

P08-17
COUNTY SUBDIVISION ORDINANCE AMENDMENT

AMENDMENT

P08-17. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, APPENDIX B, SUBDIVISION REGULATIONS, AMENDING SECTION 3.20.2. MUNICIPAL INFLUENCE AREA COMPLIANCE, AND CREATING EXHIBIT 1, ENTITLED: DEVELOPMENT STANDARDS OF ALL MUNICIPALITIES WITHIN CUMBERLAND COUNTY.

AMEND Section 3.20.2, Municipal Influence Area Compliance, as indicated:

SECTION 3.20.2 MUNICIPAL INFLUENCE AREAS COMPLIANCE

All development located within a municipality's *Municipal Influence Area* [italics added] (MIA) shall be developed in accordance with the subdivision design standards officially adopted by enforced within the municipality, except as provided in any interlocal agreement adopted by the affected governing bodies. An official MIA Municipal Influence Area Mmap shall be maintained at the Office of the County Clerk to the County Board of Commissioners. The development standards for each municipality are attached to this Ordinance as "Exhibit 1" and entitled *Development Standards of All Municipalities within Cumberland County* shown in Table I and Table II below entitled "Development Standards of the Various Jurisdictions.

TABLE I

DEVELOPMENT STANDARDS OF THE VARIOUS JURISDICTIONS
SINGLE-FAMILY DEVELOPMENT

SINGLE-FAMILY DEVELOPMENT										
STANDARDS	COUNTY	URBAN SERVICE AREA	FAYETTE-VILLE	SPRING LAKE	HOPE MILLS	FALCON	GODWIN	LINDEN	STEDMAN	WADE
1—Concrete Curb and Gutter	X ⁸	X ⁸	X							
2—Storm Drainage			X	X	X				X	
3—Sidewalks	X ⁸	X ⁸	X	X ⁶	X					
4—Class "C" Streets	X									
5—Fire Hydrants	X ⁵	X ⁸	X	X	X	X			X	
6—Paved Streets	X	X	X	X	X	X	X	X	X	X
7—Street Names Approved	X	X	X	X	X	X	X	X	X	X
8—Access to Parks, Schools, etc.	X	X	X	X	X					
9—Public Water and Sewer Systems	X ⁴	X ⁴	X	X	X	X	X	X	X	X
10—On-site Water And Sewer Systems	X	X ¹				X ¹	X ¹	X ¹	X ⁴	X ⁴
11—Private Streets	X	X	X							
12—Recreation	X	X	X	X	X					
13—Underground Utilities	X ⁸	X	X	X	X					

* Allows Class "C" private street with a 20' travel-way

- 1 Based upon street classification
- 2 Based upon conditions
- 3 When lines are within 2,000 feet
- 4 When no public sewer or water is near
- 5 When service line is available
- 6 When development abuts streets carrying certain classification
- 7 If adjacent to the street
- 8 When development meets urban density
- 9 One side of street only

TABLE II

DEVELOPMENT STANDARDS OF THE VARIOUS JURISDICTIONS
GROUP DEVELOPMENTS AND MULTIFAMILY

GROUP DEVELOPMENTS AND MULTIFAMILY										
STANDARDS	COUNTY	URBAN SERVICE AREA	FAYETT E-VILLE	SPRING LAKE	HOPE MILLS	FALCON	GODWIN	LINDEN	STEDMAN	WADE
1. Public Water and Sewer	X ³	X ²	X	X	X				X	
2. On-site Water and Sewer	X ⁴	X ⁴				X ⁴				
3. Storm Drainage		X	X	X	X				X	
4. Paved Parking Lots and Driveways		X		X	X					
5. Fire Hydrants	X ⁵	X ⁵	X	X	X	X	X	X	X	X
6. Recreation	X	X	X	X	X					
7. Sidewalks	X ⁶	X ⁶	X ⁶	X ⁶						
8. Underground Utilities		X ⁷	X ⁷	X ⁷						

- * Allows Class "C" private street with a 20' travel way
 - 1 Based upon street classification
 - 2 Based upon conditions
 - 3 When lines are within 2,000 feet
 - 4 When no public sewer or water is near
 - 5 When service line is available
 - 6 When development abuts streets carrying certain classification
 - 7 If adjacent to the street
 - 8 When development meets urban density
- (Amend. Of 7-23-96)

CREATE Exhibit 1 to the County Subdivision Ordinance, entitled: *Development Standards of all Municipalities within Cumberland County, to read as follows:*

