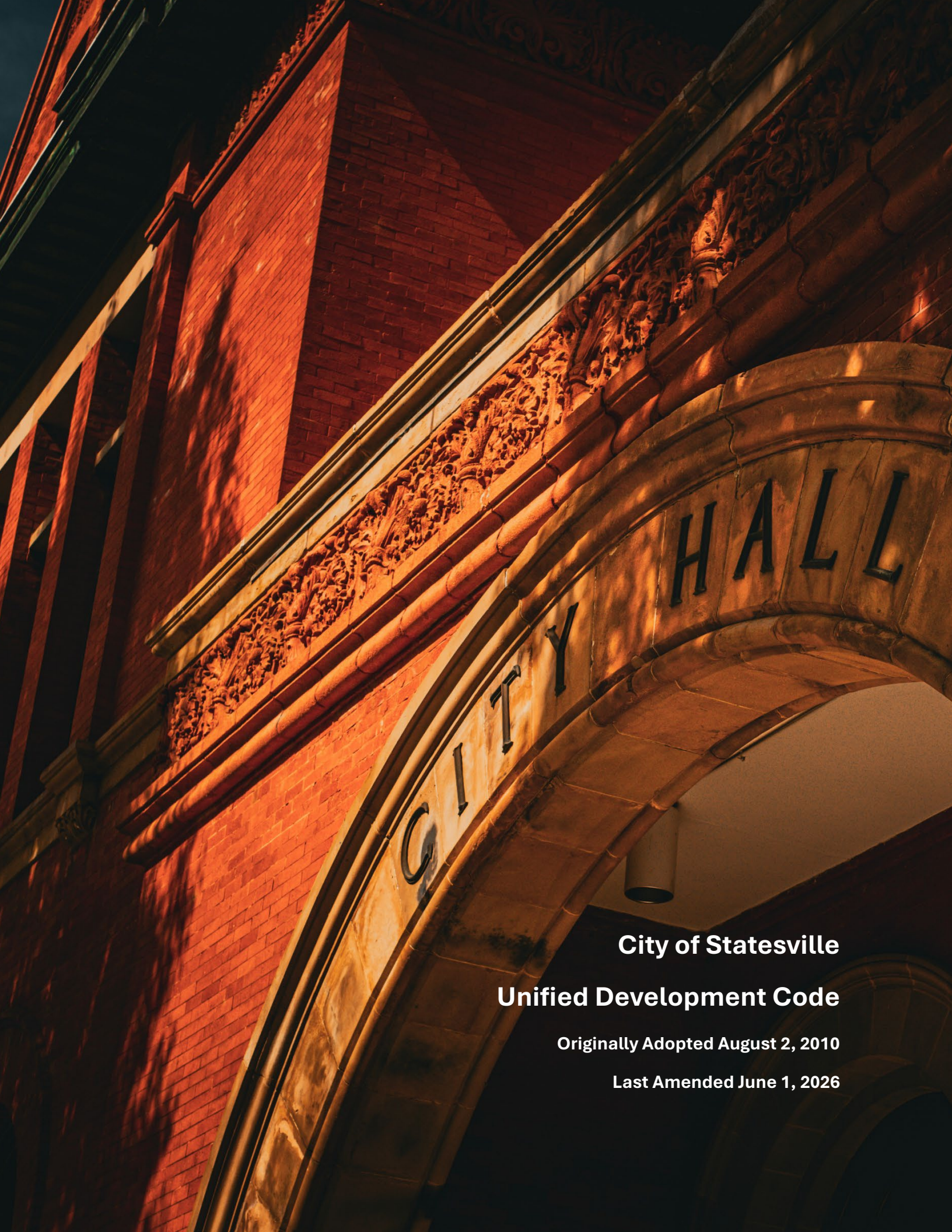


City of Statesville

Unified Development Code

Originally Adopted August 2, 2010

Last Amended June 1, 2026

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*Editor's note—Printed herein is the City of Statesville Unified Development Code, as adopted on August 2, 2010. The style of headings and capitalization has been unchanged from the original document. History notes follow amended provisions. The absence of a history note means the text remains unchanged from the original. Obvious misspellings have been corrected without notation. Material added for clarity is shown in brackets [ ].

Photo Credit: Jay Daniels



Article 1. Administration

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ARTICLE 1. ADMINISTRATION

Section 1.01 General

A. Authority, Title

This chapter of the Statesville City Code is adopted pursuant to portions of one or more of the following authorities established by the North Carolina General Statutes (NCGS): Chapter 160D (Local Planning and Development Regulation), Chapter 160A (Cities and Towns), Chapter 113A (Pollution Control and Environment), Chapter 121 (Environmental Controls), Chapter 130A (Public Health), Chapter 133 (Public Works), and Chapter 136 (Roads and Highways), and the Charter of the City of Statesville. This Ordinance shall be known as the "Statesville, North Carolina Unified Development Code" hereinafter referred to as the "Code" and may be amended from time to time as required or allowed by subsequent legislative enactments.

B. Effective Date

This Code, originally adopted August 2, 2010, shall be in full force and effect from and after its passage, approval and publication as required by law.

C. Jurisdiction

The provisions of this Ordinance shall apply to all the territory encompassed in the City of Statesville, North Carolina, and its planning and development regulation jurisdiction, including any extraterritorial jurisdiction as now or hereafter fixed, as depicted on the City's Official Zoning Map on file at the Statesville City Hall. This map is hereby incorporated and made a part of this ordinance. This Ordinance shall govern the development and use of all land and structures within the City as provided for by Chapter 160D, except for bona fide farms in accordance with G.S. 160D -903(c) -(e). Local Planning and Development Regulation, of the North Carolina General Statutes (NCGS).

(Ord. No. 02 -23, exh. A, 1 -9-2023; Ord. No. 19- 23, 5- 1-2023)

Section 1.02 Purpose

In accordance with the authority set forth in Section 1.01 , and the City's adopted Comprehensive Plan (hereinafter "the Plan"), the purpose of this Code is to:

A. Implement the Comprehensive Plan, which includes the Land Development Plan and the Mobility and Development Plan;

B. Promote public health, safety, comfort, order and general welfare;

C. Conserve and protect property values;

D. Protect private property rights;

E. Promote orderly development and use of land and natural resources;

F. Facilitate safe and economical provision of streets, water, wastewater disposal, schools, parks and other public requirements;

G. Facilitate a safe and efficient multi -modal transportation systems for all users;

H. Ensure that the density, design, location and uses of land help achieve a compatible mix of land uses that create sustainable residential neighborhoods and a vibrant economy that provides opportunities for all residents;

I. Assure the adequate provision of facilities and services to new land developments in conformance with the Comprehensive Plan and Article 8;

J. Assure the provision of needed open spaces through dedication, reservation, or other means for recreational; and

K. Assure equitable and uniform procedures and standards for land development.

(Ord. No. 19 -23, 5 -1-2023)

Section 1.03 Interpretation

A. Generally
This Code shall be interpreted to promote the safety, health, convenience, comfort, prosperity, and general welfare of the public.

B. Rules of Language
Words and phrases used in this Code shall be interpreted as follows:

1. The Code shall be interpreted by considering, among others:

    a. the intent of the Mayor and City Council when adopting this ordinance;

    b. the occasion and necessity for the provision;

    c. the circumstances under which it was enacted;

    d. the threat to the public health, safety and welfare to be remedied;

    e. the object to be attained;

f. the former provision, if any, including other provisions upon the same or similar subjects;

g. the consequences of a particular interpretation;

h. any contemporaneous legislative history; and

i. legislative, administrative, and City attorney interpretations of the provision.

2. Every provision shall be construed, if possible, to give effect to all its terms. When the words of a provision in its application to an existing situation are clear and free from all ambiguity, the letter of the provision shall not be disregarded under t he pretext of pursuing the spirit. When the words of a provision are not explicit, the intention of the Mayor and City Council shall be determined by communication with Council members.

3. General words are construed to be restricted in their meaning by particular and specific words. When a general provision is in conflict with a specific provision, the two (2) shall be construed, if possible, so effect may be given to both. If irreconcilab le, the specific shall prevail and be construed as an exception to the general, unless the general was enacted as a later amendment to the Code, then it shall be construed to have the latter general provision prevail.

4. In the case of a difference in meaning or implication between the text of the Code and the captions for each section, the text shall control.

5. Where an amendment is adopted and conflicts with or overlooks a provision of the Code, the two (2) shall be interpreted together, if possible, and effect shall be given to each. If the amendment is irreconcilable, the latest in date of final adoption shall prevail.

6. When the Code has been amended more than once, the latest amendment shall be read into the Code as previously amended and not as originally adopted.

7. Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this Chapter, are construed according to the special meaning or their definition.

8. Words used in the present tense include the future; words in the singular include the plural; and words of one (1) gender include the other gender, unless the context clearly indicates the contrary.

9. All words, terms and phrases not otherwise defined herein shall be given their usual and customary

meaning, unless the context clearly indicates a different meaning was intended.

10. The word "shall" is always mandatory; the word "may" is permissive and is at the discretion of the appropriate decision -maker.

11. For the convenience of the reader, certain words and phrases are defined in Article 9.

C. Graphics

Illustrations are provided for the convenience of the user; in case of a conflict with the text, the text shall control.

D. Computation of Time

Unless otherwise specifically provided, the timeframe specified for the performance of an act, duty, notice, matter, payment, or thing shall begin on the day following the submittal of an application or the preceding action. Specified timeframes shall not end on a Saturday, Sunday or a City- recognized holiday, but shall end on the following business day. Unless otherwise specified, times are stated in calendar days, including weekends and holidays.

E. Relationship to Other Regulations and Plans

The use of buildings and land within the City and its ETJ shall be subject to the provisions of this Code as well as the City Code, whether or not such other provisions are specifically cross -referenced in this Code. Cross-references are provided for the convenience of the reader; lack of a cross -reference shall not be interpreted to mean other provisions do not apply.

1. Consistency with Comprehensive Plan

a. This Code, and any amendment to or actions pursuant to this Code, are intended to implement the goals and policies of the Plan and are hereby intended to be consistent with and in conformance with the adopted Plan.

b. An amendment to the text of this Code is consistent with the Plan if it helps achieve the goals and objectives stated in the Plan in a manner consistent with applicable Plan policies. An amendment to the zoning map is consistent with the Plan if the map a mendment is consistent with the Future Land Use Map contained in the Plan.

2. Conflict.

Whenever any provision of this Code or any other applicable law, rule, contract, resolution or regulation of the City, State or Federal government contains certain standards covering the same subject matter, the more restrictive requirements or higher standards shall govern.

3. Severability.

Should any section, or provision, clause, phrase, or sentence of this Article be declared by a court of competent jurisdiction the courts to be unconstitutional or invalid, such declaration

shall not affect the validity of the remaining port ions of this Article as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

4. Development Under Prior Regulations

a. Development under prior regulations shall be allowed, provided a valid development approval has not expired. All new applications shall comply with the provisions of this Code, except that a Final Plat may be approved if it is consistent with a valid Preliminary Plat. Any permit issued under prior regulations shall expire twenty- four (24) months or two (2) years after adoption of this Code, unless the applicant or permittee has established a valid vested right.

b. Legal non -conforming situations may continue in conformance with Article 4.

5. Relationship to Private Agreements.

This Code is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this Code shall govern.

6. Relationship to Other Regulations and Codes.

This Code establishes many, but not all, of the standards and procedures for development. Other portions of the City Code, as well as other standards, shall apply to development, including, but not limited to, adopted building codes, fire codes, utility, street, sidewalks, and drainage design and construction standards.

(Ord. No. 19 -23, 5 -1-2023)

Section 1.04 Responsibilities for Application of Code

A. City Council

The City Council shall:

1. Appoint or remove members to the Planning Board, Board of Adjustment, Historic Preservation Committee, Stormwater Advisory Committee, and Downtown Design Review Committee;

2. Decide all requests for amendments to the Comprehensive Plan and Future Land Use Map upon receipt of recommendations from the Planning Board;

3. Decide all rezoning requests for amendments to the zoning map and all Code text amendments upon receipt of recommendations from the Planning Board;

4. Decide all requests for planned unit developments, special use permits, multi -family developments, and vested rights determinations upon recommendation of the Planning Board;

5. Approve development agreements and rules and regulations for public improvements upon recommendation from the Planning Director or other staff members;

5. Decide all appeals to actions of the Planning Board except as provided in this Code;

6. Adopt fees and authorize waivers to fees;

7. Decide applications for waivers from public improvement requirements;

8. Decide requests for closing or abandoning streets;

9. Decide on annexations;

10. Decide on all demolitions in the Historic Districts, CB, CBP and Municipal Service Districts;

11. Decide all requests for encroachments by properties coming under the review of the HPC; and

12. Other responsibilities assigned by this Code, the City Charter, and other sections of the City Code, or State law.

B. Planning Board.

Pursuant to the authority granted under NCGS 160D -301, the City hereby creates a planning agency to be known as the City of Statesville Planning Board.

The Planning Board shall:

1. Composition:

a. The Planning Board shall consist of seven (7) members who proportionally represent the population of the City's corporate limit and the extraterritorial jurisdiction (ETJ). The City Council shall appoint citizens who reside inside the City in accordance w ith NCGS 160D- 310; and the Board of Commissioners of Iredell County shall appoint the member(s) who reside outside the City but within the ETJ in accordance with NCGS 160D -307. The population estimates for this calculation shall be updated no less frequently than after each decennial census.

b. The City Council may appoint two (2) alternate members to serve on the Board in the absence of any regular members. Each alternate member, while attending any meeting of the

Board and serving in the absence of any regular members, shall have and may exercise all the powers and duties of a regular member.

c. Members of the Planning Board shall serve for terms of three (3) years, such terms to be staggered as follows: One (1) member shall be appointed for a one- year term; two (2) for two -year terms; and two (2) for three -year terms. Thereafter, members shall be appointed for three (3) years each. Said alternate members shall serve for a term of three (3) years each.

d. The member(s) appointed by the Board of County Commissioners as representatives of the extraterritorial zoning area outside the City shall have equal rights, privileges and duties with the other members of the Board in all matters pertaining to the regula tion of both the extraterritorial area and the area within the corporate limits. These members shall serve staggered terms as follows: One (1) member shall be appointed for a one-year term and one (1) for a two -year term. Thereafter, members shall be app ointed for three (3) years each.

e. Members of the Planning Board existing immediately prior to the adoption of this Code shall continue to serve during their terms provided the remainders of such terms do not exceed the length of the terms designated by this section.

f. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term.

g. The Planning Board shall elect one (1) of its members as chairman and shall appoint a secretary and such other subordinates as may be authorized by the City Council. The Board shall draft and adopt rules governing the transaction of its business.

2. Responsibilities:
The Planning Board shall:

a. Make studies of the area within its jurisdiction and surrounding areas;

b. Determine objectives to be sought in the development of the study area;

c. Prepare and adopt plans for achieving these objectives;

d. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

e. Exercise any functions in the administration and enforcement of various means for creating or carrying out plans the City Council may direct;

f. Conduct courtesy hearings and make recommendations on plan amendments, conditional uses, special uses, planned unit development, subdivisions, and site plans as applicable;

g. Recommend changes and amendments to the Zoning Map and the Code text;

h. Review with the City Manager and other City officials and report its recommendations to the City Council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, whether or not there is a recommendation from the Planning Board, the City Council may, if it deems wise, take final action on any such matter at any time.

i. Other responsibilities assigned by this Code, the City Charter, other sections of the City Code, or State Law.

1. Oath of Office.
Any person appointed to the board shall take and subscribe the oath of office prescribed in Article VI, § 7 of the Constitution as stipulated in NCGS 160A- 61.

2. Voting.
A simple majority of the Board membership shall be required to affirm any decision, recommendation, or statement of the Board.

3. Conflicts and Violations of Due Process.
A member of the Planning Board shall not participate in or vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. A member shall not vote on any ad visory or legislative decision regarding a development regulation adopted pursuant to the Code where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. A member sh all 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 with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (NCGS 160D -109)

C. Planning Director
The Planning Director, and their designees, (hereafter "local administrator" or "staff") shall:

1. Administer, interpret and enforce the provisions of this Code.

2. Serve as staff for the City Council, Planning Board, Board of Adjustment, Historic Preservation Commission, Downtown Design Review Committee, and Technical Review Committee, and act as a liaison to other agencies and organizations in land use matters.

3. Review and render interpretations of this Code and the Official Zoning Map.

4. Review and decide on applications made under this Code.

5. Recommend approval, approval with conditions, or denial of applications.

6. Review subdivisions, abandonments of streets, plats and make recommendations to the TRC, DRC, HPC, and Board of Adjustment, Planning Board, and City Council.

7. Review and approve conveyances and plat adjustments or corrections.

8. Review and approve, approve with conditions, or deny applications for construction plan approval.

9. Keep a record of all permits, appeals, variances and such other related business and correspondence pertaining to the administration of this Code.

10. Notify in writing any person responsible for violating this code, indicating the nature of the violation and ordering action necessary to correct it. In doing so, the Planning Director shall:

    a. order the discontinuance of the illegal use of land, buildings or structures;

    b. order the removal of illegal buildings or structures, or additions, alterations or structural changes thereto;

    c. order the discontinuance of any illegal work being done; or

    d. take any other action authorized by this Code and the City Council to ensure compliance and to prevent violation of its provisions.

11. Serve as agents for the purposes of enforcing this Code, completing, signing, issuing, and serving citations.

12. Waive information requirements of this Code and its Appendices if the requirements of the Code can be accomplished without such information.

13. Review and approve minor exceptions and waivers as authorized by this Code.

14. Serve as the local administrator of Flood Plain Development Permits, reviewing all floodplain development permits to assure that the permit requirements of Article 2 have been satisfied.

15. Other responsibilities as may be assigned and delegated by the City Council.

16. Conflict of Interest. Staff shall not make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable impact on the staff member or if the applicant or other person subject to that decision is a person with whom the member has a close familial, business, or other associational relationship per NCGS 160D-109(c).

17. Oath of Office. Staff shall take and subscribe the oath of office prescribed in Article VI, § 7 of the Constitution as stipulated in NCGS 160A -61.

D. City Engineer

The City Engineer shall:

1. Review Subdivisions and Development Agreements and determine the amount of the letter of credit, cash escrow or surety bond required for the construction of public improvements.

2. Review and approve, approve with conditions, or deny applications for construction plan approval.

3. Inspect public improvements and recommend appropriate action.

4. Decide on all fee in lieu requests for road improvements, sidewalks, curb, and gutter.

E. Technical Review Committee

1. Composition: Membership of the Technical Review Committee (TRC) shall consist of the following persons or their designees:

a. Planning Director;

b. City Engineer;

c. Director of Electric Utilities;

d. Water Resources Director;

e. City Arborist/Line Clearance Supervisor;

f. Fire Marshal; and

g. Other agencies that may be invited to participate will serve as ex officio members.

2. **Responsibilities:** The Technical Review Committee (TRC) shall review each applicable site plan, minor subdivision, and major subdivision as defined herein and approve, approve with conditions, or deny each application. Final action of the TRC may be appeal ed to the City Council.

F. City Arborist/Line Clearance Supervisor

The City Arborist/Line Clearance Supervisor shall:

1. Serve as a member of the TRC;

2. Review and act on landscape site plans, including review and approval of alternative landscape site plans;

3. Inspect landscaping prior to issuance of a certificate of occupancy;

4. Review and act on applications for tree preservation credits;

5. Prepare and update approved plant species list;

6. Review and approve specified exceptions to landscaping provisions;

7. Make determinations pursuant to the application and enforcement of the landscaping requirements in Article 6 of this Code; and

8. 8. Make recommendations on landscaping variances to the Board of Adjustment.

G. Director of Electric Utilities

1. Administer, interpret and enforce the provisions of this Code as they apply to the City of Statesville Electric Utility customers or others under jurisdiction.

2. Review subdivisions, site plans, construction plans, and electrical plans and make recommendations to the TRC, City Council, Developer, Builder or owner.

3. Review and approve, approve with conditions, or deny applications for construction plan approval or electrical service.

4. Review construction plans and identify potential conflicts with proposed and existing overhead and underground electric distribution facilities.

H. Board of Adjustment.

Pursuant to NCGS 160D -302, there is hereby created a Board of Adjustment.

1. Composition.

    a. The Board of Adjustment shall consist of six (6) members who proportionally represent the population of the City's corporate limit and the extraterritorial jurisdiction (ETJ). The City Council shall appoint citizens who reside inside the City; and the Boa rd of Commissioners of Iredell County shall appoint the member(s) who reside outside the City but within the ETJ. The population estimates for this calculation shall be updated no less frequently than after each decennial census.

    b. The City Council may appoint two (2) alternate members to serve on the Board in the absence of any regular members. Each alternate member, while attending any meeting of the Board and serving in the absence of any regular members, shall have and may exerc ise all the powers and duties of a regular member. It is recommended (but not required) that one (1) alternate be appointed by the Board of Commissioners of Iredell County as an alternate representative of the extraterritorial jurisdiction in addition to two (2) alternates from within the City limits.

    c. Members of the Board of Adjustment shall serve for terms of three (3) years, such terms to be staggered as follows: One (1) member shall be appointed for a one- year term; two (2) for two -year terms; and two (2) for three -year terms. Thereafter, members sh all be appointed for three (3) years each. Said alternate members shall serve for a term of three (3) years each.

    d. The member(s) appointed by the Board of County Commissioners as representative(s) of the extraterritorial zoning area outside the City shall have equal rights, privileges and duties with the other members of the Board in all matters pertaining to the regu lation of both the extraterritorial area and the area within the corporate limits. The member shall serve a three- year term. In the event that an alternate member is appointed to the board of adjustment by the Board of County Commissioners as a represent ative of the extraterritorial zoning area outside the City, his/her term shall be staggered in a manner in which his/her term will expire one (1) to two (2) years before/after the expiration of the term of the regular member that is appointed by the Iredell County Board of Commissioners.

    e. Members of the Board of Adjustment existing immediately prior to the adoption of this Code shall continue to serve during their terms provided the remainders of such terms do not exceed the length of the terms designated by this section.

    f. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term.

g. The Board of Adjustment shall elect one (1) of its members as chairman and shall appoint secretary and such other subordinates as may be authorized by the City Council. The Board shall draft and adopt rules governing the transaction of its business.

2. **Responsibilities:**
The Board of Adjustment:
a. Shall reverse, affirm, or modify any appealed Staff action based on the involved facts and circumstances. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

b. b. May grant variances to the zoning regulations in accordance with the standards specified in this Code. In no case shall a variance be granted when it would be inconsistent with the spirit and purpose of this Code, allow for a land use to develop in a zoni ng district where not already permitted, or allow for an unpermitted expansion of a nonconformity.

c. Shall interpret zoning maps and resolve disputed questions of district boundary lines and similar questions as they arise in the administration of this Code.

d. Shall decide on appeals to any action by the Historic Preservation Commission by writ of certiorari.

3. **Oath of Office.**
Any person appointed to the Board shall take and subscribe the oath of office prescribed in Article VI, § 7 of the Constitution as stipulated in NCGS 160A- 61.

4. **Voting:**
a. Variance: A four -fifths (⅘) vote of the members shall be required to grant a variance.

b. All other matters: A simple majority of the Board membership shall be required to affirm, reverse or modify any written order, decision, or interpretation of the Planning Director charged with enforcing this Ordinance; to decide in favor of the applicant on a matter [other than variances] upon which the Board is required to pass. Vacant positions on the Board of Adjustment and members disqualified from voting on a matter before the Board shall not be considered members for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

5. **Conflicts and Violations of Due Process.**
A member of the Board of Adjustment shall not participate in or vote on any quasi -judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational

relationship with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (NCGS 160D -109).

6. Proceedings.

All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes showing the vote of each member on each question and the absence or failure of any member to vote. The final disposition of each matter decided by the Board of Adjustment shall be by recorded resolution indicating the reasons for the decision, based on findings of fact obtained by testimony under oath or affirmation and conclusions of law which shall be public record. On all appeals, application s and other matters brought before the Board of Adjustment, the Board shall inform in writing all the parties involved of its decision and the reasons for that decision.

I. Historic Preservation Commission.

Pursuant to NCGS 160D- 303, there is hereby created a Historic Preservation Commission.

1. Composition:

The Commission shall be a nine -member Commission appointed by the City Council. A majority of the members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology, or related fie lds, and all members shall reside within the zoning jurisdiction of the City. Members shall be appointed for three -year staggered terms and three (3) members shall be appointed for a one -year term; two (2) for two -year terms; and two (2) for three- year terms. Thereafter, members shall be appointed for three (3) years each.

2. Responsibilities:

The Commission shall meet at regular scheduled times and at such other times as said Commission may determine or at the call of its Chairman. The Committee shall prepare and adopt rules governing the transaction of its business, such tha t proposals are heard:

a. Within a reasonable time;

b. In a manner which is conducive to commission consideration;

c. In a manner which will facilitate commission action.

3. The Historic Preservation Commission rules shall also reference the Statesville Design Guidelines.

4. Voting: A simple majority vote of the members shall be required to grant a certificate of appropriateness. For the purposes of this subsection, and consistent with the provisions of NCGS 160D -406(i), vacant positions on the board and members who are disqualified from

voting shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

5. Conflicts and Violations of Due Process. A member of the Historic Commission shall not participate in or vote on any quasi -judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (NCGS 160D -109).

J. Downtown Design Review Committee

1. Composition.

a. The committee shall be composed of five (5) members all appointed by the City Council. Four (4) members shall be residents of the City's planning and zoning jurisdiction or own a business with the same. One (1) member shall be an active member on the DSDC Board of Directors. Two (2) ex-officio members will be comprised on the Executive Director or designee of DSDC and the City Planning Director or designee.

b. Where possible, appointments shall be made in such a manner as to maintain on the committee at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape architecture, construction, City planning or a closely related field.

c. Members shall be appointed for three -year staggered terms. Initially, committee appointments shall be: One (1) member for a one- year term, two (2) members for two -year terms and two (2) members for three -year terms. The initial terms will commence on July 1, 2008, however, all appointees prior to that date will serve the interim period from the passage of this ordinance. All subsequent appointments, except to fill a vacancy, shall be for three -year terms.

d. The committee shall meet at regular, scheduled times and at other times as the committee may determine. All of its meeting shall be open to the public. A quorum of three (3) members shall be necessary to take official action.

2. Responsibilities.

The Downtown Design Review Committee shall:

a. Review building plans for compliance with the requirements set forth in Section 6.09, Section 6.10 and the adopted Design Guidelines. Appeals from the Design Review Committee shall be considered by the City Council.

K. Building Inspector - reserved.

L. Stormwater Advisory Committee - reserved.

M. Coordination Among Officials
City Manager and the City Attorney shall provide assistance to the Planning Director in the enforcement of this Code. They shall be ad hoc members of any committee established for the review of development applications. Officials of public utility companies also may be included in any plan review committee in order to determine that utilities will be available for the proposed development and will be sufficient to meet the needs of the new residents or utility users.

N. Applicant, Developer or Property Owner
All applicants, developers, and property owners are responsible for compliance with the requirements of this code.

(Ord. No. 05 -14, 5 -5-2014; Ord. No. 07- 15, 5- 4-2015; Ord. No. 05- 16, 3 -21-2016; Ord. No. 09- 21, 3 -1-2021; Ord. No. 30-21, 6 -6-2021; Ord. No. 02- 23, exh. A, 1- 9-2023; Ord. No. 19- 23, 5 -1-2023; Ord. No. 45- 23, 11- 6-2023)

Section 1.05 Exemptions

A. Application of Regulations During Local Emergency
The City Council shall have the authority to waive standards within this Code during local emergencies declared by Federal, State or local officials.

B. Exempt Subdivisions

1. The following unconventional subdivisions of land shall be exempt from compliance with the subdivision requirements of this Code:

    a. Exemptions granted by State law;

    b. The acquisition of land by the City for right -of-way;

    c. Cemetery lots;

    d. Leaseholds for space within a multi -occupant building or a commercial building site, provided the Property is a part of an approved subdivision; and

    e. Leaseholds for agricultural uses provided the uses do not include a residence or other purpose not directly related to agricultural use.

2. Consistent with NCGS 160D- 802, the following shall be exempt from the subdivision procedures in this Code, provided they comply with all other provisions:

a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

b. The division of land into parcels greater than ten (10) acres where no street right -of-way dedication is involved.

c. The public acquisition of right -of-way for the widening or opening of streets or for public transportation system corridors.

d. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right -of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.

e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statute.

f. A residential lot approved by (a) the Planning Board of the City of Statesville on a final plat or on a preliminary plat and where in reliance upon such preliminary approval substantial improvements have been made upon the ground prior to the effective da te of this ordinance, or (b) a lot approved by the Iredell County Planning Board on a final plat or on a preliminary plat and where in reliance on such preliminary approval substantial improvements have been made prior to being annexed into the City, or (c) a lot recorded in the office of the register of deeds of Iredell County, prior to May 1, 1972, and which lot did not receive approval as described in (a) or (b) above and which does not comply with the dimensional requirements for the applicable district in which such lot is located, as provided for in Article 3 and Article 6 of this ordinance, may be used for any use provided for in the applicable districts, subject to the following:

   (1) For the purpose of placement of a principal residential structure on lots described in (a) or (b) above, the minimum setbacks which were applicable to such lots at the time such lots received approval from the planning authority which granted approval shall be observed. All other structures proposed on such lots shall meet all requirements of this ordinance. Lots described in (a), (b) or (c) above shall meet all requirements of this or dinance for the district in which such lot is located for the placement of any structure proposed on such lot.

   (2) When two (2) or more adjoining lots as described in (a), (b) or (c) above are in one (1) ownership after the adoption of this ordinance, and each lot is deficient in

width and area for the district in which the lots are located, such lots shall be combine d to create one (1) or more lots that will meet the requirements for lot width and lot area for the applicable district.

g. The conveyance of parcels of land or interests therein for use as right -of-way for railroads or other public utility facilities which does not involve new streets or off -site easements.

h. Conveyances relating to the dedication of land for a public use.

i. A conveyance made to correct a description in a plat, such as:
(1) To correct an error in any course or distance;

(2) To add any course or distance erroneously omitted from a plat;

(3) To correct an error in the description of property in a plat;

(4) To show the proper location or character of any monument which has been changed in location or character or which was shown incorrectly on the prior plat.

j. The front yard setback requirements of this code for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed building lot and on the same side of the same block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet, from the street right -of-way line, whichever is greater. In the case of a corner lot the side yard setback may be less than the required setback, but not less than the existing side or front yard setback of lots behind the lot, or a distance of ten (10) feet from the street right -of-way line, whichever is greater.

3. The City shall only require a final plat for recordation for the division of a tract or parcel of land in single ownership if all the following criteria are met:

(1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

(2) No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division.

(3) The entire area of the tract or parcel to be divided is greater than five (5) acres.

(4) After division, no more than three (3) lots result from the division.

(5) After division, all resultant lots comply with all of the following:

a. All lot dimension size requirements of the applicable land -use regulations.

b. The use of the lots is in conformity with the applicable zoning requirements.

c. A permanent means of ingress and egress is recorded for each lot. All residential lots must abut a public street for a distance of at least thirty -seven and one -half (37 ½) feet except townhouse lots.

C. Fee In Lieu for Road Improvements, Curbs, Gutters, or Sidewalks

The property owner and/or developer may have the option to pay a fee in lieu, at the discretion of the City Engineer, for curbs, gutters, and sidewalks if the required improvements meet one (1) or more of the following criteria:

1. If the adjacent road or roads are within limits of NCDOT Controlled Access Right -of-Way (Partial or Fully Controlled) if no additional conditions are imposed by NCDOT. Curbs, gutters and sidewalks will be required in NCDOT Full Access Rights -of-Way, unless criteria 2 or 3 apply.

2. If the improvements will exceed the threshold of Nationwide Permit 14 by causing a loss of greater than one -half (½) acre of non -tidal waters of the United States or a loss greater than one -third (⅓) acre of tidal waters of the United States.

3. If topography or drainage features make it impractical to construct, or if the improvements will create a safety hazard that cannot be reasonably mitigated by common practices (i.e. fencing, guardrail, signage, etc.)

