope of routine maintenance, all wireless telecommunications facilities shall receive a building permit in accordance with the requirements in

this Ordinance.

b. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

i. All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities.

ii. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to wireless telecommunications facilities in Sections ~~160A-400.50~~160D-930 through ~~160A-400.57~~160D-938 in the North Carolina General Statutes.

Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the standards in Table 4.2.3, Principal Use Table, Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:

All collocations shall be classified as either a major collocation or a minor collocation in accordance with Section ~~152.1465.B~~9.4, Definitions, and the following:

- a. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following:
 - i. A building's roof;
 - ii. A building's wall;
 - iii. A vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or
 - iv. An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and Section ~~160A-400.51~~[160D-931](#) of the North Carolina General Statutes.
- b. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section ~~160A-400.51~~[160D-931](#) in the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and Section ~~160A-400.51~~[160D-931](#) of the North Carolina General Statutes.
- c. In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of wireless telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof.
- d. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation

4.3.4 Institutional Uses:

S...

5. NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES

- a. Lawfully established wireless telecommunications facilities in operation prior to January 1, 2020 that do not comply with these standards may remain and operate as nonconforming uses.
- b. In the event of conflict between these standards and the standards for nonconforming situations in Article 7 of this Ordinance, the standards in this section shall control with respect to wireless telecommunications facilities.
- c. Ordinary and routine maintenance may be performed on a nonconforming wireless telecommunications facility.
- d. Minor collocation of antennae, antenna-support structures, and related wireless telecommunications equipment is allowed in accordance with the requirements in Section ~~152-1465.F.3~~[4.3.4.S.4](#), Collocation, provided that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.
- e. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and Section ~~160A-400.51~~[160D-931](#) of the North Carolina General Statutes, be permitted on a nonconforming wireless telecommunications facility.

f. In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming wireless telecommunications tower.

4.4.7 Standards for Specific Accessory Uses:

K. FAMILY HEALTH CARE STRUCTURE

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in Section ~~160A-383.5~~[160D-915](#) of the North Carolina General Statutes, and the following standards:

5.11.4. EXCLUSIONS

The following forms of signage shall not be subject to these signage standards, but may be subject to other applicable standards in this Ordinance, such as the requirement to obtain a building permit. Applicants shall be responsible for securing all required permits prior to erecting or modifying any of the following forms of excluded signage:

- A. Fence-wrap signs affixed to fences surrounding a construction site in accordance with the standards in Section ~~160A-381.J~~[160D-908](#) of the North Carolina General Statutes;
- B. Legal notices required by governmental bodies, public utilities, or civic associations;
- C. Governmental signage, including flags, street signs, traffic warning signs, and other signage provided solely for public health and safety;
- D. Building cornerstones, historical plaques, or grave markers;
- E. Signage associated with public transit stops;
- F. Holiday displays on lots within all zoning districts;
- G. Signage that is not visible from any off-site areas (e.g., entirely enclosed by opaque walls that prevent the visibility of signage from any off-site areas); and
- H. Signage associated with off-street parking spaces or the prohibition of parking in certain locations like fire lanes, bus lanes, or loading zones.

6.1.4. EXEMPTIONS

The following divisions of land shall be exempt from these subdivision standards:

- A. Expedited subdivisions configured in accordance with Section 2.2.9, Expedited Subdivision;
- B. Subdivisions exempted in accordance with Section ~~160A-376~~[160D-802](#) of the North Carolina General Statutes; and
- C. Court-ordered subdivisions that comply with Chapter 29 of the North Carolina General Statutes.

6.1.9. SUBDIVIDING IN VIOLATION

A. Any owner of land (or their agent) who subdivides land in the Town's jurisdiction, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Register of Deeds for Wake County shall be guilty of a Class I misdemeanor in accordance with Section ~~160A-375~~[160D-807](#) of the north Carolina General Statutes.

B. The selling or transferring of land subject to these subdivision standards by any document other than a plat prepared subject to this Ordinance is a Class I misdemeanor in accordance with Section ~~160A-375~~[160D-807](#) of the North Carolina General Statutes.

C. The Town may enjoin any illegal subdivision, transfer, or sale of land by action for injunction in accordance with Article 8: Enforcement.

8.8.5. REVOCATION OF PERMITS

A. The Planning Director may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation.

B. Permits or certificates may be revoked, in accordance with Section ~~160A-422~~160D-403(f) of the North Carolina General Statutes, for any of the following:

1. Any substantial departure from the approved application, plans, or specifications;
2. Refusal or failure to comply with the requirements of State or local laws; or
3. For making false statements or misrepresentations in securing the permit, certificate, or approval.
4. Any permit or certificate mistakenly issued in violation of an applicable State or Town law may also be revoked.

9.4:

ANTENNA COLLOCATION, MAJOR

The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building's roof, on a building's wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires "substantial modifications" to the telecommunications tower, as defined in this Ordinance and Section ~~160A-400.51~~160D-931 of the North Carolina General Statutes.

ANTENNA COLLOCATION, MINOR

The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require "substantial modifications" and that meets the definition of an "eligible facility request" as defined in this Ordinance and Section ~~160A-400.51~~160D-931 of the North Carolina General Statutes.

BUILDING PERMIT

Authorization granted by the town for an applicant to begin construction of a building or structure.

For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Building Permit means an official administrative authorization issued by the Town prior to beginning construction consistent with the provisions of Section ~~160A-417~~160D-1110 of the North Carolina General Statutes and this Ordinance.

COLLOCATION, MAJOR

The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building's roof, on a building's wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires "substantial modifications" to the telecommunications tower, as defined in this Ordinance and Section ~~160A-400.51~~160D-931 of the North Carolina General Statutes.

COLLOCATION, MINOR

The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require “substantial modifications” and that meets the definition of an “eligible facility request” as defined in this Ordinance and Section ~~160A-400.51~~160D-931 of the North Carolina General Statutes.

COMPREHENSIVE PLAN:

A document, adopted by the Board of Commissioners, which dictates the town’s policy in terms of transportation, utilities, land use, recreation, and housing and has been officially adopted by the governing board pursuant to G.S. 160D-501.

DEVELOPER:

~~A person engaging in land, site, or building development.~~ A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including: Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

~~buildings or other structures; mining; dredging; filling; grading; paving; excavation; drilling operations; or storage of equipment or materials. “Development” also includes any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or that otherwise decreases the infiltration of precipitation into the soil.~~

For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District:

(a) Any manmade change to improved or unimproved real estate, including, but not limited to, the construction, erection, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, clearing of vegetation; and any use or change in use of any structures or land.

(b) Development shall also include any land disturbing activity on improved or unimproved real estate that changes the amount of impervious or partially impervious surfaces on a parcel, or that otherwise decreases the natural infiltration of precipitation into the soil.

DEVELOPMENT APPROVAL. - An administrative or quasi-judicial approval made pursuant to G.S. 160D and UDO Article 2 that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits,

variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this G.S. 160D and any Town Ordinance including plat approvals, permits issued, development agreements entered into, and building permits issued.

DWELLING

~~A building designed for or used by one or more families for residential purposes, but not including a hotel, motel, or mobile home.~~ Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Dwelling shall not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

ELIGIBLE FACILITY REQUEST

An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a “substantial modification” as defined in this Ordinance and Section ~~160A-400.51~~ 160D-931 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.

EXPEDITED SUBDIVISION

A subdivision of three or fewer lots comprised of more than five acres in accordance with Section ~~160A-376~~ 160D-802 of the North Carolina General Statutes.

PROPERTY. - All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

SMALL WIRELESS FACILITY

A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in Section ~~160A-400.51~~ 160D-931 of the North Carolina General Statutes.

SUBSTANTIAL MODIFICATION

For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Substantial Modification means the collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment

compound by an amount specified in Section ~~160A-400.51~~[160D-931](#) of the North Carolina General Statutes. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as “substantial modifications” in Section ~~160A-400.51~~[160D-931](#) in the North Carolina General Statutes are reviewed and decided in accordance with the procedures for a major telecommunications tower.

VESTED RIGHT

A right pursuant to North Carolina General Statutes Section ~~160A-385.1~~[160D-108](#) to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

10.2. BOARD OF ADJUSTMENT (BOA)

The Board of Adjustment is hereby established in accordance with Section ~~160A-388~~[160D-302](#) of the North Carolina General Statutes. The BOA shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

10.3.2 Conflict of Interest:

In accordance with NCGS 160D-109(a) A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

10.4. PLANNING BOARD

The Planning Board is hereby established in accordance with Section ~~160A-361~~[160D-301](#) of the North Carolina General Statutes. The Planning Board shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

10.5. TECHNICAL REVIEW COMMITTEE (TRC)

The Technical Review Committee (TRC) is hereby established in accordance with Section ~~160A-361~~[160D-306](#) and Section ~~160A-373~~[160D-803](#) of the North Carolina General Statutes. The TRC shall have the following powers, duties, composition, and rules of procedure under this Ordinance:

10.5.3 RULES OF PROCEDURE

A. MEETINGS

1. The TRC shall establish a regular meeting schedule, and shall meet frequently enough to discuss any plats, plans or related issues submitted to it for review.
2. The Planning Director may invite applicants to attend TRC meetings.

B. CONFLICT OF INTEREST

1. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
2. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.


Adopted this the 3rd day of May 2021.

Robert S. Matheny – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk

STAFF REPORT
SPECIAL USE PERMIT – ADULT DAY CARE
SUP 2021-01
MAY 3, 2021

Topic: SUP 2021-01 Special Use Permit – Adult Day Care
Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, CZO, AICP, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the Special Use Permit Application received for an Adult Day Care located at 111 North Church Street.

Background:

Rosemary Nwankwo representing Eagle Healthcare Services has submitted a request to obtain a Special Use Permit for operating an Adult Day Care in an existing building. This is a Quasi-Judicial Hearing request and *ex parte* communication with the applicant, Staff, or each other is not permissible.

Discussion:

The discussion before the Board of Commissioners is whether to approve the Special Use Permit. The Board of Commissioners must determine the Findings of Fact have been met (UDO 2.2.18.F).

The Findings of Fact are as follows:

- 1) Please explain how the proposed Special Use Permit will not materially endanger the public health or safety if located where proposed;
- 2) Please explain how the proposed Special Use complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;
- 3) Please explain how the proposed Special Use will not substantially injure the value of the abutting land, or the special use is a public necessity;
- 4) Please explain how the proposed Special Use will be in harmony with the area in which it is to be located;
- 5) Please explain how the proposed Special Use is in general conformity with the Town's adopted policy guidance; and
- 6) Please provide details regarding the required includes a concept plan that accurately depict the proposed use's configuration and compliance with other applicable sections of the UDO.

The Board's examination of the application, supporting documents or exhibits entered into the public record during the Quasi-Judicial will guide the discussion regarding the six Findings of Fact. All testimony shall be from a credible witness with standing, and all evidence must be deemed pertinent and substantive to the request at hand.

STAFF REPORT
SPECIAL USE PERMIT – ADULT DAY CARE
SUP 2021-01
MAY 3, 2021

with the Findings of Fact, or if there was insufficient evidence to prove a Finding. Only one Finding must be found unproven based upon evidence submitted at the hearing to oppose the permit.

If the Board of Commissioners move to approve the proposed, the applicant must agree with any conditions, and one or more of the Findings of Fact should be stated in the motion to approve.

If approved, the proposed request will be reviewed by the Zebulon Technical Review Committee to determine compliance with the site configuration details of the Unified Development Ordinance.

Policy Analysis:

A Special Use Permit is a specific approval for a use that has been determined to be more intense, or to have a potentially greater impact, than a permitted use within the same zoning district.

An Adult Day Care operates a State of North Carolina certified program in a structure other than a single-family dwelling. The program provides group care and supervision to adults 18 years or older, who may be physically or mentally disabled, on a less than 24-hour basis and in a place other than their usual place of residence.

The Downtown Periphery District is designated to mix residential uses, nonresidential uses, and nonresidential uses providing goods and services.

Fiscal Analysis:

The proposed Special Use would not change the land use tax classification and the site is already improved with a structure. The site is located within the Town's existing service area. The proposed activity is not more intensive than many of the nearby nonresidential uses and not anticipated to demand a greater level of service.

Staff Recommendation:

Staff recommends accepting testimony from the Applicant and those with standing during the Quasi-Judicial Public Hearing to determine if the Findings of Fact have been met (UDO: 2.2.18.F). Staff has reviewed the applicable documentation and recommends that Findings of Fact 1-6 have been met.

Board of Commissioner Options:

In accordance with Section 2.2.18.E of the UDO, the Board of Commissioners have the following options:

1. Approval of the special use and concept plan as proposed;
2. Approval of a revised special use or concept plan;
3. Denial of the special use and concept plan; or
4. Remand of the special use application for further consideration.