Exhibit 1 - Development Standards of All Municipalities within Cumberland County

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Parks, Recreation & Open Space Areas (PROSA)	<p>Land area per residential unit*:</p> <ol style="list-style-type: none"> 500 sq ft if outside SFHA; 1000 sq ft if within SFHA; 2000 sq ft if water body <p>*May pay fee in lieu</p> <p>Also see "Group Developments" below (Sec. 25-33)</p>	<p>Land area per residential unit*:</p> <ol style="list-style-type: none"> 1/35 acre if outside SFHA; W/in SFHA & slopes greater than 15%, 1/20 acre Water bodies must be approved by the Town <p>*May pay fee in lieu</p> <p>Also see "Group Developments" below (Sec. 86-129)</p>	<p>Land area per residential unit*:</p> <p>500 sq ft unit; cannot include any land area subject to flooding or land area used to satisfy any other regulation</p> <p>*No fee in lieu</p> <p>Also see "Group Developments" below [§155.67(H)]</p>	Pending – currently same as County	<p>Land area per residential unit*:</p> <ol style="list-style-type: none"> 500 sq ft if outside SFHA; 1000 sq ft if within SFHA; 2000 sq ft if water body <p>*May pay fee in lieu (Sec. 3.13.1)</p> <p>Also see "Group Developments" below</p> <p>Also see "Group Developments" below</p>	<p>Land area per residential unit*:</p> <ol style="list-style-type: none"> 500 sq ft if outside SFHA; 1000 sq ft if within SFHA; 2000 sq ft if water body <p>*May pay fee in lieu (Sec. 3.13.1)</p> <p>Also see "Group Developments" below</p>	Not applicable	<p>Land area per residential unit*:</p> <ol style="list-style-type: none"> 500 sq ft if outside SFHA; 1000 sq ft if within SFHA; 2000 sq ft if water body <p>*May pay fee in lieu (Sec. 3.13.1)</p> <p>Also see "Group Developments" below</p>	<p>Land area per residential unit*:</p> <ol style="list-style-type: none"> 500 sq ft if outside SFHA; 1000 sq ft if within SFHA; 2000 sq ft if water body <p>*May pay fee in lieu (Sec. 3.13.1)</p> <p>Also see "Group Developments" below</p>
All Streets (Public or Private)	<p>Town Engineer approval required</p> <p>Minor & residential streets: 50' min width</p> <p>Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'</p>	<p>Town standards & specifications (Sec. 86-122)</p> <p>Local streets, min width of 50'</p> <p>Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'</p>	<p>Town standards & specifications</p> <p>Local streets, min width of 50'</p> <p>Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'</p>	Pending – currently same as County	<p>Town Engineer approval required</p> <p>Minor T-fare (collector) min width: 60'</p> <p>Minor T-fare (residential) min width: 50'</p>	<p>NCDOT standards</p> <p>Minimum width: 50'</p> <p>Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' (Sec. 3.17)</p> <p>Block lengths, max of 1800'</p>	Not applicable	<p>NCDOT standards (Sec. 4.1)</p> <p>Minimum width: 50'</p> <p>Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' (Sec. 3.17)</p> <p>Block lengths, max of 1800'</p>	<p>NCDOT standards (Sec. 4.1)</p> <p>Minimum width: 50'</p> <p>Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' (Sec. 3.17)</p>

Exhibit 1 - Development Standards of All Municipalities within Cumberland County

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
All Streets (Public or Private), <i>continued</i>	Alleys: 20' min width Curb radii: NLT 15' Street surfacing required Block lengths, max of 1800' [Sec. 25-31(2)]	(Sec. 86-79) Block lengths, max of 1800' (Sec. 86-82)	Streets must be certified by Town as being acceptable for future maintenance (§155.50) Block lengths, max of 1800' (§155.51)		Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' Driveways comply w/ storm water requirements, pipe min inside diameter 15" w/ 1'cover (Sec. 3.17) Block lengths, 1800' (Sec. 3.18)	(Sec. 3.18)		1800' (Sec. 3.18)	Block lengths, max of 1800' (Sec. 3.18)
Public Streets	Must meet City Engineer's specifications for surfacing material, width, cross section and profile – concrete curb & gutters required [Sec. 25-61(2)]	Pavement widths: 40' minimum for collector and 30' minimum for minor streets (Sec. 86-122) Greater than 2 units per acre, concrete curb & gutter; equal to 2 units per acre, concrete or rolled asphalt curb &	Roadway base to Town required width, roadway surfacing not required but encouraged, if surfaced must be standards of the Town (§155.66)	Pending – currently same as County	NCDOT Subdivision Roads, Min Construction Standards compliance (Sec. 3.17) Surfacing required (Sec.4.1.c) Concrete curb & gutter, all	Approved by the Town Roadway surface 2" of I-2 asphalt with a min. width of 20' Asphalt curbs and gutters (Sec. 4.1)	Not applicable	NCDOT standards, approved by the Town (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 4.1)