D. City Initiated Requests

The City Manager, Mayor, Planning Board or City Council may initiate a request for any development permit on behalf of the City. Such requests shall not be subject to fees, but shall otherwise follow the same procedures established herein.

(Ord. No. 02 -23, exh. A, 1 -9-2023; Ord. No. 19- 23, 5- 1-2023)

Section 1.06 Enforcement

A. Land Use/Zoning Regulations:

1. **Violations:** Any of the following shall be a violation of this Code and shall be subject to the enforcement remedies and penalties provided by this Section and NCGS 160D -404.

a. **Development Without Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Code without all required permits, certificates, or other forms of authorization as set forth herein.

b. **Development Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

c. **Violation by Act or Omission.** To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the City Council or its agent boards upon any required permit, certificate, or other form of authorization for the use, devel opment, or other activity upon land or improvements thereon.

d. **Use in Violation.** To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Code, or any other regulation made under the authority conferred thereby.

e. **Subdivide in Violation.** To subdivide land in violation of this Code or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this O rdinance and recorded in the Office of the Register of Deeds of Iredell County. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from v iolation of this Ordinance.

f. **Continuing Violations.** Each day's violation of any provision of this Code is a separate and distinct offense.

2. **Enforcement Intent:**
It is the intention of this Code, unless otherwise provided, that all questions arising in connection with the enforcement of this Code shall be presented first to the Planning Director and that such questions shall be presented to the Board of Adjustment only on appeal from a written determination made by Staff in accordance with this Code. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court of Iredell County as provided by law and in accordance with this Ordinance.

3. **Enforcement Procedure:**
When Staff finds a violation, it shall be their duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

a. Notice of Violation.

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, Staff shall give the holder of the development approval, landowner, person undertaking the work activity, or occupant written notice, by first class mail, email, general delivery mail, certified or registered mail to their last known address, or by personal service, by posting notice of the violation conspicuously on the property, or in accordance with Rule 4 o f the North Carolina Rules of Civil Procedure. The notice of violation shall include, but not be limited to:

1. That the land, building, sign, structure, or use is in violation of the Code;

2. The nature of the violation, and citation of the section of the Code violated;

3. The measures necessary to remedy the violation;

4. The opportunity to cure the violation within a prescribed period of time.

b. Extension of Time to Remedy.

Upon receipt of a written request from the alleged violator or the property owner for an extension of time to remedy or correct the violation, Staff may grant a single extension of time, not to exceed a period of thirty (30) calendar days, in which the alleged violator may cure or correct the violation before the City pursues enforcement action as provided for in this section.

c. Appeal.

Any owner or occupant who has received a Notice of Violation may appeal in writing the written determination of Staff to the Board of Adjustment within thirty (30) days following receipt of the written determination in accordance with this Code. T he Board of Adjustment shall hear an appeal within thirty- six (36) days of the date of submittal of a complete application, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by St aff in the Notice of Violation shall be final. Notice of such hearing shall be provided as required by this Code.

d. Order of Corrective Action.

If, upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the o wner or occupant affirming the violation and ordering compliance.

e. Failure to Comply with an Order.

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such rem edies and penalties as may be provided for by G.S. 160D -404 and this section. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

4. Remedies.

Any one (1) or all of the following procedures may be used to enforce the provisions of this Ordinance.

a. **Injunction.** Any violation of this Code or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

b. **Civil Penalties.** Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in subsection (5).

c. **Denial of Permit or Certificate.** Staff may withhold or deny any permit, certificate, occupancy permit or other form of authorization on any land, building, sign, structure, or use in which there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, or other authorization previously granted.

d. **Conditional Permit or Temporary Certificate.** Staff may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

e. **Stop Work Orders.** Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Code, Staff may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160D -404(b). Violation of a stop work order regarding any building deemed unsafe shall constitute a Class 1 misdemeanor.

f. **Revocation of Permits.** Staff may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or spe cifications; for refusal or failure to comply with the requirements of any applicable State or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked. (See G.S. 160D -403(f) for statutory authorization by law.)

g. **Penalties.** Any violation of this Ordinance shall be subject to remedies as provided by G.S. 160D -404(c).

5. Civil Penalties - Assessment and Procedures:

a**. Penalties.** Any person who violates any provisions of the Code shall be subject to assessment of a civil penalty in the amount prescribed as follows:

i. **Warning Citation.** No Penalty

ii. **Civil Penalty.** $50.00 a day per individual offense.

If the offender fails to pay the civil penalties within fifteen (15) days after having been cited, the City may recover the penalties and cost of collection, including attorney fees and court costs, as permitted by law in a civil action in the nature de bt. Penalties collected shall be distributed in accordance with applicable law.

b. **Notice.** No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 1.06 (A) (3) of the Code (Notice of Violation). If after receiving a notice of violation, the owner or oth er violator fails to take corrective action within the prescribed period of time, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the same manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

c. **Responsible Parties.** The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintain s any condition that is in violation of the requirements of the Code may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

d. **Continuing Violation.** For each day thereafter, if the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

e. **Demand for Payment.** Staff shall make written demand for payment upon the property owner or the person in violation and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

f. **Nonpayment.** If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty, reasonable attorney fees and court costs. Provided, however, if the civil penalty is not paid within the time prescribed, Staff may have a lien for all cost incurred placed upon the property that is the subject of the violation.

6. Other Powers and Actions

a. **State and Common Law Remedies**. In addition to other enforcement provisions contained in this Article, the City Council may exercise any and all enforcement powers granted to it by state law or common law.

b. **Previous Enforcement.** Nothing in this Code shall prohibit the continuation of previous enforcement actions.

7. Remedies Cumulative and Continuous

a. **Cumulative Violations.** All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain avai lable for other violations or other parts of the same violation.

b. **Repeat Violations.** If an owner or occupant repeats the same violation, on the same parcel, within a five- year period from the date of the initial violation, it shall be a continuation of the initial violation and shall be subject to additional penalties a nd remedies.

B. Building Inspections:

Inspection functions for the City of Statesville are the responsibility of the Iredell County Inspections Department.

(1) Inspection of Work in Progress

As the work pursuant to a permit progresses, the local administrator shall make as many Inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Code and the terms of the permit. In exercising th is power, administrative staff are authorized, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection or other enforcement action, provided the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

(2) Violations to be Corrected

When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violations of law in the property he owns.

(3) Stop Orders

Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the administrator may order the work to be immediately stopped if the violation poses an imminent threat to life, safety and/or the environment; or where no permits have been issued prior to work commencing. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.

(4) Violation
Any person found to be violating this Code shall be guilty of a misdemeanor, subject to a fifty dollars ($50.00) per day fine or other penalties specified in this code.

(5) Revocation of Permits or Approvals
Development approvals may be revoked in accordance with Article 2, by following the same development review and approval process required for the issuance of the approval, including any required notice or hearing.

(6) Actions in Event of Failure to Take Corrective Action
If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail, to his last known address or by personal service:

a. That the building or property is in violation of this Code;

b. That a hearing will be held before the local administrator at a designated place and time, not ater than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

c. That following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building or structure as appropriate.

7. Order to Take Corrective Action
If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of this Code, he shall make an order in writing to the owner, requiring the owner to remedy the violations, withi n such period, not less than sixty (60) days, the administrator may prescribe; provided, that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may b e feasible.

8. Appeal
Any owner who has received an order to take corrective action may appeal in writing to the Planning Director and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be fina l. The City Council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9. Civil Remedies and Enforcement Powers
In addition to the remedies allowed by law, the regulations and standards contained in this Article may be enforced through the issuance of a civil citation by the Planning Director or his designee.

10. Separate Offenses May be Charged

Each day a violation occurs shall be a separate violation, punishable as a separate offense.

(Ord. No. 30 -21, 6 -6-2021; Ord. No. 02- 23, exh. A, 1- 9-2023)

Section 1.07 Compliance

A. Use of Land

Except as herein specifically provided, no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except under the following circumstances:

1. The use shall be permitted in the district in which the use is located, pursuant to Article 3.

2. No more than one (1) principal building may be located on one (1) lot, unless otherwise authorized.

3. No mobile home, camper, bus, tractor trailer, or other structure not specifically designed as a permanent residence may be used as an accessory structure in a residential district.

3. No structure or land shall be occupied or used without first obtaining a Certificate of Occupancy. Staff is responsible for signing off on a Zoning Compliance Permit while Iredell County Inspections staff signs off on the Certificate of Occupancy.

4. All uses shall comply with all applicable building, life, safety, fire and health codes adopted by the City and all applicable regulations adopted by the County, State or Federal governments.

B. Subdivision of Land

Except as herein provided, no land shall be divided or subdivided, except in conformance with this code and subject to the following conditions:

1. All divisions or subdivisions of land into two (2) or more tracts, parcels or lots that are located within the jurisdiction of the City shall be subject to the procedures and requirements established herein.

2. No subdivision plat shall be filed for record, recorded, or modified until approved in conformance with this code.

3. No land dedicated shall be used for a public purpose, nor shall a subdivision or property containing such land or part thereof be made or recorded prior to obtaining final plat approval.

4. No grading, clearing, and grubbing, shall occur prior to the completion of a tree inventory and issuance of Sketch Plan approval or site development plan approval, except for development of a single family residence on a lot one (1) acre or less in size.

C. Transfer of Land; Building Permit

No parcel of land in a subdivision created after August 2, 2010, shall be transferred or sold; nor shall a building permit, certificate of zoning compliance or Certificate of Occupancy be issued for any use or structure thereon, until a plat has been recor ded with the Register of Deeds. Any person who violates this provision shall be subject to the penalties expressed in Section 1.06.

(Ord. No. 02 -23, exh. A, 1 -9-2023)

Section 1.08 Fees

A. Any action on an application for development shall be subject to payment of the required fee.

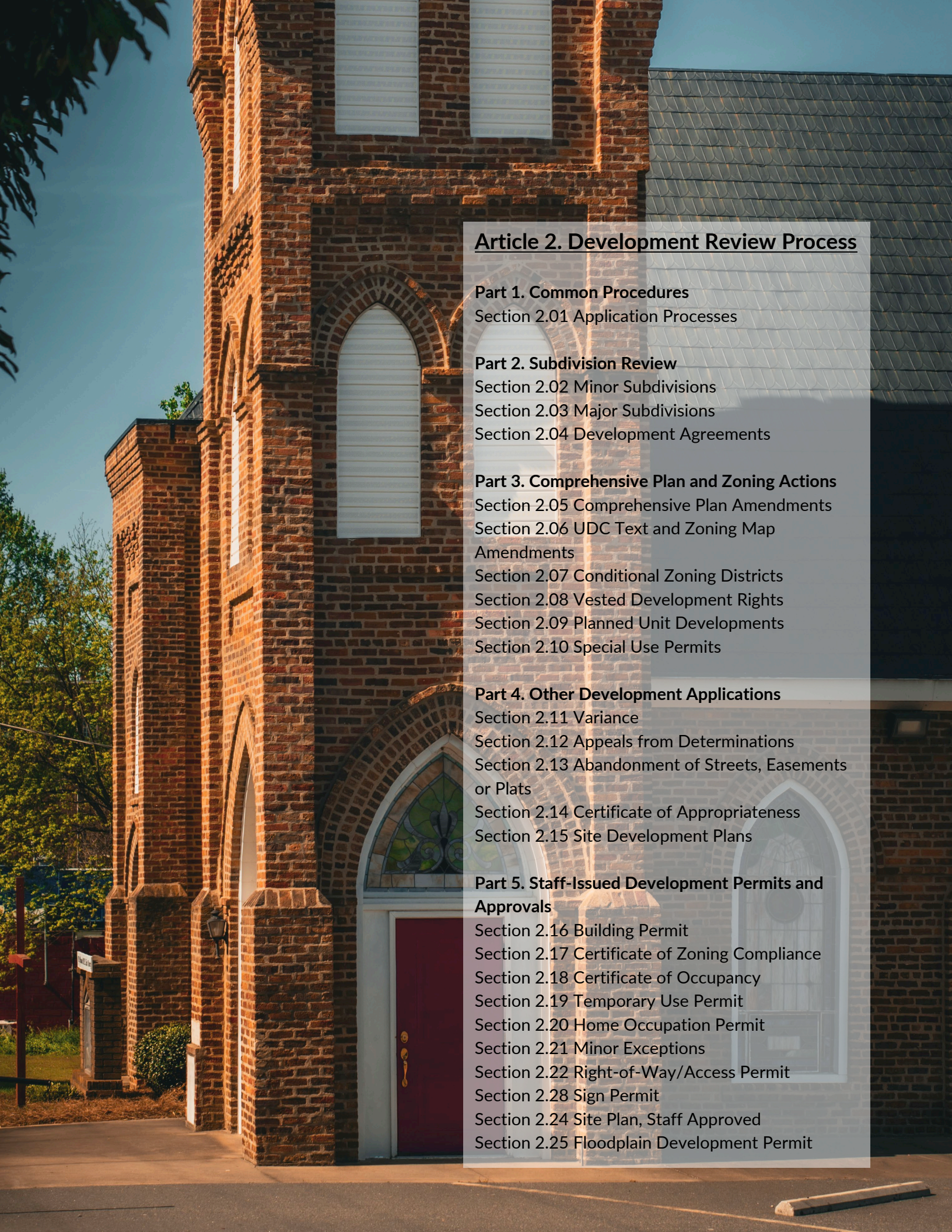
B. The amount of fees for development permits and applications are located in the Planning Department.

C. All required fees shall accompany an application, shall be made payable to the City of Statesville, and shall be submitted to the Planning Director.

D. All fees are non -refundable.

Section 1.09 Reserved

Editor's note(s) —Ord. No. 02 -23, exh. A, adopted Jan. 9, 2023, repealed § 1.09, which pertained to appeals from staff determinations and derived from the Unified Development Code, § 1.09, adopted Aug. 2, 2010.



Article 2. Development Review Process

Part 1. Common Procedures
Section 2.01 Application Processes

Part 2. Subdivision Review
Section 2.02 Minor Subdivisions
Section 2.03 Major Subdivisions
Section 2.04 Development Agreements

Part 3. Comprehensive Plan and Zoning Actions
Section 2.05 Comprehensive Plan Amendments
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Section 2.08 Vested Development Rights
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Section 2.10 Special Use Permits

Part 4. Other Development Applications
Section 2.11 Variance
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Part 5. Staff-Issued Development Permits and Approvals
Section 2.16 Building Permit
Section 2.17 Certificate of Zoning Compliance
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Section 2.19 Temporary Use Permit
Section 2.20 Home Occupation Permit
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Section 2.22 Right-of-Way/Access Permit
Section 2.28 Sign Permit
Section 2.24 Site Plan, Staff Approved
Section 2.25 Floodplain Development Permit

ARTICLE 2. DEVELOPMENT REVIEW PROCEDURES

PART 1. COMMON PROCEDURES

Any proposed land use or development shall comply with the procedures of this Code. Table 2 -1 summarizes the procedures and decision-makers involved in the development review process.

Section 2.01 Application Processes

A. Procedures

The following procedures apply to all applications, except as modified in Part 2 and Part 3 of this Article.

1. **Optional Pre-application Conference:** Applicants are encouraged to meet with Staff to discuss the nature of a proposed application, submittal requirements, and review procedures and standards. Staff may identify additional information needed to assess the project. The results of the pre-application conference shall be made part of the development file upon submittal of an application.

2. **Application Requirements:** Application materials shall be available in the office of the Planning Director. Applications shall be filed in advance of any required public hearing or public meeting. The Planning Director shall establish a schedule for filing any application requiring action by the TRC, DRC, HPC, Board of Adjustment, Planning Board and/or the City Council.

3. **Application Review:** Staff shall review the application for completeness. Incomplete applications shall be returned to the applicant to be resubmitted in conformance with this Code. No application is
considered to have been formally submitted unless it is complete and includes all required submittal elements. No incomplete application shall be processed and no timeliness shall be applicable to incomplete applications.

4. **Staff Review:** All applications shall be reviewed by City staff and other appropriate agencies for compliance with applicable codes and policies. Review agencies may request additional time for review, which may be granted by the decision-maker if good cause is shown and if such request is made within the review time. The agencies' review is advisory and does not constitute approval or denial. Upon completion of staff review, staff will provide comments in writing to the applicant and applicable decision maker.

5. **Planning Director's Decision:** After the applicant has had the opportunity to respond to the comments of staff, committees and other agencies, the Planning Director shall:

a. Approve, approve with conditions, or deny applications for which he/she is the decision-maker;
   or
b. Recommend approval or denial of the applications for which the Planning Board or City Council is the decision-maker.

6. **Appeals:** Appeals of a Planning Director's decision shall be filed with the Planning Director within thirty (30) days of the date of the decision being appealed. Appeals shall be heard by the Board of Adjustment consistent with Section 1.04 (H) of this Code.

7. **Amendments:** A permit shall be amended through the process by which it was originally approved.

8. **Enforcement and Revocation:** The Planning Director may revoke any permit for failure to comply with the conditions of the permit, by notifying the holder in writing stating the reason for the revocation, and by following the same development review and approval process required for the issuance of the approval, including any required notice or hearing. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked in accordance with the provisions herein by following the same process required for the issuance of the approval.

9. **Drawing Standards:** All drawings submitted as part of an application must meet the following minimum standards:

   a. All plans/drawings shall be drawn to scale using such a scale that all features required to be shown on the plans are readily discernable.

   b. Final plats, site plans, site development plans and PUD plans shall be prepared by a licensed design professional with the appropriate statutory authority.

   c. All plans/drawings shall include a title, contained within a title block giving the name(s) of the applicant(s), date, graphic scale, and the person or firm preparing the plan, a north arrow and a legend if necessary.

   d. The applicant shall provide an appropriate and reasonable number of digital or paper copies that the administrator deems necessary to expedite the review process and to provide necessary permanent records.

10. **Permit Choice:** If an application made in accordance with the Code is submitted, and development regulation(s) change between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulations will apply to the formally accepted application in accordance with NCGS 160D-108.

B. Notice

The content of public hearing notices and method of giving notice for public hearings shall conform to the requirements of this Code as well as State law. Hearings shall be held by the City Council, Planning Board, Historic Preservation Commission and/or Board of Adjustment in accordance with this Code and any rules established by said authorities.

1. **Timing of Notice:** Notice shall be published, mailed or posted within the timeframe established in Table 2-1 or by State law.

2. **Published Notice:** Published notice in a newspaper having general circulation in the area shall appear as required by Table 2-1, setting forth the date, time, place and purpose of the hearing, the name of the applicant and identification of the subject property.

    a. **Legislative Hearings:** In instances where a published notice is required, consistent with NCGS 160D-601 (a) the notice shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

    b. For Zoning Map amendments proposing to change the zoning designation of more than fifty (50) properties, owned by at least fifty (50) different property owners, consistent with NCGS 160D -602 (b) the City County may elect to public an alternative notice of hearing not less than one-half of a newspaper page in size. If this method is followed, mailed notice shall not be required in this specific circumstance as detailed in Section 2.01(B)(3)(a)(1) of the Code below.

3. **Mailed Notice of Public Hearing:** Mailed notice shall be sent by first class U.S. mail as required by Table 2-1, to every property owner required by State law to receive such notice, delivered to the mailing address listed in the official records of the Iredell County Assessor. In all cases, this required notice shall be deposited in the mail at least ten (10) but not more than twenty- five (25) days prior to the date of the hearing.

    a. **Form of Notice:** Mailed notice shall be in letter form stating the date, time and place of the hearing, a general description of the proposal, the location of the property that is the subject of
    the hearing, and other such requirements as further specified in this Code. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing depending on the nature of the proceedings.

        1. Consistent with NCGS 160D-602 (b), the first-class mail notice shall not be required if a Zoning Map amendment proposes to change the zoning designation of more than

fifty (50) properties, owned by at least fifty (50) different property owners, and the City Council elects to use the expanded published notice provided under State law (NCGS 160D -602 (b)). Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a).

b. **Receipt of Notice:** The failure of a property owner to receive notice by mail, if timely sent and properly addressed to the current owner of record, shall not be grounds for invalidating any action taken by the responsible decision-making body.

c. **Specific mailed notice requirements:**
1. Legislative Hearings (i.e. Zoning Map): Notice shall be mailed to the applicant, the owners of affected parcels of land subject to the rezoning request, and the owners of all parcels of land abutting the subject parcel. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

2. Evidentiary Hearings (i.e. Variances, Appeal, Special Use Permits, Certificates of Appropriateness, etc.): Notice shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

4. **Property Sign:** For hearings where a sign is required, consistent with State law, the City shall prominently post a notice of the date, time, and location of a public hearing on the site that is the subject of the hearing, or on an adjacent street or highway right-of-way. This notice shall be posted at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the public hearing.

5. **Agenda Notice:** The agenda shall be posted at the City offices at least forty -eight (48) hours prior to any public hearing.

C. Application Review Procedures

1. **Application Review:** All applications shall be reviewed in accordance with the processes described in Table 2-1 and the applicable section of this Article.

Table 2-1: Summary of Application Procedures

Action	Recommending Agency	Decision Maker	Decision Type	Applicable Sections	Notice	Public Hearing
Subdivision Review						
Minor Subdivision, Lot Consolidations & Plat Adjustment/Correction	Staff	Staff	Administrative	2.02 & 2.03	-	No
Major Subdivision Sketch Plan	TRC	TRC	Legislative	2.03C	-	No
Preliminary Plat	Staff	TRC	Administrative	2.03D	-	No
Construction Plans	Staff	City Engineer	Administrative	2.03E	-	No
Final Plat	Staff	TRC	Administrative	2.03F	-	No
Development Agreement	Staff	City Council	Legislative	2.04	-	No
Zoning Applications						
Comprehensive Plan Text Amendment	Staff & Planning Board	City Council	Legislative	2.05	Publication	Yes
Comprehensive Plan Map Amendment	Staff & Planning Board	City Council	Legislative	2.05	Publication, letter, sign	Yes
UDC Text Amendment	Staff & Planning Board	City Council	Legislative	2.06	Publication[1]	Yes
Rezoning (& Zoning Map)	Staff & Planning Board	City Council	Legislative	2.06	Publication, letter, sign[2]	Yes
Conditional Zoning District	Staff, TRC & Planning Board	City Council	Legislative	2.07	Publication, letter, sign	Yes
Planned Unit Development	Staff, TRC & Planning Board	City Council	Legislative	2.09C	Publication, letter, sign	Yes
Final Site Plan	Staff	TRC	Administrative	2.09D	-	No
Special Use Permit	Staff, TRC	City Council	Quasi-Judicial	2.10	Letter, sign	Yes
Other Development Applications						
Variance	Staff	Board of Adjustment	Quasi-Judicial	2.11	Letter, sign	Yes
Appeals from Staff Determinations/Appeals from Historic Pres. Commission Actions	Staff	Board of Adjustment	Quasi-Judicial	2.12	Letter, sign	Yes
Abandonment of Streets, Easements, or Plats	Staff	City Council	Legislative	2.13	Publication, letter, sign[3]	Yes
Certificate of Appropriateness Major	Staff	Historic Pres. Commission	Quasi-Judicial	2.14	Letter, sign	Yes
Minor	Staff	Staff	Administrative	2.14	-	No
Site Plans New development in all districts	TRC	TRC	Administrative	2.15 & 2.24	-	No
Multi-family development in R-8MF & R-5MF	TRC & Planning Board	City Council	Quasi-Judicial	2.15	Publication, letter, sign	Yes

Administrative Permits and Approvals						
Building Permit[4]	Staff	Staff	Administrative	2.16	-	No
Certificate of Zoning Compliance	Staff	Staff	Administrative or Legislative	2.17	-	No
Certificate of Occupancy[4]	Staff	Staff	Administrative	2.18	-	No
Temporary Use Permit	Staff	Staff	Administrative	2.19	-	No
Home Occupation Permit	Staff	Staff	Administrative	2.20	-	No
Minor Exceptions	Staff	Staff	Administrative	2.21	-	No
Right-of-Way/Access Permit	Staff	City Engineer	Administrative	2.22	-	No
Sign Permit	Staff	Staff	Administrative	2.23	-	No
Floodplain Development Permit	Staff	Staff	Administrative	2.25	-	No
Vested Right						
Vested Right	Staff, Planning Board	City Council	Legislative	2.08	Publication, letter, sign	Yes

[1] Published notice shall appear consistent with the provisions of the Code as detailed herein.

[2] For zoning map amendments, the owner of the parcel and the owners of all abutting parcels shall be mailed notice of the public hearing on the proposed amendment by first class US mail at the last address listed for such owners on the county tax abstracts. Notice must be postmarked at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.

[3] When the City proposes to permanently close any street or public alley, the Council shall first adopt a resolution declaring its intent to do so and calling a public hearing on the question. The resolution shall be published one (1) time per week for four (4) consecutive weeks prior to the hearing, a copy thereof shall be sent by registered or certified US mail to all owners of property adjoining the street or alley, using the last address listed for such owners on the county tax abstracts, and notice shall also be prominently posted in at least two (2) places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. Notice by certified or registered mail shall be provided to the party seeking to withdraw the street from dedication at least five (5) days prior to the hearing. Per N.C.G.S. § 160A-299(a) a notice of the intent to close a street and public hearing shall be prominently posted in at least two places along the street or alley.

[4] These applications currently are reviewed by Iredell County on behalf of the City of Statesville staff.

D. Public Hearings

1. **Purpose of Public Hearings:** Public hearings are an open gathering of officials and citizens in which citizens are permitted to offer comments. The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others. There are three (3) types of hearings: legislative, evidentiary and administrative. Each hearing type and the decisions rendered are defined in Article 9, Definitions.

2. **Conduct of Hearing:** Public hearings shall be conducted in conformance with State law, this Code, and
adopted rules of procedures.

3. **Planning Board, Historic Preservation Commission, Board of Adjustment, and City Council Procedures:**

    a. **Rules of Procedure:** Rules of Procedure may be adopted, provided they are consistent with the provisions of this Code.

    b. **Conduct of Meetings:**
    (1) All meetings shall be open to the public.
        a. For evidentiary hearings held by the Board of Adjustment, the Historic Preservation Commission, and City Council, only sworn individuals, determined to have standing, may present evidence and testimony to the Board.

    (2) There shall be conducted at least one (1) regularly scheduled meeting per month, more often if necessary, for the transaction of business.

    c. **Minutes:**
    (1) Minutes shall be kept for each meeting showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and recording its deliberations and other official actions.

    (2) Official minutes shall be filed as part of the public record in the office of the Planning Director.

4. **Applicant Not Present**: If the applicant is not present at the public hearing, then the Board, Commission or Council may elect to take no action on the application. The applicant's absence shall be construed as authorization to defer action until the next meeting.

5. **Record of Proceedings:** The proceedings of all public hearings shall be recorded.

6. **Continuance of Proceedings:**

    1. **Continuance by Applicant:** Any applicant or authorized agent of an applicant shall have the right to receive one (1) continuance from the Planning Board, Historic Preservation Commission, Airport Commission, Board of Adjustment or City Council, provided a written request is filed stating the reason therefore and date on which the matter is to be heard. The body granting the continuance may require the applicant to advertise the continuance of the public hearing at the applicant's expense. In doing so, the applicant shall submit a Certificate of Publication to the Planning Director indicating such publication has occurred.

    2. **Continuance by City:** The Planning Board, Historic Preservation Commission, Board of Adjustment or City Council may grant a continuance at any time for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance. The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance. The body granting the continuance may instruct the Planning Director to advertise the continuance of the public hearing.

7. **Action on Applications Requiring Notice:**
   The decision-maker, as identified in Table 2-1, may take any
   action on an application that is consistent with the notice given, including approval of the application, conditional approval of the application or denial of the application. The decision-maker may allow amendments to the application if the effect of the amendments is to reduce the density or intensity of the original application, reduce the impact of the development, reduce the amount of land involved from that indicated in the notices of the hearing, or to approve a lower intensity zoning classification. For purposes of this provision, zoning districts are listed in Section 3.04 from lowest intensity to highest intensity.

E. Post-Decision Proceedings

1. **Amendments and Revisions:** The Planning Director may approve minor amendments and revisions to the terms of approval of an application for development. Minor revisions must be authorized in writing by the Planning Director and are subject to appeal to the Board of Adjustment. Minor revisions include technical corrections or clarifications, which may include the shifting of landscaping on the site, provided that intended buffers retain their function in the opinion of the Planning Director. Minor
   revisions shall not result in higher densities, increased building height, additional units of floor area, abandonment of streets or variances from the minimum standards of this code, excepting Section 2.21. Major amendments and revisions of a development proposal shall be reviewed by the approving body after a public hearing, if applicable, in accordance with the provisions of this Section and other applicable sections of the Code.

2. **Stay of Action:** Once filed, an appeal or protest stays all proceedings in furtherance of the action appealed, unless the Planning Director states in writing to the decision -maker, that by reason of the facts surrounding the matter a stay would cause imminent peril to life or property.

F. Expiration of Development Approval

1. **Time of Expiration:** Unless otherwise provided, development approvals shall automatically expire, and all activities pursuant to such approval thereafter shall be deemed in violation of this Code, when:

   a. the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the development application, or that was made pursuant to the terms of any development agreement; or

   b. the applicant fails to present a subsequent development application within two (2) years as required by this Code. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time sh all be presumed to be two (2) years from the date of approval.

2. **Extension Procedures:** Unless otherwise prohibited, the Planning Director may approve a permit extension for a period not to exceed six (6) months from the original date of expiration.

G. Revocation of Approvals

1. **Duties of the Planning Director**: If the Planning Director determines that there are reasonable grounds for revocation of a development approval, the Planning Director shall set a hearing before the final decision-maker. If the original approval being revoked was made by the Planning Director, the hearing shall be conducted by the Board of Adjustment. All other revocations shall be reviewed by the City Council. If the City Council was the original decision-maker, the Council may, at its sole discretion, refer the proposed revocation to the Board of Adjustment for a recommendation prior to its action.

2. Effect and Appeals:

   a. A decision to revoke a development permit shall become final fifteen (15) days after the date the decision is rendered, unless appealed. After the effective date of revocation, any activities
   continuing pursuant to the permit shall be deemed to be in violation of this Code.

   b. Written notice of appeal shall be filed with the Planning Director no later than thirty (30) days after the date of the action by the Staff or Technical Review Committee. A meeting

date shall be set for the Board of Adjustment within thirty (30) days of the receipt of written notice of appeal, or as soon thereafter as is practicable.

3. **Additional Actions:**
   The City's right to revoke a development permit, as provided in this Section, shall be cumulative to any other remedy allowed by law.

(Ord. No. 05-14, 5-5-14; Ord. No. 05-16, 3-21-2016; Ord. No. 31-21, 2-1-2021; Ord. No. 08-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 47-23, 11-6-2023)

PART 2. SUBDIVISION REVIEW

Section 2.02 Minor Subdivisions

A. Purpose
Recognizing that small-scale subdivisions generally require less intense review, the City establishes this simplified procedure for minor subdivisions. This procedure is intended to provide one -time relief for applicants.

B. Applicability, Exceptions
A minor subdivision shall be processed as a Final Plat. A subdivision is considered minor if it meets all of the
following criteria:

1. Streets: No new public streets are required for lot access to a public street;
2. Easements: No new off-site easements or improvements are required;
3. Design: The design and layout of the subdivision shall conform to all requirements of this Code;
4. Lots: The subdivision results in ten (10) or fewer lots; and
5. Utilities: No new utility improvements are required.

C. Application and Procedure
The application shall be filed with the Planning Department who shall review the application and forward the plat for review by affected utilities and other applicable agencies. The Planning Director shall determine its completeness and compliance with this Code.

D. Review Criteria
The minor subdivision shall comply with the criteria set forth for Final Plats.

E. Decision Maker
Staff shall approve or disapprove the minor subdivision application within thirty (30) days of submittal of a complete application.

Section 2.03 Major Subdivisions

A. Purpose
The purpose of this section is to ensure subdivisions comply with adopted standards for lot development and public improvements.

B. Applicability
The process for major subdivisions shall be followed when an owner of any tract or parcel of land desires to subdivide a tract or parcel into two (2) or more lots that create the need for the dedication of public right -of-way for new streets, road improvements to existing streets or the construction of off -site utility improvements and the subdivision does not comply with the criteria for minor subdivisions.