If the Board chooses to approve the proposed request as submitted, the following sample motion may be used:

I hereby approve the Special Use Permit Request for an Adult Day Care facility to be located at 111 North Church Street as presented at the May 3, 2021 Board of Commissioners Meeting, finding that in accordance with Section 2.2.18.F of the UDO, the applicant has provided testimony and evidence to demonstrate that the following Findings of fact have been met:

- 1. Will not materially endanger the public health or safety if located where proposed;*
- 2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;*
- 3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;*
- 4. Will be in harmony with the area in which it is to be located;*
- 5. Is in general conformity with the Town's adopted policy guidance; and*
- 6. Includes a concept plan that accurately depicts the proposed use's configuration.*

Attachments:

1. Application
2. Site Plan
3. Vicinity Map
4. Zoning Map
5. Future Land Use Map
6. Site Pictures
7. Public Hearing Notification
8. Property Owners Notified (adjacent & across the street)



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

SPECIAL USE PERMIT APPLICATION

GENERAL INFORMATION:

A Special Use Permit in accordance with Section 2.2.18 of the UDO is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

INSTRUCTIONS:

PRE-APPLICATION MEETING: A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Assistant Planning Director Meade Bradshaw (mbradshaw@TownofZebulon.org) no later than five (5) working days prior to the desired meeting day.

APPLICATION PROCEDURE – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet.

- Completed Application Form
- 8 Full Size Plan Sets and 1 PDF set on USB drive. (see site plan checklist)
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property
- Certified List of Property Owners within 150 feet of subject property
- Owner's Consent Form
- Neighborhood Meeting Packet
- Stamped envelopes addressed to Certified List of Property Owners all the home owners associations of those properties within 150 feet of the outer boundary subject property or properties affixed with the following return address:
Town of Zebulon
Planning Department
1003 N. Arendell Ave
Zebulon, NC 27597

PUBLIC HEARING PROCEDURE: Upon submittal of a complete application, the Planning Department will schedule the application for a public hearing before the Board of Commissioners. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled "QUASI-JUDICIAL HEARINGS," beginning on page 6, for an explanation of quasi-judicial hearings and the applicant's responsibility in such hearings. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Special Use Permit, a sign will be posted on the subject property, and notifications will be placed in a paper of general circulation two times before the quasi-judicial public hearing in accordance with Section 2.3.6 of the UDO. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Board of Commissioners may deliberate for final consideration, or render a decision at the following meeting. Deadline dates and Public Hearing dates can be found on the Town of Zebulon's website.



APPLICATION FOR SPECIAL USE PERMIT

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property: 111 N Church St. Zebulon, NC		Acres: 0.71
Parcel Identification Number (NC PIN): 2705249369	Deed Book: 16748	Deed Page(s): 1705
Existing Zoning of the Property: Warehouse	Proposed Zoning of the Property: Adult Day Care	
Existing Use of the Property: Warehouse	Proposed Use of the Property: Adult Day Care	
Details of the proposed Special Use: <p>Psychosocial Rehabilitation Service (PSR) is designed to help adults with psychiatric disabilities increase their functioning so that they can be successful and satisfied in the environments of their choice with the least amount of ongoing professional intervention. PSR focuses on skill and resource development related to life in the community and to increasing the participant's ability to live as independently as possible, to manage their illness and their lives with as little professional intervention as possible, and to participate in community opportunities related to functional, social, educational, and vocational goals.</p>		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: Eagle Healthcare Services		
Street Address of Applicant/Agent: 1708 Trawick Rd. Ste 115		
City: Raleigh	State: NC	Zip Code: 27604
Email of Applicant/Agent: eaglehcs@yahoo.com	Telephone Number of Applicant/Agent: 919-872-7686	Fax Number of Applicant Agent: 919-872-7456
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Note: If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application.

PART 3. PROPERTY OWNER INFORMATION		
Name of Property Owner: Jason Landen		
Street Address of Property Owner: 4650 NC Highway 231		
City: Zebulon	State: NC	Zip Code: 27597
Email of Property Owner: jason@landenair.com	Telephone Number of Property Owner: (919) 906-9838	Fax Number of Property Owner:

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

Signature of Applicant: <i>Rosemary Nwankwo</i>	Print Name: Rosemary Nwankwo	Date: 1/18/2021
Signature of Owner: <i>Jason Landen</i>	Print Name: Jason Landen	Date: 2/22/2021



APPLICATION FOR
SPECIAL USE PERMIT

REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. **The applicant will bear the burden of presenting substantial, competent, and material evidence** sufficient to enable the Board of Commissioners to make the findings of fact required in Section 2.2.18.F. of the Town of Zebulon Unified Development Ordinance, as set forth below. Please note that documentation may be required in addition to responding to applicable statements. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1) Please explain how the proposed Special Use will not materially endanger the public health or safety if located where proposed.

All participants in the service are supervised by responsible, trained staff. All staff is trained in mental illness and crisis interventions. All participants in the service are carefully screened by a licensed social worker that determines eligibility and appropriateness for program, documented in a Clinical Assessment.

2) Please explain how the proposed Special Use complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses?

This space will be used in and Institutional capacity. It has been zoned as an Adult Day Care Center, which means it is at least 1,320 linear feet from another Adult Day Care Center use. Eagle Healthcare Services is licensed with the state of NC DHHS and Alliance Health (MCO) to conduct PSR services. The property has an outdoor fenced area in the rear and has a designated pick up and drop off spot in the rear and front of the property that does not cross a parking lot or street.

3) Please explain how the proposed Special Use will not substantially injure the value of the abutting land, or the special use is a public necessity

The staff and participants in the space will be kept contained, and will be supervised on the property. There will be no alterations made to the outside land property, and the current tenants will use the space as is. Only signage for the name and address of the facility will be displayed as required by NC DHHS.

4) Please explain how the proposed Special Use will be in harmony with the area in which it is to be located

The PSR's goal is for all participants of the service to be upstanding citizens of the community by teaching them valuable Independent living skills to live an appropriate and independent life. Integration into the community is integral to the success of the program/service.



**APPLICATION FOR
SPECIAL USE PERMIT**

5) Please explain how the proposed Special Use is in general conformity with the Town’s adopted policy guidance

Special use will be in compliance with the definition of Adult Day Care Center. The property is currently in compliance with the Ordinance, and specifications identified. Eagle has no intention of changing the type of use.

6) Please provide details regarding the required includes a concept plan that accurately depicts the proposed use’s configuration and compliance with other applicable sections of the UDO

The space will be used as is. Existing offices will be used as offices, and the warehouse area will be used to conduct PSR services for participants. The warehouse area will be used to teach skills, have discussions, provide leisure activities compliant with the PSR service definition.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

<u><i>Rosemary Nwankwo</i></u>	<u>Rosemary Nwankwo</u>	<u>1/18/2021</u>
<i>Signature of Applicant</i>	<i>Print Name</i>	<i>Date</i>



APPLICATION FOR SPECIAL USE PERMIT

CONCEPT PLAN REQUIREMENTS

In accordance with Section Every applicant requesting a Special Use Permit shall submit **8 full size paper copies** and **1 PDF on USB flash drive** of a site plan drawing with the application for a Special Use Permit. The site plan shall contain sufficient information to adequately determine the type of development being proposed. The site plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

**CHECK IF
SUBMITTED**

ITEM

- | | | |
|-----|--|-------|
| 1. | Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements. | _____ |
| 2. | Elevation drawings of all buildings indicating the proposed exterior finish materials. | _____ |
| 3. | Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations. | _____ |
| 4. | Location of all ingress and egress. | _____ |
| 5. | Off-street parking and loading facilities, with calculations showing how the quantities were obtained. | _____ |
| 6. | All pedestrian walks and open areas for use by residents, tenants, or the public. | _____ |
| 7. | Proposed land uses indicating areas in square feet. | _____ |
| 8. | The location and types of all signs, including lighting and heights, with elevation drawings. | _____ |
| 9. | Existing and/or proposed street names. | _____ |
| 10. | Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations. | _____ |
| 11. | Such additional items and conditions, including design standards as the Board of Commissioners deems necessary. | _____ |
| 12. | Trip generation data and TIA | _____ |



QUASI-JUDICIAL HEARINGS

Explanation of Quasi-Judicial Hearings

Quasi-judicial decisions arise in a variety of local government settings. In Zebulon, members of the Town's Board of Commissioners hold quasi-judicial hearings for special use permits as required by state law. During a quasi-judicial hearing, the Boards must hold an evidentiary hearing based solely on written and oral evidence presented by witnesses testifying under oath and subject to cross-examination. The quasi-judicial hearings do not involve setting new policies, but rather the application of previously adopted policies to the parties involved. Unlike legislative decisions (like rezonings), where the Board's actively seek the public's input and opinion concerning the advisability of the matter before the Boards, state law and constitutional considerations require that a quasi-judicial decision must be based solely on the evidence presented and cannot be based on the Board's or witnesses' unsubstantiated opinions. Put differently, a quasi-judicial decision is one that requires the Board members to find facts and apply the standards set forth in the Town's ordinance to a specific situation.

Evidence Required

There must be "substantial, competent, and material evidence" in the record to support each factual determination; the findings cannot be based on conjecture or assumptions. North Carolina General Statutes (NCGS) §160A-393 prohibits a person from giving opinions about scientific, technical or other specialized subjects unless the person, by knowledge, skill, experience, training or education, is in fact an expert on the subject. NCGS §160A-393 specially prohibits opinions that "the use of property in a particular way would affect the value of other properties" or opinions that "the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety" unless the witness is an expert on the subject.

Burden

The applicant will bear the burden of presenting evidence sufficient to enable the Board of Commissioners to make the findings of fact required the Zebulon Code of Ordinances. Those in opposition to the issuance of the special use permit bear the burden of presenting evidence that a required standard will not be met. The findings of fact required by the Zebulon Unified Development Ordinance are as follows:

1. Will not materially endanger the public health or safety if located where proposed;
2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Includes a concept plan that accurately depicts the proposed use's configuration.

Ex-Parte Communication

In all quasi-judicial hearings, all rulings must be based only upon the evidence in the record. Any direct or indirect communication (verbal, written, electronic or graphic) between a Board member and a proponent, opponent, or other interested party received outside of the record is considered "ex-parte communication". Board members should not receive evidence or argument on a pending quasi-judicial matter outside of the official public hearing on the matter. Note that this is different from a legislative matter before the Board, in which case Board members are free to discuss legislative matters with citizens at any time. It is inappropriate for the Board member to discuss or read correspondence concerning the quasi-judicial matter outside of the public hearing. Please do not approach or attempt to communicate with a Board member about the pending special use permit outside the public hearing; doing so may provide legal grounds for a court to overturn the Board's decision.

Oaths

Those offering testimony are put under oath. If a witness has religious objections to taking an oath, he or she may affirm rather than swear an oath.

Questions about Quasi-Judicial Proceedings

If you have any questions about the applicable procedures, please contact Assistant Planning Director Meade Bradshaw at (919) 823-1809 or at mbradshaw@TownOfZebulon.Org.



APPLICATION FOR SPECIAL USE PERMIT

OWNER'S CONSENT FORM

Name of Project: _____ Submittal Date: _____

OWNER'S AUTHORIZATION

I hereby give CONSENT to Eagle Healthcare Services (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to Section 2.2.18.H. of the Town of Zebulon Unified Development Ordinance, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Jason Larden Jason Larden 2/22/2021
Signature of Owner *Print Name* *Date*

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Jason Larden Jason Larden 2/22/2021
Signature of Owner *Print Name* *Date*

*Owner of record as shown by the Wake County Revenue Department (www.wakegov.com). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.



**APPLICATION FOR
SPECIAL USE PERMIT**

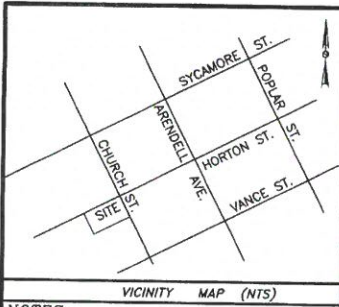
ADJACENT OWNERS AND HOA CONTACTS

Provide a certified list of property owners subject to this application and all properties owners within 150-foot feet of the subject property, and any HOA Contacts for developments which fall within 300-feet of the subject property.