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DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Public Streets, <i>continued</i>		gutter; less than 2 units per acre, NCDOT standards [Sec 86-128(c)]			new streets – 2 ft rolled or valley types for residential streets and 2 ft, 6 in 90 degree vertical high back for non-residential [Sec. 4.1(e)]				
Private Streets	Paved, minimum 20' travel way; right-of-way width of travel way plus additional 8' on side; 25' turning radius; cul-de-sac or T-type ending; setbacks measured from r/w; mandatory owners' association, parking bays are permitted (Sec. 25-32)			Pending – currently same as County		Paved private allowed for residential developments only 60' minimum r/w w/ 20' pavement Asphalt curbs & gutters No property lines in r/w (Sec. 4.2)	Not applicable	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way Owners' association mandatory No property lines in r/w (Sec. 4.2)	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way Owners' association mandatory No property lines in r/w (Sec. 4.2)
Utilities	Same as County [Sec. 25-31(10)]	Same as County [Sec. 86-128(b)]		Pending – currently same as County	Same as County (Sec. 4.3i)	Same as County (Sec. 4.3.g)	Not applicable	Same as County (Sec. 4.3.g)	Same as County (Sec. 4.3.g)

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DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Utility Easements	20' (10' each side of rear lot line) in residential; and nonresidential if deemed necessary by City Engineer [Sec. 25-31(5)]	10' (5' each side of rear lot line or other location where necessary (Sec. 86-72)	10' (5' each side of rear lot line or other location where necessary (§155.45)	Pending – currently same as County	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)	Not applicable	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)
Water/Sewer Extension	Mandatory when existing w/in 2000' [Sec. 25-61(4)]	Mandatory when existing w/in 2,000' (Sec. 86-76)	Mandatory when existing w/in 200'	Pending – currently same as County; except if w/in ESD, any subdivision w/in 2,000' of existing line must extend and connect		Same as County (Sec. 4.3.d)	Not applicable	Same as County (Sec. 4.3.d)	Same as County (Sec. 4.3.d)
Fire Hydrants	Same as County	Same as County [Sec. 86-128(a)]		Pending – currently same as County ESD water cannot support hydrants for fire suppression	Same as County (Sec. 4.3.f)	Same as County (Sec.4.3.f)	Not applicable	Same as County (Sec.4.3.f)	Same as County (Sec.4.3.f)
Storm Drainage	Storm sewers installed in accordance w/ good engineering practices [Sec. 25-61(3)]	Installed in accordance w/ good engineering practices [Sec. 86-122(f)]	Installed in accordance w/ good engineering practices [§155.66(F)]	Pending – currently same as County	Installed in accordance w/ good engineering practices, standards of the Town or NCDOT, most stringent (Sec. 4.1f)	Installed in accordance w/ good engineering practices	Not applicable	Installed in accordance w/ good engineering practices	Installed in accordance w/ good engineering practices

Exhibit 1 - Development Standards of All Municipalities within Cumberland County

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Sidewalks (complying w/ ADA standards)	One side of all streets w/in development; Along existing collector or arterial street adjacent to development [Sec. 25-61(5)]	Density equal to or greater than 2 units per acre, both sides of all streets – required only when curb & gutter type street cross-section exists. [Sec. 86-122(g)]	One side of street, location determined by Town Building Inspector [§155.67(F)]	Pending – currently same as County	4' wide along all streets whether proposed (new) or existing, except cul-de-sac serving 8 or less lots/units When adjacent to parking area, 6' wide (Sec. 4.3.g)	4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec.4.1.h)	Not applicable; however, sidewalks cannot be located over Town-owned water lines & Town will not accept existing system with sidewalks over lines		
Group Development Provisions	Min. size of tract 40,000 sq ft; Setbacks: district in which located or contiguous, whichever is greater; 40' access point; 500 sq ft of recreation area per unit on site; Internal paved drives, min. width of 18', 12' paved travel way plus 2' horizontal	Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point 1/35 acre per unit on site recreation area, BOC can accept fee in lieu One access point for each 60 parking spaces Parking space size:	Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point 500 sq ft of recreation area per unit on site One access point for each 60 parking spaces Parking space	Pending – currently same as County	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)	Not applicable	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)