C. Sketch Plan

1. **Purpose:** The purpose of a Sketch Plan is to ensure proposed land uses, intensities, and street layouts in multi-phase development are consistent with this Code the Comprehensive Plan and can
   demonstrate that the development has a plan to provide utility extensions at the applicant's expense.

2. **Applicability:** A Sketch Plan is required for any major subdivision. A Sketch Plan shall show all
   contiguous land holdings of the applicant and establish a phasing plan.

3. **Application and Procedures:** The applicant shall file an application with the Planning Department.

4. **Notification of Subdivision:**
   a. School District: The Planning Director shall notify the superintendent of the school district that such plan has been submitted and is available for inspection. The notice shall give the date, time and place of the TRC meeting.

   b. **Other Comments:** The TRC may request comments from any person or agency directly affected by the proposed development.

5. **Review Criteria:** A Sketch Plan shall be reviewed for:
   a. Consistency with the goals and objectives of the Comprehensive Plan;

b. Consistency with applicable zoning of the property;

c. Consistency of public improvements within the development and surrounding area;

d. Availability and adequacy of required public utilities and services necessary to serve the project, including, but not limited to, sanitary and storm sewers, water, electrical, police, fire, roads and pedestrian accessibility;

e. Capacity or safety of the street network influenced by the use;

f. Adverse environmental impacts generated by the project; and

g. Other applicable provisions of this Code.

6. **Decision Maker:** The TRC shall determine whether the development meets the review criteria and shall recommend action on a Sketch Plan. Staff shall make a final determination on the compliance with the plan.

7. **Exceptions:** Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements of this Code would result in real difficulties or substantial hardship or injustice, the Board of Adjustment may approve variances from the strict application of the lot standards for this code so the property may be developed in a reasonable manner, provided the public health, safety and welfare are protected and the general intent and spirit of this Code are preserved.

8. **Effect of Approval and Validity:**

   a. Approval of a Sketch Plan constitutes acceptance of the type, arrangement, and intensity of land use; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed.

   b. Approved Sketch Plans shall not expire, provided development proceeds in accordance with the phasing plan. Once development lags one (1) year behind the phasing plan, or a period of two (2) years elapses prior to approval of a Preliminary Plat, the Sketch Plan shall automatically expire. The Planning Board may approve extensions, provided the Sketch Plan conforms to current requirements.

   c. Sketch Plan approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet these regulations, and approval does not provide any vesting of development rights or any assurance that permits of any kind

will be issued. If the Preliminary Plat deviates from the Sketch Plan, the applicant shall secure approval of a revised Sketch Plan in accordance with this section.

D. Preliminary Plat:

1. **Purpose:** Preliminary Plat approval allows the TRC to review all substantive aspects of a proposed subdivision and impose such conditions as will be necessary to ensure compliance with applicable regulations.

2. **Application and Procedures:** The applicant shall file an application with the Planning Department. The application shall be reviewed in conjunction with construction plans.
   a. **Pre-Application Conference:** Applicants are encouraged to meet with Staff to discuss the procedures and requirements for Preliminary Plat approval pursuant to these regulations.

   b. **Submittal:** A Preliminary Plat application and applicable fee shall be submitted for review at least fifteen (15) days prior to the regular TRC meeting when the applicant desires to be heard.

   c. **Subdivider Notice of Comments:** The Planning Director shall notify the subdivider of the time and place at which the TRC will act upon the preliminary plat. The Planning Director shall also advise the subdivider of any unfavorable recommendation to be made to the TRC. The subdivider may withdraw the application in writing, and request a conference to discuss such recommendation. Application fees shall not be refunded for withdrawn applications; however, application fees for the resubmittal of the same application shall be waived if resubmitted within one (1) year of the initial submittal.

   d. **Submit an electronic file of the subdivision to the Director of Electric Utilities.**

3. **Review Criteria:**
   Prior to recommending approval of a Preliminary Plat, the TRC shall find:

   a. The plat is consistent with the approved Sketch Plan, including any conditions established at the time of approval.

   b. The application conforms with environmental and health laws and regulations.

   c. The subdivision complies with all applicable provisions of this Code, including, but not limited to:

      (1) Each residential lot has adequate and safe access to a local street;

      (2) The parcel, lot and land layout is consistent with generally accepted land planning and engineering site design principles;

(3) The relationship of street and lot layout to the topography and other physical features of the property; and

(4) The applicant agrees to dedicate and improve land, rights -of-way, and easements, as may be necessary to conform to the purposes of adopted regulations, standards, and requirements; and

(5) The subdivision is consistent with the need to minimize flood damage; and

(6) The public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize flood damage; and

(7) Adequate drainage is provided to reduce exposure to flood hazards.

4. **Decision Maker:** Staff shall approve, approve with conditions, or deny the Preliminary Plat. If denied,
Staff shall advise the applicant of the reasons for denial. Approval of a Preliminary Plat shall constitute approval to proceed with the preparation of the Final Plat, but shall not to be deemed approval of the subdivision. Appeals to staff actions on the Preliminary Plat shall be heard by the City Council.

5. **Duration of Permit/Approval:** An applicant shall have two (2) years from the date of preliminary plat approval to submit a Final Plat consistent with the terms and conditions of the Preliminary Plat, unless an extension is granted by the TRC.

E. Construction Plans/Improvements

1. **Construction Plans Required:**

a. Prior to approval of the Preliminary Plat, applicant shall submit construction plans including plans and specifications for all improvements required by these regulations. The City Engineer shall review the plans and specifications and report the findings to the applicant. The City Engineer shall determine whether the plans and specifications comply with the adopted standards and procedures for subdivision improvements and shall determine the amount of any bonds required.

b. For Commercial Development: Prior to approval of the Preliminary Plan, applicant shall submit complete electrical plans including, but not limited to, riser diagram and panel schedules. Site plan shall indicate service location and location for pad -mounted transformer. The Director of Electric Utilities will review the plans and load information and report the findings to the applicant.

c. All improvements required pursuant to these regulations shall be designed and constructed in accordance with the appropriate utility, service provider, local or State design standards and requirements.

d. Water and sewer pump stations and/or water tanks shall be constructed to the specifications of the City of Statesville unless waived by the City Engineer. Shop drawings shall be submitted and shall comply with City specifications. Approval of preliminary construction drawings shall not be construed as shop drawing approval.

2. **Construction Drawing Requirements:** The applicant shall file the construction drawings in conformance with the requirements of this code in the Planning Department.

3. **Survey Monuments:** All subdivision boundary corners shall be marked with survey monuments in conformance with State law. Survey monuments shall be installed prior to Final Plat approval and improvement acceptance by the City.

4. **Public Agency Reviews:** Prior to approval of construction plans, the applicant or applicant's engineer shall submit the plans for review to any applicable local reviewing agencies and public utility companies. The applicant shall secure necessary approvals from applicable State agencies and pay any related costs.

5. **Approval:** The City Engineer shall approve, approve with conditions, or deny the construction plans. Plans that are denied may be amended and immediately resubmitted.

6. **Timing of Improvements:** The applicant is authorized to clear sight lines for surveys and provide access for boring equipment when necessary, provided any related disturbance of the site is the minimum needed to obtain required information for the final engineering plans. Unless approved in writing by the City Engineer, no grading, vegetation removal, land filling, improvement installation, or other material change shall occur on the property until the applicant has:

   a. Received approval of the construction plans and all necessary permits from the City, including a written notice to proceed with construction from the City Engineer;

   b. Entered into a Development Agreement with the City or otherwise arranged, subject to recording, to guarantee completion of all required improvements; and

   c. Obtained required approvals and permits from other affected municipal, county or State agencies.

7. **Modification of Construction Plans:** Installation of improvements and construction shall conform to the approved Construction Plans. The applicant shall provide as-built plans for

water, sewer, streets, and storm drainage prepared by a registered engineer certifying the installed improvements conform to the approved plans, with any exceptions noted. When as-built plans deviate from the approved plans, the City Engineer may take such action as necessary to ensure compliance with the approved plans, including, revocation of approved plans and permits by following the same development review and approval process required for the issuance of the approval, including any required notice or hearing;
and withholding future approval and permits.

8. **Inspection and Acceptance of Improvements:**

a. Inspection Required: All improvements required by these regulations shall be inspected by the City, or other agency having jurisdiction over the improvements. Where inspections are made by other agencies, the applicant shall provide the City with written a cceptance by such agency.

b. Inspection Schedule: The applicant shall notify the City Engineer forty- eight (48) hours prior to commencing construction of improvements. Inspections shall be conducted at each of the following stages of construction or as otherwise required under a contr act or Development Agreement.

(1) Completion of site grading and installation of erosion control measures.

(2) Start and completion of each phase of underground utility construction.

(3) Preparation of subgrade prior to installation of aggregate base.

(4) Installation of concrete curb and gutter.

(5) Compaction of aggregate base.

(6) Prior to installing pavement.

c. Compliance with Standards: The applicant shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

d. Construction Guarantee:

1. In accordance with N.C.G.S. 160D-804.1, performance guarantees shall be required for the purpose of ensuring that subdividers professionally install all required subdivision improvements in a timely manner, in accordance with approved plats and construction plans.

2. Type: The type of performance guarantee shall be at the election of the developer. The term shall mean any of the following:

a. Surety bond issued by any company authorized to do business in this State.

b. Letter of credit issued by any financial institution licensed to do business in this State.

c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

3. Amount:

a. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued.

b. The estimated cost of required improvements, which shall include project management costs, must be itemized by improvement type and certified by the subdivider's licensed professional engineer.

c. Cost estimates shall be based on industry norms within the City of Statesville and shall include the costs for labor and materials necessary for completion of the required improvements.

4. Timing: The City of Statesville shall require the performance guarantee to be posted prior to the recordation of the final plat.

5. Duration: The duration of the performance guarantee shall initially be one (1) year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one (1) year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. Under no circumstances may a performance guarantee exceed three (3) years.

6. Extension:

a. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the City of Statesville, and the current performance guarantee is likely to expire prior to completion of the required improvements, the

performance guarantee shall be extended, or a new performance guarantee issued, for an additional period.

b. An extension under this subdivision shall only be for a duration necessary to complete the required improvements.

c. If a new performance guarantee is issued, the amount shall be determined by the procedure provided herein and shall include the total cost of all incomplete improvements.

d. Only one (1) extension, not exceeding a two-year period, shall be issued per project/phase by the City.

e. Approval of a performance guarantee shall be conditioned upon the performance of all work necessary to complete the required subdivision improvements within the time period specified at the time of preliminary plat or construction plan approval.

7. Release:

a. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by Staff that the improvements for which the performance guarantee is being required are complete.

b. Staff shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance.

c. All improvements shall be completed in accordance with the conditions associated with the approved plat(s) and the applicable standards contained in this Article. No financial guarantee may be released until all required certifications of completion have been provided.

d. When required improvements that are secured by a bond are completed to the specifications of the City, or are accepted if subject to its acceptance upon request by the developer, Staff shall timely provide written acknowledgement that the required improvements have been completed.

8. If a subdivider fails to properly install required improvements within the term of the guarantee, the guarantee will be deemed in default. In the case of default, the City is authorized to use the guarantee funds to complete the required subdivision improvements or to let a contract for installation of the required improvements.

9. **Coverage.** Consistent with State law, the performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

10. Guarantees for erosion control and/or stormwater control measures (SCMs) shall not be subject to the provisions of this Section.
e. Acceptance of Improvements: Upon acceptance of improvements, the developer shall submit final as-built drawings to the City for final review and certification.

f. Maintenance Guarantees for Multi-Phase Development: For developments with multiple phases of construction, the City Engineer may require portions of a previously approved phase be placed under an extended performance guarantee consistent with the provisions of this Section.

g. Site Clean-Up: The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the City, other than an approved landfill, is prohibited.

h. Failure to Complete Improvements: If a final plat has been executed and recorded and a security has been posted, but required public improvements are not installed pursuant to the approved plans, the City may:

(1) Declare the development in default and require all public improvements be installed regardless of the extent of completion of the development;

(2) Collect funds pursuant to the guaranty and complete the public improvements;

(3) Assign its rights in the guarantee in whole or in part to any third party, including a subsequent owner of the subdivision, in exchange for that party's agreement to complete the improvements; and/or

(4) Exercise any other rights available under State law.

9. Filing of Construction Plans: Approved construction plans shall be retained in the office of the City Engineer until "as built" are received.

F. Final Plat

1. **Purpose:** Final Plat approval is required at the completion of the major subdivision process so the subdivision plat and dedications can be recorded and lots transferred.

2. **Application:** The applicant shall submit an application with the Planning Department.

3. **Review Criteria:** When the Final Plat conforms to the approved Preliminary Plat, such fact shall be indicated on the face of the plat. Prior to approval of a final plat, the TRC shall make the following findings:

   a. Substantial Conformance to Preliminary Plat: The Final Plat shall substantially conform to the approved Preliminary Plat. Substantial deviations include, but are not limited to, the following:

   (1) changes in the location or design of a public street;

   (2) changes in the number or layout of lots or blocks;

   (3) changes in access to lots;

   (4) changes in areas, streets or rights-of-way to be reserved or dedicated;

   (5) changes in the drainage plan that increase runoff;

   (6) changes in the public utilities and facilities to be provided; and

   (7) changes in the buffering between the subdivision and adjacent property.

   b. Conformance to Regulations: The Final Plat shall conform to all applicable requirements and regulations; and

   c. Submission Requirements: All submission requirements have been satisfied.

4. **Staff Action:** The Planning Director shall review the Final Plat to ensure all the requirements have been fulfilled. The Planning Director may forward copies of the Final Plat to appropriate departments and agencies for their review and shall forward all staff and agency comments to the applicant and TRC.

5. **Decision Maker:** Within thirty (30) days of submittal of a complete application, the TRC shall review the application and approve, approve with conditions, or deny the Final Plat. Upon denial, the City shall advise the applicant of the reason for denial in writing. Decisions may be appealed to the City Council.

6. **Filing and Recordation:** After the approval of the Final Plat and the acceptance of improvements or approval of a development agreement, the Planning Director shall sign the Final Plat, which shall then be filed with the Register of Deeds along with other certification and instruments required for recordation, recording fees to be paid by applicant. Plats not recorded

within one hundred eighty (180) days of approval shall be void shall not be recorded without re-approval by the TRC, which may grant one (1) one hundred twenty (120) day extension for recordation.

(Ord. No. 31-21, 2-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Section 2.04 Development Agreements

A. Purpose
A Development Agreement is intended to provide guarantees to the City and developer addressing the provision of public improvements, the phasing of development and other conditions of development when an applicant chooses to record a plat prior to completing improvements or plat contiguous land holdings in multiple phases.

B. Applicability
Where the minimum required public improvements for a plat are not complete prior to recording the plat, a development agreement shall be entered into by the developer and City to guarantee the completion of such improvements within the time specified therein. A development agreement shall be required for Planned Unit Developments or other multi-phase projects that require the coordination between the timing of development and the provision of public improvements. Such agreement shall be required prior to re cordation of the first plat for the affected property.

C. Guarantee of Completion of Public Improvements
The City Council may defer the completion of required improvements provided the applicant guarantees completion of all required public improvements no later than two (2) years following the date the Final Plat is approved. The Council may grant one (1) extension for up to two (2) years. Developers of multi-phase developments may be required to complete and dedicate those improvements necessary for initial development to occur in accordance with the terms of the development agreement.

D. Covenants to Run with the Land
Development Agreements shall bind all successors, heirs and assignees of the applicant, and be recorded with the County Clerk.

E. Performance Guarantee
Any required performance guarantees shall comply with the provisions of Section 2.03(E)(8)(d) of the Code.

F. Escrow Accounts

Applicants using cash escrow accounts shall deposit with the City Clerk a cash amount or certified check endorsed to the escrow agent, in an amount determined by the Planning Director.

1. Accrual: Interest from cash escrow accounts shall accrue to the City, to be used for administering the construction and maintenance of improvements.

2. Reimbursement: Reimbursements for required oversized facilities shall be specified in the Development Agreement.

G. Other Contents of the Development Agreement

In addition to addressing required public improvements the City Council may include any of the following within a Development Agreement: phasing plans, project specific development standards or review procedures, or other matters that the City Council finds are appropriate to ensure that the development proceeds in accordance with approved plans.

H. Temporary Improvements

The applicant shall construct, pay for, and maintain any temporary improvements required by the City, such as, but not limited to, cul-de-sac streets and turn-outs.

I. Governmental Units

Governmental units to which these improvement and security provisions apply may file, in lieu of a Development Agreement and security, an ordinance or similar document, agreeing to be bound by the provisions of these regulations.

J. Decision Maker

Consistent with NCGS 160D-1005 after conducted a legislative hearing, duly noticed and advertised as detailed in Table 2-1 of the Code, the City Council shall approve, approve with conditions, or deny the Development Agreement.

(Ord. No. 02-23, exh. A, 1-9-2023)

PART 3. COMPREHENSIVE PLAN AND ZONING ACTIONS

Section 2.05 Comprehensive Plan Amendments

A. Purpose

The Comprehensive Plan text and maps must be reasonably maintained so they best reflect existing conditions and projected needs of the City.

B. Application and Procedures

The applicant shall file a completed application with the Planning Department.

1. **Applicant:** Amendments to the Comprehensive Plan text or Future Land Use Map may be initiated by the Planning Board, the City Council, City Staff or by petition of an owner of property located in the City.

2. **Pre-Application Conference:** Prior to an application, the applicant is encouraged to meet with the Planning Director to discuss the procedures and requirements for approval of a Comprehensive Plan amendment.

3. **Application:** Comprehensive Plan amendment requests shall be initiated by filing an application with the Planning Director and paying the application filing fee, see Article 10, Appendices for fee schedule.

C. Review Criteria

The following criteria shall be considered when reviewing a Comprehensive Plan amendment application:

1. **Original Errors:** Whether there was error in the adoption of the Comprehensive Plan, or in the supporting premises and findings.

2. **Subsequent Events:** Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the City, or demonstrated new information, such that an amendment is acceptable.

D. Decision Makers

1. **Planning Board:**
   a. Public Meeting: The Planning Board shall hold a public meeting within forty -five (45) days of receipt of a complete application and make its recommendation to the City Council.

   b**. Additional Property:** The Planning Board may modify an application for a text amendment or a map amendment, provided the amendments are included in the hearing notices, and map changes are to an equal or less intense future land use category.

   c. If no written report/recommendation is made by the planning board within 30 days of referral of the amendment request by staff, the governing board may act without the planning board recommendation.

2. **City Council:**

   a. Available Action: After holding the required legislative hearing, duly advertised in accordance with the provisions of the Code, the Council shall approve, conditionally approve or deny the proposed amendment.

   b. Review Criteria: The Council shall consider the review criteria established in this section and the record provided by the Planning Board.

c. Time Limit: The City Council shall act on the Plan amendment in conformance with timelines created in State law.

d. The City Council is not bound by the recommendations, if any, of the planning board.

E. Filing of Plan

The official Comprehensive Plan and Future Land Use Map, along with the adoption ordinances shall be certified by the City Council and placed on file with the City Clerk.

(Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Section 2.06 UDC Text and Zoning Map Amendments

A. Purpose

This Code and the Zoning Map may be amended from time to time so they best reflect existing conditions and projected needs of the City, and conform to the Comprehensive Plan, as amended.

B. Application and Procedures

The applicant shall file a completed application with the Planning Department.

1. Applicant: Amendments to this Code or the zoning map may be initiated by the Planning Board, the City Council, City Staff or by petition of an owner of property located in the City or ETJ.

2. Pre-Application Conference: Prior to an application, the applicant is encouraged to meet with the Planning Director to discuss the procedures and requirements for a text or map amendment request pursuant to this Code.

3. In accordance with NCGS 160D-601(d) no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by the City of Statesville. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one (1) of the following ways:

a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.

b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

C. Review Criteria

Changes to the Code text or Zoning Map shall not become effective until after recommendation by the Planning Board and approval by the City Council which shall consider the following review criteria:

1. The existing zoning was approved in error.

2. The proposed change is consistent with the goals and objectives of the Comprehensive Plan, other adopted plans and policies, or other City regulations and guidelines.

3. The proposed change will provide a benefit to the City.

4. The proposed change is consistent with the character of the surrounding area.

5. The proposed zoning is compatible with nearby uses.

6. The proposed change is a logical extension of an existing urban area or growth center.

7. Public and community facilities are available or will be available and adequate to serve uses authorized under the proposed zoning.

8. Proposed uses will not adversely affect the capacity or safety of the surrounding street network.

9. The potential negative environmental impacts of proposed uses may be mitigated.

D. Decision Makers

1. Planning Board:

a**. Public Meeting:** The Planning Board shall hold a public meeting on each proposed zoning amendment according to the schedule adopted by the City Council.

b. **Amendments:** The Planning Board may recommend amendments to the application which would reduce the land area for which the application is made, change the district requested to an equal or less intense district, or recommend conditions applicable to the rezoning.

c. **Recommendations to City Council:** Within thirty (30) days of making a recommendation, the Planning Board shall forward to the City Council a summary of all information taken at the meeting, together with its recommendations and reasons therefore for any ch ange to zoning district boundaries and/or regulations and plan consistency statement. The Planning Board shall recommend approval, denial, or conditional approval. A copy of the recommendations shall be provided to the applicant.

d. Consistent with NCGS 160D-604(d), when conducting a review of proposed zoning text or map amendments, the Board shall advise and comment on whether the proposed action is consistent with the adopted City of Statesville Comprehensive Plan and shall provide a written

recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate.

i. A recommendation by the Planning Board that a proposed amendment is inconsistent with the adopted Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the City Council.

ii. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

2. City Council:

a**. Consideration:** Upon the receipt of a recommendation by the Planning Board, the City Council shall hold a legislative hearing on the proposed zoning amendment. The Council shall consider the findings and recommendation of the Planning Board and the record of public input. The Council shall, by simple majority vote, approve, deny, or conditionally approve the application. If the application is approved, or conditionally approved, the Council shall also adopt by Motion a statement as to the plan consistency and reasonableness of the application.

b. **Adoption of Statement.** When adopting or rejecting any zoning text or map amendment, the City Council shall approve a statement describing whether its action is consistent or inconsistent with the adopted Comprehensive Plan.

1. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted Comprehensive Plan, the zoning amendment has the effect of also amending the Plan and Future Land Use Map.

Additional Reasonableness Statement for Rezonings. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the City Council. This statement of reasonableness may consider, among other factors

(i) The size, physical conditions, and other attributes of the area proposed to be rezoned,

(ii) The benefits and detriments to the landowners, the neighbors, and the surrounding community,

(iii) The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;

(iv) Why the action taken is in the public interest; and

(v) Any changed conditions warranting the amendment.

c. **Approval:** Council shall approve applications by ordinance defining the change or boundary as amended, including the proposed site plan, and instructing the Planning Director to amend the Zoning Map to reflect any map amendment. The ordinance shall be file d with the City Clerk and Register of Deeds.

d. **Denial:** When a petition has been denied by the City Council, no new petition for a substantially similar change of the same property or any part thereof shall be filed within a period of twenty -four (24) months from the date of denial. In addition, no new petition for any other change in the zoning classification of the same property or any part thereof shall be filed within a period of twelve (12) months from the date of denial. If the application is withdrawn after the Planning Board hearing, then no substantially similar application shall be filed within six (6) months of the withdrawal date. Nothing herein shall be construed to limit the right of the City Council to approve zoning changes pursuant to this section.

e. In any case where a petition for a change in zoning classification received an unfavorable recommendation from the Statesville Planning Board after a public hearing and the petitioner either withdraws his application or fails to prosecute it before the City Council within a period of sixty (60) days thereafter, no new petition for any change in zoning classification of the same property or any part thereof shall be filed within a period of one hundred eighty (180) days immediately following the withdrawal of the petition or the expiration of the time limit for prosecuting such petition before the City Council. Nothing herein shall be construed to limit the right of the Planning Board from time to time initiating proposals for amendments to the this code and the zoning map.

E. Lapse of Rezoning

Failure to establish the proposed use or initiate development within one (1) year of rezoning approval, or other time period established at the time of rezoning approval, shall constitute consent by the property owner for the City to initiate the process to revert the zoning to its previous designation. The City Council, at its sole discretion, may choose to revert the zoning, retain the existing zoning or grant a limited extension of the zoning for lapsed uses.

F. Extension of Extraterritorial Jurisdiction

If, at any time, the extraterritorial jurisdiction (ETJ) is proposed to be expanded, the owners of all

parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records, shall be notified. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. This notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction as provided in G.S. § 160D- 601, and the right of all residents of the area to apply to the board of county commissioners to serve as a repre sentative of the planning board and board of adjustment, as provided in G.S. § 160D-307. The notice shall be mailed at least 30 days prior to the date of the hearing. The person or persons mailing the notices shall certify to the City Council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

(Ord. No. 08-21, 3-1-2021; Ord. No. 09-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Section 2.07 Conditional Zoning Districts

A. Purpose

Conditional Zoning (CZ) Districts included herein allow for the consideration of certain land uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and are created or established for selected criteria as indicated in the applicability section below. The development of these uses cannot be predetermined and controlled by general district regulations. In addition, circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of this section.

To accommodate those situations, this section establishes the conditional zoning process. A conditional zoning district is not intended for securing speculative zoning for a proposal but rather is based on a firm development proposal.

B. Authorized Uses

Within a Conditional Zoning District only those uses shown in Table 3-1 shall be permitted, and all requirements of the underlying zoning district shall be met. In addition, no use shall be permitted unless authorized by the City Council. A conditional zoning district shall specify the use authorized, location on the property of the use, number of dwelling units, location and extent of supporting facilities such as parking lots, driveways and access streets, location and extent of buffer and other special purpose areas, timing of development, location and extent of rights-of-way and areas to be dedicated for public use, and such matters as the applicant may propose as conditions.

Within a CZ District, petitioners may propose modifications to the specific standards of the underlying base district that are more restrictive than the base district or other permitted development standards of the UDC, but not less so. Modifications to the environmental protection requirements in Article 8

shall not be permitted. The City Council may also impose additional reasonable safeguards to serve the purpose and intent of this Code.

The approved Concept Plan is a condition of the rezoning. It shall be the City Council's final decision to grant approval or denial of the CZ District considering the revised development standards presented in accordance with the procedures of Article 2. If no specific request is made by the petitioner to a change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district and standards in place at the time that the rezoning is granted shall apply.

C. Applicability

Except as herein provided, petitions to establish a Conditional Zoning District must be submitted and will be processed in accordance with the provisions in this Section.

Per Section 2.9(b) of North Carolina S.L. 2019-111, all Conditional Use Zoning Overlay Districts in effect on January 1, 2021, become Conditional Zoning Districts; and all Conditional Use Zoning Permits issued as an element of said approvals remain valid and are deemed applicable as part of the Conditional Zoning approval.

D. Application Requirements

All applications shall include a conceptual site plan (known as a “concept plan”), drawn to scale, and supporting text that, if approved, will become part of the amendment. The concept plan shall include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property.

The applicant shall, at a minimum, include each of the items listed below. The concept plan, including the information detailed below, shall constitute part of the petition for rezoning to a Conditional Zoning District:

1. A vicinity map showing the property’s general location in relation to major streets, railroads, and waterways.

2. A drawing of the parcel, including the parcel identification number. If only rezoning a portion of a parcel, a plat must be provided, drawn to scale, showing the bearings and distances of the portion requested. A valid metes and bounds legal description for the subject property to be considered for rezoning is required.

3. All existing and proposed easements, reservations, and rights-of-way on the property(ies) in question.

4. Delineation of areas within the regulatory floodplain as shown on the official Flood Hazard Boundary Maps for the City of Statesville and delineation of watershed boundaries labeled with their respective classifications and impervious calculations.

5. For residential uses, the number of units and lot layout where the structures will be located. For nonresidential uses, the approximate square footage of all structures and an outline of the area where the structure will be located.

6. Traffic, parking, and circulation plans showing the proposed locations and arrangement of parking spaces and access points to adjacent streets, including typical parking space dimensions and locations along with typical street cross sections. This shall include all existing and proposed points of access to public streets.

7. All proposed setbacks, buffers, screening, landscaping, and list of architectural materials proposed by the applicant and required by the UDC.

8. Generalized information on the number, height, size, and location of structures.

9. The proposed phasing of the project.

10. The location and description of any outdoor lighting.

E. Additional Information

When dealing with the Conditional Zoning District process, additional information may be requested in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, staff, the Planning Board, and/or City Council may request additional information in addition to that required above, as they deem necessary.

F. Public Input Meeting

Before a public meeting may be held on a petition for a Conditional Zoning District, the applicant shall file a written report detailing at least one (1) community meeting held by the applicant. The community meeting shall be held prior to any recommendation by staff and prior to the Planning Board's consideration of the request.

The following procedures shall be met:

1. Based on the perceived impact of the proposal, the affected property owners shall be notified by the applicant. Such notice shall be mailed to said property owners not less than ten (10) days prior to the date of the public input meeting, and a certification of this mailing shall be submitted as part of the required report. The notice shall contain information regarding the time and location of the public input meeting, as well as a description of the proposal.

2. The report shall include, among other items, a listing of the following:

a. Those persons and organizations contacted about the meeting;

b. The manner, date, time, and location of the meeting;

c. A roster of persons in attendance at the meeting;

d. A summary of issues discussed at the meeting; and

e. A description of any changes to the rezoning petition as a result of the meeting.

G. Review

Conditional zoning petitions are legislative, site-specific zoning approvals with conditions. In evaluating an application for the establishment of a Conditional Zoning District, it is appropriate for the Planning Board and City Council to consider the following:

1. Adherence to the general policies and objectives of the adopted Comprehensive Plan, particularly in relation to the proposed site and surrounding area.
2. The potential impacts on the surrounding area, including, but not limited to, the absolute certainty of the specific use(s), traffic, erosion, land values, and the compatibility of land use activities.
3. The City Council shall adopt a Statement of Consistency and Reasonableness in accordance with the provisions of Section 2.06(D)(2)(b) of the Code.

H. Conditions for Approval

In approving a petition for the reclassification of a piece of property to a Conditional Zoning District, the Planning Board may recommend, and the City Council may, of its own accord, require that reasonable and appropriate conditions be attached to approval of the petition.

Consistent with NCGS 160D-703(b), specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations.

I. Effect of Approval

If a petition for a Conditional Zoning District is approved, the development and use of the property shall be governed by:

1. The standards and regulations applicable to the district's zoning classification;
2. The approved concept plan for the district;
3. Any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district; and
4. All general and additional rules, regulations, and conditions adopted as part of the Conditional Zoning District shall be an amendment to the UDC and the Zoning Map.

J. Zoning Map Designation

Following approval of the petition for a Conditional Zoning District, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters "CZ" and the case number.

K. Site Plan Consistency with Concept Plan

Detailed site plans shall be reviewed by staff if said plans are consistent with the rezoning concept plan or are prepared in coordination with minor changes or modifications; major changes shall be reviewed by the Planning Board and City Council.

L. Determination, Major Changes Requiring an Amendment

Before making a determination as to whether a proposed action is an amendment based upon a major change, the Planning Director (per Section 2.01.A.5.) shall review the record of the proceedings on the original application for the approval of the Conditional Zoning District.

1. A change in a specific or general use category shall constitute a new application.
2. The Planning Director shall use the following criteria in determining whether a proposed change is an amendment constituting a major change to the approved Conditional Zoning District:

a. Any increase in intensity of use;

b. Any change in permitted uses;

c. Substantial changes in pedestrian or vehicular access or circulation.

3. If the Planning Director determines that the proposed action requires an amendment, he/she shall require the applicant to file a request for approval of the amendment. Such request shall be submitted to the Planning Board and City Council under the process described in this Article.

M. Minor Changes and Modifications

The Planning Director (per Section 2.01.A.5.) shall have the delegated authority to approve minor changes in the Conditional Zoning District provided they are in harmony with the action of the City Council.

A minor change shall mean:

1. Reserved.
2. Reserved.
3. Decreases in the intensity of development; meaning a decrease in useable floor area by less than ten percent (10%), a decrease in the number of dwelling or lodging units by less than ten percent (10%), or a decrease in outside land area devoted to sales, displays, or demonstrations;
4. Any change in parking areas resulting in a decrease or increase of up to ten percent (10%) in the number of spaces approved by the City Council;
5. Structural alterations not significantly affecting the basic size, as shown on the approved plan;
6. A decrease or an increase less than ten percent (10%) in the amount of open space, recreation facilities, or landscape screening;

7. Any time an applicant agrees to impose standards that are more stringent than those previously approved by the City Council; or

8. All other changes or modifications to the Conditional Zoning District shall be treated the same as amendments to the UDC or the Zoning Map.