Parcel Address	Parcel ID Number	Owner's Name
208 W HORTON ST	058-00000-0252	DRIVER, DWAIN G
232 W VANCE ST	058-00000-0329	BOONE, JUDITH M
211 W HORTON ST		LOPEZ, VICTORINO LOPEZ, EVA D
209 W HORTON ST	058-00000-0323	BLUE SUN VENTURES LLC
206 W HORTON ST	058-00000-0253	DUNN, JOHNNY J JR
204 W HORTON ST	058-00000-0254	TONEY, ROSA MAE WATTS, KENNETH E
228 W VANCE ST	058-00000-0330	ZEBULON TOWN OF
205 W HORTON ST	058-00000-0324	TRIANGLE DEALS LLC
202 W HORTON ST	058-00000-0256	ROGERS, RICKEY STALEY
210 W VANCE ST	058-00000-0331	SEVERIA INVESTMENT GROUP LLC
200 W HORTON ST	058-00000-0257	WILLIAMS, E D WILLIAMS, LIZZIE M
204 W VANCE ST	058-00000-0332	ARAUJO, FANNY ARAUJO
202 W VANCE ST	058-00000-0333	LIGGINS, ALMA H LIGGINS, JEANNIE ANN REMAINDER
103 N CHURCH ST	058-00000-333A	NIXON, JAMES I NIXON, SUSAN H
118 W HORTON ST	058-00000-0264	BCB REAL ESTATE LLC
112 N CHURCH ST		VCP INVESTMENTS LLC
130 W VANCE ST	058-00000-0346	MATHENY, ROBERT S ESTES, AMOS C
132 W VANCE ST	058-00000-0345	CORDOVA, OSIEL RODRIGUEZ
128 W VANCE ST	058-00000-0348	MATHENY, ROBERT S ESTES, AMOS C

HOA Contacts:

Development Name	Contact Name	Contact Address



NOTES:
EXISTING USE OF PROPERTY IS GARAGE (VACANT) & PROPOSED USE OF PROPERTY IS HEATING & COOLING OFFICE.

ALL SIGNAGE MUST BE LOCATED 10' OUTSIDE OF ANY RIGHT-OF-WAY & A SEPARATE SIGN PERMIT WILL BE NEEDED.

NOTE: SIDE WALL LIGHT - CATALOG # E-WPAM071Z
REAR WALL LIGHT - CATALOG # E-WPAM10DZ
NOTE: SITE WILL USE TOWN'S TRASH COLLECTION SERVICE.
NOTE: BUILDING PERMIT WILL BE REQUIRED FOR ANY WORK INSIDE OFFICE.

PLANTING MATERIALS
TYPE # OF PLANTS
CREPE MYRTLE - 14
GREEN LUSTER HOLLY - 67

IMPERVIOUS SURFACE COVERAGE
3000 SQ.FT - EXISTING BUILDING
6011 SQ.FT. - PROPOSED GRAVEL AREA
7045 SQ.FT. - PROPOSED SIDEWALK & PARKING
16056 SQ.FT. = TOTAL COVERAGE AREA

SITE PLAN FOR LANDEN AIR TOWN OF ZEBULON WAKE COUNTY NORTH CAROLINA

NOTES:

PROPERTY SUBJECT TO EASEMENT & RESTRICTIONS OF RECORD.

AREA COMPUTED BY COORDINATE METHOD.

REFERENCES:

DEED BOOK 16748 PG 1705
DEED BOOK 15660 PG 2664
BOM 1885 PG 68

SITE DATA:

ACREAGE OF PROPERTY: 0.709 ACRE

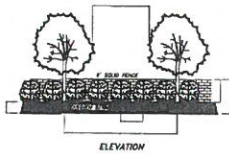
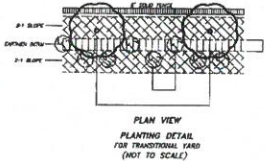
ADDRESS: 111 N. CHURCH ST.

OUTSIDE OF FLOOD PLAIN
FIRM MAP #: 3720270500J
EFFECTIVE DATE: MAY 2, 2006

PIN: 2705-24-9369
ZONED: HB

OWNER & APPLICANT:
JASON LANDEN
4650 NC HWY 231
ZEBULON, NC 27597

APPROVED
SITE PLAN
TOWN OF ZEBULON
PLANNING DEPARTMENT
DATE: 20170912 SIGNED: *Juli Spriggs*



LIGHT FIXTURE INFORMATION

LIGHT	DESCRIPTION	LOUVER/LENA	LAMPS - SYLVANIA		BALLAST		VOLTAGE	INPUT WATTAGE	MOUNTING	REMARKS	MFG	MODEL	
			TYPE	WATTAGE	QTY	CCY							TYPE
D	EXTERIOR LED WALL PACK (250W W/ EQUIVALENT)	GLASS	LED	87	1	4000K	LED DRIVER	-	120	87	SURFACE	2.5	E-COMOLIGHT E-WF10D2N2 - E-ACP1 (PHOTOCELL)
E	LED SECURITY LIGHT WITH MOTION/PHOTOCELL SENSOR	-	LED	10	1	3000K	LED DRIVER	-	120	10	WALL	4	CYBER TECH LIGHTING CYB-LF1CMF1-BZ-DL
OME	EXTERIOR LIGHT/EMERGENCY FIXTURE	ACRYLIC	LED	10	1	-	LED	1	120	10	SURFACE	1.2	SKNTEK MUEB10DA-DG

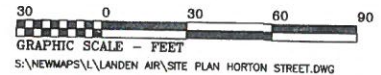
- LEGEND**
- EXISTING IRON PIPE
 - ⊗ WATER METER
 - ⊕ HANDICAP SIGN
 - CREPE MYRTLE
 - GREEN LUSTER HOLLY
 - △ WATER VALVE
 - ▲ CABLE BOX
 - STOP SIGN

CONSTRUCTION NOTES

- * CONTRACTOR SHALL SAW CUT EXISTING ROADWAY FOR INSTALLATION OF CURB AND GUTTER.
- * IN LIEU OF 6" CONC BASE FOR CURB CONTRACTOR SHALL POUR 4" CONCRETE BASE AND CURB/GUTTER AS ONE MONOLITHIC POUR.
- * USE STRAIGHT EDGE OF ASPHALT AS FORM FOR CURB AND GUTTER.

*** A LICENSED UTILITY CONTRACTOR MUST DO THE WORK.**

DRAWN BY: DOW & BCW
CHECKED BY: DOW
DATE: 05-30-2017
SCALE: 1" = 30'
JOB: DAB1559 CF

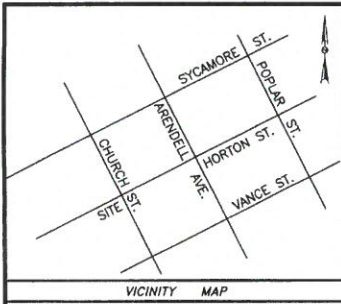


S:\NEWMAPS\LANDEN AIR\SITE PLAN HORTON STREET.DWG



Lic. # C-0243
Williams-Pearce and Assoc., Professional Land Surveyors, P.A.

P.O. Box 892, Zebulon, N.C. 27597
SHEET 1 OF 7
Tel. (919) 269-9605



IMPERVIOUS SURFACE COVERAGE
3000 SQ.FT - EXISTING BUILDING

NOTES:

PROPERTY SUBJECT TO EASEMENT &
RESTRICTIONS OF RECORD.

AREA COMPUTED BY COORDINATE METHOD.

REFERENCES:

DEED BOOK 16748 PG 1705
DEED BOOK 15660 PG 2664
BOM 1885 PG 68

SITE DATA:

ACREAGE OF PROPERTY: 0.709 ACRE

ADDRESS: 111 N. CHURCH ST.

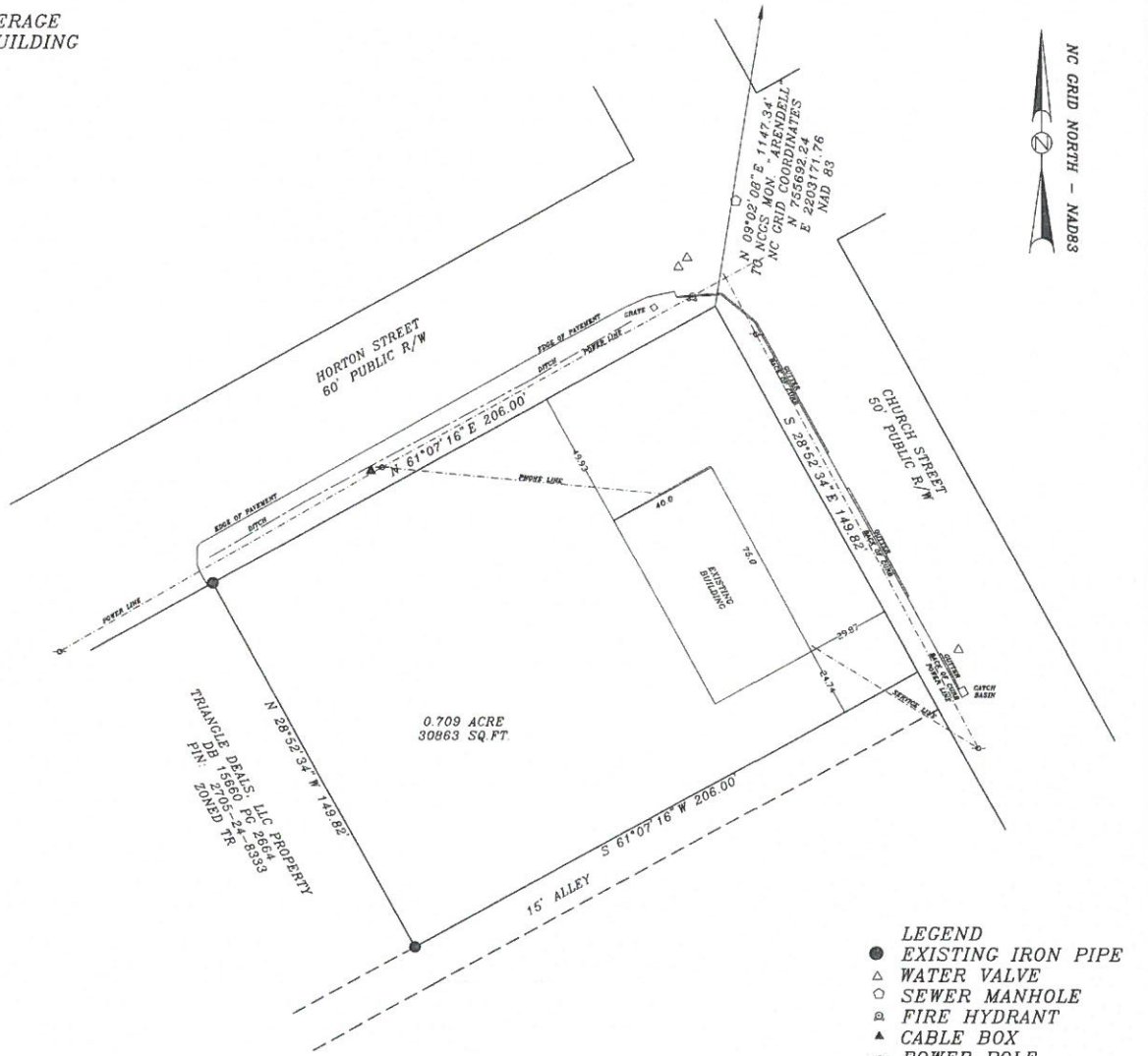
OUTSIDE OF FLOOD PLAIN
FIRM MAP #: 3720270500J
EFFECTIVE DATE: MAY 2, 2006

PIN: 2705-24-9369
ZONED: HB

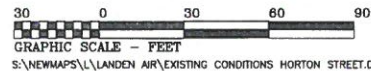
OWNER & APPLICANT:
JASON LANDEN
4650 NC HWY 231
ZEBULON, NC 27597

APPROVED
SITE PLAN
TOWN OF ZEBULON
PLANNING DEPARTMENT
DATE: 20170912 SIGNED: *Julie Spinger*

EXISTING CONDITIONS MAP FOR
LANDEN AIR
TOWN OF ZEBULON
WAKE COUNTY
NORTH CAROLINA



NC GRID NORTH - NAD83



S:\NEWMAPS\LANDEN AIR\EXISTING CONDITIONS HORTON STREET.DWG

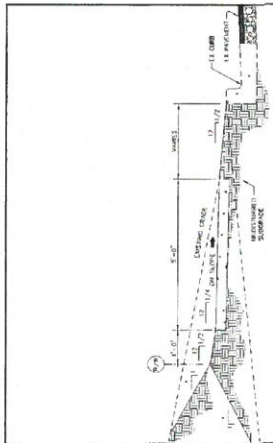
DRAWN BY: DOW & BCW
CHECKED BY: DOW
DATE: 05-30-2017
SCALE: 1" = 30'
JOB: DAB1559 CF

SHEET 2 OF 7
Tel.(919) 269-9605



Lic. # C-0243

Williams-Pearce and Assoc., Professional Land Surveyors, P.A. P.O. Box 892, Zebulon, N.C. 27597

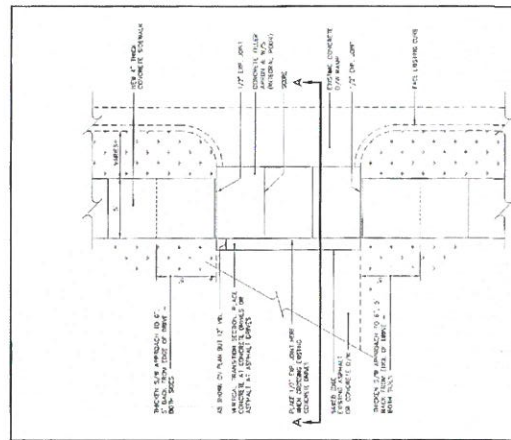


SECTIONAL VIEW

1. PROVIDE 3/4" SLEEF, TOLDED SCORE AT 5'-0" O.C.
2. LONGITUDINALLY ADJACENT TO CURBS, AND ON BUTTING FASTENING STRUCTURES, CONCRETE, OR CONCRETE TO BE 3000 P.S.I. AT 28 DAYS.
3. CONCRETE TO BE 3000 P.S.I. AT 28 DAYS.
4. AIR-ENHANCED, AND NOT CONTAIN ORGANIC MATTER OR PLASTIC CLAS., WHEN FOUND, REFER TO SPECS 5.05.01 THROUGH 5.05.05.
5. AREAS OF FILLERS TO BE COMPACTED TO 85% STANDARD PROCTOR USING ACOOT CLASS III PLACING EQUIPMENT. REMOVE TOPSOIL BEFORE PLACING SPANION.
6. SIDEWALK TRANSVERSE SLOPE MAY INCREASE TO 1/2" IN 12, WITH TOWN'S ENGINEER APPROVAL.