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DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Group Development Provisions, <i>continued</i>	clearance [Sec. 25-31(7)]	9'x20' Compact spaces allowed (Sec. 86-86)	size: 9'x20'						
ZLL Provisions	Similar to County but can only submit for buildable vacant lots or newly created lots [25-31(9)]	Same as County (Sec. 86-88)	Pending, same as County (Case No. P07-70)	Pending – currently same as County	Same as County (Sec. 3.24)	Same as County (Sec. 3.21.1)	Not applicable	Same as County (Sec. 3.21.1)	
MHP Provisions	Not applicable – MH's must be approved as an "Overlay" under Zoning Chpt	Yes, same as County except plan must also be approved by Fire Department (Sec. 86-89)	Min of one acre and min of 8 MHs Min 3,000 sq ft MH space for each unit Drives: min of 30' wide w/ paving min 20' Min 60' frontage w/ direct acces on public street Min 140 sq ft concrete or hard surface patio with min 30" wide concrete or hard surface walkway (Chpt 153)	Pending – currently same as County		Same as County (Sec. 3.23)	Not applicable	Same as County (Sec. 3.23)	Same as County (Sec. 3.23)

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DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Guarantee of Improvement	Improvements in or bond posted [Sec. 25-61(6)]	Improvements in, bond, certified check, or letter of credit (Sec. 86-36)	Same as County (§155.23)	Pending – currently same as County	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)	Not applicable	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)
Lot Frontage	20' minimum [Sec. 25-31(4) conform to Zoning Chapter, Sec. 30-75]	35' minimum [Sec. 86-83(3)]	35' minimum [§155.52(C)]	Pending – currently same as County	20' minimum (Sec. 3.20.c)	20' minimum (Sec. 3.20)	Not applicable	20' minimum (Sec. 3.20)	20' minimum (Sec. 3.20)
Development Access Points		Two separate access points (Sec. 86-63)		Pending – currently same as County			Not applicable		
School, Parks Public Access		NLT 10' walkways dedicated (Sec. 86-74)	NLT 10' walkways dedicated (§155.47)	Pending – currently same as County	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)	Not applicable	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)
Subdivision Definition	Similar as County except: 5 acre tracts (as opposed to 10 acres) where no right of way dedication (Sec. 25-1)	Same as County (Sec. 86-1)	Similar as County except: 5 acre tracts (as opposed to 10 acres) where no right of way dedication (§155.06)	Pending – currently same as County	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)	Not applicable	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)
Streetscape Landscaping – subdivisions/group developments		When off-street parking required, street yard along the width of public right-of-way – widths vary dependant upon zoning district, typically 6': 1 lg	Streetscape landscaping required when development along "Entrance Corridor" – 6' planting strip adjacent to right-of-way: 1 lg tree		Street trees: 1 tree per 50 linear ft of street frontage and no more than 50' separation Located				

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DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Streetscape Landscaping – subdivisions/group developments, <i>continued</i>		tree or 3 sm trees every 50' and 6 shrubs every 50'; can be combination of both. Parking areas, 1 tree & 6 shrubs every 15 spaces (Art. XIV)	every 50' or 2 sm trees every 50'. Parking lots w/12 or greater spaces: 1 lg or 2 sm trees each 12 spaces (§156.088)		between back of curb and sidewalk (Sec. 4.3.h)				
Greenway Standards					Compliance w/ <i>Greenway Plan</i> (Sec. 3.13.2)				
Tree Preservation		Permit required prior to removal of any trees (Sec. 102-428)	Encouraged and can be credited toward landscaping provisions (§156.088.8)						
Exceptions w/in MIA	<p><i>*Pending*</i></p> <p>Per Sewer Service Area (SSA), addressed in the interlocal agreement</p> <p>1. Public streets: When NCDOT standards more stringent than Fayetteville's, NCDOT standards apply</p>		<p>Sewer extension and/or connection:</p> <p>Per interlocal agreement</p>	<p>Sewer extension and/or connection:</p> <p>Per interlocal agreement</p>	<p>Concrete curb & gutter not required when 3 or less lots out of same parent and where new street not being constructed or existing street w/o concrete curb & gutter being extended</p>	<p>Sewer extension and/or connection:</p> <p>Per interlocal agreement</p>		<p>Sewer extension and/or connection:</p> <p>Per interlocal agreement</p>	<p>Sewer extension and/or connection:</p> <p>Per interlocal agreement</p>