N. Review of Approval of a Conditional Zoning District

It is intended that property shall be reclassified to a Conditional Zoning District only in the event a property is intended to be developed. Therefore, no sooner than two (2) years after the date of approval of the petition, the Planning Director shall examine the progress made toward developing the property in accordance with the approved petition and any conditions attached.

If the Planning Director determines that progress has not been made in accordance with the approved petition and conditions, the Planning Director shall forward to the City Council a report which may recommend that the property revert back to the previous zoning classification.

O. Transfer of Ownership

The requirements of the approved Conditional Zoning District shall be binding upon the owners, their heirs and assigns, and future owners until such time as the City may release such limitation on the use of the subject property under the procedures provided herein.

(Ord. No. 31-21, 2-1-2021; Ord. No. 08-21, 3-2-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Editor's note(s)—Ord. No. 31-21, adopted Feb. 1, 2021, amended § 2.07 and, in doing so, changed the title of said section from "Conditional Use Overlay Districts" to "Conditional Zoning Districts," as set out herein.

Section 2.08 Vested Development Rights

A. Purpose

The purpose of this section is to implement the provisions of NCGS 160D-108 pursuant to which a statutory zoning vested right is established upon the approval of a site-specific vesting plan.

B. Definitions

1. **Landowner —** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific vesting plan in the manner allowed by this Code.

2. **Property —** All real property subject to zoning regulations and restrictions of the City of Statesville.

3. **Site-Specific Vesting Plan — I**n general, a plan which has been submitted to the City by a landowner describing with reasonable certainty the type and intensity of use for a specific

parcel(s) of property. More specifically, a site-specific development plan must contain, as a minimum, the information called for in Section 2.08(C).

4. **Zoning Vested Right —** The right, pursuant to G.S. §§ 160D-102(33) and 160D-108, to undertake and complete the development and use of the property under the terms and conditions of an approved site-specific development plan.

C. Submission of a Site-Specific Vesting Plan

To apply for a zoning vested right, a landowner shall first submit to the Planning Department a site-specific vesting plan. Unless otherwise expressly provided by the City, such a plan shall include:

1. Name, address, and phone number of the property owner (or his agent) and the tax parcel number(s) of the property.
2. A boundary survey and vicinity map, showing the property's total acreage, zoning classification, general location in relation to adjoining streets, railroads, and/or waterways; date and north arrow; scale one inch equals fifty feet (1" = 50') maximum.
3. Existing land uses of all adjoining properties.
4. Proposed use of all land and structures, and their approximate completion time for the project or phase.
5. Proposed location and number of all structures, and their approximate exterior dimensions.
6. A description of all screening and buffering as required by this Code or proposed by the applicant.
7. All existing and proposed easements, reservations, and rights-of-way.
8. Proposed phasing, if any, and approximate completion time for the project or phase.
9. Delineation of areas within the regulatory floodplain as shown on official Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for the City and extraterritorial areas within the City's zoning jurisdiction.
10. Traffic, parking, and circulation plans showing the proposed location, arrangement, and size of parking spaces and ingress and egress to adjacent streets. The driveway/street cuts must be approved by the local District Highway Engineer's Office of the North Carolina Department of Transportation or the City Public Works Director for all street connections made.

D. Processing Application for a Zoning Vested Right

An application for a zoning vested right shall be processed in a like manner for a zoning amendment. After having obtained a recommendation from the Planning Board and having conducted a public hearing on the subject application, in which proper notice thereof was given, the City Council shall determine whether or not to approve the site-specific vesting plan

and to accord the vested right.The City Council may approve the site-specific vesting plan if it has evaluated the application and has determined that:

1. The use meets all required specifications of this Code.
2. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed. City Council may stipulate certain terms and conditions as a prerequisite to approval of the site-specific development plan for assurance in this regard.
3. The effect of the City Council's approval of a site-specific vesting plan shall be to vest such site plan for a period of two (2) years from the date of approval. If the landowner requests, however, the City Council may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two-year period may only be authorized by the City Council where it has found that, due to: (1) the sizing and phasing of the development; (2) the level of investment; (3) the need for the development; (4) economic cycles; or (5) market conditions, building permits for all phases of the development cannot be secured within two (2) years. A multi-phase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multi-phased development. This right shall remain vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multi-phased development. "Multi-phased development" means a development containing twenty-five (25) acres or more that: (i) is submitted for site plan approval for construction to occur in more than one (1) phase; and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master plan approval.

E. Establishment and Termination of a Zoning Vested Right

A zoning vested right shall be deemed established upon City Council approval of a site-specific vesting plan. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific vesting plan as provided for in this section.

Approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a zoning vested right until the necessary variance is obtained.

A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

A vested right, once established as herein provided, shall preclude any zoning action by the City which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the approved site-specific vesting plan except under the following conditions:

1. The affected landowner provides written consent to the City of his desire to terminate the vested right; or

2. The City determines, after having advertised and held a public hearing, that material or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety, and welfare if the project were to proceed as indicated in the site-specific development plan; or

3. The City determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the City of the site-specific development plan; or

4. Upon the enactment or promulgation of a State or Federal law or regulation which precludes development as contemplated in the site-specific development plan. In such case, the City may, after having advertised and conducted a public hearing, modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

F. Review of Conferred Vested Rights

Once a vested right is granted to a particular site-specific vesting plan, nothing in this section shall preclude the City from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

The vested right resulting from the approval of a site-specific vesting plan may be revoked as provided for in this section. In addition, a revocation may occur if the City Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of this Code.

The vested right shall otherwise expire at the end of the approval period established by the City Council.

G. Voluntary Annexation

A petition for annexation filed with the City under G.S. § 160D-1012 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. §§ 160D-102(33) and 160D-108.

A statement that declares that no zoning vested right has been established under G.S. §§ 160D-102(33) and 160D-108, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

H. Limitations

The establishment of a zoning vested right shall not preclude the City from establishing and putting into place overlay zoning that imposes additional requirements but does not affect the allowable type

or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulations by the City including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

Upon the expiration, termination, or revocation of a vested right, all applicable new or amended regulations shall become pertinent to that property subject to a site-specific development plan.

I. Statement of Inclusion

Nothing in this section is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160D-108.

(Ord. No. 08-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Section 2.09 Planned Unit Developments

A. Purpose

The purpose of the Planned Unit Development process is to provide flexibility from the strict application of this Code to coordinated developments when the applicant demonstrates conformance with the Comprehensive Plan, compatibility of land uses, and coordination of improvements within and among individually platted parcels, sections, or phases of development.

Design flexibility is provided to enhance long-term community benefits that may be achieved through high-quality development that provides:

1. Greater infrastructure efficiency;
2. Reduced traffic demands;
3. Additional usable public or private open space;
4. Additional recreation amenities; and
5. Diverse housing choices.

B. Applicability

The Planned Unit Development process may be applied to large-scale, mixed-use developments meeting the PUD standards established in Article 3. A Planned Unit Development shall require a rezoning of the affected property in conformance with this section.

C. Concept Plan

1. **Purpose:** A Concept Plan shall provide general information about the proposed land use patterns, development intensities, and street patterns.
2. **Applicability:** A Concept Plan is mandatory for all planned development applications.

3. **Application and Procedure:** The applicant shall file an application with the Planning Department. The Concept Plan shall be reviewed by Staff and TRC before submitting the Plan and recommendations to the Planning Board.

4. **Conversion Schedule:** The PUD zoning application shall include a conversion schedule that identifies the range of conversion that may occur between different types of uses within the PUD Land Use Plan. These conversions may occur within the development areas, as long as they are consistent with established ranges of conversion set forth in the conversion schedule and are consistent with the Land Use Plan.The conversion schedule, if one is created, shall be included in the conditions of approval.

5. **Review Criteria:** The Concept Plan application shall be evaluated using the review criteria established herein for zoning map amendments and major subdivisions and the following criteria:

   a. Consistency: Development shall be consistent with the purposes of a Planned Development or Planned Unit Development and Comprehensive Plan goals and policies.

   b. Benefits: Development shall provide long-term benefits to the neighborhood in which it is located and the community as a whole.

   c. Standards: Development shall comply with the zoning district standards unless specifically approved by the City Council.

6. **Decision Makers:**

a. Planning Board: The Planning Board shall review the Concept Plan and make a recommendation of approval, denial, or conditional approval to the City Council.

b. City Council: The City Council shall review the Concept Plan and the Planning Board's recommendation at a legislative hearing, and approve, approve with conditions, or deny the plan. The City Council may require the dedication of perimeter rights-of-way as a condition of approval.

D. Final Site Plan

1. **Purpose:** The Final Site Plan provides greater detail about a development, and together with the development schedule and Final Plat, shall act as the blueprint for a Planned Development.

2. **Application and Procedure:** The applicant shall file an application with the Planning Department, which shall be reviewed by staff prior to forwarding the application to the Technical Review Committee (TRC) for action. An electronic file shall be submitted to the Director of Electric Utilities.

3. **Review Criteria:** The Final Site Plan shall be reviewed for substantial conformance with the Concept Plan, and the review criteria for rezonings and major subdivisions. Substantial conformance means the application:

   a. Does not increase the number of dwelling units or non-residential square footage;

b. Maintains the mix of residential and non-residential development;

c. Neither reduces nor relocates the area set aside for common open space;

d. Does not substantially increase non-residential floor area; or

e. Does not substantially increase lot coverage or building height.

4. **Decision Makers:** The TRC shall review the Final Site Plan within thirty (30) days following receipt of a complete application. The TRC shall approve, approve with conditions, or deny the plan within forty-five (45) days of its initial consideration.

5. **Recording:** The Final Site Plan, a certified copy of the ordinance approving the plan, and any other related documents shall be recorded in the County Recorder's Office within forty-five (45) days of approval by the TRC.

6. **Amendments to the Final Site Plan:** No changes shall be made in the approved Final Site Plan unless in conformance with the following requirements.

   a. **Minor Change:** The Planning Director may authorize minor changes under the following conditions:

      (1) **Definition:** The term "minor changes" as used in this Section is considered to represent changes that do not alter the overall characteristics of the total plan nor create adverse impacts on adjacent uses or public services and facilities.

      Examples of minor changes include:

         (a) changes in the location and type of landscaping and screening, provided that the character and intent are maintained;

         (b) changes in the orientation of parking areas, provided that adequate site circulation is maintained, parking areas are not located closer than twenty (20) feet to any residential structure or ten (10) feet to any street or right-of-way lines, and the number of parking spaces is not reduced;

         (c) changes in the location of sidewalks and pathways, provided that pedestrian circulation elements remain interconnected;

         (d) reorientation, but not complete relocation, of structures;

         (e) changes that will not impact properties or uses outside of and adjacent to the Planned Development; or

         (f) redesign of open space that does not decrease its recreational, buffering, or environmental benefits.

      (2) Prohibitions: No minor change authorized by this Section may:

         (a) change the permitted uses or character of development;

(b) increase lot coverage;

(c) increase density or intensity of use;

(d) increase demand for traffic circulation and public utilities;

(e) decrease public or private open space; or

(f) increase the number of dwellings or square footage of non-residential development.

b. **Major Change:** All other changes to the approved Final Site Plan shall be deemed "major" and shall be approved only by the TRC after review of a revised Final Site Plan and/or Map. No major change may be made in the approved Final Site Plan unless the applicant establishes such amendments are required due to:

(1) changes in conditions that occurred after the Final Site Plan was approved;

(2) changes in the development policy of the community; or

(3) conditions that were reasonably unforeseen at the time the Final Site Plan was approved.

c. **Recording of Changes and Amendments:** Any approved changes shall be recorded as amendments to the previously recorded Plan and/or Map.

E. Development According to the Final Site Plan and Final Plat

No building permit shall be issued on any site unless a site plan has been submitted and approved and such site plan conforms to the conditions of the adopted Final Site Plan and Final Plat.

F. Transfer of Ownership

The requirements, restrictions, conditions, and provisions of the approved Planned Development Concept Plan, Final Site Plan, and Final Plat shall be binding upon the owners, their heirs and assigns, and future owners until such time as the City may release such limitation on the use of the subject property under the procedures provided herein.

G. Expiration of a Planned Unit Development

The approval of the Final Site Plan shall be null and void unless an Incremental Master Site Plan for at least the initial phase has been submitted for review and approval within three (3) years after the date of approval of the PUD application. Such time period will not be extended with transfer of ownership.

Upon written request, one (1) extension of time may be granted by the City Council for a period not to exceed one (1) year for good cause shown. No request for an extension shall be

considered unless a written request is submitted to the Planning Director no later than thirty (30) days prior to the date the Final Site Plan is to expire.

The extension shall be deemed granted until the City Council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the approved Final Site Plan null and void upon the expiration of the three-year term and a new application must be resubmitted.

Upon City Council approval of the Incremental Master Site Plan, the developer shall have one (1) year to start the development on the property. From that time forward, annual reviews on the progress of the development shall be conducted by staff and the results reported to the City Council.

The development conditions shall be vested per the PUD requirements at the time of approval. The vesting of such conditions shall remain valid through the completion of all development within the PUD for ten (10) years, with two (2) five-year renewals subject to annual staff reviews, with the exception of improvements required in the TIA or conditions of a Development Agreement.

(Ord. No. 31-21, 2-1-2021; Ord. No. 08-21, 3-1-2021)

Section 2.10 Special Use Permits

A. Purpose

Special use permits govern uses that may be appropriate in the zoning district subject to specific conditions addressing the number, size, location, or relationship of the proposed uses to the neighborhood.

B. Applicability

1. Special Use Permits for those uses listed in Table 3-1 may be issued by the Board of Adjustment after review and confirmation by the Technical Review Committee that the UDC has been met. In rendering a decision, the Board of Adjustment shall hold an evidentiary hearing and follow applicable quasi-judicial proceedings.

C. Application Requirements

The applicant shall file an application with the Planning Department and shall provide any additional information deemed necessary upon request.

D. Review Criteria

No special use permit shall be approved unless each of the following findings is made concerning the proposed special use project:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. The use meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
4. The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Statesville and its environs.

E. Decision Makers

1. City Council:

a. The Council shall hold an evidentiary hearing to consider the findings of fact and recommendation of staff, and the competent material evidence and sworn testimony entered into the record by those determined to have standing, then by simple majority vote render a quasi-judicial decision consistent with the requirements of this Code and NCGS 160D-406 to approve, approve with conditions, or deny the application.

Conditions shall not include requirements for which the Board does not have authority under this Code or State statute to regulate.

b. In addition to the review criteria contained in Subsection (D), the Council shall make findings that the request complies with any specific development standards associated with the use as detailed within the Ordinance.

i. Consideration: The Council shall hold an evidentiary hearing to consider the findings of fact and the record of public testimony and evidence, then by simple majority vote render a quasi-judicial decision consistent with the requirements of this Code and NCGS 160D-406 to approve, approve with conditions, or deny the application. Conditions shall not include requirements for which the Council does not have authority under statute to regulate or requirements for which the courts have held to be unenforceable if imposed directly by the Council.

ii. Approval: An approved application shall define the terms of the permit.

iii. Permit Amendments: The Planning Director may approve minor changes as described in Section 2.03. All other permit amendments shall be approved through the original approval process.

F. Lapse of Special Use Permit

If a use allowed by special permit has lapsed and not been established or initiated within the time established by the approval or two (2) years, the permittee shall be deemed to consent to revocation of the permit.

The City Council may choose to revoke the permit or grant a limited extension of the permit by following the same development review and approval process required for the issuance of the approval, including any required notice or hearing.

G. Transfer of Ownership

The requirements, restrictions, conditions, and provisions of the approved special use permit shall be binding upon the owners, their heirs and assigns, and future owners until such time as the City may release such limitation on the use of the subject property.

H. Determination, Major Changes Requiring an Amendment

Before making a determination as to whether a proposed action is an amendment based upon a major change, the Planning Director (per Section 2.01.A.5.) shall review the record of the proceedings on the original application for the approval of the Special Use Permit.

1. A change in a specific or general use category shall constitute a new application.
2. The Planning Director shall use the following criteria in determining whether a proposed change is an amendment constituting a major change to the approved Special Use Permit:

Major Changes (Not to be approved by Planning Director):

a. Any increase in intensity of use;

b. Any change in permitted uses;

c. Substantial changes in pedestrian or vehicular access or circulation;

d. Any increase in noise, dust, or odor.

If the Planning Director determines that the proposed action requires an amendment, he/she shall require the applicant to file a request for approval of the amendment. Such request shall be submitted to the City Council under the process described in this Article.

I. Minor Changes and Modifications

The Planning Director (per Section 2.01.A.5.) shall have the delegated authority to approve minor changes to the Special Use Permit provided they are in harmony with the action of the City Council.

A minor change shall mean:

1. Decreases in the intensity of development; meaning a decrease in useable floor area by less than ten percent (10%), a decrease in the number of dwelling or lodging units by less than ten percent (10%), or a decrease in outside land area devoted to sales, displays, or demonstrations;
2. Any change in parking areas resulting in a decrease or increase of up to ten percent (10%) in the number of spaces approved by the City Council;
3. Structural alterations not significantly affecting the basic size, as shown on the approved plan;

4. A decrease or an increase less than ten percent (10%) in the amount of open space, recreation facilities, or landscape screening;

5. Any time an applicant agrees to impose standards that are more stringent than those previously approved by the City Council; or

6. Annexation can be waived if City services are not accessible.

(Ord. No. 01-14, 3-17-2014; Ord. No. 08-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 53-23, 10-2-2023; Ord. No. 47-23, 11-6-2023, Ord. No. 16-26, 6-1-2026)

PART 4. OTHER DEVELOPMENT APPLICATIONS

Section 2.11 Variance

A. Purpose

Variances provide relief for property owners when the strict application of this Code would result in a particular hardship, and shall be the minimum act necessary to permit reasonable use of the land.

B. Applicability

The Board of Adjustment shall hear and decide all requests for variances. No variance shall allow a use not authorized by this Code or a density in excess of that allowed in the applicable zoning district.

The practical hardship must be clearly presented and shall not result from the actions of the current or previous owners.

C. Application and Procedures

The application, with the required information, shall be filed with the Planning Department.

D. Required Findings

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon showing all of the following:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability; and

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship; and

4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

E. Decision Maker

The Board of Adjustment shall review the request for a variance at an evidentiary hearing, duly advertised in accordance with Table 2-1 of the Code, and shall render a quasi-judicial decision to approve, approve with conditions, or deny the request.

F. Conditions

Consistent with NCGS 160D-705(d), appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

(Ord. No. 08-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Section 2.12 Appeals from Determinations

A. Purpose

Appeals to the Board of Adjustment provide a mechanism for review of any staff determination, including, but not limited to, action on a development application, Historic Preservation Commission writ of certiorari, or interpretation of development regulations.

B. Applicability

1. Except as provided in NCGS 160D-1403.1, appeals of administrative decisions made by Staff under the Code shall be made to the Board of Adjustment.

2. **Standing:** Any person who has standing under NCGS 160D-1402(c) or the City Council may appeal an administrative decision to the Board.

3. The notice of appeal shall state the grounds for the appeal.

4. **Time to Appeal:** The owner or other aggrieved party has thirty (30) days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has thirty (30) days from receipt from any source of actual or constructive notice of the determination within which to file an appeal.

In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

5. **Record of Decision:** The Staff member who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the decision appealed from is

taken. Staff shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

6. **Stays:** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board and any subsequent appeal in accordance with NCGS 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless Staff certifies to the Board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation.

   a. In this case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court of competent jurisdiction.

   If enforcement proceedings are not stayed, the appellant may file with Staff a request for an expedited hearing of the appeal, and the Board shall meet to hear the appeal within fifteen (15) days after the request is filed.

7. Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation do not stay the further review of an application for development approvals to use the property. In these situations, the appellant or City may request, and the Board may grant, a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

C. Application and Procedure

An appeal is taken by filing a notice of appeal with the City Clerk or Planning Director.

D. Appeals Review Criteria

The scope of review shall be limited to determining whether the decision or interpretation by Staff was in accordance with the intent and requirements of this Code.

E. Decision Maker

The Board of Adjustment shall review the appeal at an evidentiary hearing, duly advertised in accordance with Table 2-1 of the Code.

The Board shall render a quasi-judicial decision and grant the appeal if it finds that the decision was made improperly or in violation of State law. (G.S. § 160D-406)

F. Alternative Dispute Resolution

The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution.

G. No Estoppel

NCGS 160D-1403.2, limiting local government's use of the defense of estoppel, applies to proceedings under this section.

(Ord. No. 08-21, 3-1-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Editor's note(s)—Ord. No. 02-23, exh. A, adopted Jan. 9, 2023, amended § 2.12 and, in doing so, changed the title of said section from "Appeals from Staff Determinations" to "Appeals from Determinations," as set out herein.

Section 2.13 Abandonment of Streets, Easements or Plats

A. Purpose

Any portion of a public right-of-way, reservation, easement, dedicated setback in excess of the required minimum, access control, or plat may be vacated, provided the abandonment is found to be in the public interest and no private rights are adversely affected.Applications for abandonment may be made by the City or any owner of property abutting or including the property or interest to be vacated.

B. Applicability

A public right-of-way, reservation, easement, dedicated setback, or access control may be abandoned if such is no longer necessary for the public safety or convenience. The undeveloped portion of a plat may be abandoned provided there is no need for any public reservations, easements, dedicated setbacks, or access control shown thereon.

C. Application and Procedure

Any approved abandonment must be adopted by ordinance of the City Council. An application for abandonment shall be filed in the office of the Planning Department.

Following the adoption of an abandonment ordinance, the Clerk shall record a copy thereof with the Register of Deeds, and such abandonment shall be noted on any affected plat.

D. Reservation of Easements

The City Council may reserve such rights-of-way and other easements as are necessary for existing or planned public facilities or services.

E. Reversion of Land Abandoned

All abandoned public property or interests shall be sold or revert to the owners of adjoining properties pursuant to State law.

F. Review Criteria

Prior to approval, the City Council shall find that:

1. The abandonment conforms to State law;

2. The abandonment is consistent with the Comprehensive Plan, Major Street Plan, and other adopted plans and policies of the City;

3. The abandonment does not restrict access to any parcel or result in access that is unreasonable, economically prohibitive, or devalues any property; and

4. The abandonment does not adversely impact the health, safety, or welfare of the community, nor reduce the quality of public services provided to any parcel of land.

G. Decision Maker

The City Council shall approve, approve with conditions, or deny approval of the application.

Section 2.14 Certificate of Appropriateness

A. Purpose

In order to safeguard the heritage of the locality, the City of Statesville, under the authority of State statute (G.S. Ch. 160D, art. 9, pt. 4), sets forth these regulations to facilitate the preservation and conservation of historic properties.

Historic properties subject to the regulations of this Section are:

1. All tracts of land situated within a locally designated historic district; and

2. All individual tracts of land which have been locally designated a historic landmark.

Historic properties shall be an additional zone overlapping any of the zoning districts established with this ordinance.

Historic districts shall be delineated on the zoning map to distinguish that portion of any zoning district to which the historic district designation shall apply.

Historic landmarks shall be denoted on the zoning map with common call letters followed by a sequential reference number to be assigned each landmark (i.e., HL-1; HL-2; HL-3; etc.).

The requirements for historic properties shall be additional to other zoning district requirements and, when in conflict with underlying requirements, the requirements for historic properties shall prevail.

B. Applicability

1. Certificate of Appropriateness Required: No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, or moved on historic property until after an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to and approved by the Historic Preservation Commission.

2. Exterior architectural features shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures.

3. In the case of outdoor advertising signs, exterior architectural features shall be construed to mean the style, material, size, and location of all such signs.

4. Ground Disturbance: The Historic Preservation Commission's review of requests for certificates of appropriateness may also consider whether ground disturbance resulting from proposed repair or replacement, construction of foundations, landscaping activities, or moving of buildings and structures may affect any archaeological sites or materials.

5. Conformity Required: A certificate of appropriateness shall be required whether or not a building permit is required. Any such building permits or other permits not issued in conformity with this section shall be invalid.

6. Demolition and Repair: No building or structure situated on historic property, having been designated as such by the Statesville City Council, shall be demolished or otherwise removed until the owner thereof has received a certificate of appropriateness for the demolition or removal.

7. Consistent with NCGS 160D-949(a), an application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied, except as provided in subsection (c) of this section.

8. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval.

9. Maintenance and Repair: The ordinary maintenance or repair of any exterior architectural feature of a historic property which does not involve a change in design, material, or outer appearance thereof shall not require a certificate of appropriateness.

10. Unsafe or Dangerous Conditions: The construction, reconstruction, alteration, restoration, or demolition of any exterior features which the Building Inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition shall not be prevented by the requirements pertaining to historic properties.

11. Interior Review: Jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks, and of privately owned historic landmarks for which consent for interior review has been given by the owner.

12. Consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the Register of Deeds and is located and indexed according to the name of the owner of the property in the grantee and grantor indexes.

13. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over the interior.

14. Construction on Public Property: As provided for in subsection E.10 of this section.

C. Application Requirements

An application for a Certificate of Appropriateness shall be filed in the office of the Planning Department.

D. Review Criteria

The following criteria shall govern the review of certificates of appropriateness. A portfolio of the Historic Preservation Commission's (HPC) Design Standards shall be available in the City offices during regular business hours.

1. Height: The maximum height of all new buildings permitted in a historic district shall be thirty-five (35) feet unless the HPC authorizes a height above thirty-five (35) feet. However, such authorized height shall not exceed ten percent (10%) of the average height of existing adjacent buildings. Chimneys, steeples, spires, cupolas, and the like, not intended for human occupancy, shall be reviewed on an individual basis and shall be subject to the requirements stipulated by the certificate of appropriateness issued for that particular project.

2. Walls of Continuity: Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these, shall be compatible with the character of the historic district.

3. Height-Width Proportion of Front Facades: The ratio between the height and width of the structure shall be compatible with those historically significant structures on properties (i.e., lot, parcel, or tract) located within the historic district and within two hundred (200) feet of the subject property.

4. Height-Width Proportion of Openings: The relationship of width to height of windows and doors should be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

5. Rhythm of Building Spacing: The recurrent building masses and the spaces between them shall be compatible with those properties within the historic district which are within two hundred (200) feet of the subject property in all directions.

6. Relationship of Materials: Within the historic district, the predominant material shall be brick, stone, stucco, wood siding, or such other material that shall be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

7. Relationship of Textures: The predominant texture may be smooth (stucco), wrought (brick), horizontal wood siding, or such other texture as shall be compatible with those properties

within the historic district and within two hundred (200) feet of the subject property in all directions.

8. Relationship of Color: The predominant color may be that of a natural material or a painted one and shall be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

9. Relationship of Architectural Details: Details such as cornices, lintels, arches, quoins, balustrades, wrought iron work, chimneys, etc., shall be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

10. Relationship of Roof Shapes: Roof shapes in the historic district shall be gable, mansard, hip, flat, gambrel, and shall be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

11. Scale: The relationship of building mass and details shall be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

12. Directional Expression of Front Elevation: The direction which the front elevation of the structure takes must be found on other properties within the historic district and within two hundred (200) feet of the subject property in all directions.

13. Relationship of Ground Cover: Ground cover or paving such as brick pavers, cobblestone, granite blocks, or other such materials shall be compatible with those properties within the historic district and within two hundred (200) feet of the subject property in all directions.

14. Archaeological Properties and Resources: When major ground-disturbing activity is proposed, the HPC may call for an investigation of the site to determine if archaeological resources exist and what impact the activity may have on those resources.

E. Decision Makers

1. The Historic Preservation Commission shall receive applications for certificates of appropriateness for major works. The Commission shall review such applications according to the criteria to determine appropriateness and to the illustrated portfolio appendix of the Historic Preservation Commission Rules of Procedure. After said review, the Commission shall approve or disapprove such application. The Commission shall not consider interior arrangement, except as specified in Section 2.14.B.7., and shall take no action except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant fixtures, or outdoor advertising signs upon historic properties which would be incongruous with the historic aspects of that property.

   2. Prior to issuance or denial of a certificate of appropriateness, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. “Notice to such owners” shall include a written notice of proposal to

all individuals, firms, or corporations owning property adjacent to both sides and rear of, and the property in front of (across the street from), the property for which an application for a certificate of appropriateness has been received by the Historic Preservation Commission.

3. All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed one hundred eighty (180) days from the date the application for a certificate of appropriateness is filed, as defined by the Commission's Rules of Procedure. As part of its review, the Commission may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

4. All certificate of appropriateness requests shall be reviewed using the quasi-judicial process as detailed within this Ordinance and NCGS 160D-947(c).

5. The Historic Preservation Commission's final action on an application for a certificate of appropriateness shall be by the passage of a motion to take one (1) of the following actions:

(a) Approve the application for a certificate of appropriateness as proposed;

(b) Approve the application for a certificate of appropriateness subject to specific conditions and/or modification of the proposal presented in the application for a certificate of appropriateness; or

(c) Disapprove the application for a certificate of appropriateness as proposed or modified.

6. Upon passage of a motion to approve an application, with or without modification, the Historic Preservation Commission shall issue a certificate of appropriateness. A certificate of appropriateness shall be valid for a period of six (6) months from the date of issuance for the purpose of obtaining a building permit or other permit for the purpose of constructing or altering structures. The certificate of appropriateness shall expire six (6) months from the date of issuance if:

(a) The recipient has not applied for any necessary building or zoning permit by then; or

(b) If no such permit is required, if the work has not begun by then.

7. Compliance with the certificate of appropriateness shall be determined by the Planning Department. Failure to comply with a certificate of appropriateness shall be a violation of the zoning ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of one (1) year shall be considered a failure to comply with a certificate of appropriateness.

8. An appeal to the Zoning Board of Adjustment from the Commission action in granting or denying the certificate shall be in the nature of certiorari and follow the procedure outlined in Section 2.12 of

the Code. The Board may not reopen the case but must make its decision solely on the record sent to it by the Historic Preservation Commission and appeal from Board of Adjustment/Judicial review.

9. In the event that the Historic Preservation Commission, in considering an application for a certificate of appropriateness, finds that a building or structure for which a building permit is requested is to restore or reconstruct a building or structure which existed at the same location but does not meet zoning requirements, said building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the Zoning Board of Adjustment authorizes such as a special exception and no use other than that permitted in the district in which such is located is made of said property. Such conditions as may be attached to the Historic Preservation Commission approval and those conditions as may be set by the Zoning Board of Adjustment shall be included in any certificate of appropriateness related thereto. Before the restoration or reconstruction may begin, the Commission shall consider whether archaeological investigation around the existing building or structure is warranted, and may make recommendation that such investigation be conducted.

10. In passing upon applications for certificates of appropriateness concerning any porches, steps, posts, fences, walls, or other items extending over, on, or within public rights-of-way, the Historic Preservation Commission shall find the particular feature to be necessary for the restoration, reconstruction, or maintenance thereof and will not impede or block pedestrian traffic or constitute a hazard to public safety. Such findings shall be transmitted to the City Council for consideration in authorizing or denying such encroachments into public rights-of-way.

11. In addition to any other condition the Council may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public right-of-way shall be the responsibility of the owner. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Statesville blameless against any and all liability, cost, damage, or expense suffered by the City as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Further provided that, at the lowest point, any such item projecting over any sidewalk, public alley, or other such public right-of-way shall be at least nine (9) feet above the sidewalk immediately below.

F. Demolition or Removal

No structure within a historic district may be demolished without a permit issued by the City Council.

Consistent with NCGS 160D-949(a), an application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied, except as provided in subsection (c) of this section.

However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval.

If the Historic Preservation Commission has formally voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the City Council, the demolition of any building, structure, or site located on the proposed landmark or in the proposed district may be delayed by the Historic Preservation Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever occurs first.

An application for a certificate of appropriateness and a permit to demolish or remove a building, structure, or site shall be filed and processed as all other applications received.