TOWN OF ZEBULON
TYP. SIDEWALK IN CUT OR FILL SECTIONS

SCALE: NOT TO SCALE
DATE: JULY 2010
SHEET # 1 OF 1

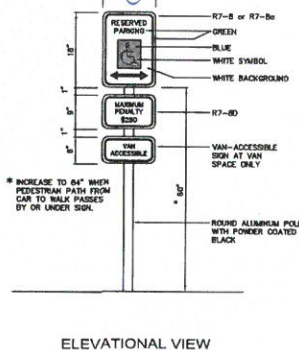


PLAN VIEW

TOWN OF ZEBULON
SIDEWALK DETAIL X-1
EX. DRIVEWAYS

SCALE: NOT TO SCALE
DATE: JULY 2010
SHEET # 1 OF 1

APPROVED
SITE PLAN
TOWN OF ZEBULON
PLANNING DEPARTMENT
DATE: 20170912 SIGNED: *Julie Spigg*



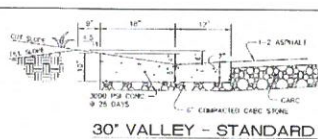
ELEVATIONAL VIEW

TOWN OF ZEBULON
R7-8 HANDICAP SIGN DETAIL

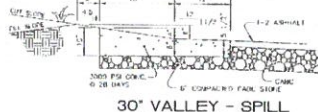
SCALE: NOT TO SCALE
DATE: JULY 2010
SHEET # 1 OF 1

DETAIL # 23

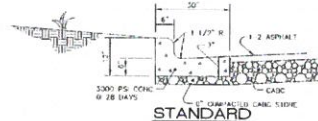
USE WITH STANDARD SPECIFICATIONS ONLY



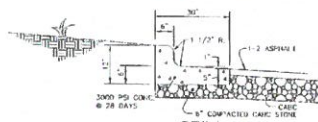
30" VALLEY - STANDARD



30" VALLEY - SPILL



STANDARD



SPILL

- NOTES:
1. SCORE CURB / VALLEY GUTTER AT 15' O.C.
 2. PROVIDE 1/2" EXPANSION JOINTS AT 80' O.C.
 3. FOR TRANSITION OF CURB TO CURB OPENING INLET, SEE STANDARD DETAIL 33.

TOWN OF ZEBULON
STD. CURB & GUTTER & VALLEY GUTTER DETAIL

SCALE: NOT TO SCALE
DATE: JULY 2010
SHEET # 3

USE WITH STANDARD SPECIFICATIONS ONLY

SITE PLAN FOR
LANDEN AIR
TOWN OF ZEBULON
WAKE COUNTY
NORTH CAROLINA

STANDARD UTILITY NOTES:

1. All materials & construction methods shall be in accordance with City of Raleigh design standards, details & specifications (reference: COR PUD Handbook, current edition)
2. Utility separation requirements:
 - A distance of 100' shall be maintained between sanitary sewer & any private or public water supply source such as an impounded reservoir used as a source of drinking water. If adequate horizontal separation cannot be achieved, ferrous sanitary sewer pipe shall be specified & installed to wateline specifications. However, the minimum separation shall not be less than 25' from a private well or 50' from a public well
 - Maintain 10' min. lateral or 18" min. vertical separation between all water & sanitary sewer mains. Where it is impossible to obtain proper separation, or anytime a sanitary sewer passes over a watermain, DIP materials or steel encasement extended 10' on each side of crossing must be specified & installed to wateline specifications
 - Maintain 18" min. vertical separation at all watermain & RCP storm drain crossings; maintain 24" min. vertical separation at all sanitary sewer & RCP storm drain crossings. Where adequate separations cannot be achieved, specify DIP materials & a concrete cradle having 6' min. clearance (per COR PUD detail S-49)
 - All other underground utilities shall cross water & sewer facilities with 12" min. vertical separation required
3. Any necessary field revisions are subject to review & approval of an amended plan &/or profile by the City of Raleigh Public Utilities Department prior to construction
4. Contractor shall maintain continuous water & sewer service to existing residences & businesses throughout construction of project. Any necessary service interruptions shall be preceded by a 24 hour advance notice to the City of Raleigh Public Utilities Department



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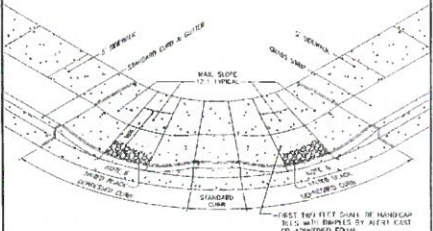
SHEET 3 OF 7

WILLIAMS - PEARCE & ASSOC.,

Professional Land Surveyors, P.A. P.O. Box 892, Zebulon, N.C. 27597 Tel.(919) 269-9605

NOTES:

1. WHEELCHAIR RAMP SHALL BE PROVIDED AT LOCATIONS AS SHOWN ON THESE PLANS OR AS ORDERED BY THE OWNER. WALKWAY RAMP SHALL BE LOCATED AS INDICATED BY NOTE 2 BELOW. HOWEVER, THE LOCATION MAY BE ADJUSTED AS APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION. THE WALKWAY RAMP SHALL BE 48" WIDE AND SHALL BE PLACED WITHIN 10' OF THE CURB. THE WALKWAY RAMP SHALL BE 4" THICK AND SHALL BE PLACED WITHIN 10' OF THE CURB.
2. NO SLOPE ON THE WHEELCHAIR RAMP SHALL EXCEED 1/2" PER FOOT IN RAMP RISE TO THE GRADE IN THE STREET.
3. IN NO CASE SHALL THE RISE OF THE WHEELCHAIR RAMP BE 1/2" OVER 12" (4") UNLESS THE RAMP IS USED AS A WALKWAY.
4. USE AN UNFINISHED 3000 PSI CONCRETE WITH A FINISH 1/2" THICK IN ORDER TO OBTAIN A FINISH WITH 100% TYPE SURFACE.
5. A 1/2" EXPANSION JOINT WILL BE REQUIRED WHERE CONCRETE WHEELCHAIR RAMP JOINTS MEET CURB AND AS SHOWN ON STANDARD DRAWINGS.
6. CURB HEIGHTS SHALL BE 4" IN HEIGHT OR NOT SHOWN IS 4" PLACED.



STANDARD ADA WHEELCHAIR SIDEWALK ACCESS AT CURB RETURNS

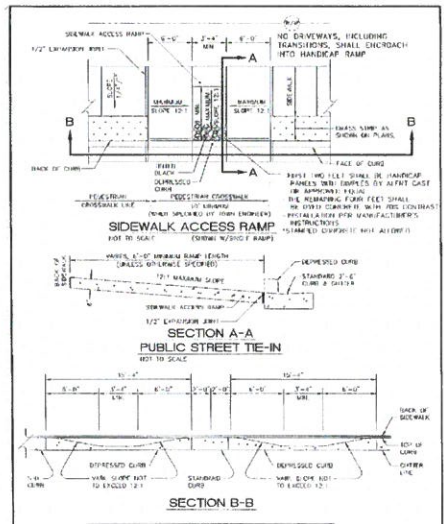
PERSPECTIVE

TOWN OF ZEBULON

DOUBLE HANDICAP RAMP DETAIL

SCALE: NOT TO SCALE SHEET # 21

DATE: JULY 2010

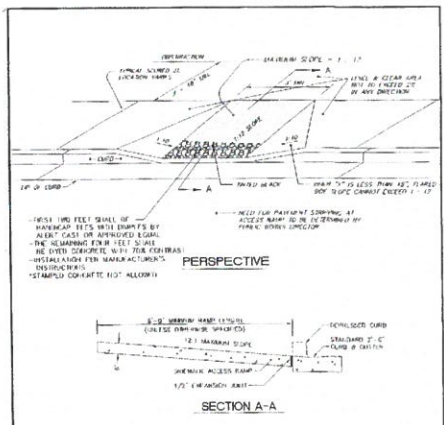


TOWN OF ZEBULON

DOUBLE HANDICAP RAMP DETAIL

SCALE: NOT TO SCALE SHEET # 21

DATE: JULY 2010

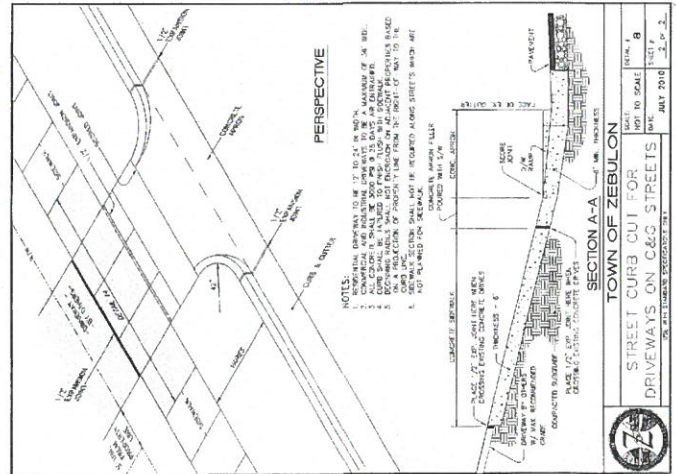


TOWN OF ZEBULON

HANDICAP PARKING STALL DETAIL

SCALE: NOT TO SCALE SHEET # 22

DATE: JULY 2010

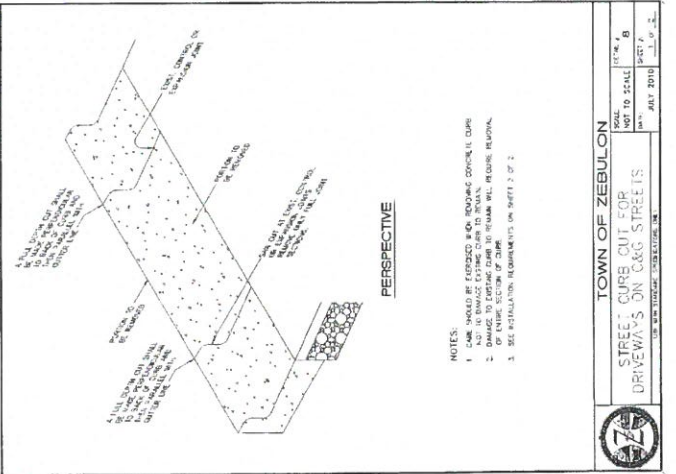


TOWN OF ZEBULON

STREET CURB CUT FOR DRIVEWAYS ON C&G STREETS

SCALE: NOT TO SCALE SHEET # 21

DATE: JULY 2010



TOWN OF ZEBULON

STREETS CURB CUT FOR DRIVEWAYS ON C&G STREETS

SCALE: NOT TO SCALE SHEET # 21

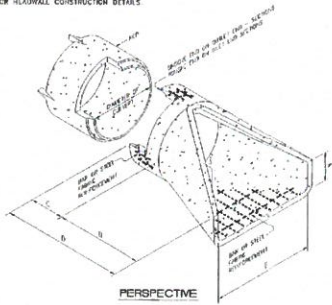
DATE: JULY 2010

APPROVED
 SITE PLAN
 TOWN OF ZEBULON
 PLANNING DEPARTMENT
 DATE 20170912 SIGNED *Julie Spier*

SITE PLAN FOR
 LANDEN AIR
 TOWN OF ZEBULON
 WAKE COUNTY
 NORTH CAROLINA

END SECTION DIMENSIONS			
SIZE	A	B	C
1/2"	3'-3 1/4"	3'-11 1/2"	6'-2 3/4"
3/4"	3'-3 3/8"	3'-11 3/4"	6'-2 3/4"
1"	3'-3 1/2"	3'-11 7/8"	6'-2 3/4"
1 1/4"	3'-3 1/8"	3'-11 1/4"	6'-2 3/4"
1 1/2"	3'-3 3/4"	3'-11 1/2"	6'-2 3/4"
2"	3'-4 1/4"	3'-11 7/8"	6'-2 3/4"
2 1/2"	3'-4 3/8"	3'-11 3/4"	6'-2 3/4"
3"	3'-4 1/2"	3'-11 7/8"	6'-2 3/4"
3 1/2"	3'-4 3/4"	3'-11 3/4"	6'-2 3/4"
4"	3'-5 1/4"	3'-11 1/2"	6'-2 3/4"
4 1/2"	3'-5 3/8"	3'-11 3/4"	6'-2 3/4"
5"	3'-5 1/2"	3'-11 7/8"	6'-2 3/4"
5 1/2"	3'-5 3/4"	3'-11 3/4"	6'-2 3/4"
6"	3'-6 1/4"	3'-11 1/2"	6'-2 3/4"
6 1/2"	3'-6 3/8"	3'-11 3/4"	6'-2 3/4"
7"	3'-6 1/2"	3'-11 7/8"	6'-2 3/4"
7 1/2"	3'-6 3/4"	3'-11 3/4"	6'-2 3/4"