Exhibit 1 - Development Standards of All Municipalities within Cumberland County

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Exceptions w/in MIA, <i>continued</i>	2. Water/Sewer extension and/or connection: Per interlocal agreement – within SSA, sewer service required when density greater than 2.2 units per acre, not applicable, see agreement for qualification to this standard; no sewer required outside SSA 3. Sidewalks: One side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares				Greenway standards not applicable where residential does not abut designated Greenway Corridor and where 3 or less contiguous lots from the same parent Sidewalks not required if 3 or less lots from the same parent abutting street w/o existing sidewalks and a new street not being constructed (Sec. 3.1.1)				

Disclaimer: The material contained within this document, Exhibit 1, *Development Standards of All Municipalities within Cumberland County*, is provided for general reference and informational purposes only and is not to be construed or used in place of the officially adopted development standards for any municipality, nor does it replace any officially adopted development standard of any municipality. While the information contained herein is believed to be accurate, the County of Cumberland does not assume responsibility for the information contained herein and the users of this exhibit should contact the County Planning & Inspections Department to verify the contents prior to relying on this information.

STATE OF NORTH CAROLINA

INTERLOCAL AGREEMENT

COUNTY OF CUMBERLAND

THIS INTERLOCAL AGREEMENT, made and entered into on the _____ day of _____, 2008, by and between the CITY OF FAYETTEVILLE, a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter "CITY"), and the COUNTY OF CUMBERLAND, a North Carolina body politic, organized and existing under the laws of the State of North Carolina (hereinafter "COUNTY"). (Collectively, the City and the County are the "Parties.")

WITNESSETH:

WHEREAS, the CITY and the COUNTY desire to enter into an agreement providing for a Municipal Influence Area (hereinafter "MIA") pursuant to the COUNTY's Zoning and Subdivision Ordinances, a Sewer Service Area Policy, and a Joint Planning Commission; and

WHEREAS, the governing bodies of the COUNTY and the CITY have by resolution duly approved and recorded this Interlocal Agreement (hereinafter the "Agreement") in their respective minutes.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits resulting from the Agreement, the Parties agree as follows:

AGREEMENT

This Agreement consists of this Interlocal Agreement, and Exhibit 1 delineating an MIA for the CITY and-delineating a Sewer Service Area.

Municipal Influence Area Established

The COUNTY Board of Commissioners approves, establishes, and designates an MIA for the CITY as shown in Exhibit 1. The CITY and the COUNTY shall review the CITY's MIA boundary every five (5) years and agree on its adjustment as appropriate. The first such review shall occur, after review and comment by the Municipal/County Planning Commission, by April 20, 2013 to take effect as of July 1, 2013.

The CITY's minimum standards of design (but not zoning) shall apply within the CITY's MIA, provided that the more stringent public street design standard, whether per the City Code or North Carolina DOT standards, shall apply.

The CITY shall create and adopt zoning districts substantially in conformance with the COUNTY's Mixed Use and Density Development Conditional Use Districts. On collector streets

in Density Development Conditional Use Districts within the CITY's MIA sidewalks shall be required only on one side of those collector streets.

For those zoning, subdivision, design, and/or development standards not addressed in this Agreement, the COUNTY standards, ordinances, small area plans and comprehensive plan shall be followed.

Sewer Service Area

1. The Sewer Service Area delineated in Exhibit 1 (or as expanded pursuant to the provisions of this Agreement) sets forth an area within which the parties contemplate that developments should be served by sanitary sewer. An annexation petition shall not be required for extension of sanitary sewer in this area.

2. No sewer should be provided or programmed outside the Sewer Service Area except sewer may be provided outside of the Sewer Service Area for areas served by a regional lift station if approved for installation as follows:

(a) The CITY Planning Board and the COUNTY's Joint Planning Board, meeting either separately or together as the Municipal/County Planning Commission provided for below, shall each review a request for expansion of the Sewer Service Area to be served by PWC. Each board by a separate vote, and PWC, shall then make a recommendation to the COUNTY's Board of Commissioners. The COUNTY's Board of Commissioners shall approve or disapprove that request. If approved with sewer service to be provided by PWC, the area to be served by the regional lift station would then become part of the Sewer Service Area. Whether or not to provide sewer service shall be within the discretion of PWC according to its usual and customary policies and procedures.