The Historic Preservation Commission shall hear the request and, within forty-five (45) days of the hearing, recommend to the City Council for or against the application.

The City Council shall consider the following in deciding whether to issue a permit:

1. The recommendation of the Historic Preservation Commission;
2. The location of the structure within the historic district;
3. The state of repair of the structure;
4. The architectural and historical significance of the structure;
5. The owner's plans with regard to replacing the structure;
6. The overall impact of the structure on the historic district; and
7. The economic impact of the denial of the permit upon the owner of the structure.

The City Council may, as a condition of issuing a permit for demolition, require the owner to replace the structure to be demolished with another structure that meets plans submitted by the owner and approved by the City Council.

The City Council may establish a reasonable period of time for the owner to replace the demolished structure.

G. Powers, Generally

Nothing contained in this ordinance shall prohibit, impair, or limit in any way the power of the City of Statesville (at its own initiative or at the request of the Historic Preservation Commission) to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs upon historic properties in violation of the provisions of this ordinance.

The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

The Statesville Historic Preservation Commission shall exercise such other powers and perform such other duties or activities as are required elsewhere by this Code or the General Statutes of North Carolina or as assigned by the Statesville City Council.

The Historic Preservation Commission shall, within the limits of funds available to it, given to it, or otherwise made available to it, perform the requirements assigned to it by ordinance and any other actions directly related thereto or as authorized by the City Council.

H. Standards

The exterior features of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant fixture), or any type of outdoor advertising sign either designated as an Historic Landmark or located within a designated local historic district shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects.

The owner, or other person having such legal possession, custody, and control, shall upon written request by the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including, but not limited to, any of the following defects which have the effect of significantly impairing the integrity of such building or structure or the special character of such historic district:

1. Deterioration of exterior walls, foundations, or other vertical supports that causes leaning, sagging, splitting, listing, or buckling;
2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;
3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
4. Deterioration or crumbling of exterior plasters or mortars;
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. Defective protection or lack of weather protection for exterior walls and roof coverings, including lack of paint or weathering due to lack of paint or other protective covering;
7. Rotting, holes, and other forms of decay;
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
9. Heaving, subsidence, or cracking of foundations, sidewalks, steps, or pathways;
10. Deterioration of fences, gates, and accessory structures;

11. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

I. Petition and Action

The Historic Preservation Commission may file a petition listing specific defects with the Director of Planning or his/her designee requesting that the Director of Planning or his/her designee, under the following procedures, require the correction of deterioration or making of repairs to any historic landmark or structure located within a local historic district so that such structure shall be preserved and protected in accordance with the purposes of Section 2.14(B) of this Code.

1. Whenever a petition is filed with the Director of Planning or his/her designee charging that a structure is undergoing demolition by neglect, the Director of Planning or his/her designee shall, if the Director of Planning or his/her designee's preliminary investigation discloses a basis for such charges, within seven (7) days issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Director of Planning or his/her designee not less than thirty (30) days nor more than sixty (60) days after the service of such complaint.

The owner and/or parties in interest shall be given the right to answer and give testimony at the place and time fixed in the complaint.

The Commission shall also be given notice of the hearing, and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Director of Planning or his/her designee.

The purpose of the hearing is to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or other parties in interest wish to petition the Commission for a claim of undue economic hardship.

2. If after such notice and hearing, the Director of Planning or his/her designee determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration according to the standards of Section 2.14(H), the Director of Planning or his/her designee shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within the time specified those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated.

In the event that the owner and/or other parties in interest wish to petition for a claim of undue economic hardship, the Director of Planning or his/her designee's order shall be stayed until after the Commission's determination in accordance with the procedures of Section 2.14(K).

J. Methods of Service

Complaints or orders issued by the Director of Planning or his/her designee shall be served upon persons either personally or by registered or certified mail.

However, if the whereabouts of such persons are unknown and cannot be ascertained by the Director of Planning or his/her designee in the exercise of reasonable diligence, and the Director of Planning or his/her designee makes an affidavit to that effect stating the steps taken to determine and locate the person(s) in interest, then service of such complaint or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper generally circulated within the City.

Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

K. Safeguards from Undue Economic Hardship

When a claim of undue economic hardship is made owing to the effects of this Section, the Director of Planning or his/her designee shall notify the Commission within ten (10) days following the hearing on the complaint.

The Commission shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines.

The petitioner shall present the information provided below to the Commission. The Commission may require that an owner and/or parties in interest furnish such additional information as is relevant to its determination of undue economic hardship.

The Commission may direct its staff to furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.

When a claim of undue economic hardship is made owing to the effects of this Section, the owner and/or parties in interest must provide evidence during the hearing upon the claim describing the circumstances of hardship.

The minimum evidence may include any of the following:

1. Nature of ownership (individual, business, or non-profit) or legal possession, custody, and control;
2. Financial resources of the owner and/or parties in interest;
3. Cost of repairs;
4. Assessed value of the land and improvements;
5. Real estate taxes for the previous two (2) years;
6. Amounts paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;

7. Annual debt service, if any, for the previous two (2) years;
8. Any listing of the property for sale or rent, price asked, and offers received, if any.

In addition, for income-producing property:

1. Annual gross income from the property for the previous two (2) years;
2. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management practices were followed;
3. Annual cash flow, if any, for the previous two (2) years;
4. The past year's income tax returns.

Within sixty (60) days of the Commission's hearing on the claim, the Commission shall cause to be made a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record.

In the event of a finding of no undue economic hardship, the Commission shall report such finding to the Director of Planning or his/her designee, and the Director of Planning or his/her designee shall cause to be issued an order for such property to be repaired within the time specified.

In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship.

This plan may include, but is not limited to:

- Property tax relief as may be allowed under North Carolina law;
- Loans or grants from the City or other public, private, or nonprofit sources;
- Acquisition by purchase or eminent domain;
- Building code modifications;
- Changes in applicable zoning regulations; or
- Relaxation of the provisions of this Section sufficient to mitigate the undue economic hardship.

The Commission shall report such finding and plan to the Director of Planning or his/her designee.

The Director of Planning or his/her designee shall cause to be issued an order for such property to be repaired within the time specified and according to the provisions of the recommended plan.

L. Appeals

Findings made by the Director of Planning, his/her designee, or by the Commission may be appealed to the Board of Adjustment.

To perfect such an appeal, application must be filed by an aggrieved party with the Board of Adjustment within thirty (30) days following receipt of the order for repair of the property or determination.

Appeals shall be in the nature of certiorari.

M. Other City Powers

Nothing contained within this Section shall diminish the City's power to declare a building unsafe or in violation of the minimum housing code.

N. Penalties and Remedies

Enforcement of this Section may be by any one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

1. Equitable Remedy: The City may apply for any appropriate equitable remedy to enforce the provisions of this Section.

2. Order of Abatement: The City may apply for, and the court may enter, an order of abatement.

An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Section.

In the event the City executes an order of abatement, the City shall have a lien, in the nature of a mechanic's and materialman's lien, on the property for the cost of executing such order.

3. Civil Penalty: No civil penalty shall be levied unless and until the Director of Planning shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to the person responsible for each violation indicating the nature of the violation and ordering corrective action.

The notice shall also set forth the time period within which corrective measures must be completed.

The notice shall state that failure to correct the violation within the specified period will result in the assessment of civil penalties and other enforcement action.

If, after the allotted time period has expired and after the hearing of an appeal, if any, by the Board of Adjustment, corrective action has not been completed, a civil penalty shall be assessed in accordance with this Code.

O. Validity

A certificate of appropriateness shall be valid for a period of one (1) year from the date of issuance for the purpose of obtaining a building permit or other permit for the purpose of construction or altering structures.

The certificate of appropriateness shall expire six (6) months from the date of issuance if:

1. The recipient has not applied for any necessary building or zoning permit by then; or
2. If no such permit is required, if the work has not begun by then.

P. Compliance and Enforcement

Compliance with the certificate of appropriateness shall be determined by the Planning Department.

Failure to comply with a certificate of appropriateness shall be a violation of the zoning ordinance.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.

The statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.

Q. Non-Conforming Uses

In the event the HPC finds the application applies to a non-conforming situation, approval of a certificate shall conform to Article 4.

R. Right-of-Way

In passing upon applications for certificates of appropriateness concerning any porches, steps, posts, fences, walls, or other items extending over, on, or within public rights-of-way, the Historic Preservation Commission shall find the particular feature to be necessary for the restoration, reconstruction, or maintenance thereof and will not impede or block pedestrian traffic or constitute a hazard to public safety.

Such findings shall be transmitted to the City Council for consideration in authorizing or denying such encroachments into public rights-of-way.

In addition to any other condition the City Council may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public right-of-way shall be the responsibility of the owner.

The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Statesville blameless against any and all liability, cost, damage, or expense suffered by the City as a result of or growing out of the restoration, reconstruction, or maintenance thereof.

Such items, so approved, may be lawfully restored, reconstructed, or maintained.

Further provided that, at the lowest point, any such item projecting over any sidewalk, public alley, or other such public right-of-way shall be at least nine (9) feet above the sidewalk immediately below.

(Ord. No. 08-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023)

Section 2.15 Site Development Plans

A. Purpose

Site Development Plans ensure that applicable developments are designed and developed in a manner to ensure compatibility with surrounding land uses.

Site plan review may also consider the siting of proposed construction and its impact on topography, vegetation, adjacent development, improvements in the immediate area, and the site plan's conformance to the goals, objectives, and policies of the Comprehensive Plan.

B. Applicability

No person shall construct or modify an applicable building or structure, nor shall any excavation for such building or structure be commenced, until a site development plan has been approved in accordance with this section.

Applicable buildings and structures include any new development or redevelopment in the B-3, B-4, and B-5 zoning districts, as identified in Table 2-1: Summary of Application Procedures, and all multi-family development.

C. Application and Procedures

A property owner or designated representative shall initiate building permit review by filing an application with the Planning Department.

D. Review Criteria

The building and site design described in the Site Plan shall meet all requirements of the UDC and Comprehensive Plans.

Multi-family developments shall be compatible with, and shall not adversely impact, adjoining properties whether residential or nonresidential and shall meet all requirements of the UDC and Comprehensive Plans.

E. Decision Maker

The Technical Review Committee (TRC) shall approve, conditionally approve, or deny applications for site development plan approval.

F. Amendments

Amendments to building plans may be approved prior to completion of the approved construction. Once approved, such amendments become part of the original application.

Changes to the building footprint or site development plan for multi-family or non-residential structures shall require an amended site development plan.

G. Completion of Buildings

Nothing contained herein shall require any change in the plans, construction, size, or designated use of a building having a valid permit issued prior to the effective date of this Code.

H. Condition of the Permit

All work performed under a valid permit shall conform to the approved application and subsequent amendments.

I. Permit Validity

Approval of Site Development Plans and zoning permits authorized by NCGS 160D-403 for developments requiring Site Development Plan review shall run with the land and constitute approval of a site-specific vesting plan in accordance with NCGS 160D-108(d) and be valid for two (2) years from the date of approval unless a greater timeframe is authorized by NCGS 160D-108.

Failure to submit construction plans, initiate construction, or otherwise begin the permitted use within this time shall render the Site Development Plan approval void.

The Planning Director may grant a single extension of this time period of up to three (3) years upon submittal by the applicant of sufficient justification for the extension.

Multi-phased development containing twenty-five (25) acres or more remains vested for a period of seven (7) years from the time a site plan approval is granted as authorized in NCGS 160D-108(f).

(Ord. No. 05-14, 5-5-14; Ord. No. 31-21, 2-1-2021; Ord. No. 02-23, exh. A, 1-9-2023)

PART 5. STAFF-ISSUED DEVELOPMENT PERMITS AND APPROVALS

Section 2.16 Building Permit

A. Purpose

Building permits ensure that buildings and structures comply with the provisions of this Code and other applicable local, State, or Federal codes or regulations.

B. Applicability

Building permits currently are issued by Iredell County on behalf of the City of Statesville.

No person shall construct or modify a building or structure, nor shall any excavation for such building or structure be commenced, until a building permit has been obtained from the Chief Building Inspector.

The Chief Building Inspector may not issue a permit until the Planning Director has issued a certificate of zoning compliance.

A building permit shall not be required for normal property maintenance that does not alter the structure.

No permit shall be issued until a statement of the structure's intended use has been filed by the applicant.

C. Application and Procedures

A property owner or designated representative shall initiate building permit review by filing an application with the Iredell County Building Standards Department.

D. Review Criteria

The application for the proposed development shall indicate:

1. The building will be constructed on a legally established parcel or lot;
2. All applicable local, State, and Federal permits have been issued or are in the process of being obtained;
3. All construction will comply with the adopted building code, fire code, electrical code, mechanical code, and any other applicable codes and policies;
4. The applicant and subsequent property owners are responsible for maintaining landscaping and other site improvements in compliance with this Code; and
5. The site will be developed and used in a manner consistent with the approved site development plan.

E. Decision Maker

The Chief Building Inspector shall approve, conditionally approve, or deny applications for building permits.

F. Amendments

Amendments to building plans may be approved prior to completion of the approved construction. Once approved, such amendments become part of the original application.

Changes to the building footprint or site development plan for multi-family or non-residential structures shall require an amended site development plan.

G. Completion of Buildings

Nothing contained herein shall require any change in the plans, construction, size, or designated use of a building having a valid permit issued prior to the effective date of this Code.

H. Condition of the Permit

All work performed under a valid permit shall conform to the approved application and subsequent amendments.

I. Signatures on Permit

The applicant shall sign the permit.

J. Posting of Permit

A copy of the approved permit shall be posted on the premises and open to public inspection for its duration.

A certified copy of the approved plans shall also be kept on the premises at all times.

The Chief Building Inspector shall be given at least twenty-four (24) hours' notice of commencement of work under a permit.

K. Revocation

The Chief Building Inspector may revoke an approved permit if he subsequently finds the approval was based on inaccurate or false information.

L. Validity

A Certificate of Occupancy must be obtained prior to occupancy of the building or structure.

The zoning clearance and/or permit shall expire six (6) months after the date of issuance if work authorized by the permit has not commenced.

If, after commencement, the work is discontinued for a period of twelve (12) months, the permit shall immediately expire.

No work authorized by any permit that has expired shall be performed until a new permit has been secured.

Section 2.17 Certificate of Zoning Compliance

A. Purpose

A certificate of zoning compliance shall be required prior to the use of land to ensure the proposed change of use complies with the provisions of this Code.

B. Applicability

No land shall be occupied or used, nor shall the use of land or buildings thereon be changed, altered, erected, occupied, or used in whole or in part for any purpose, until a certificate of zoning compliance is issued by the Planning Department or Statesville City Council.

No permit shall be issued approving a change unless the changes conform with the provisions of this Code.

C. Application

Applications shall be filed with the Planning Department and shall include a site plan in conformance with this section and such other information as may be necessary to demonstrate compliance with this Code.

Water supply for fire protection shall be installed, certified, and activated in accordance with NCAC 15A Subchapter 18C and accepted by the owner of the water supply system.

Streets and street signs shall also be installed.

D. Review Criteria

Applications shall be approved as an administrative decision by the Planning Director if the use or development occurs on a legally created lot or parcel, is authorized in the existing zoning district, and complies with this Code.

E. Validity

Certificates of zoning compliance shall expire twelve (12) months from the date of issuance unless the construction, alteration, or use has commenced.

(Ord. No. 05-16, 3-21-2016; Ord. No. 08-21, 3-1-2021; Ord. No. 11-24, 4-8-2024)

Section 2.18 Certificate of Occupancy

A. Purpose

The purpose of a Certificate of Occupancy is to ensure all buildings and structures comply with approved permits and with the provisions of this Code prior to use.

B. Applicability

Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered, except for agricultural purposes; or
2. Any change in the use of a structure.

C. Application

Certificate of Occupancy applications shall be submitted to Iredell County Building Standards at the time an applicant requests final inspections, in conformance with the requirements of this Code after a zoning clearance has been obtained from the City of Statesville.

D. Content of Certificate of Occupancy

The Certificate of Occupancy shall state the structure, building, and proposed use comply with all building codes, health regulations and ordinances, and the provisions of this Code.

A record of all certificates shall be kept on file in the office of the Chief Building Inspector.

E. Review Criteria

Prior to issuance of a Certificate of Occupancy, the Chief Building Inspector shall find the building, lot, and use:

1. Comply with all adopted building codes, fire codes, electrical codes, mechanical codes, and any other applicable codes;
2. Conform to the approved plans and any conditions placed thereon;
3. Successfully pass all required inspections, including:
    a. Building;
    b. Site;
    c. Landscaping;
    d. Parking; and
    e. Drainage and stormwater detention, if required;
4. Have been cleared of construction and site-clearing debris.

F. Decision Maker

The Chief Building Inspector shall approve, conditionally approve, or deny all applications for Certificates of Occupancy.

G. Issuance of a Certificate of Occupancy

The Certificate of Occupancy shall be issued within three (3) days after a final inspection.

H. Issuance of a Temporary Certificate of Occupancy

The Chief Building Inspector may issue a Temporary Certificate of Occupancy (TCO) for a period not to exceed six (6) months, provided the applicant guarantees one hundred ten percent (110%) of the full cost of installation of all outstanding improvements with a bond, letter of credit, or cash escrow.

The applicant shall submit a written request for the TCO explaining the reasons for delay and the timetable for completion.

The TCO shall not be construed, in any way, to alter the duties or obligations of the owners.

Section 2.19 Temporary Use Permit

A. Purpose

A temporary use permit shall be required to ensure that temporary structures and uses are built and operated in a manner that protects the public health, safety, and welfare.

B. Applicability

1. No temporary use shall be authorized without first receiving an approved temporary use permit. The following uses may be permitted for a period of not more than sixty (60) days:

   a. Seasonal product sales;

   b. Circuses, carnivals, fairs, and festivals;

   c. Evangelistic and religious-related congregations;

   d. Other temporary recreational or entertainment-related events or activities such as fairs or concerts; and

   e. Similar temporary uses which, in the opinion of the Planning Director, are compatible with the district and surrounding land uses.

2. The following uses may be permitted for a period of not more than three hundred sixty (360) days and are renewable on an annual basis:

   a. Sales offices and model homes; and

   b. Construction field offices.

C. Application

1. The applicant shall file a completed application with the Planning Department in conformance with the requirements of this Code.

2. In addition to a completed application, the applicant shall submit a letter of intent outlining:

   a. The dates and operating hours of the proposed temporary use;

   b. The location of the use;

   c. A detailed description of the use;

   d. The name and contact information of the operator of the use;

   e. A traffic plan, if required; and

f. Any other information as reasonably determined by the Planning Director.

3. All application and supporting materials shall be submitted at least thirty (30) days prior to the proposed activity date.

D. Review Criteria

The Planning Director may approve an application for a temporary use permit upon finding that:

1. **Land Use Compatibility.** The temporary use must be compatible with adjacent uses. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use.

2. **Compliance with Other Regulations.** A building permit or temporary Certificate of Occupancy may be required before any structure used in conjunction with the temporary use is constructed or modified. All structures and the site as a whole shall meet all applicable building code, zoning district, and fire code standards. Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, or other evidence of the temporary use. If a tent is used for human occupancy, a certificate of insurance must be submitted which will cover liability on the part of the applicant or sponsor.

3. **Location.** Seasonal sales shall not be authorized within public rights-of-way or required sight triangles.

4. **Traffic Circulation.** The temporary use shall not create traffic safety hazards or cause undue traffic congestion.

5. **Off-Street Parking.** Required off-street parking shall be provided, and it shall not create a parking shortage for other existing uses on-site.

6. **Public Conveniences and Litter Control.** Adequate on-site restroom facilities and solid waste containers may be required.

7. **Other Conditions.** The Planning Director may impose additional conditions as necessary to ensure compliance with this Code.

E. Decision Maker

The Planning Director shall approve, approve with conditions, or deny all temporary use permit applications as an administrative decision.

F. Validity

A temporary use permit shall be valid for the term approved by the Planning Director, provided such permit may not be granted for more than sixty (60) days, except for construction offices, sales offices, and model homes, which may be authorized for up to one (1) year.

(Ord. No. 08-21, 3-1-2021)

Section 2.20 Home Occupation Permit

A. Purpose

A home occupation permit is required to ensure all home occupations are conducted in a safe manner without adverse effects on adjacent residences.

B. Applicability

No person shall conduct a home occupation until a home occupation permit has been issued.

C. Application

The applicant shall file a completed application with the Planning Department in conformance with the requirements of this Code.

D. Review Criteria

The Planning Department shall review the proposed home occupation for conformance with the standards established in Section 5.02(I).

E. Decision Maker

The Planning Director shall approve, conditionally approve, or deny all applications for home occupation permits as an administrative decision.

(Ord. No. 08-21, 3-1-2021)

Section 2.21 Minor Exceptions

A. Purpose

Minor exceptions to the strict application of this Code may be granted to expedite the review of limited deviations from this Code that are consistent with the public health, safety, and welfare.

B. Redevelopment or Expansion of Existing Development

The Planning Director may approve exceptions for the redevelopment, remodeling, or expansion of existing sites after determining the strict application of standards cannot reasonably be accomplished on the site.

These exceptions shall not apply to redevelopment of sites involving the removal of existing buildings.

1. Required Findings

   a. The applicant has provided sufficient information to evaluate the necessity of the exception and the impacts of the proposed design alternative;

b. Strict compliance with standards is not reasonably feasible due to existing structures, required parking, or required setbacks;

c. The proposed exceptions are the minimum required to allow the proposed development;

d. The proposed exceptions result in greater compliance with standards and greater compatibility with adjacent development than current development; and

e. The proposed exceptions result in retention of existing landscaping and/or tree preservation.

2. **Authorized Exceptions**

a. Required landscaping may be reduced up to twenty percent (20%) below the requirement for new development, subject to payment of landscaping reduction mitigation fees;

b. Required parking spaces may be reduced by up to ten percent (10%) of the required spaces;

c. Parking angles and parking space and aisle widths; and

d. Building setbacks may be reduced by up to twenty percent (20%).

C. Infill Development

The Planning Director may approve exceptions for undeveloped sites and redevelopment of retail and office centers involving the removal of existing buildings.

1. Required Findings

a. The applicant has provided sufficient information to evaluate the necessity of the exception and the impacts of the proposed design alternative;

b. Total proposed landscaped area and vegetation will be greater than required by ordinance; and

c. The proposed exceptions result in greater compliance with standards and greater compatibility with adjacent development than current development.

2. **Authorized Exceptions**

a. Required landscaping may be reallocated within the site;

b. Required parking spaces may be reduced by up to ten percent (10%) of the required spaces; and

c. Building setbacks may be reduced by up to ten percent (10%).

Section 2.22 Right-of-Way/Access Permit

A. Purpose

A right-of-way or access permit shall be required for any development or use within a public right-of-way to ensure the use is conducted safely.

B. Applicability

No structure shall be constructed and no use established within a public right-of-way without a permit.

C. Application

The applicant shall file a completed application with the City Engineer in conformance with the requirements of this Code.

D. Review Criteria

The City Engineer and, when applicable, the NCDOT shall approve an application for a right-of-way/access permit upon finding:

1. The community or general area will not be negatively impacted in a substantial way;
2. There is a community need for the proposed development, including the provision of access to private property and other public purposes;
3. The proposed use will not negatively impact access, traffic circulation, or natural hazard areas; and
4. The proposed use is in conformance with the requirements of this Code and all applicable City policies.

E. Decision Maker

The City Engineer shall approve, approve with conditions, or deny all access permit applications as an administrative decision.

F. Validity

The permit shall be valid for the term approved by the City Engineer, provided that if the structure is not constructed or the use is not established within six (6) months of issuance, the permit shall be void.

The applicant shall notify the City Engineer at least twenty-four (24) hours prior to initiation and upon completion of any work subject to the permit.

(Ord. No. 08-21, 3-1-2021)

Section 2.23 Sign Permit

A. Purpose

The purpose of the sign permit is to ensure all signs are safely constructed and comply with the provisions of this Code, applicable building codes, and any other applicable regulations.

B. Applicability

No person shall erect, place, locate, or alter a non-exempt sign unless a sign permit has been issued by the Planning Director.

A sign permit shall be required for all signs except as exempted by Section 6.07.

C. Application

Sign permits currently are issued by Iredell County on behalf of the City of Statesville.

Signs in the CB, CBP, and Municipal Service districts require compliance with the Downtown Statesville Design Guidelines.

An applicant shall initiate site plan review by filing an application with the Planning Department in conformance with the requirements of this Code.

D. Review Criteria

All signs shall be designed and constructed in accordance with the requirements of the City's adopted building and electrical codes, applicable State standards, and this Code.

E. Decision Maker

The Planning Director shall approve, conditionally approve, or deny approval of all sign permits, except in the CB, CBP, and Municipal Service Districts, where Downtown Statesville Development Corporation approval shall be required prior to installation or modification of any sign as an administrative decision.

F. Validity

The sign shall be completed within six (6) months of issuance of the permit.

If construction of the sign has not been completed within six (6) months, the permit shall be void and a new sign application shall be required before work on the sign may continue.

The sign permit shall be valid as long as the use and sign are in compliance with applicable codes.

(Ord. No. 08-21, 3-1-2021)

Section 2.24 Site Plan, Staff Approved

A. Purpose

Site plan approval ensures the proposed development complies with this Code.

Site plan review may also consider the siting of proposed construction and its impact on topography, vegetation, adjacent development, improvements in the immediate area, and the site plan's conformance to the goals, objectives, and policies of the Comprehensive Plan.

B. Applicability

Site plan review shall be required for all new development and redevelopment other than detached single-family residences, duplexes, and repairs of existing structures.

No certificate of zoning compliance or building permit shall be issued for a development subject to site plan review until such site plan has been approved.

C. Application and Procedure

A property owner or designated representative shall initiate site plan review by filing an application with the Planning Department in conformance with the requirements of this Code.

Site plans shall be reviewed and approved by the Planning Director.

D. Review Criteria

The following determinations shall be made by the decision-maker before approving a site plan:

1. **Conformance.** Development of the site as proposed conforms to all requirements of this Code;
2. **Consistency.** Development of the site is consistent with the Comprehensive Plan and other adopted planning policies and design guidelines; and
3. **Guarantees.** Guarantees have been posted for required public improvements, landscaping, surfacing of parking and driveway areas, and/or other improvements per the approved plan if not constructed prior to issuance of a Certificate of Occupancy. Guarantees shall be provided and maintained in the amount of one hundred twenty-five percent (125%) of the estimated costs as approved by the City Engineer. The construction guarantee shall be released when the City has accepted public improvements or completed final inspection of other improvements.

E. Decision Maker

The Planning Director shall approve, approve with conditions, or deny approval of site plans, in conformance with the criteria established in this section as an administrative decision.

F. Validity

1. **Time Limit.** The approved site plan shall be kept on file by the City and shall expire one (1) year from the date of site plan approval unless construction has commenced.
2. **Permit Life.** Site plan approval shall be valid as long as the applicant retains a valid building permit or certificate of occupancy.
3. **Change of Ownership.** Site plan approval shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the application.

(Ord. No. 08-21, 3-1-2021)

Section 2.25 Floodplain Development Permit

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the City Council of the City of Statesville, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

(1) The flood prone areas within the jurisdiction of the City of Statesville are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

(1) Protect human life, safety, and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business losses and interruptions;

(5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

(9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items,

including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

"Digital Flood Insurance Rate Map (DFIRM)" means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

"Existing building and existing structure" means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated September 17, 1979.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, dated September 17, 1979.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or
(b) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Flood-resistant material" means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-

resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

"Floodway" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway encroachment analysis" means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

"Freeboard" means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
(d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
(b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
(c) Available with special features enabling off-street or off-highway operation and use.

"Lowest Adjacent Grade (LAG)" means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map Repository" means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck;
(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
(e) Is fully licensed and ready for highway use.

"Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus four (4) feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least four (4) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

"Technical Bulletin and Technical Fact Sheet" means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

"Temperature Controlled" means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) as allowed by law, of the City of Statesville.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated March 18, 2008 for Iredell County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;
(b) Liberally construed in favor of the governing body; and
(c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Statesville or by any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Statesville from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Stormwater Program Manager, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) **<u>Application Requirements.</u>** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;

(iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;

(iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;

(v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;

(vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(vii) The certification of the plot plan by a registered land surveyor or professional engineer. Projects under one-hundred-fifty (150) square feet or $3,000 and not in a floodway or non-encroachment zone, are exempt from this provision.

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
(ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and

(iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

(c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

(i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

(e) Usage details of any enclosed areas below the lowest floor.

(f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.

(i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

(a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

(b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.

(c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

(d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.

(e) All certification submittal requirements with timelines.

(f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.

(g) The flood openings requirements.

(h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) <u>Certification Requirements.</u>

(a) Elevation Certificates

(i) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(ii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

(i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the

floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);

(ii) Temporary Structures meeting requirements of Article 5, Section B(7); and

(iii) Accessory Structures that are one-hundred-fifty (150) square feet or less or $3,000 or less and meeting requirements of Article 5, Section B(8).

(4) <u>Determinations for existing buildings and structures.</u>

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

(1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

(2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.

(6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).

(7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).

(8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).

(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.

(12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.

(13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(18) Follow through with corrective procedures of Article 4, Section D.

(19) Review, provide input, and make recommendations for variance requests.

(20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(22) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

SECTION D. <u>CORRECTIVE PROCEDURES</u>.

(1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) That the building or property is in violation of the floodplain management regulations;

(b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least One-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the **court.**

SECTION E. <u>VARIANCE PROCEDURES</u>.

(1) The Board of Adjustment as established by the City of Statesville, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.

(2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(3) Variances may be issued for:

(a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(c) Any other type of development provided it meets the requirements of this Section.

(4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

(9) Conditions for Variances:

(a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued prior to development permit approval.

(e) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the Special Flood Hazard Area.

(c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

(d) The use complies with all other applicable federal, state and local laws.

(e) The City of Statesville has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas, the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements.*

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

(a) Replacements part of a substantial improvement must also meet the above provisions.

(b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).

(10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

(15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

(16) Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

(17) Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F) for new development. The following are exempt from this provision:

(a) Road and driveway construction, greenway construction and pedestrian bridges;
(b) Utility infrastructure (to include but not limited to power, water, sewer, stormwater and communication);
(c) Minor filling where needed to protect or restore natural floodplain functions, such as part of a stream channel restoration project. To meet this exclusion, the project must utilize only the minimum amount of fill necessary to ensure that the targeted area is restored to full ecological functionality.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

(1) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.

(2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.

(3) **Manufactured Homes.**

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) Shall not be temperature-controlled or conditioned;

(c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(d) Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(d) Fill/Grading
Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F) for new development. The following are exempt from this provision:
(i) Road and driveway construction, greenway construction and pedestrian bridges;
(ii) Utility infrastructure (to include but not limited to power, water, sewer, stormwater, and communication);
(iii) Minor filling where needed to protect or restore natural floodplain functions, such as part of a stream channel restoration project. To meet this exclusion, the project must utilize only the minimum amount of fill necessary to ensure that the targeted area is restored to full ecological functionality.

(5) <u>Additions/Improvements</u>.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages.

(ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

(ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a One (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the One (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(6) **Recreational Vehicles.** Recreational vehicles shall either:

(a) Temporary Placement

(i) Be on site for fewer than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

(b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(7) **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);

(f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than One-hundred-fifty (150) square feet or that is a minimal investment of $3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

(9) **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) *Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:*

(i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) **Other Development.**

(a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.

(b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

(c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

(d) Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

(a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.

(b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.

(c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.

(d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(1) Standards of Article 5, Sections A and B; and

(2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

(b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

(2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(3) Manufactured homes may be permitted provided the following provisions are met:

(a) The anchoring and the elevation standards of Article 5, Section B(3); and

(b) The encroachment standards of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

(1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

(2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).