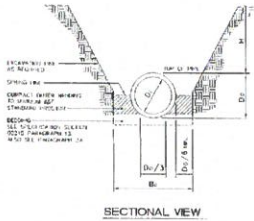
- NOTES**
 1. DESIGN OF END-SECTION SHALL CONFORM TO STANDARD REINFORCED SECTIONAL CONCRETE CULVERT PIPE.
 2. ADD TRENCH BARREL SYSTEM GREATER THAN 42" RCP REQUIRES A HEADWALL.
 3. ADD SYSTEM OF MORE THAN 2 PIPES REQUIRES A HEADWALL.
 4. SEE ACOG "STANDARD DRAWINGS" FOR HEADWALL CONSTRUCTION DETAILS.



TOWN OF ZEBULON
 STD. FLARED END SECTIONS
 DESIGN AND DETAIL
 DATE: JULY 2010
 SCALE: 3/8" = 1'-0"
 SHEET: 5 OF 5

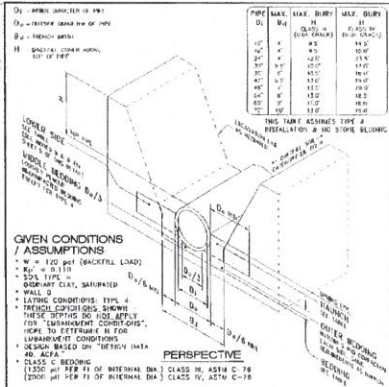
- D. STATE NUMBER OF PIPE
 D.1 - CULVERT DIRECTION OF FLOW
 B.1 - REINFORCEMENT
 H.1 - MANHOLE COVER HOLE TOP OF PIPE

PIPE DIA.	MAX. BURIED		MIN. COVER (IN)
	MIN. BURIED	MAX. BURIED	
12"	1'-0"	1'-10"	18"
14"	1'-0"	1'-10"	18"
18"	1'-0"	1'-10"	18"
24"	1'-0"	1'-10"	18"
30"	1'-0"	1'-10"	18"
36"	1'-0"	1'-10"	18"
42"	1'-0"	1'-10"	18"



- NOTES**
 1. FOR OTHER BURIED DEPTHS THAN SHOWN, (H), NORTH CAROLINA PE TO PROVIDE CALCUS PIPE BURIED THAT EXCEED THOSE GIVEN IN THIS CHART FOR THE CONDITIONS IN WHICH IT IS PROPOSED TO BE USED.
 2. THIS TABLE OF BURIED DEPTHS (H) APPLIES EQUALLY TO A CLASS C STONE BEDDING, TYPE 4 LAYING CONDITIONS.
 3. MINIMUM COVER (H₂) OF TRENCH NO. 112" W/O UNDESIGNED APPROVAL UP TO 48" PIPE.

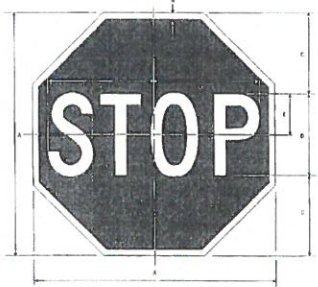
TOWN OF ZEBULON
 STD. TRENCH INSTALLATION FOR CONCRETE PIPE
 DESIGN AND DETAIL
 DATE: JULY 2010
 SCALE: 3/8" = 1'-0"
 SHEET: 5 OF 5



- GIVEN CONDITIONS / ASSUMPTIONS**
 W = 100 LBS PER SQUARE FOOT
 R_p = 0.350
 R_c = 0.200
 SCS TYPE 4
 DRAINAGE CLAY, SATURATED
 WALL 2
 LAYING CONDITIONS TYPE 4
 TRENCH INSTALLATION SHOWN THERE SHOULD NOT APPLY FOR SUBSTANTIAL CONDITIONS, NONE TO EXIST IN FOR LARGEST CONDITIONS.
 DESIGN BASED ON DESIGN DATA
 45, 46, 47
 CLASS C BEDDING (1200 #/ CU FT OF INTERNAL DIA 3 CLASS III, ASTM C-78 [2000 #/ CU FT OF INTERNAL DIA 3 CLASS IV, ASTM C-78])
 2000 #/ CU FT OF INTERNAL DIA 3 CLASS IV, ASTM C-78

- NOTES**
 1. GARDER DEPTHS ARE ASSUMED BY EITHER CONTROLLING BEDDING TYPE, UNDERPINNING BEDDING OR CAPPING TO USUAL LOADS (800 LBS). FOR OTHER BURIED DEPTHS THAN SHOWN, (H), NORTH CAROLINA PE TO PROVIDE CALCUS OF PIPE BURIED THAT EXCEED THOSE GIVEN IN THIS CHART FOR THE CONDITIONS IN WHICH IT IS PROPOSED TO BE USED.
 2. THIS TABLE OF BURIED DEPTHS (H) APPLIES EQUALLY TO A CLASS C STONE BEDDING, TYPE 4 LAYING CONDITIONS.
 3. MINIMUM COVER (H₂) OF TRENCH NO. 112" W/O UNDESIGNED APPROVAL UP TO 48" PIPE.

TOWN OF ZEBULON
 STD. TRENCH INSTALLATION FOR CONCRETE PIPE
 DESIGN AND DETAIL
 DATE: JULY 2010
 SCALE: 3/8" = 1'-0"
 SHEET: 5 OF 5



SIZE	MIN. CLEARANCE	MIN. CLEARANCE	MIN. CLEARANCE
36"	4'-0"	4'-0"	4'-0"
48"	5'-0"	5'-0"	5'-0"
60"	6'-0"	6'-0"	6'-0"

DATE: 11/2010
 11

Soil	USCS	AASHTO	Moist. Prob.	Shrink. %	Unified
Group 1	GM, GU	A-1, A-2	20	5-8	UH
Group 2	GM, GU	A-2.5	20	8-10	US
Group 3	GM, GU	A-3	20	10-12	US
Group 4	GM, GU	A-4	20	13-15	US
Group 5	GM, GU	A-5	20	16-20	US
Group 6	GM, GU	A-6	20	22	US
Group 7	GM, GU	A-7	20	26	US
Group 8	GM, GU	A-8	20	31	US
Group 9	GM, GU	A-9	20	37	US
Group 10	GM, GU	A-10	20	44	US
Group 11	GM, GU	A-11	20	53	US
Group 12	GM, GU	A-12	20	62	US
Group 13	GM, GU	A-13	20	72	US
Group 14	GM, GU	A-14	20	84	US
Group 15	GM, GU	A-15	20	100	US

TOWN OF ZEBULON
 STD. TRENCH INSTALLATION (TRENCH CONDITION SHOWN)
 DATE: JULY 2010
 SCALE: 3/8" = 1'-0"
 SHEET: 5 OF 5

Installation Type	Soils	Minimum and Maximum Depth	Compaction
Type 1	USCS Categories: A-1 through A-2	18" to 24" (6" to 24")	95% Category 1
Type 2	USCS Categories: A-2.5 through A-3	18" to 24" (6" to 24")	95% Category 1
Type 3	USCS Categories: A-4 through A-5	18" to 24" (6" to 24")	95% Category 1
Type 4	USCS Categories: A-6 through A-15	18" to 24" (6" to 24")	95% Category 1

- Notes**
 1. Compaction and soil symbols - i.e., "95% Category 1" refers to Category 1 soil material with a minimum standard Proctor compaction of 95%. See Table 1 for equivalent modified Proctor values.
 2. Soil in the outer bedding, bottom, and lower side zones, except within 30/3 from the pipe surface, shall be compacted to at least the same compaction as the majority of the soil in the overall zone.
 3. Subdrains:
 3.1 A subdrain is defined as a trench with its top below finished grade by more than 0.1 ft or, for roadways, its top is at an elevation lower than 0.5 m (1') below the bottom of the pavement base material.
 3.2 The minimum width of a subdrain shall be 1.5 D, or wider if required for adequate space to obtain the specified compaction in the trench and bedding zones.
 3.3 For subdrains with soil of natural soil, any portion of the lower side zone in the subdrain shall be at least as firm as an equivalent soil placed to the compaction requirements specified for the lower side zone and as firm as the majority of soil in the overall zone, or shall be removed and replaced with soil compacted to the specified level.
 4. Type 1 installation = relatively high quality material & high compaction effort. Type 4 installation = little or no control over material and compaction.

TOWN OF ZEBULON
 STD. TRENCH INSTALLATION (TRENCH CONDITION SHOWN)
 DATE: JULY 2010
 SCALE: 3/8" = 1'-0"
 SHEET: 5 OF 5

Installation Type	Soils	Minimum and Maximum Depth	Compaction
Type 1	USCS Categories: A-1 through A-2	18" to 24" (6" to 24")	95% Category 1
Type 2	USCS Categories: A-2.5 through A-3	18" to 24" (6" to 24")	95% Category 1
Type 3	USCS Categories: A-4 through A-5	18" to 24" (6" to 24")	95% Category 1
Type 4	USCS Categories: A-6 through A-15	18" to 24" (6" to 24")	95% Category 1

- Notes**
 1. Compaction and soil symbols - i.e., "95% Category 1" refers to Category 1 soil material with a minimum standard Proctor compaction of 95%. See Table 1 for equivalent modified Proctor values.
 2. The trench top elevation shall be no lower than 0.1 ft below finished grade or, for roadways, its top shall be no lower than an elevation of 0.3 m (1') above the bottom of the pavement base material.
 3. Soil in bedding and bottom zones shall be compacted to at least the same compaction as specified for the majority of soil in the backfill zone.
 4. The trench width shall be wider than shown if required for adequate space to obtain the specified compaction in the trench and bedding zone.
 5. For trench walls that are within 10 degrees of vertical, the composition or thickness of the soil in the trench walls and lower side zone must also be considered.
 6. For trench walls with greater than 10 degrees slope that consist of embankment, the lower side zone shall be compacted to at least the same compaction as specified for the soil in the backfill zone.
 7. Type 1 installation = relatively high quality material & high compaction effort. Type 4 installation = little or no control over material and compaction.

TOWN OF ZEBULON
 STD. TRENCH INSTALLATION (TRENCH CONDITION SHOWN)
 DATE: JULY 2010
 SCALE: 3/8" = 1'-0"
 SHEET: 5 OF 5

APPROVED SITE PLAN
 TOWN OF ZEBULON
 PLANNING DEPARTMENT
 DATE: 2/7/2012 SIGNED: Julie Spurge

SITE PLAN FOR
 LANDEN AIR
 TOWN OF ZEBULON
 WAKE COUNTY
 NORTH CAROLINA

GENERAL PLAN NOTES

- All roadway work will be in accordance to the latest version of Town of Zebulon Street and Storm drainage specifications manual.
- The Town shall not be responsible for ensuring proper grades and alignment of Roadway and Curb and Gutter. If the alignment and grades are incorrect; it will be the responsibility of the contractor/developer/owner to make corrective repairs at their own expense.
- Construction inspection will be provided by Jason Brown or third party Engineer. Jason Brown can be reached at 919-795-5640. Contractor shall provide a minimum of 72 hours of notice to the Town prior to beginning construction. A pre-construction meeting shall be held with inspector prior to beginning construction.
- At the completion of the project, the Developer shall dedicate all ROW improvements.
- The contractor is responsible for submitting a traffic control plan to the Town of Zebulon Construction Inspector Jason Brown for approval. The goal is not to restrict traffic during peak business hours of 6:00am and until 8:00 am and 4:30pm to 6:30 pm Monday through Friday. All traffic control must comply with the latest edition of the Manual on Uniform Traffic Control devices.
- All flagging operations within TOZ Right of Way require qualified and trained Work Zone Flaggers. The contractor shall provide all barricades, signs, etc. to protect and secure the construction area, equipment and materials from the public.
- Any existing roadways, driveways, curb and gutter, sidewalk, signage or drainage structures that are damaged during the construction shall be repaired to their original condition. The contractor shall keep the roadway clean of dirt and debris at all times throughout the duration of the project. Excavated materials shall not be placed on the roadway at any time. Excavations shall not be left open or unsafe during overnight hours.

