

ATTACHMENT 4

ORDINANCE #11648

**ORDER GRANTING, UPON CERTAIN CONDITIONS
A MAJOR SPECIAL USE PERMIT FOR
A 35,000 SQUARE FOOT RECYCLING CENTER
1017 Hoover Road, Tax Map 362-1-1
TIDEWATER FIBRE CORPORATION
CASE M99-1**

The City Council of the City of Durham, having conducted a hearing on Case M99-1, Tidewater Fibre Corporation and having considered all evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Major Special Use Permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE COUNCIL HEREBY FINDS that the use meets the requirements of Sections 4E.5.9 and 13.2.3. of the Durham Zoning Ordinance and that it

1. Is in harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. Is in conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this Ordinance (since there are no special requirements); and
3. Will not adversely affect the health or safety of the public.

THE COUNCIL ALSO FINDS that satisfactory consideration has been given to the considerations listed in 4E.5.9 and 13.2.4. of the Ordinance as follows:

Paragraphs 1 through 9: Satisfactory consideration has been given, based on the site plan; and

THE COUNCIL FURTHER DETERMINES THAT IT IS NECESSARY TO CONDITION THE GRANTING OF THE USE PERMIT UPON THE FOLLOWING:

1. That the hours of operation will be from 6:30 AM to 7:30 PM Monday through Friday with sorting and tipping and bailing occurring only between the hours of 8:00 AM and 6:30 PM. Saturday hours shall be 8:00 AM to 4:00 PM.
2. That the main access off of Hoover Road and the secondary Ashe Street access be maintained with a driving surface capable of holding a 75,000 lb. Load in accordance with ordinance section 4.E.5.9.4.
3. That a four foot (minimum) green coated wire fence be placed adjacent to the Railroad ROW, running the length of the northern property line along the Hoover Road portion of the site, and screened on the outside with appropriate landscaping approved by the planning department.

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1. That the portion of the building housing the bailer be sound baffled or further enclosed so as to reduce noise levels.
2. That any future changes to chapter eleven of the Durham City Code regarding noise levels or any changes to the zoning code regarding noise levels of non-residential uses adjacent to residential uses be applicable to this site.
3. That the applicant maintain a noise decibel level reading on the Hoover Road boundary of the site that complies with the noise ordinance as it currently exists or as it may change in the future.
4. That the recycling permitted under this permit at the recycling facility be limited to the following; paper, including but not limited to newspapers, magazines, and business paper; glass bottles and jars; steel and aluminum cans; foil and foil containers; plastic materials, poly-coated milk and juice containers; and cardboard and other recyclable materials accepted by the City of Durham recycling program.
5. That the site be served by no greater than 75 truck trips per day.
6. That no hazardous materials or wastes be recycled or handled on-site with the exception of materials or wastes that may be generated by the servicing of trucks and other vehicles used in this recycling business.
7. That the applicant comply with the noise ordinance of the city, including but not limited to; Section 11-1-(b)4 and (10) and Section 11-1(d)(2) and (3), as the same may be amended from time to time.

THIS SPECIAL USE PERMIT SHALL BECOME NULL AND VOID UPON DETERMINATION BY THE APPROPRIATE OFFICIALS DESIGNATED BY ORDINANCE THAT THE ABOVE CONDITIONS HAVE NOT BEEN COMPLIED WITH.

This determination and Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

**APPROVED BY
CITY COUNCIL**

FEB 15 1999

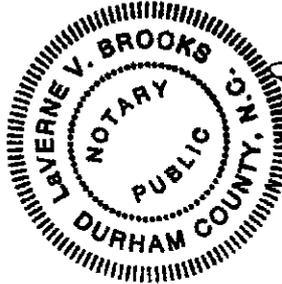
J. Ann Gray
DEPUTY CITY CLERK

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**NORTH CAROLINA
DURHAM COUNTY**

I, Laverne V. Brooks, Notary Public of the aforesaid County and State, certify that personally appeared before me this day D. Ann Gray, Deputy City Clerk of the City of Durham, who duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the Order adopted by the City Council of the City of Durham at its meeting held February 15, 1999, as the same is taken from and compared with the recordation of said Order as Ordinance Number 11648, on file in the Office of the City Clerk.

Witness my hand and notarial seal, this 1st day of March, 1999.



Laverne V. Brooks
Notary Public
June 25, 2002
My Commission Expires