(3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

(1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted September 17, 1979, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Statesville enacted on September 17, 1979, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Iredell County is April 7, 1987.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

(Ord. No. 08-21, 3-1-2021; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, Exh. A, 1-9-2023, Ord. No. 22-25, 9-15-2025)



Article 3. Zoning

Section 3.01 Establishment of Zoning Districts
Section 3.02 Zoning Map
Section 3.03 Use Matrix and Interpretation
Section 3.04 Zoning District Regulations

ARTICLE 3. ZONING

Section 3.01 Establishment of Zoning Districts

A. Base Zoning Districts

To carry out the purpose and intent of this Code and provide for the orderly growth and development, the jurisdiction of the City is hereby divided into the following zoning districts:

RA Residential Agricultural District

R-20 Suburban Residential District

R-15 Urban Fringe Low Density Residential District

R-15M Urban Fringe Low Density Residential/Manufactured Housing District

R-10 Urban Low Density Residential District

R-10M Urban Low Density Manufactured Housing Residential District

R-8 Medium Density Single -Family Residential District

R-8M Medium Density Single -Family/Manufactured Housing Residential District

R-8MF Medium Density Multi -Family Residential District

R-5 High Density Single -Family Residential District

R-5M High Density Single -Family/Manufactured Housing Residential District

R-5MF High Density Multi -Family Residential District

O-1 Office Single Lot District

O & I -2 Office and Institutional Complex District

B-1 Neighborhood Service District

B-2 Neighborhood Business District

B-3 Shopping Center Business District

B-4 Highway Business District

B-5 General Business District

CB Central Business District

CBP Central Business Perimeter District

LI Light Industrial District

HI Heavy Industrial District

HD Historic District Overlay

PUD Planned Unit Development District

H-115 Highway 115/Shelton Avenue Corridor District

IF Innovation & Flexibility District

B. Conditional Zoning Districts

Each base zoning district, except HD and PUD, may be designated as a Conditional Zoning District by prefixing the base zoning district with "CZ" and the case number.

(Ord. No. 31 -21, 2 -1-2021, Ord. No. 16-26-, 6-1-2026)

Section 3.02 Zoning Map

A. Official Zoning Map

The City and its planning and development regulation jurisdiction, including any extraterritorial jurisdiction as now or hereafter fixed, is hereby divided into districts as established in Section 3.01 of the Code (Zoning Districts) and as shown on the Off icial Zoning Map of Statesville which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Code. The Official Zoning Map shall be on file in the office of the Planning Director and shall bear the signature of the Mayor and attestation of the City Clerk, certifying it as the Official Zoning Map of Statesville in accordance with NCGS 160A- 77 and 160A- 78. The City Council may, from time to time, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event the Official Zoning Map becomes damaged or destroyed, or for purposes of clarity.

B. Maintenance of the Official Zoning Map

If, in accordance with the provisions of this Code, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, the ordinance number and the date of each change shall be recorded by the Planning Director on the Offici al Zoning Map.

C. Interpretation of the Official Zoning Map

1. Zoning district boundaries shall be interpreted to follow recognizable and discernable boundaries, such as the centerlines of streets, highways, alleys or other public rights -of-way, platted lot lines, section lines, quarter lines, quarter section lines, or quarter -quarter section lines, the corporate limits, the centerlines of rivers, streams, creeks or other waterways, or a line midway between railroad tracks.
2. Where a district boundary line divides a lot, the entire lot shall be deemed to be in that district in which the greater part of the lot lies.
3. Boundaries not capable of being determined shall be as dimensioned on the Official Zoning Map or if not dimensioned, shall be determined by the scale shown.

(Ord. No. 02 -23, exh. A, 1 -9-2023)

Section 3.03 Use Matrix and Interpretation

Table 3 -1 lists the principal uses allowed within zoning districts, uses permitted by Special Use Permits, and uses permitted with a Conditional Rezoning. All uses are subject to the standards and regulations within this Code.

A. Permitted Uses

A "P" indicates the listed use is allowed by -right within the respective zoning district. Note that some conditions may be established pursuant to Article 5 or 6 of this Code.

B. Special Uses

A "S" indicates the listed use is allowed within the respective zoning district only after review and approval of a Special Use Permit. Note that some additional requirements may be established pursuant to Article 5 of this Code.

C. Supplemental Regulations

SR" indicates the listed use is allowed within the respective zoning district if additional requirements are met. Wherever any “SR” provision conflicts with local regulation within the UDC, the use-specific requirement shall govern as established in Article 5 or 6 of this Code. In addition to the “SR” all other applicable provisions of the UDC shall apply.

D. Performance Standards

A "PS" indicates that performance standards have been established in Article 5 or 6 of this Code. Wherever any “PS” provision conflicts with local regulation within the UDC, the use-specific requirement shall govern. In addition to the “PS” all other applicable provisions of the UDC shall apply.

E. Prohibited Uses

An empty cell indicates the listed use is not allowed within the respective zoning district, unless otherwise expressly allowed within this Code.

F. Conditional Zoning

A “CZ” indicates that the use may be permitted with specific conditions that limit or shape how a property can be developed. Note that additional requirements for some of these uses are established in Article 5 or 6 of this Code. In addition to any conditions placed on the property, all other applicable provisions of the UDC shall apply.

(Ord. No. 05 -16, 3 -21-2016; Ord. No. 08- 21, 3- 1-2021; Ord. No. 31- 21, 2- 1-2021, Ord. No. 16-26, 6-1-2026)

Section 3.04 Zoning District Regulations

Development within the jurisdiction, including Extraterritorial Jurisdiction (ETJ), shall be consistent with the purposes and standards of the applicable zoning district and all applicable provisions of this Code.

X — Permitted

SR — Supplemental Regulations

SP — Special Use Permit

PS — Performance Standards

CZ – Conditional Zoning

See Table 3 -1: Use Matrix

Use	R- A	R- 20	R- 15	R- 15M	R- 10	R- 10M	R- 8	R- 8M	R- 8MF	R- 5	R- 5M	R- 5MF	O- 1	O & I-2	B- 1	B- 2	B- 3*	B- 4*	CB	CBP/ H-115	B- 5	LI	HI	IF
Accessory uses and structures, Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Accounting office													X	X		X		X	X	X	X			CZ
Adult/Child Home Day Care, Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR												CZ
Adult Care Center, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X		X	X	X	X			CZ
Adult uses, Section 5.04																					SR		SR	CZ
Advertising agencies													X	X		X		X	X	X	X			CZ
Airports/ Heliports																						X	X	CZ
Alcoholic beverage stores																	X	X	X	X	X			CZ
Amusement arcades, pool halls & billiards (indoor), Section 5.04																X	X	X	SR	SR	X			CZ
Amusement parks, Section 5.04																		SR			SR			CZ
Animal hospital, large Section 5.04	SR																				X	X	X	CZ
Animal hospital, small Section 5.04															SR	SR	SR	SR		SR	SR	SR	SR	CZ
Animal husbandry	X	X																			X	X	X	CZ
Antique shops															X	X	X	X	X	X	X			CZ
Apparel and footwear																X	X	X	X	X	X			CZ
Appliances < 5000 sq. ft.																X	X	X	X	X	X			CZ
Appliances > 5000 sq. ft.																	X	X	X	X	X			CZ
Aquariums																		X	X	X	X			CZ
Arboreta (see cultural facilities)																								CZ
Architect offices													X	X		X	X	X	X	X	X	X	X	CZ
Armories																		X			X	X	X	CZ
Art galleries															X	X	X	X	X	X	X	X		CZ
Arts and graphics supplies (excluding printing)													X	X	X	X	X	X	X	X	X			CZ
Art studio													X	X	X	X	X	X	X	X	X			CZ
Asphalt, Cement, Concrete, Gypsum, Plaster manufacturing/ mixing plants, Section 2.10																						S	S	CZ
Auction houses (indoor)																		X			X	X	X	CZ
Automatic bank tellers														X	X	X	X	X	X	X	X	X		CZ
Auditors and bookkeepers													X	X		X	X	X	X	X	X	X	X	CZ
Auto rental																		X			X			CZ
Auto sales and service																		X			X	X	X	CZ
Auto, truck, boat, motorcycle & trailers sales and services																		X			X	X	X	CZ
Automotive supplies, retail sale (no outside storage)																		X	X	X	X			CZ
Bakeries															X	X	X	X	X	X	X			CZ
Bakeries, wholesale																	X	X	X	X	X			CZ
Banks and finance companies (branch services < 2,000 sq. ft.)													X	X	X	X	X	X	X	X	X			CZ
Baseball hitting ranges, Section 5.04																		X		SR	X			CZ
Beauty salons, Barber shops & Spa													X	X	X	X	X	X	X	X	X			CZ
Bedding & Carpet Manufacturing, Section 5.05																							PS	CZ
Bed and breakfast, tourist homes, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR	SR				CZ
Bicycle repair shops																		X	X	X	X			CZ
Bicycle sales and service																	X	X	X	X	X			CZ
Bio-Fuel Plant, Section 5.05																						PS	PS	CZ
Blueprinters and drafting supplies																	X	X	X	X	X			CZ
Boarding/ rooming houses, Section 2.10 and 5.04												S	S	S	S	S			S	SR				CZ
Boat sales and repair																		X			X	X	X	CZ
Book and stationary stores															X	X	X	X	X	X	X			CZ
Botanical gardens (See cultural facilities																								CZ
Bottling plants, Section 5.05																					PS	PS	PS	CZ
Bowling lanes																		X	X	X	X			CZ
Breweries w or w/o taprooms																					X	X	X	CZ
Brewpubs																X	X	X	X	X	X	X	X	CZ

Brick, tile and pottery yards																					X	X	CZ
Building cleaning and maintenance service																				X	X	X	CZ
Bus garages/ shelters, Section 5.04																				SR	X	X	CZ
Bus terminals																		X	X	X			CZ
Cabinet shops																				X	X	X	CZ
Camera and photo supplies															X	X	X	X	X	X			CZ
Camps (nonprofit associations), Section 5.04	X	X	SR	SR																			CZ
Camps, Recreational vehicle, Section 5.04	SR																SR			SR			CZ
Candy, nut and confectionery stores															X	X	X	X	X	X			CZ
Candy manufacturing, Section 5.05																				PS	PS	PS	CZ
Canvas goods manufacturing, Section 5.05																				PS	PS	PS	CZ
Cardboard containers (manufacturing), Section 5.05																						PS	CZ
Car wash																	X			X	X	X	CZ
Car wash, accessory to auto service station within enclosed structures															X	X	X			X	X	X	CZ
Car wash, hand wash																	X		X	X	X	X	CZ
Case goods, Section 5.05																					PS	PS	CZ
Cemetery, human mausoleum, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			CZ
Cemetery Animal, Section 5.04																				SR	SR	SR	CZ
Chemical manufacturing, Section 2.10																						S	CZ
Child care center, Section 5.02																SR	SR	SR	SR	SR	SR	SR	CZ
Child care centers, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	X			CZ
Child Care, Drop-In/ Short-term, Section 5.04													SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Child/Adult Home Daycare, Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR	SR			CZ
Churches, See Houses of Worship																							CZ
Circus, carnival and fairs, Section 5.03																		SR	SR	SR	SR	SR	CZ
Clothing and textile manufacturing, Section 5.05																					PS	PS	CZ
Clubs, Civic and Private, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X			CZ
Collector vehicle sales																		X		X	X	X	CZ
Community centers, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X			CZ
Communication tower, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X			CZ
Computer and data processing service													X	X		X	X	X	X	X			CZ
Congregate living facility, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X			X	X			CZ
Construction Trailers and Mobile Construction Offices, Section 5.03	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Consultants, management professional													X	X		X	X	X	X	X	X	X	CZ
Contractor's office No outside storage of equipment or material													X	X		X	X	X	X	X			CZ
Contractor's office, including yard maintenance and outside storage																					X	X	CZ
Convenience stores, Section 5.04															SR	X	X	X		X	X	X	CZ
Correctional facilities, Section 2.10																					S	S	CZ
Country clubs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		CZ
Crematorium accessory to funeral homes, Section 5.04													SR	SR	X	X	X	X	X	X	X		CZ
Cultural facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		CZ
Customary home occupations, Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR	SR			CZ
Dairy bars															X	X	X	X	X	X	X		CZ
Dairy, meat and seafood markets																X	X	X	X	X	X		CZ
Dairy, meat and seafood processing and distribution, Section 5.05																					PS	PS	CZ
Dance schools or classes, Section 5.02	SR	SR	SR		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X		CZ
Delicatessens																X	X	X	X	X	X	X	CZ
Dental manufacturing, Section 5.05																					PS	PS	CZ
Department stores																X	X	X	X	X	X		CZ
Designer studios																X	X	X	X	X	X		CZ

Detective agencies													X	X		X	X	X	X	X	X		CZ
Dance Clubs																X	X	X	X	X	X		CZ
Distillation of bones, Section 2.10																						S	CZ
Distilleries																					X	X	CZ
Discount stores																X	X	X	X	X	X		CZ
Disassembly plant																						PS	CZ
Dormitories, Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X			X	X			CZ
Dressmaking shop															X	X	X	X	X	X	X		CZ
Drinking establishments																X	X	X		X	X		CZ
Drive-in theatre																					X	X	CZ
Drug stores (prescription drugs) (less than 2000 sq. ft.)													X										CZ
Drug stores																X	X	X	X	X	X		CZ
Dry cleaners, large																	X	X	X	X	X	X	CZ
Dry cleaners, small															X	X	X	X	X	X	X		CZ
Dry cleaning and laundry pickup facilities																					X	X	CZ
Dry cleaning plants, Section 5.05																						PS	CZ
Dwelling Unit. Single- family— refer to Sec. 5.04	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			SR	SR			CZ
Dwelling Unit. Accessory Unit— refer to Sec. 5.02(C)	SR	SR	SR	SR	SR	SR	SR																CZ
Dwelling Unit. Duplex— refer to Sec. 6.02										X			X	X	X	X							CZ
Duplex— Corner lot/2 facades— refer to Sec. 6.02								SR	SR		SR	SR							SR	SR			CZ
Dwelling Unit. Town home— refer to Sec. 5.04(Y, Z)										SR/CZ			SR/CZ	SR/ CZ	SR/ CZ	SR/ CZ	SR/ CZ			SR	SR		CZ
Dwelling Unit. Multi- family— refer to Sec. 5.04(Y, Z)										SR/ CZ			SR/ CZ	SR	SR	SR	SR			SR	SR		CZ
Dwelling Unit. Manufac- ured— refer to Sec. 5.04	SR	SR			SR		SR		SR			SR											CZ
Dwelling Unit, Small Scale Attached Multifamily, Sec. 5.04							SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR	SR			CZ
Eating establishment, sit- down																X	X	X	X	X	X	X	CZ
Eating establishment, carry- out, drive-in																	X	X	X	X	X	X	CZ
Electrical equipment sales																		X	X	X	X	X	CZ
Electronic and electrical repair large equipment																						X	CZ
Electronic and electrical repair, small equipment																			X	X	X	X	CZ
Electronic and electrical equipment manufacturing, Section 5.05																						PS	CZ
Employment agencies														X	X		X	X	X	X	X	X	CZ
Explosive fireworks manufacturing or storage, Section 2.10																						S	CZ
Exterminators																					X	X	CZ
Extraction of earth products, Section 2.10																						S	CZ
Fabric stores																X	X	X	X	X	X		CZ
Family care home	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR	SR			CZ
Farm and heavy equipment sales and rental																					X	X	CZ
Farm/garden supply stores																		X	X	X	X	X	CZ
Farming, Truck gardening, crop production, tree farm, Section 5.04	SR																						CZ
Fat rendering, Section 2.10																						S	CZ
Fertilizer manufacturing, Section 2.10																						S	CZ
Fiberglass manufacturing, Section 2.10																						S	CZ
Fitness Center, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			CZ
Flea market (indoor)																		X			X	X	CZ
Flea market (outdoor), Section 5.04																		SR			X	X	CZ
Floor covering stores																X	X	X	X	X	X		CZ
Florists < 2,000 sq. ft.															X	X	X	X	X	X	X		CZ
Florists > 2,000 sq. ft.																X	X	X	X	X	X		CZ
Flour and feed mills, Section 2.10																						S	CZ

Food catering																X	X	X	X	X	X	X	CZ
Food packing and manufacturing, Section 2.10 and 5.05																						S	PS	CZ
Food stores (under 10,000 sq. ft.)																X	X	X	X	X	X			CZ
Food stores (greater than 10,000 sq. ft.) Section 5.04																SR	X	X	X	X	X			CZ
Foundries, Section 2.10																							S	CZ
Fraternities and sororities, Section 5.04												SR	SR	SR	SR	SR				SR	SR			CZ
Fruit stand, permanent																			X	X	X			CZ
Funeral Homes, Parlors and/or Crematoriums, Section 5.04													SR	SR	X	X	X	X	X	X	X			CZ
Furniture manufacturing (Case goods), Section 5.05																						PS	PS	CZ
Furniture and home furnishings																X	X	X	X	X	X			CZ
Furniture (Refinishing and repair), Section 5.02																					SR	X	X	CZ
Garage/ warehouses (Governmental)																					X	X	X	CZ
Garbage disposal services, Section 2.10																							S	CZ
Gas stations, Section 5.04 (B-1 See Convenience Stores)															SR	SR	X	X		X	X	X	X	CZ
Gift shops < 500 sq. ft.															X	X	X	X	X	X	X			CZ
Gift shops > 500 sq. ft.																X	X	X	X	X	X			CZ
Glass and mirror sales and repair, Section 5.04																		SR	SR	SR	X	X	X	CZ
Glass products manufacturing, Section 5.05																						PS	PS	CZ
Glue manufacturing, Section 2.10																							S	CZ
Golf courses (18 hole) no night play	X	X																X			X	X	X	CZ
Golf course (miniature)																	X	X	X	X	X	X	X	CZ
Golf course par 3 no night play	X	X	X	X														X			X	X	X	CZ
Golf driving ranges																		X			X	X	X	CZ
Greenhouses, nurseries commercial wholesale (no retailing)	X	X																X	X	X	X	X	X	CZ
Greenways	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	CZ
Gun, gunpowder and ammunition sales																	X	X	X	X	X	X	X	CZ
Gunsmith																		X	X	X	X			CZ
Gym																X	X	X	X	X	X	X	X	CZ
Hardware/ Home Improvement with lumber and building material sales																X	X	X	X	X	X	X	X	CZ
Hatcheries, Section 5.05																					PS	PS	PS	CZ
Hazardous waste, Section 2.10																							S	CZ
Health clubs/diet centers gymnasium																X	X	X	X	X	X			CZ
Heating and refrigeration repair																						X	X	CZ
Heating and refrigeration repair (no outside storage or display)																		X	X	X	X	X	X	CZ
Helipad Accessory												X	X				X	X	X	X	X	X	X	CZ
Hobby, toy and craft stores																X	X	X	X	X	X			CZ
Home occupations, customary (See definition and list), Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR	SR				CZ
Hosiery mills, Section 5.05																						PS	PS	CZ
Hospitals - (related uses)													X			X		X	X	X	X			CZ
Hotels and motels																	X	X	X	X	X			CZ
Houses of worship, Section 5.04	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SR	SR	X			CZ
Ice manufacturing, Section 5.05																						PS	PS	CZ
Industrial supplies and equipment (sales)																		X		X	X	X	X	CZ
Industrial supplies and equipment (manufacturing), Section 5.05																						PS	PS	CZ
Insurance agencies													X	X		X	X	X	X	X	X			CZ
Interior decorators and designers (no retail sales)													X	X	X	X	X	X	X	X	X			CZ
Interior decorators and designers																X	X	X	X	X	X			CZ
Jail													SR							SR CBP only	X	X	X	CZ

Jewelry and button manufacturing, Section 5.05																					PS	PS	CZ
Jewelry stores																X	X	X	X	X	X		CZ
Junkyards, automobile graveyard, Section 2.10																						S	CZ
Kennels, Section 5.05																					PS	PS	CZ
Knitting mills, Section 5.05																					PS	PS	CZ
Labs, research Section 5.04																					SR	SR	CZ
Landfills, Beneficial	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	CZ
Landfills, Class A, Section 2.10																					S	S	CZ
Landfills, Class B, Section 2.10																					S	S	CZ
Landfills, Clean Material, Section 5.04																	SR	SR			SR	SR	CZ
Laundry, coin- operated (automatic)															X	X	X	X	X	X	X		CZ
Lawn and garden care services																		X		X	X	X	CZ
Lawn and garden supplies																X	X	X	X	X	X		CZ
Leather products, manufacturing, Section 5.05																					PS	PS	CZ
Legal services													X	X		X	X	X	X	X	X		CZ
Libraries (See cultural facilities)																							CZ
Life care treatment facility														X		X		X	X	X			CZ
Linen and uniform supply services																					X	X	CZ
Liquor stores																	X	X	X	X	X		CZ
Livestock sales, Section 2.10																						S	CZ
Locksmith																X	X	X	X	X	X		CZ
Luggage manufacturing, Section 5.05																						PS	CZ
Lumber and building material sales																		X			X	X	CZ
Machine and welding shops, Section 5.05																					PS	PS	CZ
Machine tools, Section 5.05																					PS	PS	CZ
Mail order offices (no pick-up/ delivery)													X	X		X	X	X	X	X	X		CZ
Mail order offices																X	X	X	X	X	X		CZ
Manufactured home park, Section 5.04	SR																						CZ
Manufactured or mobile homes and recreational vehicle sales, minimum lot size 40,000 sq. ft.																		X			X	X	CZ
Manufacturer's showrooms																X	X	X	X	X	X	X	CZ
Meatpacking plants																						PS	CZ
Medical and dental offices excluding primary treatment of drug, alcohol, psychotic													X	X		X	X	X	X	X			CZ
Medical facilities, including drug, alcohol and psychotic														X		X		X	X	X	X		CZ
Medical and dental labs																		X	X	X	X		CZ
Medical supplies, equipment sales, Section 5.05														X		X	X	X	X	X	X		CZ
Medical supplies, equipment sales and manufacturing																					PS	PS	CZ
Metal fabricating plants, Section 5.05																					PS	PS	CZ
Microbreweries w or w/o taprooms																	X	X	X	X	X	X	CZ
Micro- distilleries																	X	X	X	X	X	X	CZ
Mines/quarries, Section 2.10																						S	CZ
Mixed-Use Planned Unit Developments (PUD) Sections 2.09 and 3.04(W)																							CZ
Dwelling Unit, Small Scale Attached Multifamily, Sec. 5.04				SR		SR		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR					CZ
Monument sales																		X		X	X	X	CZ
Monument Manufacturing, Section 5.05																					PS	PS	CZ
Motor repair, small, Section 5.04																		SR			SR	X	CZ
Motor Vehicle Repair (Major), Section 5.04																					SR	PS	CZ
Motor Vehicle Repair (Minor), Section 5.04																		SR			SR	PS	CZ
Motor Vehicle Repair (Personal), Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR											CZ
Movie theaters (drive-in)																		X			X	X	CZ

Movie theaters (indoor)																X	X	X	X	X	X		CZ
Museums, (See cultural facilities)																							CZ
Music stores/Studios																X	X	X	X	X	X		CZ
Newsstands															X	X	X	X	X	X	X		CZ
News syndicates and publishing																		X	X	X	X		CZ
Nursing convalescent and extended care facilities, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X			X	X			CZ
Office, General													X	X		X	X	X	X	X	X	X	CZ
Office supplies and equipment stores																X	X	X	X	X			CZ
Oil, gasoline and propane distribution, Section 2.10																						S	CZ
Optical goods manufacturing, Section 5.05																					PS	PS	CZ
Optician and optical supply stores														X		X	X	X	X	X	X		CZ
Optician, accessory to health practitioner													X	X		X	X	X	X	X	X		CZ
Orphanage, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X			X	X			CZ
Outdoor Storage, Section 5.02																		SR			SR	SR	CZ
Paint and wallpaper stores																X	X	X	X	X	X		CZ
Paper or pulp plants, Section 2.10																						S	CZ
Parking garages																	X	X	X	X	X	X	CZ
Parking, off-street, Section 5.02 and 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR						X	SR	SR	X	X	CZ
Parks and playgrounds	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	CZ
Pawn shops																X	X	X	X	X	X		CZ
Personnel services													X	X		X	X	X	X	X	X		CZ
Pet shops																X	X	X	X	X	X		CZ
Petroleum refining, Section 2.10																						S	CZ
Pharmacies														X		X	X	X	X	X	X		CZ
Pharmaceuticals product manufacturing, Section 5.05																						PS	PS	CZ
Philanthropic and eleemosynary institutions, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	X		CZ
Photocopying services no publishing																X	X	X	X	X	X		CZ
Photofinishing labs < 1000 sq. ft. accessory use, Section 5.04																SR	SR	SR	SR	SR	SR	SR	CZ
Photofinishing labs > 1000 sq. ft., Section 2.10																					S	S	CZ
Photography studios													X	X	X	X	X	X	X	X	X		CZ
Places of assembly, Section 5.04																	SR	SR	SR	SR	SR	SR	CZ
Planning mills																						PS	CZ
Plant nurseries, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	X	PS	CZ
Plastic products, manufacturing, Section 5.05																						PS	CZ
Plumbing and heating supplies																						X	CZ
Plumbing, (no outside storage or display)																					X	X	CZ
Post office retail units																X	X	X	X	X	X	X	CZ
Post offices/ distribution																			X	X	X	X	CZ
Pottery ornamental furniture																		X	X	X	X		CZ
Processing plants, Section 5.05																						PS	CZ
Public relations services													X	X		X	X	X	X	X	X		CZ
Public utility uses lines/ substations/ water tanks	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	CZ
Public service facility, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Public use facility, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Publishing and printing, Section 5.04																		SR	SR	SR	X	X	CZ
Race Shops																					PS	X	CZ
Race tracks, Section 5.04																					SR	PS	CZ
Radio and television receiving antenna and dish, accessory, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	CZ
Radio and television sales																X	X	X	X	X	X		CZ
Radio and television stations and studio													X					X	X	X	X	X	CZ
Real estate services													X	X		X	X	X	X	X	X		CZ
Recreation Outdoor, Section 5.04																SR	SR	X	X	X	X	X	CZ
Recycling collection center (small), Section 5.04																SR	SR	SR	SR	SR	SR	SR	CZ

Recycling collection center (large), Section 5.04																				SR	SR	SR	CZ
Recycling processing center, Section 2.10																					S	S	CZ
Refineries Section, 2.10																						S	CZ
Rehabilitation centers, Section 5.04													SR						X	X			CZ
Rental and leasing of light equipment															X	X	X			X	X	X	CZ
Rental of domestic vehicles																	X			X	X	X	CZ
Residential Event Centers Section 5.04 (Only in locally adopted Historic Districts)					SR		SR		SR	SR		SR											CZ
Roadside stands (seasonal), Section 5.04	SR	SR															SR			SR			CZ
Rubber products (manufacturing), Section 5.05																						PS	CZ
Salvage yard, Section 2.10																						S	CZ
Sanitariums and mental institutions, Section 5.04													SR					SR	SR				CZ
Sawmills/Wood Processing																						S	CZ
Schools: Subject to develop- ment require-ments of Section 5.04(S)	Prepara-tory (Pre-K through 12 th grade)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		CZ
	Business, Technical, Trade, and Vocational Training																	X	X	X	X		CZ
	College, Univers-ity, Comm-unity College	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	SR	CZ
Sculptor's studio																		X	X	X	X	X	CZ
Seamstress shops															X	X	X	X	X	X	X		CZ
Second hand stores and swap shops																	X	X	X	X	X		CZ
Service stations																X	X	X			X	X	CZ
Sewer treatment plant/facility, Section 5.04		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Sheetmetal shops, Section 5.05																					PS	PS	CZ
Shoe repair and shining															X	X	X	X	X	X	X		CZ
Shoe stores																X	X	X	X	X	X		CZ
Shooting/Firing Ranges (Indoor), Section 5.04																				SR	SR	SR	CZ
Shopping centers 25,000 sq. ft. or less															X	X	X	X	X	X			CZ
Shopping centers 25,000 sq. ft. or greater																X	X	X	X	X			CZ
Sign painting shops																				X	X	X	CZ
Slaughter- houses, stockyards, Section 2.10																						S	CZ
Smelting of tin, copper, zinc or iron ores, Section 2.10																						S	CZ
Sporting goods stores															X	X	X	X	X	X			CZ
Springs manufacturing, Section 5.05																						PS	PS	CZ
Stables, Section 5.04	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR											CZ
Stadiums, (see places of assembly)																							CZ
Stone and clay products manufacturing, no extraction, Section 5.05																						PS	PS	CZ
Surgical manufacturing, Section 5.05																						PS	PS	CZ
Surveyor offices														X			X	X	X	X	X	X	CZ
Swimming pools, Tennis courts, etc. (see accessory amenities), Section 5.02	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	X		CZ
Tank farms (gas, oil, natural gas, propane), Section 2.10																						S	CZ
Tattooing, Body Art													X	X			X	X	X	X	X		CZ
Taxi stands															X		X			X	X	X	CZ

Temporary uses, Section 5.03	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Textile finishing and dyeing, Section 5.05																						PS	PS	CZ
Tire recapping shops, Section 5.05																					PS	PS	PS	CZ
Tobacco products manufacturing, Section 5.05																							PS	CZ
Tobacco Shop (includes Hookah and Vape). (see Section 5.05)																		SR			SR			CZ
Transfer/ Trucking companies, Section 5.05																					PS	PS	PS	CZ
Transportation and heavy equipment manufacturing, Section 5.05																							PS	CZ
Travel agencies																X	X	X	X	X				CZ
Truck, farm equipment and heavy equipment sales and service																		X			X	X	X	CZ
Truck Stop/Travel Plaza																		S			SR	SR	SR	CZ
Truck terminals, Section 5.05																					PS	PS	PS	CZ
Variety stores																X	X	X	X	X	X			CZ
Vending companies																					X	X	X	CZ
Vet clinic, small animals no runs, (See Animal Hospital), Section 5.04															SR	SR	SR	SR		SR	X	X	X	CZ
Vet clinic, large animals runs boarding																					X	X	X	CZ
Warehouses																					X	X	X	CZ
Warehouses, mini																					X	X	X	CZ
Watch, clock and jewelry repair																X	X	X	X	X	X			CZ
Wholesale distribution, Section 5.05																					PS	PS	PS	CZ
Wood studio																		X	X	X	X	X	X	CZ
Woodworking shops, (See Furniture refinishing & Repair), Section 5.02																		SR			X	X	X	CZ
Wrecker/Tow Service																					X	X	X	CZ
Yard sales, Section 5.03	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	CZ
Zoos																		X		X	X	X	X	CZ
Zoological gardens (see cultural facilities)																								CZ

Outdoor storage requirements are set forth in Section 5.02 Signs are permitted subject to regulations set forth in Section 6.07 Dimensional requirements for districts are set forth in Article 3 Off-street parking, loading and unloading requirements are set forth in Section 6.03 Required buffer shall comply with requirements set forth in Section 6.04

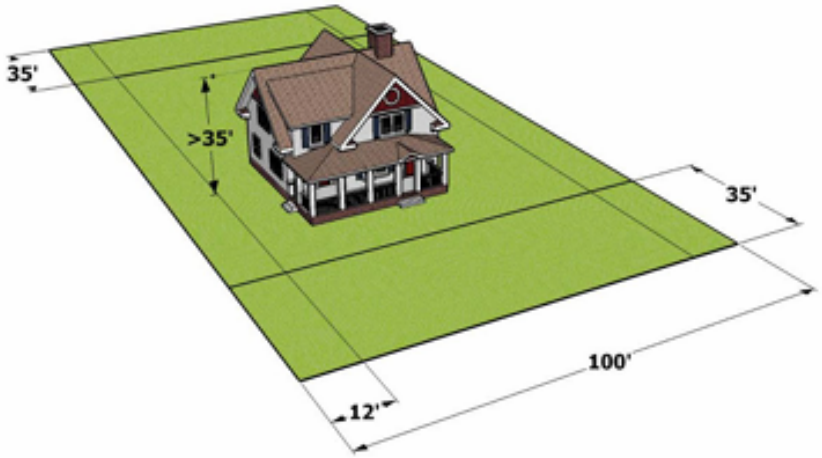
A. R-A - Residential Agricultural District

Purpose: Allow a variety of residential uses in areas that are not yet urbanized and do not have urban services.
This district is intended to allow agricultural uses to continue and to ensure that residential development will occur at a sufficiently low density to provide a compatible environment. It is also intended to hold land to be developed under other zoning districts until the land is needed for development and urban infrastructure is available.

Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include detached single family residences, detached Class A, B, and C, manufactured single family residences, agricultural uses, and related accessory uses.