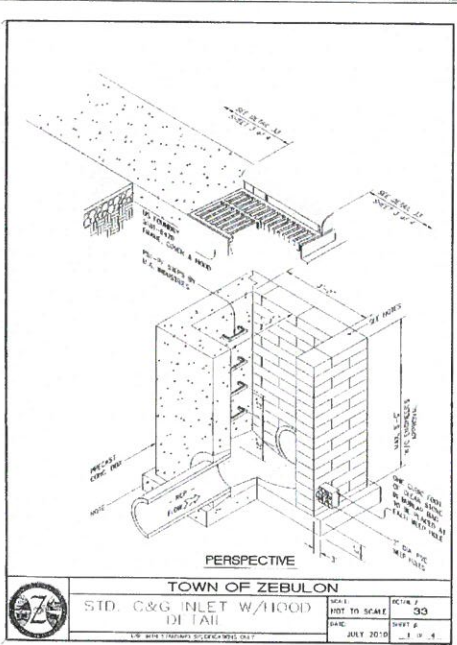
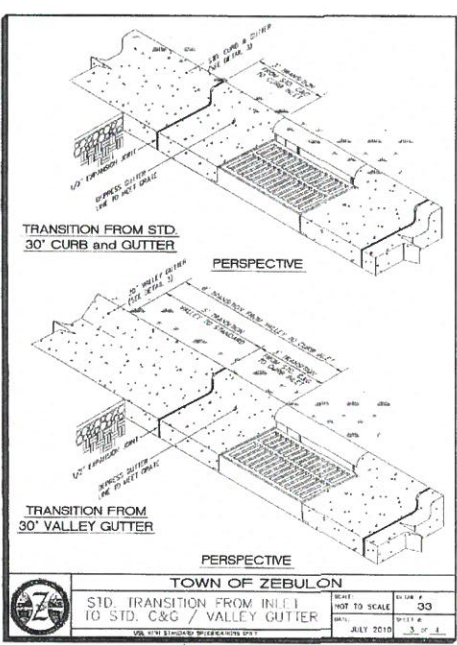
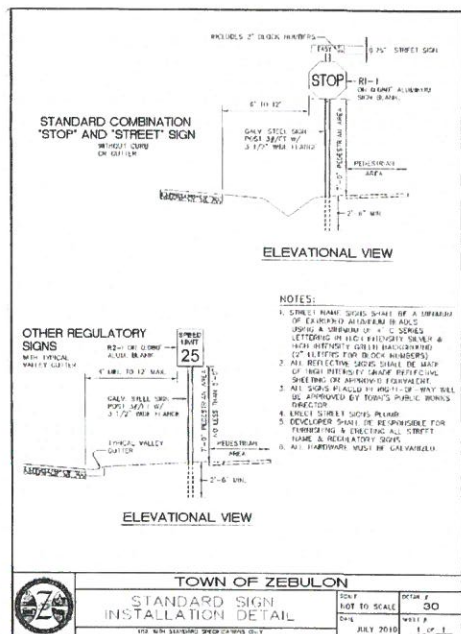
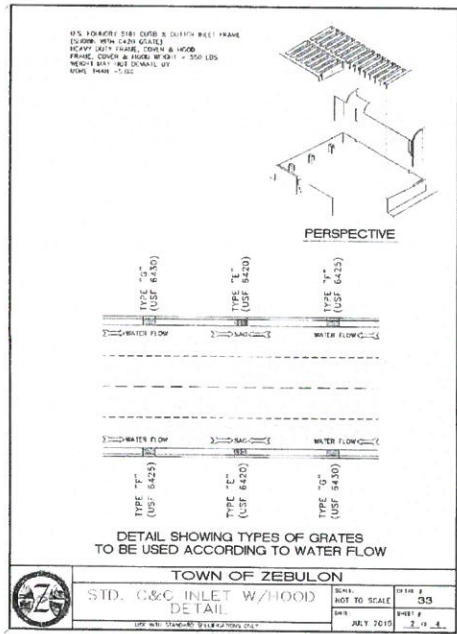
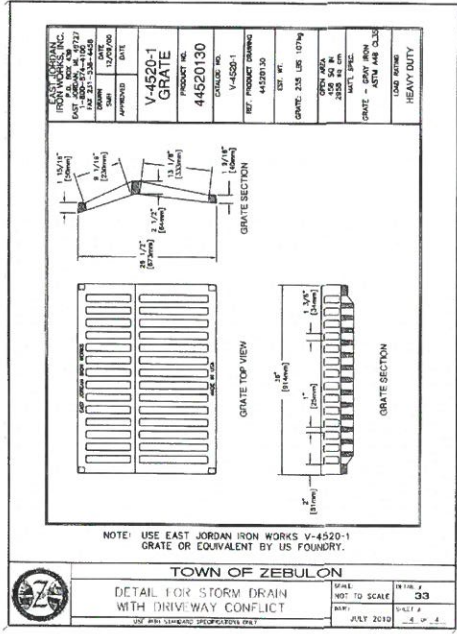
- At the completion of the project, the Developer shall provide the Town of Zebulon with a one year warranty for all dedicated improvements.
All curb and gutter repairs and sidewalk installation must meet the following requirements:

- 4" concrete slump
- Temperature - 50° and 90°F
- Air mixture range 3.5% to 6.5%
- Structural Strength – Lab Break Test – 7, 14, 28 days – 3000 PSI at 28 days
- Samples every 1000' LF of curb and gutter to ensure quality.
- Max water-cement ratio by weight: 0.594
- Minimum cement content (lbs/cy): 602

If the construction inspector feels the concrete is not meeting the above requirements, all work will be stopped immediately and concrete testing will be required for the remaining project scope. Concrete test and cylinders shall be taken by third party NCDOT certified technicians/firms and all cost associated with samples shall be the responsibility of the owner/developer or contractor. Curb and gutter that fails to meet testing requirements shall be replaced by developer/owner/contractor at no cost to the Town of Zebulon.

- Stop bars shall be twelve (12) inches wide and crosswalks shall be (4) inches wide consisting of thermoplastic material. Both shall meet the requirements of Section 1087 of the NCDOT "Standard Specifications for Roads and Structures."
- Sub-grade compaction is required for construction of curb and gutter. Geo-technical density testing is not required unless the construction inspector determines there are unsuitable soils for installation of sidewalks. To determine sub-grade compaction, construction inspector will use industry standards and probing rod to determine compaction. If geotechnical testing is required by the inspector, the developer/owner/contractor are responsible for all cost associated with the testing process. The third party geotechnical engineer must be certified by NCDOT to perform such test.
- It shall be the responsibility of the contractor to determine the location of other utilities within the project scope. The contractor shall be responsible for notifying other utilities owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities.

APPROVED
SITE PLAN
TOWN OF ZEBULON
PLANNING DEPARTMENT
DATE: 20170912 SIGNED: Julie Spuzi



APPROVED
SITE PLAN
 TOWN OF ZEBULON
 PLANNING DEPARTMENT
 DATE: 2010/07/12
 SIGNED: [Signature]

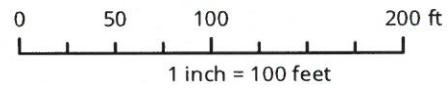
WILLIAMS - PEARCE & ASSOC., P.A.
 Professional Land Surveyors, P.A.
 P.O. Box 892, Zebulon, N.C. 27597
 Lic. # C-0243
 Tel. (919) 269-9605

**SITE PLAN FOR
 LANDEN AIR
 TOWN OF ZEBULON
 WAKE COUNTY
 NORTH CAROLINA**



Attachment 3 - Aerial Map

SUP 2021-01



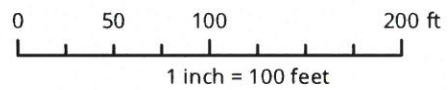
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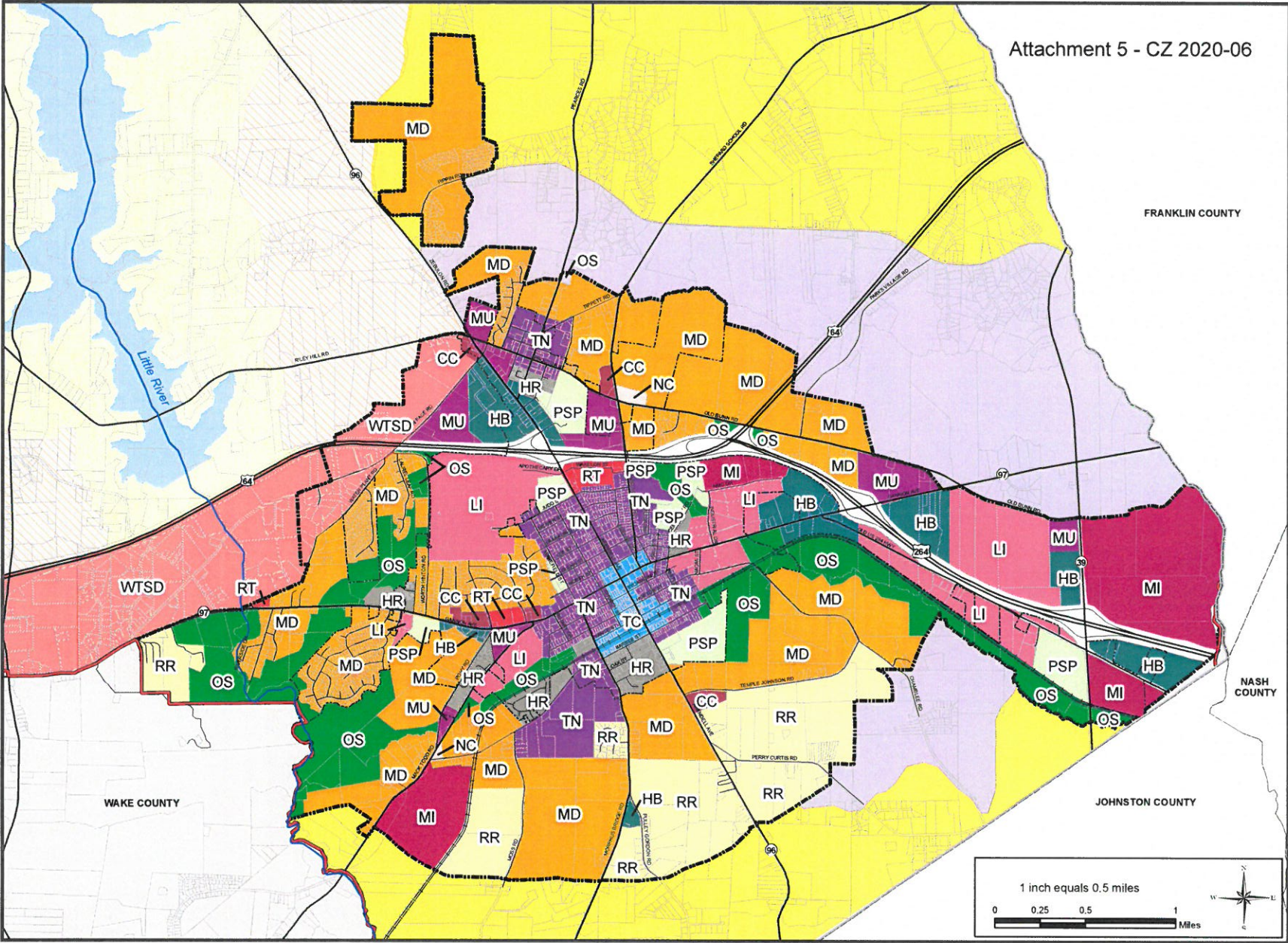
Attachment 4 - Zoning Map

SUP 2021-01



Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



Land Use

Town of Zebulon
Wake County, NC

Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Reservoir
- Little River Water Supply Watershed
- Annexation/Utility Boundary Agreement Line
- Zebulon Short Range Utility Service Area
- Zebulon Long Range Utility Service Area
- WTSD-Watershed
- Land Use**
- OS-Open Space
- PSP-Public/Semi-Public Open Space
- RR-Residential Rural
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/Downtown
- HB-Highway Business
- MU-Mixed Use
- CC-Community Commercial
- NC-Neighborhood Commercial
- RT-Retail
- LI-Light Industrial
- MI-Medium Industrial
- Parcels**
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the Town of Zebulon