(b) The COUNTY's Joint Planning Board shall review a request for expansion of the Sewer Service Area to be served by a sewer service provider other than PWC. The COUNTY's Joint Planning Board and that sewer service provider shall then each make a recommendation to the COUNTY Board of Commissioners. The COUNTY Board of Commissioners shall approve or disapprove that request. If approved with sewer service to be provided by that sewer service provider, the area to be served by the regional lift station would then become part of the appropriate Sewer Service Area. Whether or not to provide sewer service shall be within the discretion of the sewer service provider according to its usual and customary policies and procedures.

(c) The foregoing procedure shall not be required for or apply to any request for sanitary sewer service outside of the Sewer Service Area for economic development projects receiving incentives from the COUNTY Board of Commissioners or the Fayetteville/Cumberland County Chamber of Commerce. Each sewer service provider shall review such requests in accordance with its customary policies and procedures.

3. Within the Sewer Service Area, the development standards set forth below shall apply. Zoning District references are to those districts as described in the COUNTY's Code of Ordinances ("County Code"), as applicable.

More specifically,

- a. Sewer Service. Sewer Service (hereinafter "Sewer") shall be required when density is greater than 2.2 units per acre. Sewer will not be required when density is 2.2 units per acre or less, provided, however, this Agreement shall not be deemed to, or applied to, downzone or decrease allowable densities of properties as zoned as of April 30, 2008.
- b. Water Service. Water Service (hereinafter "Water") shall be required when density is 2.2 units per acre or greater, provided, however, this Agreement shall not be deemed to, or applied to, downzone or decrease allowable densities of properties as zoned as of April 30, 2008.
- c. Sidewalks. Sidewalks shall be required on one side of collector streets and along both sides of all thoroughfares. A thoroughfare is a major street in the street system that serves as an avenue for the circulation of traffic into, out, or around the community and carries high volumes of traffic. A collector is a street whose principal function is to carry traffic between local streets and thoroughfares and that also may provide direct access to abutting properties. It serves or is designed to serve (at build out), directly or indirectly, at least 100 dwelling units.
- d. Public Streets. The more stringent standard public street design standard, whether per the City Code or North Carolina DOT standards, shall apply.
- e. If the CITY's MIA boundary is subsequently extended to include an area formerly in the Sewer Service Area, a project in that area which has been approved for development in phases in the Sewer Service Area but which is thereafter brought into the CITY's MIA any phase undeveloped as of the date it is brought into the CITY's MIA may nevertheless be completed under COUNTY standards, regulations and ordinances if the developer obtains zoning permits for such phase and incurs substantial expenditures on reliance on that zoning permit within two years of the date the MIA boundary is extended to include that project.

Municipal/County Planning Established

1. The COUNTY and the CITY establish Municipal/County Planning for the purpose of addressing and making recommendations on inter-jurisdictional planning and related issues, examples of which may include, but are not limited to, transportation, air quality, parks, economic development (e.g., business park location siting), utility extensions, new school locations, military (e.g., housing, buffers, support areas), as well as small area plans that are in the MIA.

2. Municipal/County Planning shall be comprised of the City of Fayetteville Planning Commission and the Cumberland County Planning Board meeting in joint session. The City of Fayetteville Planning Commission and the Cumberland County Joint Planning Board shall meet quarterly, or more often as necessary or desirable to further the purposes of this Agreement, for Municipal/County Planning. The Chairperson from time to time of the City Planning Commission and of the Joint Planning Board shall alternate from year to year as Presiding Officer for Municipal/County Planning. The COUNTY and CITY planning staffs shall cooperate to provide staff and logistical support as appropriate for Municipal/County Planning.

Duration and Termination

1. This Agreement shall continue through December 31, 2030, except that either party may by resolution of its governing board terminate this Agreement on six months prior notice.

2. This Agreement may be amended by resolution of the City Council and COUNTY's Board of Commissioners.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement as of the date first above written.