DIMENSIONAL AND RATIO STANDARDS:	
Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width (at front setback line):	100 ft.
Front Setback:	35 ft.
Corner Lot Setback (lot with frontage on 2 streets):	See note 2
Side Setback:	12 ft.
Rear Setback:	35 ft.
Maximum Height Limit:	35 ft.

Figure 3-1: Minimum R-A Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

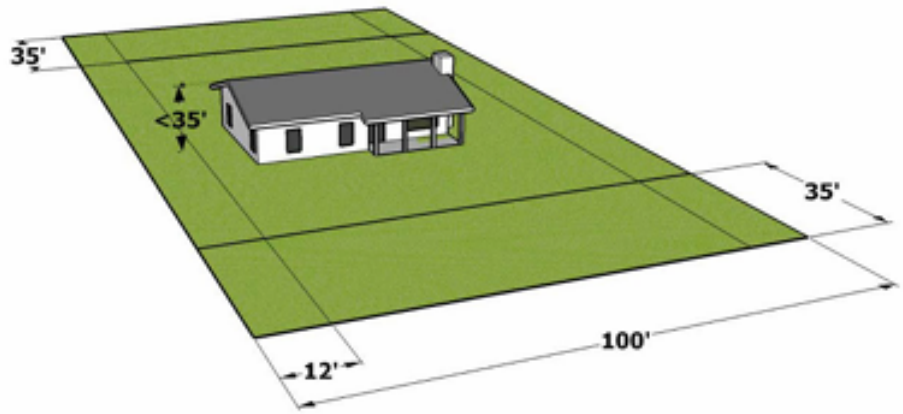
1. Development shall comply with additional development standards as contained in Article 6.

2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

B. R-20 - Suburban Residential District

Purpose: The purpose of this district is to accommodate low density, detached single family residential development in a suburban setting, especially within the extra-territorial jurisdiction area. Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, single family residences and related accessory uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	20,000 sq. ft. (see note 5)
	Minimum Lot Width (at front setback line):	100 ft.
	Front Setback:	35 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 2
	Side Setback:	12 ft.
	Rear Setback:	35 ft.
	Maximum Height Limit:	35 ft.

Figure 3-2: Minimum R-20 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

3. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.

4. Minimum lot size shall be determined based on the need to accommodate on-site wastewater disposal systems as indicated in Section 6.02 (A) of this Ordinance.

5. Cluster subdivisions, reviewed and approved in accordance with Article 7, shall have a minimum lot area of fifteen thousand (15,000) square feet.

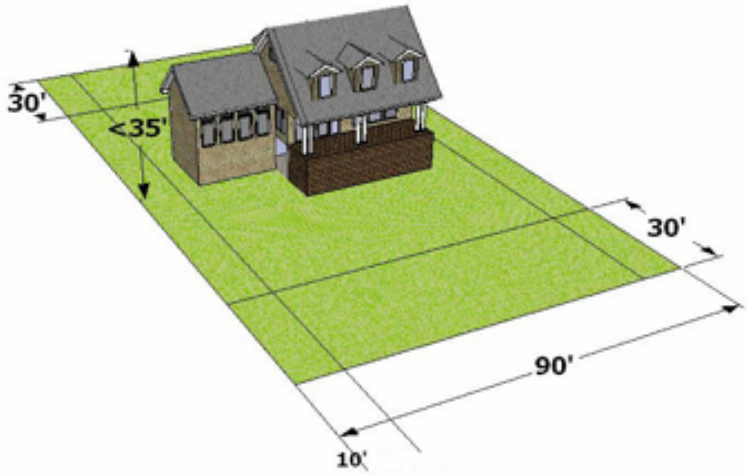
C. R-15 - Urban Fringe Low Density Residential District

Purpose: The purpose of this district is to provide low density, detached single family residential development in urbanizing areas partially served by urban services. These areas are generally located in close proximity to low density urban areas.

Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, single family residences and related accessory uses.

DIMENSIONAL AND RATIO STANDARDS:	
Minimum Lot Size:	15,000 sq. ft. (see note 5)
Minimum Lot Width (at front setback line):	90 ft.
Front Setback:	30 ft.
Corner Lot Setback (lot with frontage on 2 streets):	See note 2
Side Setback:	10 ft.
Rear Setback:	30 ft.
Maximum Height Limit:	35 ft.

Figure 3-3: Minimum R-15 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
3. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
4. Minimum lot size shall be determined based on the need to accommodate on-site wastewater disposal systems as indicated in Section 6.02 (A) of this Ordinance.
5. Cluster subdivisions, reviewed and approved in accordance with Article 7, shall have a minimum lot area of eleven thousand two hundred fifty (11,250) square feet.

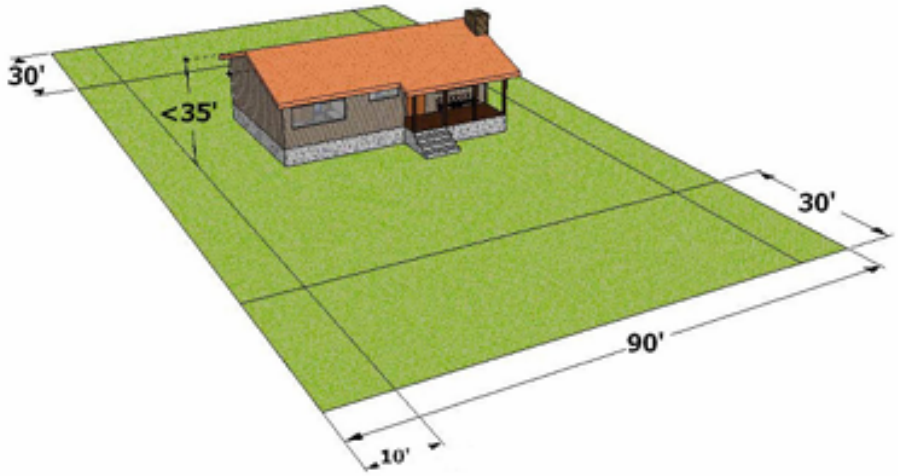
D. R-15M - Urban Fringe Low Density Residential/Manufactured Housing District

Purpose: The purpose of this district is to accommodate manufactured housing in low density, detached single family residential development in urbanizing areas partially served by urban services. These areas are located in close proximity to low density urban areas.

Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, Class "A" manufactured single family residences and related accessory uses.

DIMENSIONAL AND RATIO STANDARDS:	
Minimum Lot Size:	15,000 sq. ft.
Minimum Lot Width (at front setback line):	90 ft.
Front Setback:	30 ft.
Corner Lot Setback (lot with frontage on 2 streets):	See note 2
Side Setback:	10 ft.
Rear Setback:	30 ft.
Maximum Height Limit:	35 ft.

Figure 3-4: Minimum R-15M Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

3. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.

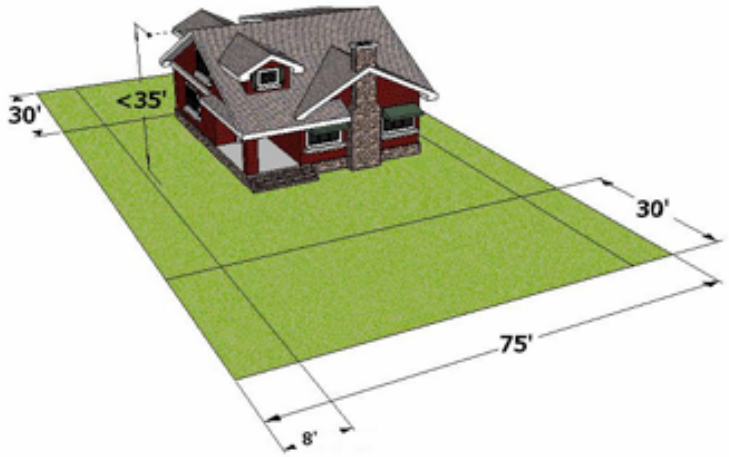
4. Minimum lot size shall be determined based on the need to accommodate on-site wastewater disposal systems as indicated in Section 6.02 (A) of this Ordinance.

E. R-10 - Urban Low Density Residential District

Purpose: The purpose of this district is to accommodate low density, detached single family residential development in areas where full urban services are available.
Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, single family residences and related accessory uses.

DIMENSIONAL AND RATIO STANDARDS:	
Minimum Lot Size:	10,000 sq. ft. (see note 5)
Minimum Lot Width (at front setback line):	75 ft.
Front Setback:	30 ft.
Corner Lot Setback (lot with frontage on 2 streets):	See note 2
Side Setback:	8 ft.
Rear Setback:	30 ft.
Maximum Height Limit:	35 ft.

Figure 3-5: Minimum R-10 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

3. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.

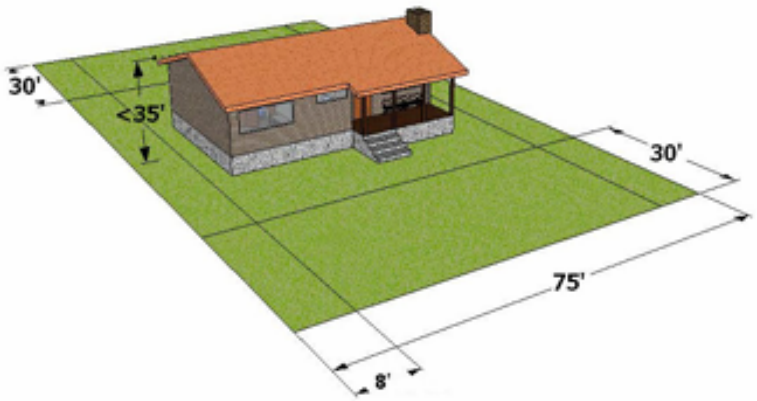
4. On-site wastewater disposal systems, as indicated in Section 6.02 (A) of this Ordinance, are not anticipated to be necessary to support development. Development is anticipated to be served by public utilities (i.e. water and sewer).

5. Cluster subdivisions, reviewed and approved in accordance with Article 7, shall have a minimum lot area of seven thousand five hundred (7,500) square feet.

F. R-10M - Urban Low Density Manufactured Housing Residential District

Purpose: The purpose of this district is to accommodate low density manufactured single family residential development in areas where full urban services are available. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, class "A" manufactured single family residences and related accessory uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	10,000 sq. ft.
	Minimum Lot Width (at front setback line):	75 ft.
	Front Setback:	30 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 2
	Side Setback:	8 ft.
	Rear Setback:	30 ft.
	Maximum Height Limit:	35 ft.

Figure 3-6: Minimum R-10M Typical Building Envelope (Single-Family Residence) – figure not to scale.



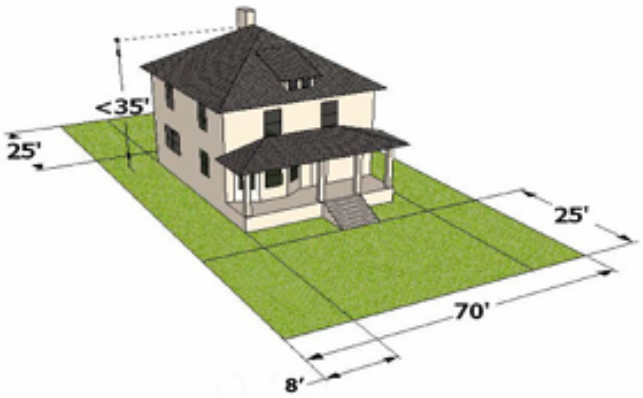
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
3. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
4. On-site wastewater disposal systems, as indicated in Section 6.02 (A) of this Ordinance, are not anticipated to be necessary to support development. Development is anticipated to be served by public utilities (i.e. water and sewer).

G. R-8 - Medium Density Single -Family Residential District

Purpose: The purpose of this district is to accommodate medium density single family residential development. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, single family residences and related accessory uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	8,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	70 ft. (see note 6)
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	8 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-7: Minimum R-8 Typical Building Envelope (Single-Family Residence) – figure not to scale.



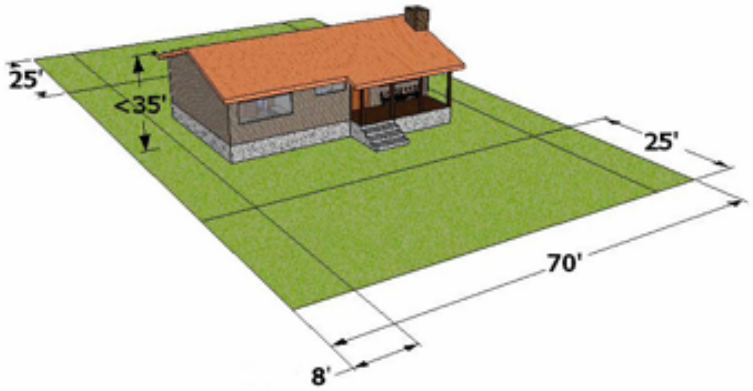
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Ten percent (10%) active open space shall be provided for in accordance with Section 6.06 of the Ordinance.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).
6. Dwelling-unit Duplex developments shall observe a minimum lot size of twelve thousand (12,000) square feet and a minimum lot width of eighty (80) feet.

H. R-8M - Medium Density Single -Family/Manufactured Housing Residential District

Purpose: The purpose of this district is to accommodate low density manufactured single family residential development in areas where full urban services are available. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, Class "A" manufactured single family residences and related accessory uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	8,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	70 ft. (see note 6)
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	8 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-8: Minimum R-8M Typical Building Envelope (Single-Family Residence) – figure not to scale.



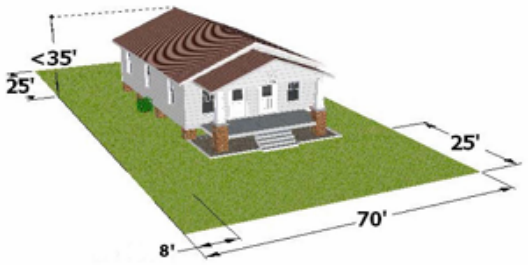
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Ten percent (10%) active open space shall be provided for in accordance with Section 6.06 of the Ordinance.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).
6. Dwelling-unit Duplex developments shall observe a minimum lot size of twelve thousand (12,000) square feet and a minimum lot width of eighty (80) feet.

I. R-8MF - Medium Density Multi -Family Residential District

Purpose: The purpose of this district is to accommodate low density multi-family and/or single family residential development in areas where full urban services are available. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes detached, single family residences and related accessory uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	8,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	70 ft.
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	8 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-9: Minimum R-8MF Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

2. Ten percent (10%) active open space shall be provided for in accordance with Section 6.06 of the Ordinance.

3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

4. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.

5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

6. Multi-family development:

a. Dwelling-unit Duplex: Development shall observe a minimum lot size of twelve thousand (12,000) square feet and a minimum lot width of eighty (80) feet.

b. Multi-family Development:

i. Infill Development: For lots in existence, and zoned R-8MF, as of December 31, 2022 and zoned R-8MF the following standards shall apply:

1. Projects meeting applicable criteria, shall be approved by staff in accordance with Section(s) 2.17 and 2.24. Any proposed subdivision of property shall be processed in accordance with the provisions of Section(s) 2.02 and 2.03 of this Code.

2. Shall be limited to Dwelling-unit Townhome or Dwelling-unit Multi-family projects with no more than four (4) units permitted per individually zoned parcel.

3. Minimum lot size shall be twenty-four thousand (24,000) square feet.

a. Minimum size for individual Dwelling-unit - Townhome: Lot shall be six thousand (6,000) square feet for each individual unit;

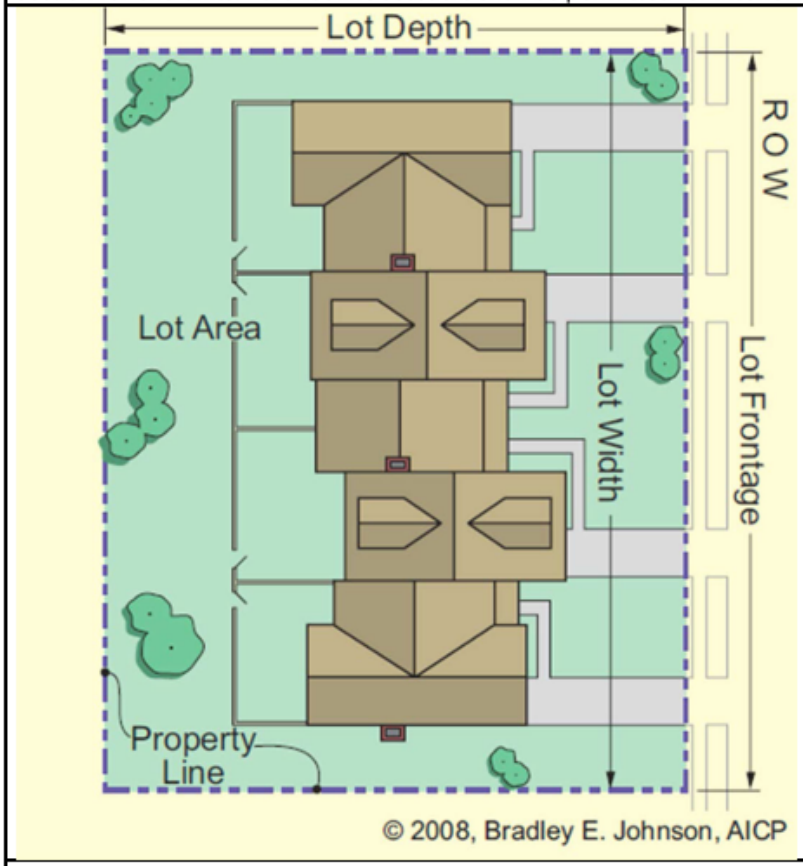
b. Lot size may be reduced if difference is put into common open space. Under no circumstances may a townhome lot be reduced below two thousand (2,000) square feet in

area. Open space area shall be owned in common by all property owners comprising the development through the establishment of a homeowners or property owners association.

4. Minimum Lot width: The parent tract shall have the typical required minimum lot width for the R8-MF district increased by a minimum of ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width.

a. There shall be a minimum of 25 ft. of lot width per individual Dwelling-unit Townhome Lot.

5. Setbacks from external property lines shall comply with the provisions of this section for end units. Zero-lot line setbacks shall be permitted for interior units.



6. A five-foot vegetative buffer shall be required along the side and rear property lines.

ii. New Development: Parcels created (i.e. subdivided) and/or zoned R-8MF after December 31, 2022 shall be reviewed and approved through the provisions of Section 2.07 of the Ordinance and comply with the provisions of Section 6.02 of this Code and the following dimensional standards:.

1. Minimum Lot Area shall be as follows: twelve thousand (12,000) square feet minimum lot size with an additional four thousand (4,000) square feet of lot area for every proposed residential unit over two (2) units.

2. Minimum size for individual Dwelling unit - Townhome lot shall be six thousand (6,000) square feet for each individual unit; lot may be reduced if difference is put into open space. Under no circumstances may a townhome lot be reduced below two thousand (2,000) square feet in area. Open space area shall be owned in common by all property owners comprising the development through the establishment of a homeowners or property owners association

3. Minimum Lot width: The parent tract shall have the typical required minimum lot width for the R-8MF district increased by a minimum of ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width. there shall be a minimum of twenty-five (25) feet of lot width per individual Dwelling unit Townhome Lot;

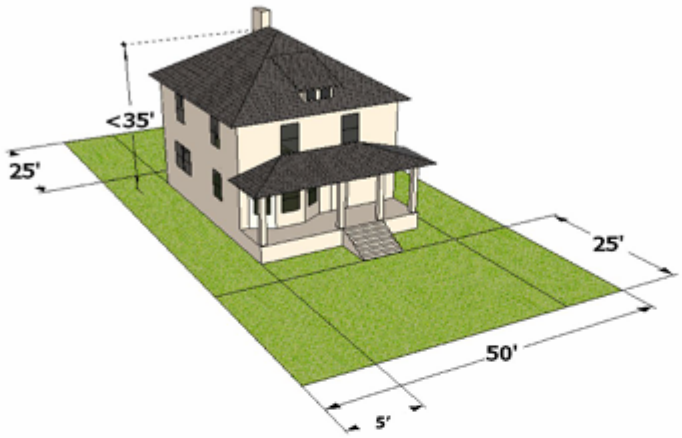
4. Setbacks from the external property-lines shall comply with the provisions of this sections for end units. Zero-lot line setbacks shall be permitted for interior units.

5. A 5 ft vegetative buffer shall be required along the side and rear property lines.

J. R-5 - High Density Single Family Residential District

Purpose: The purpose of this district is to accommodate higher density residences on smaller lots in urban areas. This district includes single- and two-family residences and allows smaller residences and higher-density neighborhoods. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, including detached residential uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	5,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	50 ft. (see note 6)
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	5 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-10: Minimum R-5 Typical Building Envelope (Single-Family Residence) – figure not to scale.



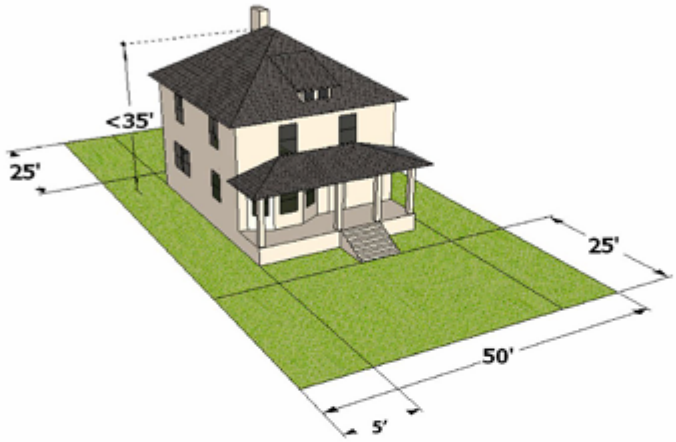
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Ten percent (10%) active open space shall be provided for in accordance with Section 6.06 of the Ordinance.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).
6. Dwelling-unit Duplex: Development shall observe a minimum lot size of seven thousand five hundred (7,500) square feet and a minimum lot width of sixty (60) feet.

K. R-5M - High Density Single Family/Manufactured Housing Residential District

Purpose: The purpose of this district is to accommodate manufactured housing in higher density residences on smaller lots in urban areas. This district includes single- and two-family residences and allows smaller residences and higher-density neighborhoods. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	5,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	50 ft. (see note 6)
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
detached, Class "A" manufactured residential uses.	**Side Setback:**	5 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-10: Minimum R-5M Typical Building Envelope (Single-Family Residence) – figure not to scale.



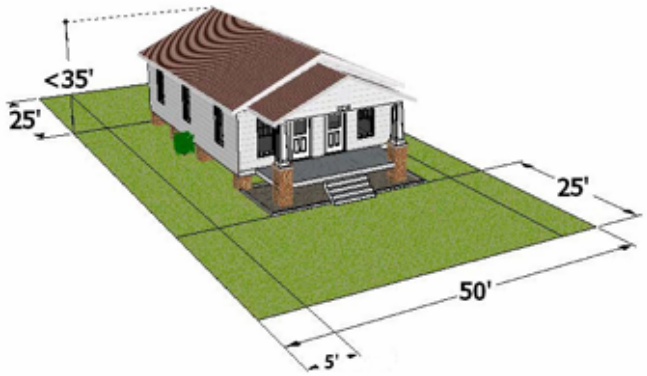
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Ten percent (10%) active open space shall be provided for in accordance with Section 6.06 of the Ordinance.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer)
6. Dwelling-unit Duplex: Development shall observe a minimum lot size of seven thousand five hundred (7,500) square feet and a minimum lot width of sixty (60) feet.

L. R-5MF - High Density Multi Family Residential District

Purpose: The purpose of this district is to accommodate higher density multi-family residences in urban areas. This district allows for a mixture of dwelling types at compatible densities. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	5,000 sq. ft. (see note 6)
	Minimum Lot Width (at front setback line):	50 ft. (see note 6)
	Front Setback:	25 ft.
indicated in Table 3-1, which includes attached and detached residential uses.	**Corner Lot Setback (lot with frontage on 2 streets):**	See note 3
	Side Setback:	5 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-12: Minimum R-5MF Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

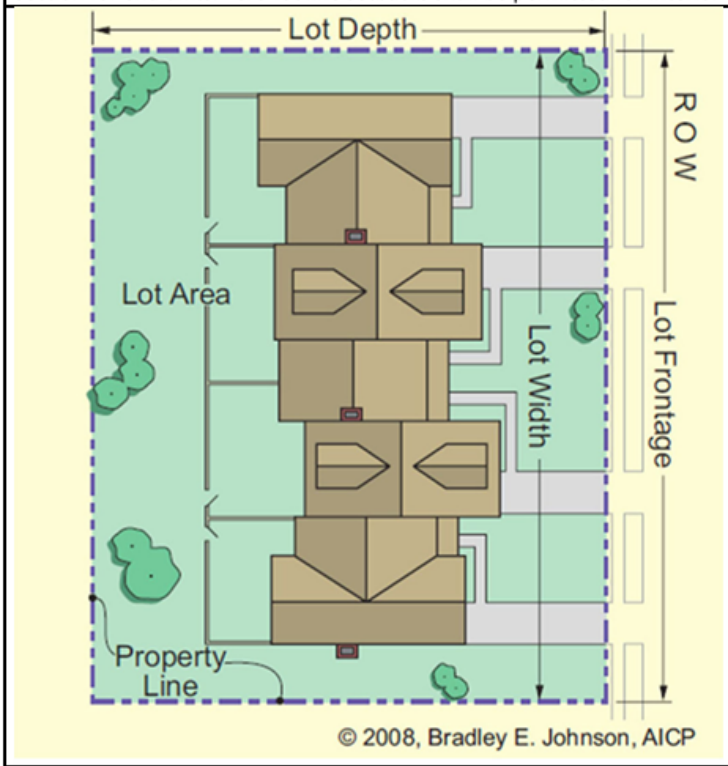
1. Development shall comply with additional development standards as contained in Article 6.
2. Ten percent (10%) active open space shall be provided for in accordance with Section 6.06 of the Ordinance.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).
6. Multi-family development:

a. Dwelling-unit Duplex: Development shall observe a minimum lot size of seven thousand five hundred (7,500) square feet and a minimum lot width of seventy (70) feet.

b. Multi-family Development:

i. Infill Development: For lots in existence, and zoned R-5MF, as of December 31, 2022 the following standards shall apply:

1. Projects meeting applicable criteria, shall be approved by staff in accordance with Section(s) 2.17 and 2.24. Any proposed subdivision of property shall be processed in accordance with the provisions of Section(s) 2.02 and 2.03 of this Code.

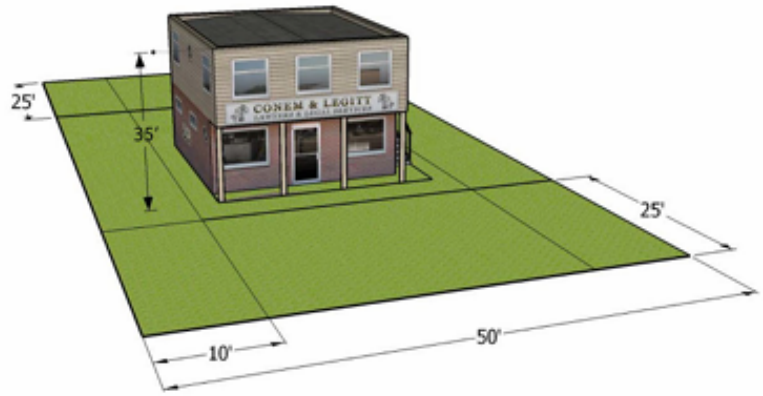
2. Shall be limited to Dwelling-unit Townhome or Dwelling-unit Multi-family projects with no more than four (4) units permitted per individually zoned parcel.
3. Minimum lot size shall be twenty thousand (20,000) square feet.
a. Minimum size for individual Dwelling-unit Townhome Lot shall be five thousand (5,000) square feet for each individual unit.
b. Lot size may be reduced if difference is put into common open space. Under no circumstance may a townhome lot be reduced below two thousand (2,000) square feet in area. Open space area shall be owned in common by all property owners comprising the development through the establishment of a homeowners of property owners association.
4. Minimum Lot width: The parent tract shall have the typical required minimum lot width for the R-5MF district increased by a minimum of ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width. There shall be a minimum of twenty (20) feet of lot width per individual Dwelling-unit Attached (Townhome) Lot;
5. Setbacks from external property lines shall comply with the provisions of this section for end units. Zero-lot line setbacks shall be permitted for interior units.


6. A five-foot vegetative buffer shall be required along the side and rear property lines.
ii. New Development: Parcels created (i.e. subdivided) and/or zoned R-5MF after December 31, 2022 shall be reviewed and approved through the provisions of Section 2.07 of the Ordinance and comply with the provisions of Section 6.02 of this Code and the following dimensional standards:
1. Minimum Lot Area shall be as follows: seven thousand five hundred (7,500) square feet minimum lot size with an additional two thousand five hundred (2,500) square feet of lot area for every proposed residential unit over two (2) units.
2. Minimum size for individual Dwelling unit - Townhome lot shall be five thousand (5,000) square feet for each individual unit. Lot may be reduced if difference is put into open space. Under no circumstances may a townhome lot be reduced below two thousand (2,000) square feet in area. Open space area shall be owned in common by all property owners comprising the development through the establishment of a homeowners or property owners association.
3. Minimum Lot width: The parent tract shall have the typical required minimum lot width for the R-5MF district increased by a minimum of ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width. There shall be a minimum of twenty (20) feet of lot width per individual Dwelling unit Townhome Lot.
4. Setbacks from the external property-lines shall comply with the provisions of this section for end units. Zero-lot line setbacks shall be permitted for interior units.
5. A five-foot vegetative buffer shall be required along the side and rear property lines.

M. O-1 - Office Single Lot District

Purpose: The purpose of this district is to provide a high quality environment for professional offices and services conducted entirely within buildings. This district also allows converting residential homes into compatible office uses while maintaining the residential characteristics. **Authorized Uses:** Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a variety of office and institutional uses not principally engaged in sales of goods.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	5,000 sq. ft. (see note 2)
	Minimum Lot Width (at front setback line):	50 ft.
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-12: Minimum O-1 Typical Building Envelope (Single-Family Residence) – figure not to scale.



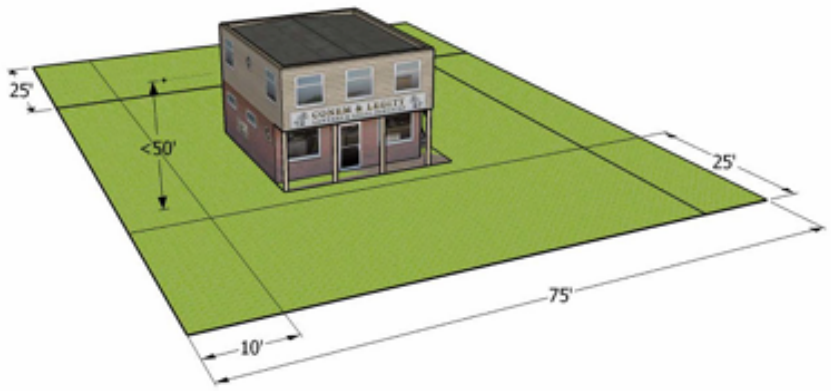
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Parcels zoned O-1 used for residential purposes shall meet the minimum five thousand (5,000) square feet minimum lot size for the district.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Residential density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

N. O & I- 2 - Office and Institutional Complex District

Purpose: The purpose of this district is to accommodate larger office and institutional development, including office parks and complexes with increased impacts on surrounding land uses, such as increased traffic. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a variety of office and institutional uses not principally engaged in sales of goods.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	10,000 sq. ft. (see note 2)
	Minimum Lot Width (at front setback line):	75 ft.
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	50 ft.

Figure 3-12: Minimum O&I-2 Typical Building Envelope (Single-Family Residence) – figure not to scale.