Attachment 6
SUP 2021-01



Attachment 6
SUP 2021-01



Attachment 6
SUP 2021-01



Attachment 6
SUP 2021-01



Attachment 6
SUP 2021-01



Attachment 6
SUP 2021-01



Attachment 7
SUP 2021-01

To Whom It May Concern:
Notice of Public Hearing

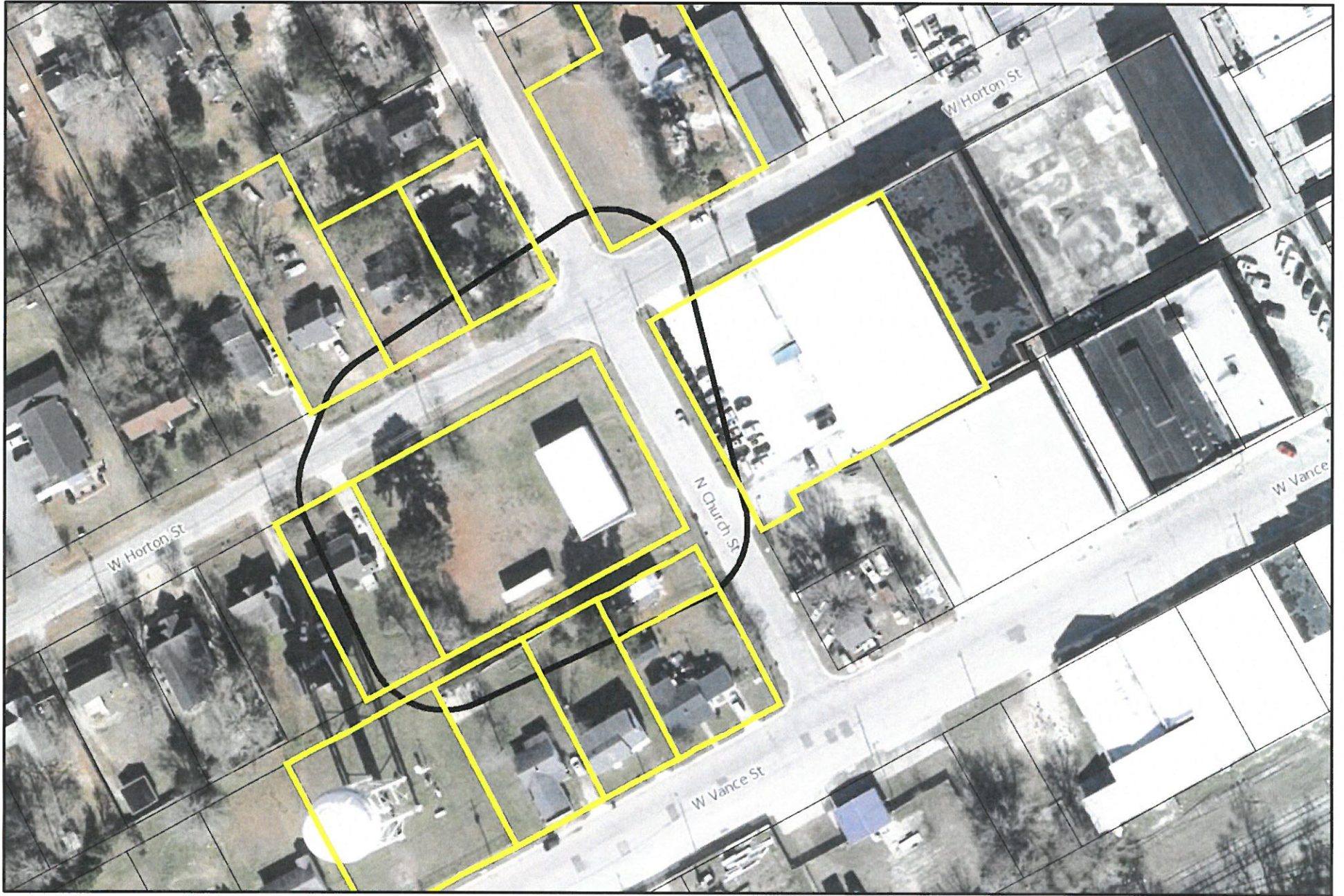
Notice is hereby given pursuant to the provisions of Section 2.2.18 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **May 3, 2021 at 7:00 PM**. The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon considering the following items:

111 N. Church Street - A request by Rosemary Nwanko to obtain a Special Use Permit for the purpose of operating an Adult Day Care at 111 N Church Street. This parcel is currently zoned Downtown Periphery District (DTP). [NC PIN: 2705249369].

This is a quasi-judicial hearing, meaning that this use must be evaluated by the 6 Review Standards:

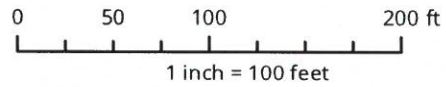
1. Will not materially endanger the public health or safety if located where proposed;
2. Complies with all required standards, conditions, and specifications of this Ordinance, including *Article 4: Uses*;
3. Will not substantially injure the value of the abutting land or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Includes a concept plan that accurately depicts the proposed use's configuration.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at www.TownofZebulon.org/services/planning. For questions or additional information, please contact us at (919) 823-1809.



Attachment 8 - Properties Receiving Mailed Notice

SUP 2021-01



Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*

STAFF REPORT
ORDINANCE 2021-66
EASTERN WAKE EMS PROPERTY
MAY 3, 2021

Topic: Ordinance 2021-66 - Eastern Wake EMS Property

Speaker: Joseph M. Moore II, PE, Town Manager

From: Joseph M. Moore II, PE, Town Manager

Prepared by: Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board will consider a Budget Adjustment to fund the due diligence to acquire the Eastern Wake EMS property and building located at 131 E. Vance Street.

Background:

Currently, the Wake County Department of EMS provides more than 70% of the 911 ambulance service on the road, and it contracts with two non-for-profit agencies, Cary EMS and Eastern Wake EMS, to supplement 911 ambulance response. On May 4, Wake County EMS will begin operating under a single, unified agency. The consolidation brings all EMS responders into a single agency and Eastern Wake EMS will cease operations. Eastern Wake EMS has approved the donation of the building and property at 131 E. Vance Street to the Town of Zebulon in consideration of \$1.00.

In addition to housing and supporting emergency services, the site formerly included a dry cleaning business. As with all property transfers, the Board of Commissioners should initiate due diligence as an expression of a willingness to accept the property before formalizing the acceptance. Due diligence includes, but is not limited to, site inspection, property survey, environmental assessments, and title opinion.

At a minimum, environmental assessments include a review of the site's history and regulatory records, site reconnaissance, and interviews with site contacts and agencies. Sites with a history of dry cleaning operations invariably require a second phase involving subsurface investigation.

Discussion:

The discussion before the Board focuses on their interest in acquiring the Eastern Wake EMS property and building located at 131 E. Vance Street. If interested, the Board will approve the Budget Amendment to fund the due diligence.

Policy Analysis:

Acquiring property downtown is consistent with policy goals adopted by the Board of Commissioners, specifically the *Vibrant Downtown* goals within the Zebulon Vision 2030 Strategic Plan. Due diligence is a prudent step to evaluate the property.

Fiscal Analysis:

A transfer of \$20,000 from General Fund, Fund Balance is necessary to support the due diligence efforts. The budget for due diligence includes property survey (\$3,500), Phase I Environmental Site Assessment (\$3,500), and Phase II Environmental Site Assessment (\$13,000). The cost of Phase II Environmental Site Assessments can vary significantly

STAFF REPORT
ORDINANCE 2021-66
EASTERN WAKE EMS PROPERTY
MAY 3, 2021

dependent upon site conditions discovered during Phase I. Should the actual cost exceed the Phase II budget estimate, Staff will not initiate the process and return to the Board for further direction.

Upon conclusion of the due diligence period, the Board should expect another budget transfer to support closing costs and address pressing maintenance issues. Closing costs include, but are not limited to, deed closing, property insurance, and utilities for the coming year. \$10,000 is estimated to close the property. Maintenance costs are unknown as of this writing.

The property has an assessed tax value at \$440,149.

Staff Recommendation:

Staff recommends approval of the Budget Amendment to initiate the due diligence and an expression of willingness to acquire the property.

Attachment(s):

1. General Warranty Deed
2. Preliminary Title Opinion
3. 1885 Survey
4. Ordinance 2021-66

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No.: 2705440884

This instrument was prepared by and mail after recording to: Wyrick Robbins Yates & Ponton LLP (EAV), 4101 Lake Boone Trail, Suite 300, Raleigh, NC 27607

Brief Description for the Index: Lots 7-11, Block 18, BM 1885, PG 68 (Little River Township)

THIS GENERAL WARRANTY DEED made this _____ day of _____, 2021, by and between:

GRANTOR	GRANTEE
Eastern Wake EMS, Inc. a North Carolina non-profit corporation PO Box 84 Wendell, NC 27591-0084	Town of Zebulon a North Carolina municipal corporation 1003 N. Arendell Avenue Zebulon, NC 27597

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the Town of Zebulon, Little River Township, Wake County, North Carolina and more particularly described as follows:

See Exhibit A which is attached hereto and incorporated herein by reference.

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2515, Page 180, Wake County Registry.

A map showing the above-described property is recorded in Book of Maps 1885, Page 68, Wake County Registry.

TO HAVE AND TO HOLD unto the Grantee, and unto its heirs, successors and assigns, in fee simple forever, the above described real estate, together with the improvements thereon, and the hereditaments and appurtenances thereunto appertaining.

AND THE GRANTOR HEREBY COVENANTS with the Grantee, and with its heirs, successors and assigns, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, except for the following exceptions:

Easements, restrictions, and rights of way of record, if any, and ad valorem taxes for the current and subsequent years.

(Signature page follows)

IN WITNESS WHEREOF, Grantor has executed the foregoing as of the day and year first above written.

Eastern Wake EMS, Inc.,
a North Carolina non-profit corporation

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____, _____ of Eastern Wake EMS, Inc., a North Carolina non-profit corporation.

Date: _____, 2021

Notary Signature

Notary Printed Name

My Commission Expires: _____

(Official Seal)

EXHIBIT A

Legal Description

BEING all of Lots 7, 8, 9, 10 and 11 in Block 18 according to a map and survey recorded in Book of Maps 1885, Page 68, Wake County Registry.

Preliminary Title Opinion for Metro Title

The undersigned has examined the record title on the Wake County records (and municipal tax and assessment records if within a municipality) for the period shown below relative to title to the real property described below, and gives the following opinion of status:

Owner: Eastern Wake EMS, Inc., as successor by merger to Zebulon Emergency Medical Services, Inc., f/k/a Zebulon Area Rescue Squad, Inc. (a/k/a Zebulon Area Resque Squad, Inc.)
Interest or estate: Fee Simple
Property Description: See attached Exhibit A (Property Address: 131 E. Vance Street, Zebulon, NC 27597)

Subject to the uninitialed **STANDARD EXCEPTIONS**.

Also subject to the following SPECIAL INFORMATION AND EXCEPTIONS:

Taxes:

- | | | |
|----|--|--------|
| 1. | Ad valorem taxes are paid through and including those for the year: | EXEMPT |
| 2. | Taxes now due and payable: | EXEMPT |
| 3. | Taxes, a lien, deferred or otherwise, but not yet due and payable: | EXEMPT |
| 4. | Special levies or assessments now due or payable in future installments: | None |
| 5. | Estate or inheritance taxes: | None |

Restrictive Covenants? Yes [], No [X]

1. Book _____, Page _____, _____ County Registry.
2. Does survey and/or public record indicate a violation? Yes [] No []; Unknown []
3. Contain reversionary or forfeiture clause? Yes [], No []
4. Building Setback Line(s) of: Front: _____, Side Street: _____; Rear: _____.
5. Easements/Other Matters:

Survey and Inspection Report Attached? Yes []; No [X]

Recorded Plat? Yes [X]; No []

1. Book of Maps 1885, Page 68, Wake County Registry.
2. Building Setback Line(s): Front: _____, Rear: _____, Side: _____, Side Street/corner: _____.
3. Violated? Yes [], No [], Unknown []
4. Easements/Other Matters:

Access to Public Right of Way? Yes [X], No []

Direct [X], or over a private easement [] (if private easement, attach copy).

If over a private easement, has a search been made of adjoining property on which easement crosses? Yes [], No []

Property Occupied By: Owner [X], Tenant [], Unimproved [], Unknown [], New Construction []

Updating From Previous Title Insurance Policy? Yes [], No [X] If "Yes", has a search of the public records been accomplished for such period of time within which judgments, liens or other matters could affect the property, regarding the owner(s) of the property on and after the date of said policy? Yes []; No []

Other Easements, Liens, Deeds of Trust, Objections or Defects:

See Exhibit B attached hereto for a comprehensive listing of title exceptions

This opinion of title is for the parties to whom it is furnished, is not transferable, and may not be used by any other person or entity without the prior written consent of the undersigned.