COUNTY OF CUMBERLAND

By: _____
J. BREEDEN BLACKWELL, Chairman

ATTEST:

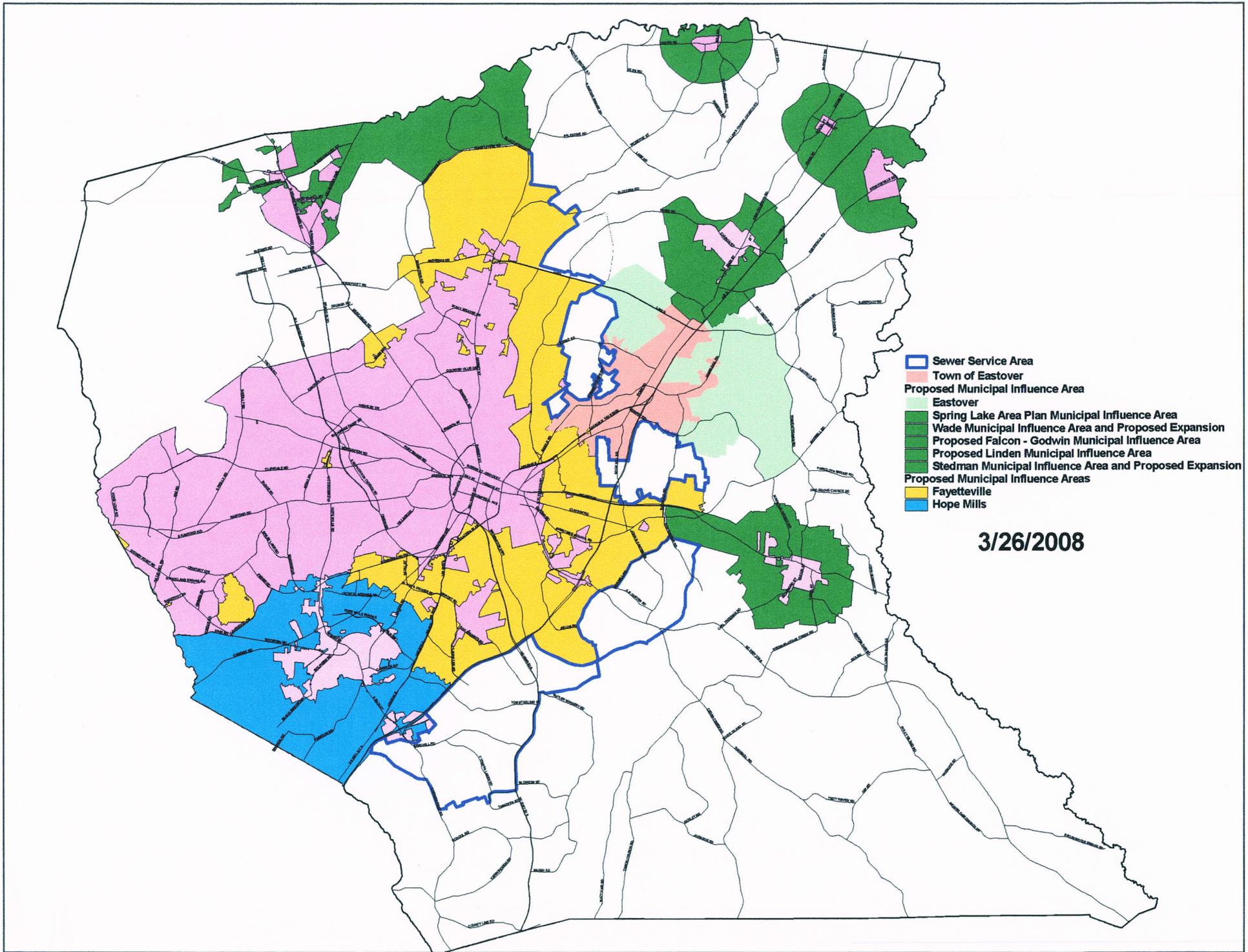
MARSHA FOGLE, Clerk to the Board

CITY OF FAYETTEVILLE

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk



- Sewer Service Area
- Town of Eastover
- Proposed Municipal Influence Area**
- Eastover
- Spring Lake Area Plan Municipal Influence Area
- Wade Municipal Influence Area and Proposed Expansion
- Proposed Falcon - Godwin Municipal Influence Area
- Proposed Linden Municipal Influence Area
- Stedman Municipal Influence Area and Proposed Expansion
- Proposed Municipal Influence Areas**
- Fayetteville
- Hope Mills