The Search Period was from June 22, 1977 to April 18, 2021, at 12:00 a.m.

Telephone: (919) 781-4000
Telecopier: (919) 781-4865
Address: 4101 Lake Boone Trail, Suite 300
P.O. Drawer 17803
Raleigh, NC 27619

WYRICK ROBBINS YATES & PONTON LLP

By: _____
Eric A. Vernon

TITLE INSURANCE APPLICATION

1. **Owner's Insurance: \$440,149.00**
 - a) Insured: The Town of Zebulon
 - b) Use of Property: Commercial [] Residential [], Unknown [], or Other []
 - c) The following Standard ALTA Endorsements are requested: *to be provided*

2. Mortgagee Insurance: \$_____ (loan amount)
 - a) Insured: _____ (Lender)
 - b) Loan is: Permanent [], Temporary [], Construction [], FHA [], VA [], Conventional [], Other []
 - c) The following Standard ALTA Endorsements are requested:

Please email binder to:

WYRICK ROBBINS YATES & PONTON LLP
4101 Lake Boone Trail, Suite 300, Raleigh, NC 27607
Attn: Kelly Fritts, Paralegal
Email: kfritts@wyrick.com
Telephone (919) 781-4000

STANDARD EXCEPTIONS

The attorney should initial any exceptions that are to be eliminated on the line to the left of the exception.

- _____ 1. Interest or claims not disclosed by public records, including but not limited to:
- (a) Unrecorded Mechanics' or Materialmen's liens. (Liens may be filed by persons or entities furnishing labor or materials to any improvements of real property within 120 days from the last day of performance and will upon perfection relate in priority to the first day of performance as a valid lien on real property.)
 - (b) Unrecorded leases. (Under North Carolina law, parties in possession of the premises under a verbal or unrecorded lease of three years or less duration may remain in possession under terms of the tenancy.)
 - (c) Matters that may defeat or impair title which do not appear on the record. (Evidence revealing missing heirs, forgeries, etc. may not be on the public records, but such facts if properly established may impair or defeat what appears to be a good title on the record.)
 - (d) Taxes, special assessments and other governmental charges that are not shown as existing liens by the public records. (Governmental charges may be made for acreage fees, tap-on fees, cost of weed cutting, demolition of condemned buildings and other matters that are not shown as existing liens on the property by the public records.)
 - (e) Unlisted personal property taxes. (If discovered, such taxes and any penalties may be assessed as a lien on the subject property.)
- _____ 2. Matters occurring prior to and subsequent to the inclusive dates of examination.
- _____ 3. Matters which would be revealed by a review of the public records regarding the proposed purchaser/borrower, who is not a current owner of the property.
- _____ 4. Any inaccuracies and discrepancies which an accurate survey of the property may disclose. (A survey, if procured from a competent surveyor or civil engineer, will normally determine whether improvements lie within the boundaries of the property, whether existing utility lines, roads or other easements cross the premises, and whether there are any encroachments.)
- _____ 5. Security interests that may have attached to fixtures on the subject property as provided in Article 9 of the Uniform Commercial Code of North Carolina.
- _____ 6. Compliance with any local, county, state or federal government law or regulation relative to environment, zoning, subdivision, occupancy, use, construction or development of the subject property.
- _____ 7. Federal judgments, liens, and proceedings filed only in the Federal Court. (Upon the filing of a petition in Bankruptcy, title to real property vests the Trustee in Bankruptcy and notice thereof is not always required to be filed in the County in which the Bankrupt owns property; federal condemnation proceedings may vest property in the federal government and notice thereof is not required to be recorded among the County records.)
- _____ 8. Civil actions where no notice of *lis pendens* against subject property appears of record.

Note: The matters included in Standard Exceptions Number One (1) above set forth are items that cannot be checked. Standard Exceptions numbered 2, 3, 4, 5, 6, 7 and 8 are not included in a normal search of the County records during examination of title. Upon special request, additional investigation may be made, and Standard Exceptions numbered 2, 3, 4, 5, 6, 7 and 8 can be eliminated. Any such elimination is evidenced by the initialing of such exception in the left margin by the attorney.

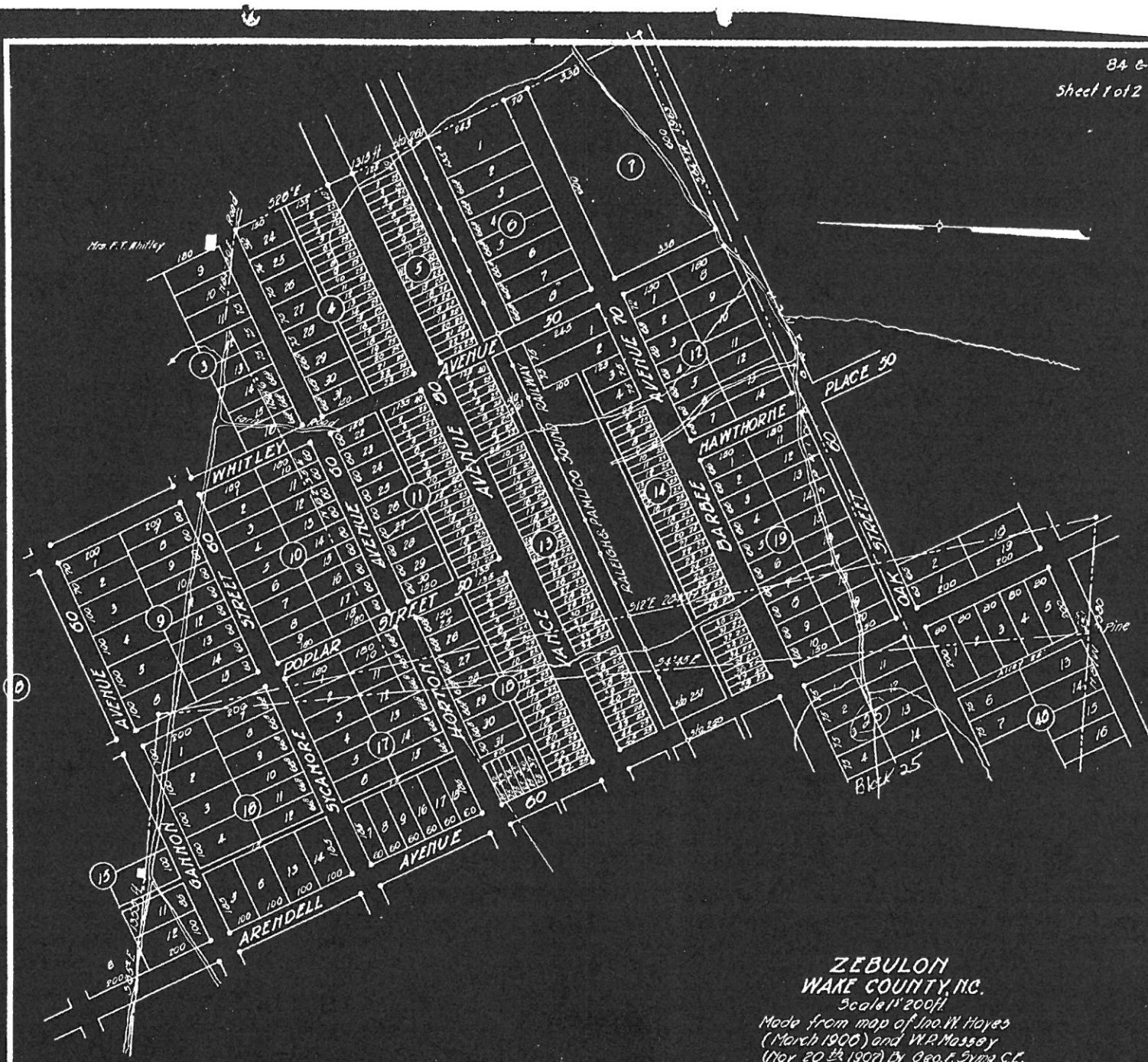
EXHIBIT A

BEING all of Lots 7, 8, 9, 10 and 11 in Block 18 according to a map and survey recorded in Book of Maps 1885, Page 68, Wake County Registry.

EXHIBIT B

Easements, Liens, Deeds of Trust, Objections or Defects:

1. Matters shown on plat recorded in Book of Maps 1885, Page 68, Wake County Registry.



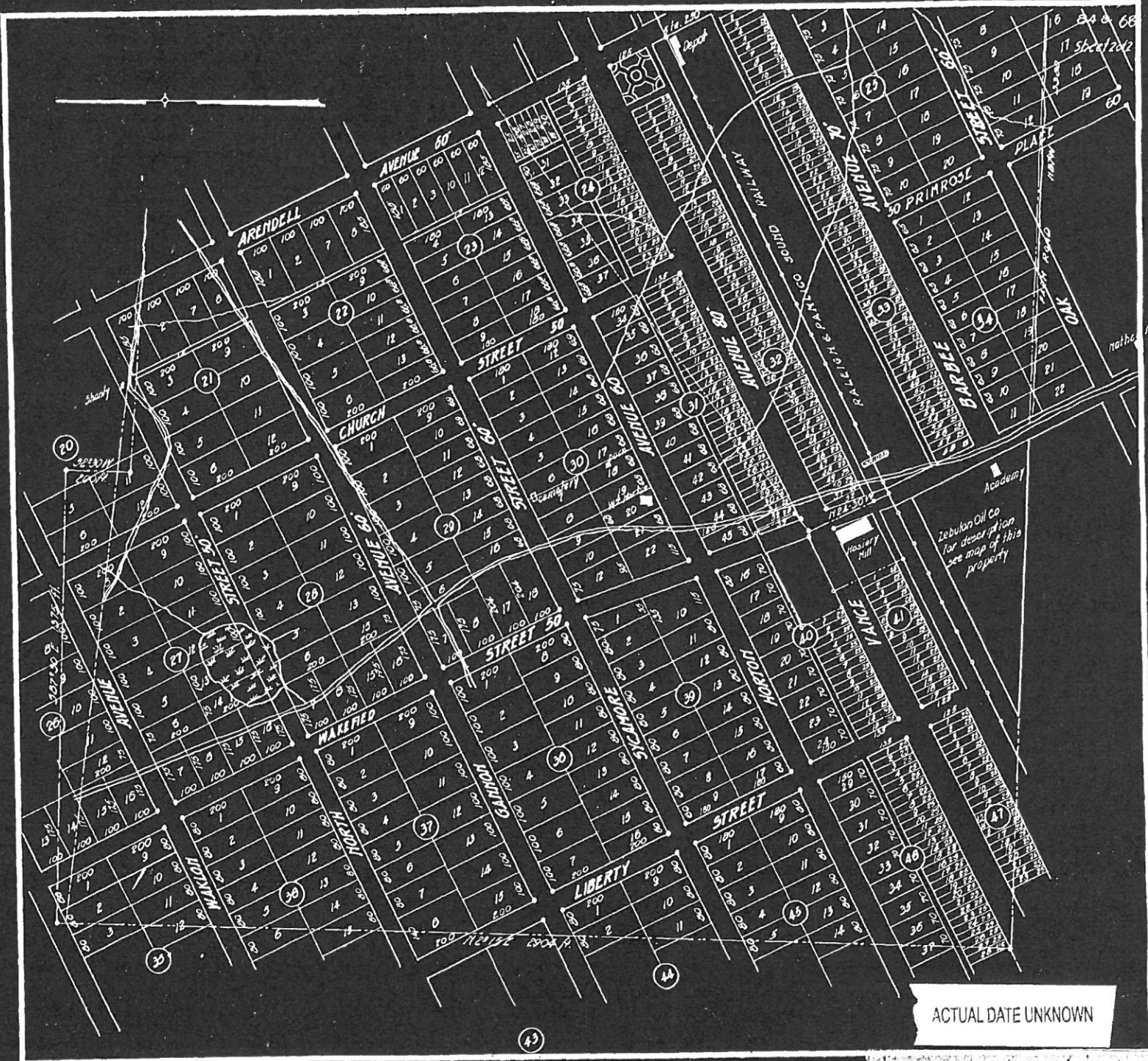
**ZEBULON
WAKE COUNTY, NC.**

Scale 1" = 200ft.

Made from map of Geo. W. Hayes
(March 1900) and W.R. Massey
(Nov 20th 1907) by Geo. F. Syme, C.E.

March 17th 1908
Raleigh, NC.

ACTUAL DATE UNKNOWN



ACTUAL DATE UNKNOWN

ORDINANCE 2021-66

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$20,000.00	
EXPENDITURES		
Property & Project Management—Eastern Wake EMS Property		\$20,000.00

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: May 3, 2021

Effective: May 3, 2021

Robert S. Matheny - Mayor

ATTEST:

Lisa M. Markland, CMC - Town Clerk