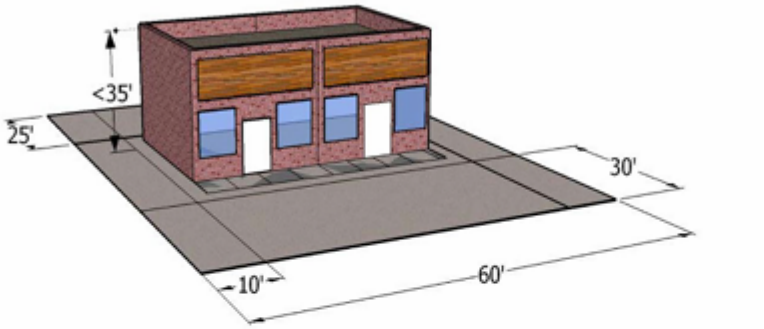
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Parcels zoned O&I-2 used for residential purposes shall meet the minimum five thousand (5,000) square feet minimum lot size.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Residential density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

O. B-1 - Neighborhood Service District

Purpose: The purpose of this district is to accommodate commercial activities that provide services to the residents of a particular neighborhood, such as limited personal services and everyday retail needs. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes the sale of goods and services at a neighborhood scale.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	6,000 sq. ft. (see note 2)
	Minimum Lot Width (at front setback line):	60 ft.
	Front Setback:	30 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-12: Minimum B-1Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

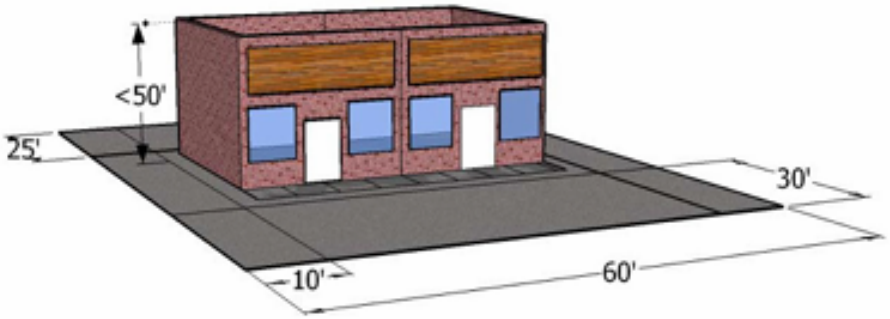
1. Development shall comply with additional development standards as contained in Article 6.
2. Parcels zoned B-1 used for residential purposes shall meet the minimum five thousand (5,000) square feet minimum lot size.
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.
4. Residential density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

P. B-2 - Neighborhood business district

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Purpose: The [illegible] accommodate commercial activities along collector streets and thoroughfares, including the provision of goods and services to the local community. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes professional and institutional offices and convenience and retail stores.	**[illegible]IONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	6,000 sq. ft.
	Minimum Lot Width (at front setback line):	60 ft.
	Front Setback:	30 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 2
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	50 ft.

Figure 3-12: Minimum B-2Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

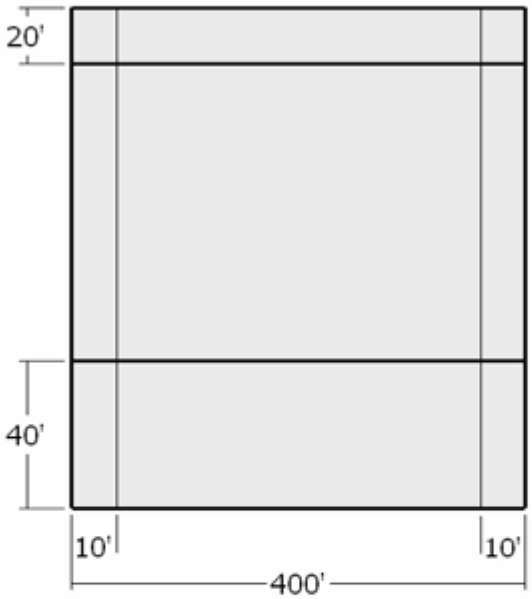
1. Development shall comply with additional development standards as contained in Article 6.

2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

Q. B-3 - Shopping Center District

Purpose: The purpose of this district is to allow larger shopping centers having a community-wide focus. This district provides appropriate locations for a wide variety of intensive commercial activities involving outdoor operations, display and/or storage. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include commercial uses such as shopping centers, hotels, restaurants and other retail sales and services.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	220,000 sq. ft. (see note 3)
	Minimum Lot Width (at front setback line):	400 ft. (includes outparcel lot(s))
	Front Setback:	40 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 2
	Side Setback:	10 ft.
	Rear Setback:	20 ft.
	Maximum Height Limit:	65 ft.

Figure 3-12: Minimum B-3 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

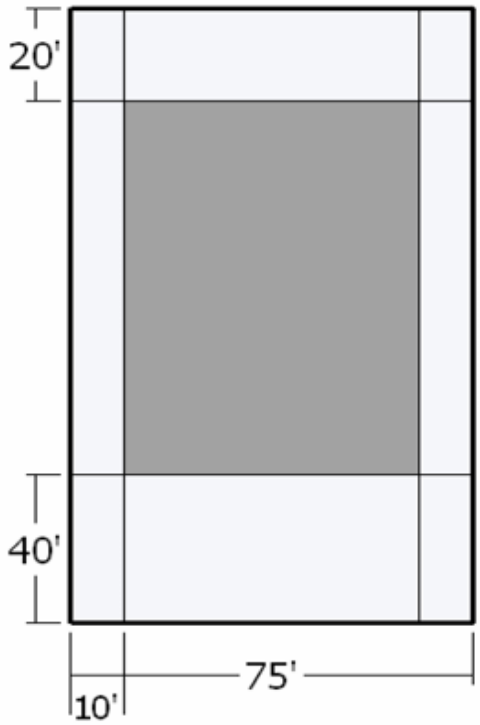
2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

3. Outparcel or single store sites as part of a shopping center development shall have a minimum lot size of ten thousand (10,000) square feet and may be subdivided with a property owner(s) agreement for all and/or shared common areas.

R. B-4 - Highway Business District

Purpose: The purpose of this district is to accommodate general and automobile oriented commercial businesses. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	10,000 sq. ft.
	Minimum Lot Width (at front setback line):	75 ft.
	Front Setback:	40 ft.
intensive retail sales and services that depend upon high traffic volumes.	**Corner Lot Setback (lot with frontage on 2 streets):**	See note 2
	Side Setback:	10 ft.
	Rear Setback:	20 ft.
	Maximum Height Limit:	65 ft.

Figure 3-12: Minimum B-4 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

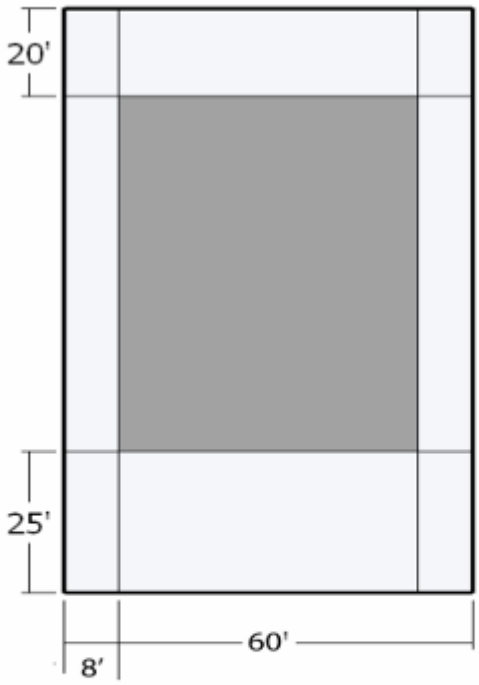
2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

3. Outparcel or single store sites as part of a shopping center development shall have a minimum lot size of ten thousand (10,000) square feet and may be subdivided with a property owner(s) agreement for all and/or shared common areas.

S. B-5 - General Business District

Purpose: The purpose of this district is to accommodate retail, services, warehousing and low intensity manufacturing businesses. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include lumberyards, storage units, auto body shops and other commercial activities that generate loud noises, heavy truck traffic or other potential nuisances to neighboring residential uses.	**DIMENSIONAL AND RATIO STANDARDS:**	
	Minimum Lot Size:	No minimum required
	Minimum Lot Width (at front setback line):	60 ft.
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 2
	Side Setback:	8 ft.
	Rear Setback:	10 ft.
	Maximum Height Limit:	65 ft.

Figure 3-12: Minimum B-5 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.

2. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

3. Outparcel or single store sites as part of a shopping center development shall have a minimum lot size of ten thousand (10,000) square feet and may be subdivided with a property owner(s) agreement for all and/or shared common areas.

T. CB - Central Business District

1. Purpose: The purpose of this district is to provide a central retail district for uses which normally require a central location and provide merchandise and services to the entire City and its environs. It is intended that this district shall develop and be maintained as a tight -knit core of commercial activity.

2. Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a wide range of residential, office, institutional and commercial uses that conduct operations and storage within enclosed areas.

3. Development Standards: Development shall conform to the dimensional standards established in Article 6 of this code and summarized in Table 3 -21.

Table 3 -21: CB Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, No Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

*Front setback may be increased to preserve or create public open space, for architectural features or art and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

U. CBP - Central Business Perimeter District

1. **Purpose:** The purpose of this district is to establish a perimeter of uses around the central retail district of the City composed of uses which normally require a central location and provide merchandise and services to the entire City and its environs. T his district is intended to develop and be maintained as a less intense commercial area on the perimeter of the CB Central Business District.

2. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3 -1, which include a wide range of residential, office, institutional and commercial uses that conduct operations and storage within enclosed areas.

3. **Development Standards:** Development shall conform to the dimensional standards established in Article 6 of this code and summarized in Table 3 -22.

Table 3 -22: CBP Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, No Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

*Front setback may be increased to preserve or create public open space, for architectural features or art and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

V. H-115 - Highway 115/Shelton Avenue Corridor District

1. **Purpose:** The purpose of this district is to establish this corridor as a major entryway into the downtown area. This district provides for mixed use, attached residential, civic and institutional uses, including a new municipal services node. This district is urban in character, with building setbacks and facades that are scaled to the pedestrian.

2. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3 -1, which include a wide range of retail sales and services, excluding automotive uses and outdoor storage.

3. **Development Standards:**

   a. Development shall conform to the dimensional standards established in Article 6 of this Code and summarized in Table 3 -23.

Table 3 -23: H -115 Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, No Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

*Front setback may be increased to preserve or create public open space, for architectural features or art and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

b. Square footage expansions to existing occupied businesses in the H -115 District may be permitted provided the expansion does not make the site any more non- conforming to the development standards. Parking may be expanded for existing occupied businesses i n the H -

115 District in the front yard. The cumulative total of square footage expansion and parking expansion cannot exceed a total of thirty -five percent (35%) of the existing square footage of the primary structure. Outdoor storage of inventory and pr oducts cannot be expanded.

W. LI - Light Industrial District

1. **Purpose:** The purpose of this district is to accommodate light industrial uses that are compatible with general business uses. This use should not be inherently obnoxious to the urban area because of noise, odors, dust, smoke, light or uses of dangerous materials.

2. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3 -1 which include uses involving indoor production, assembly and storage.

3. **Development Standards:** Development shall conform to the dimensional standards established in Article 6 of this code and summarized in Table 3 -24.

4. **Design Standards:** Commercial development shall comply with the standards established in Section 6.08.

Table 3 -24: LI Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Minimum Front Setback*	30 feet
Minimum Side Setback*	No Minimum
Minimum Rear Setback	20 feet
Maximum Height	80 feet

*Required setbacks unless required buffers in Section 6.04 are greater.

X. HI - Heavy Industrial District

1. **Purpose:** The purpose of this district is to allow industrial uses that are incompatible with general business uses, and to provide appropriate locations for light and heavy industrial uses that may involve outdoor storage, display or operations.

2. **Authorized Uses:** Uses permitted in this zoning district shall be limited to those indicated in Table 3 -1, which include all light and heavy industrial uses plus those involving outdoor storage, display and operations.

3. Development Standards: Development shall conform to the dimensional standards established in Article 6 of this code and summarized in Table 3 -25.

Table 3 -25: HI Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Minimum Front Setback	30 feet
*Minimum Side Setback	No Minimum
*Minimum Rear Setback	20 feet
Maximum Height	80 feet

*Required setbacks unless required buffers in Section 6.04 are greater.

Y. HD - Historic District Overlay

1. **Purpose:** To preserve the historical resources of the community, there shall be an overlay zoning district applied to areas containing historic resources.

2. **Applicability:** Historic District Overlay (HD) districts shall be delineated and identified on the zoning map. HD regulations apply to all tracts of land and structures located within designated historic districts, and all individual tracts of land or stru ctures that have been designated as local or national historic landmarks. The requirements of the shall be applied in addition to underlying zoning district requirements. When the HD regulations conflict with underlying requirements, the standards of the HD shall prevail.

3. **Certificate of Appropriateness Required:** Certificates of Appropriateness shall be required as per Section 2.14.

4. **Demolition or Removal:** No building or structure located within an HD district shall be demolished or removed without a permit issued by City Council. If the Historic Preservation Commission has formally voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the City Council, the demolition of any building, structure or site located on the proposed landmark or in the proposed district may be delayed by the Historic Preservation Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever occurs first.

   An application for a certificate of appropriateness and a permit to demolish or remove a building, structure or site shall be filed or processed as all other applications received. The Historic Preservation Commission shall hear the request and within fort y-five (45) days of the hearing recommend to the City Council for or against the application. The City Council shall consider the following in deciding whether to issue a permit.

   a. The recommendation of the Historic Preservation Commission;

   b. The location of the structure within the historic district;

   c. The state of repair of the structure;

d. The architectural and historical significance of the structure;

e. The owner's plans with regards to replacing the structure;

f. The overall impact of the demolition of the structure on the historic district; and

g. The economic impact of the denial of the permit upon the owner of the structure.

The City Council may, as a condition of issuing a permit for demolition, require the owner to replace the structure to be demolished with another structure that meets plans submitted by the owner and approved by the City Council. The City Council may establish a reasonable period of time for the owner to replace the demolished structure.

5. Nothing contained in this Code shall profit, impair or limit in any way the power of the City (at its own initiative or request of the Historic Preservation Commission) to prevent the construction, reconstruction alteration, restoration or removal of buil dings, structures, appurtenant fixtures or outdoor signs upon historic properties in violation of the provisions of this Code, and the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

6. The exterior features of any structure or outdoor advertising sign designated as an Historic Landmark or located within a designated historic district shall be preserved by the Owner or such other person who may have legal possession, custody and control thereof, against defects including decay, deterioration, dilapidation, and structural defects. Such person shall, upon written request by the City, repair such exterior features if they are found to be deteriorating or if their condition is contributing to deterioration, including, but not limited to, any of the following defects which have the effect of significantly impairing the integrity of such building or structure or the special character of such historic district:

   a. Deterioration of exterior walls, foundations or other vertical support that causes leaning, sagging, splitting, listing or buckling.

   b. Deterioration of flooring or floor supports, roofs or other horizontal members that causes leaning, sagging, splitting, listing or buckling.

   c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing or buckling.

   d. Deterioration or crumbling of exterior plasters or mortars.

   e. Ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.

   f. Defective protection or lack of weather protection for exterior walls and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

   g. Rotting, holes and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings and architectural details that causes delamination, instability, loss of shape and form or crumbling.

i. Heaving, subsidence or cracking of foundations, sidewalks, steps or pathways.

j. Deterioration of fences, gates and accessory structures.

k. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health or other property.

7. **Petition and Action:** The Historic Preservation Commission may file a petition alleging specific defects with the Planning Director, requesting that the Planning Director require the correction of deterioration or making of repairs under the following procedures.

   a. Upon receipt of a petition alleging defects in a structure, the Planning Director shall investigate the allegation, and upon confirmation, shall within seven (7) days thereof, notify the Owner or person with legal possession, custody and control thereof. The writing shall state the charges and contain notice that: a hearing will be held before the Planning Director not less than thirty (30) nor more than sixty (60) days after the serving of such notice, the owner and/or parties in interest shall be given a right to answer through testimony at the place and time fixed in the complaint, the Historic Preservation Commission will also be given notice of the hearing and the rules of evidence prevailing in courts of law or equity shall not be controlling in hea rings before the Planning Director. The hearing shall be held to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or parties in interest wish(es) to petition the Commission for a claim of undue economic hardship.

   b. If after such notice and hearing, the Planning Director determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration the Planning Director shall state in writing the fi ndings of fact in support of such determination and shall issue and cause to be served upon the owner and/or parties in interest an order to repair within the time specified those elements of the structure that are deteriorating, contributing to deterior ation or deteriorated. In the event that the owner and/or parties in interest wish to petition for a claim of undue economic hardship, the Planning Director's order shall be stayed until after the Commission's determination.

8. **Methods of Service:** Complaints or orders issued by the Planning Director shall be served either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Planning Director in the exercise of reasonable diligence, the Planning Director shall make an affidavit to that effect, stating the steps taken to determine and locate the person(s) in interest. After the creation of said affidavit, the serving of the complaint or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper generally circulated within the City. When such service is by publication, a notice of the pending proceedings shall also be posted in a conspicuous place on the premi ses thereby affected.

9. **Economic Hardship:** Upon receipt of a claim of economic hardship, the Planning Director shall notify the Historic Preservation Commission within ten (10) days following the hearing on the complaint. The HPC shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines.

   a. **Application:** The petitioner shall present the information provided below to the Commission. The Commission may require that the owner and/or parties in interest furnish additional information that is relevant to the determination of undue economic hardshi p. The Commission may also direct its staff to furnish additional information the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case. Information required to be provided includes, but is not limited to:

   (1) Nature of ownership (individual, business or nonprofit) or legal possession, custody and control.

   (2) Financial resources of the owner and/or parties in interest.

   (3) Cost of repairs.

   (4) Assessed value of the land and improvements.

   (5) Real estate taxes for the previous two (2) years.

   (6) Amounts paid for the property, date of purchase and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.

   (7) Annual debt service, if any, for previous two (2) years.

   (8) Any listing of the property for sale or rent, price asked and offers received, if any.

   (9) Annual gross income from the property for the previous two (2) years, if any.

   (10) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management practices were followed, if the subject property is income producing.

   (11) Annual cash flow, if any, for the previous two (2) years.

   (12) The past year's income tax returns, if the subject property is income producing.

   b. **Decision:** Within sixty (60) days of the hearing, the HPC shall accept or deny the claim of economic hardship and enter the reasons for such action into the record.

(1) Upon the denial of a claim of economic hardship, the HPC shall notify the Planning Director,
and the Planning Director shall order such property to be repaired within the time specified.

(2) Upon the acceptance of a claim of economic hardship, the HPC shall accompany the finding with a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under North Carolina law, loans or
grants from the City or other public, private or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations or relaxation of the provisions of this Article sufficient to mit igate the undue economic
hardship. The Commission shall report such finding and plan to the Planning Director. The Planning Director shall cause to be issued an order for such property to be repaired within
the time specified and according to the provision s of the recommended plan.

c. **Appeals:** Findings of the Planning Director and HPC may be appealed to the Board of Adjustment.
To perfect an appeal, application must be filed by an aggrieved party with the Board of Adjustment within thirty (30) days following receipt of the order for re pair o the property or determination. Appeals shall be in the nature of certiorari.

d. **Limitations:** Nothing contained within this Section shall limit the City's power to declare a building unsafe or in violation of the housing code.

e. **Penalties and Remedies:** Enforcement of this Section shall be carried out by one (1) or more of
the following methods. Any action taken by authority of this Section shall not relieve the owner any other civil or criminal proceeding allowed by law.

(1) The City may apply for any appropriate equitable remedy to enforce the provisions of this Section.

(2) The City may apply for an order of abatement directing the owner to make improvements, repairs or any other action necessary to bring the property into compliance with this Section. In the event the City acquires an order of abatement, the City shall file a mechanic's and materialman's lien on the property for the cost of executing such order.

(3) No civil penalty shall be levied unless and until the Planning Director delivers a written notice by personal service, registered US mail, or certified, US mail with return

receipt requested, upon the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall set forth the date by which corrective measures must be completed, and shall state the failure to timely correct the violation will result in the assessment of civil penalties and other enforcement action. If after the allotted time period has expired and after the hearing of an appeal, if any, by the Board of Adjustment, corrective action has not been completed, a civil penalty shall be assessed in accordance with City Code.

10. **Exceptions:** The provisions of this section shall not prevent the remedy of unsafe or dangerous conditions, including the construction, demolition, or modification of structures deemed necessary by the building inspector to protect the public health and safety.

11. **Limitations:** Nothing contained in this Code shall limit the power of the City to prevent the placement, alteration, or removal of structures or outdoor signs located upon historic properties in violation of this Code. The enforcement of any remedy allowed herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Z. Planned Unit Developments

1. Purpose

The Planned Unit Development District, hereinafter referred to as the "PUD District," is established to accommodate large-scale, master-planned, mixed-use developments that could not be accomplished through conventional zoning districts. Development within each PUD District shall occur in accordance with unique conditions and standards established during the rezoning process. Such conditions and standards shall be applicable only to the specific parcel(s) of land that comprise the PUD District and shall run with the land regardless of ownership. The PUD District is not intended for use with subdivisions or developments that accommodate a single or limited number of land uses for which other zoning districts are intended.

2. General Provisions

The following general provisions apply to the PUD District:

a. Permissible Uses

Permissible uses in the PUD District shall be any use or range of uses specified in the zoning application. Permissible uses may include, by way of example, residential, commercial, or office uses. The type and location of all uses within the PUD District must be demonstrated to be appropriate for both the project area and surrounding area. All proposed uses listed in the approved zoning application are considered conditional uses and are permitted subject to the conditions established through the rezoning process in connection with the specific application.

b. Minimum Size and Contiguity

The minimum area of a PUD District shall contain at least twenty (20) contiguous acres. Such contiguous acreage shall be under single or unified ownership or control.

Parcels separated only by a right-of-way (road, utility, railroad) or public easement shall be considered contiguous.

c. Ownership and Division of Land
No tract of land may be considered for a PUD District unless the tract is under single or unified ownership or control. If listed in several ownerships, the zoning application shall be accompanied by each landowner's written consent. The holder of a written option to purchase or a developer under contract shall be considered an owner for purposes of this section, provided the landowner's written consent is included with the application.

d. Relationship to Other Regulations
All PUDs shall be subject to adopted local regulations in effect at the time of rezoning approval and shall also comply with applicable State and Federal regulations.

3. General Development Standards

a. Private Covenants and Restrictions Required
Covenants and Restrictions for property within a PUD District are required and must be recorded in the public records of Iredell County prior to approval of a plat or issuance of a building permit for a vertical building on the property. These restrictions shall run with the land so that, if subdivided or developed in phases, the Covenants and Restrictions shall remain enforceable.

b. Open Space
The following open space requirements apply within a PUD District:

1. Not less than twenty percent (20%) of the gross land area of the PUD shall be devoted to open space.
2. Open space within a PUD District may include a combination of the following:
    - natural areas;
    - wetland preserves;
    - trails;
    - boardwalks;
    - parks;
    - ball fields;
    - equestrian fields or tracks;
    - plazas;
    - golf courses (excluding clubhouse and maintenance facilities);
    - buffers outside of a platted lot;
    - ponds and lakes; and/or
    - innovative and accessible water quality devices, including stormwater management ponds and systems.

Unless dedicated to the City or similar legal entity, the Property Owners Association (POA) shall provide for the continuing maintenance of open space.

c. Landscaping, Screening, Buffers, and Trees

Due to the unique layout and integrated uses of a PUD project, the current ordinance may not apply in its entirety. Therefore, a landscape plan shall be submitted that follows the general provisions of Section 30.6, Landscape Standards, and shall be approved by staff during the incremental master development process.

d. Common Sign Plan

Signs within the development shall adhere to the standards established in the zoning application or any approved amendment thereto. The applicant may submit a unified sign plan establishing design standards and sign locations for the project. Such plan may be submitted after zoning approval and may be approved by the administrator as an alternative to individual sign permits.

e. Stormwater Control

Stormwater management shall meet or exceed the requirements of Section 8.05. A common master stormwater management plan may be developed for the project as a whole and may employ best management practices. This provision does not prohibit development of the PUD District in phases nor phased implementation of the stormwater management system.

f. Street Design

1. Street design shall adhere to City standards; however, dimensional standards and design may be modified as part of the PUD process. Alternative street design standards may be proposed based on:
    - proposed street function;
    - adjacent land uses;
    - neighborhood character;
    - anticipated traffic volume (subject to City and/or NCDOT approval);
    - hierarchy within the street network; and
    - the need for traffic calming measures.
2. Streets within the PUD may be private or dedicated to the City of Statesville with the City's consent. Such roads may be maintained by the City or NCDOT according to jurisdiction. Private streets shall remain the responsibility of the POA.

g. Parking and Loading

Parking and loading standards shall apply to all development within the PUD, subject to the following exceptions:

1. On-street parking shall be permitted provided the roadway width accommodates such parking. On-street parking may consist of parallel, perpendicular, angled, or combined parking arrangements.
2. Parking standards and minimums for each nonresidential use shall be established as part of the PUD development standards.
3. On-street parking shall count toward required parking for adjacent uses.
4. Structured parking is permitted.

5. No off-street loading requirement shall apply to buildings containing less than ten thousand (10,000) square feet of gross floor area. All other buildings shall comply with off-street loading requirements.

4. Phasing a PUD

A PUD may be developed in phases. Approval of the PUD authorizes the applicant to commence intended uses, occupy buildings, sell subdivision lots, or obtain building permits before completion of all infrastructure, subject to a Development Agreement complying with Article 3 and the following conditions:

a. Incremental Master Development Plans

Each incremental master development plan submission shall identify the submittal as a separate phase and include projected commencement and substantial completion dates.

b. Completion of Infrastructure

Once a phase is established and approved, commencement of use, occupancy of buildings, or sale of subdivision lots within that phase may not occur until required infrastructure improvements are substantially complete or guaranteed pursuant to the Development Agreement, except as provided in subsection 4.c.

c. Exceptions Due to Circumstances Beyond Applicant Control

Where weather conditions or factors beyond the applicant's control make compliance unreasonable, City Council may authorize commencement of use, occupancy, sale of lots, or issuance of additional building permits provided adequate security is furnished.

5. Additional Regulations for Development Within a PUD

a. Residential Uses in Commercial and Office Buildings

Residential uses may be located above commercial or office uses located on the first floor of the same building.

b. Building Heights

Applicants may propose building heights exceeding ordinance limits provided the increased height does not negatively impact surrounding properties and is approved by the Planning Director.

c. Appurtenances

Steps, stoops, open porches, balconies, awnings, and similar appurtenances may extend up to four (4) feet into the front setback provided pedestrian circulation is not impeded.

d. Utility Lines

All new utilities within the development shall be underground unless the City Council determines that just cause exists for an alternative arrangement.

e. Accessory Uses

1. Residential Accessory Uses

One (1) accessory dwelling unit shall be permitted as an accessory to a residential use. Such structure may be used:

- for a home occupation or personal office by a family member residing in the primary dwelling; or

- as an accessory apartment occupied by domestic help, security personnel, or occasional guests.

2. Commercial Accessory Uses

Commercial accessory uses may include any commercial use, activity, or structure on the same site or lot that:

(a) is operated primarily for the convenience of employees, clients, or customers of the principal use;

(b) is clearly subordinate to the principal use;

(c) is located and operated as an integral part of the principal use and does not comprise a separate business use or activity;

(d) is not located within required parking areas; and

(e) is shown on the incremental master development plans and appropriately screened or enclosed.

AA. Innovation & Flexibility (IF) District

<table>
<tr>
<td rowspan="8">Purpose: The Innovation & Flexibility District is intended to encourage creative, adaptable development that supports emerging uses, creative entrepreneurship, evolving business models, and/or strategic higher-density residential opportunities. The district provides a flexible regulatory framework that allows a broad mix of compatible uses or a vital singular use. Development within the district should promote innovation, collaboration, and economic growth while allowing creativity in site design, building form, and land use to accommodate changing market conditions, support housing choice, and deliver vibrant, places within the City.

Authorized Uses: Uses permitted in this zoning district shall be limited through the Conditional Rezoning process. Uses not expressly listed in the permitted use table may also be considered through the IF district.</td>
<td>Minimum Lot Size</td><td>Determined through CZ</td>
</tr>
<tr><td>Minimum Lot Width (at front setback line)</td><td>Determined through CZ</td></tr>
<tr><td>Front Setback</td><td>Determined through CZ</td></tr>
<tr><td>Corner Lot Setback (lot with frontage on 2 streets)</td><td>Determined through CZ</td></tr>
<tr><td>Side Setback</td><td>Determined through CZ</td></tr>
<tr><td>Rear Setback</td><td>Determined through CZ</td></tr>
<tr><td>Maximum Height Limit</td><td>Determined through CZ</td></tr>
<tr><td colspan="3">Development Notes:
1. The Concept Plan with written conditions (or written conditions only) shall address:
• Density and Dimensional Standards
• Parking Standards
• Landscape & Fencing Standards
• Lighting Standards
• Open Space Standards
• Sign Regulations
• Design Standards
• Street Cross-sections
2. Development may deviate from any local land use and development regulations (with the exception of flood damage prevention, erosion and sedimentation control, stormwater, fire code, and applicable state and federal regulations) expressly requested by the Applicant through the Conditional Zoning process and agreed upon by the City Council.
3. The proposal shall include a purpose statement that clearly demonstrates alignment with the City's Comprehensive Land Use Plan.</td></tr>
</table>

(Ord. No. 18-13, 8-5-2013; Ord. No. 01-14, 3-17-2014; Ord. No. 27-15, 12-7-2015; Ord. No. 29-15, 12-7-2015; Ord. No. 02-16, 2-1-2016; Ord. No. 04-16, 3-21-2016; Ord. No. 10-16, 6-6-2016; Ord. No. 43-17, 11-20-2017; Ord. No. 04-18, 2-5-2018; Ord. No. 25-20, 11-2-2020; Ord. No. 34-19, 10-21-2019; Ord. No. 23-22, 6-6-2022; Ord. No. 02-23, Exh. A, 1-9-2023; Ord. No. 10-23, § 1, 4-3-2023; Ord. No. 18-23, § 1, 5-1-2023; Ord. No. 22-23, § 1, 6-5-2023; Ord. No. 31-23, § 1, 8-7-2023; Ord. No. 45-23, 11-6-2023; Ord. No. 47-23, 11-6-2023, Ord. No. 16-26, 6-1-2026)



Article 4. Non-Conforming Situations

Section 4.01 Purpose
Section 4.02 Non-Conforming Vacant Lots
Section 4.03 Non-Conforming Occupied Lots or Buildings
Section 4.04 Non-Conforming Open Uses of Land
Section 4.05 Non-Conforming Uses
Section 4.06 Non-Conforming Parking
Section 4.07 Non-Conforming Signs
Section 4.08 Exceptions
Section 4.09 Change in Kind of Non-Conforming Use

ARTICLE 4. NON -CONFORMING SITUATIONS

Section 4.01 Purpose

The purpose of this Article is to permit the use of structures and land that were lawful prior to the adoption of this Code or subsequent amendment, but which are prohibited, or restricted under the provisions of this Code or subsequent amendment. These no n-conforming uses shall be allowed to continue in conformance with the regulations stated herein. Such uses are declared incompatible with the uses allowed in the underlying zoning district, and are therefore not encouraged to continue.

Section 4.02 Non -Conforming Vacant Lots

A parcel of land with area or lot dimensions that are smaller than required for the applicable zoning district may be used for any purpose permitted in the zoning district if:

A. Conformance: The parcel was lawful at the time it was created, with any lot created after May 1, 1972 complying with City subdivision regulations, except as provided in Section 1.05, B.2.e; and

B. Alternatives: No reasonable alternative exists to make the lot conforming, such as the addition of adjoining land under the property owner's control; and

C. Compliance with Other Regulations: The use meets all minimum requirements of the district for setbacks, height and all other regulations prescribed for the zoning district; and

D. Safety: The land can be developed in a safe manner and has access to necessary utilities.

Section 4.03 Non -Conforming Occupied Lots or Buildings

A. Generally

This category of nonconformance consists of lots, occupied by buildings or structures at the time of the passage of this ordinance, that fail to comply with minimum requirements for area, width, front yard, side yard, rear yard, height, unobstructed open space and other requirements for the district(s) in which they are located. Structures and buildings on these lots may be improved, enlarged, and extended, provided as follows:

1. Any improvement, enlargement, or extension of buildings or structures shall comply with the minimum requirements for front yard, side yard, rear yard, height, and unobstructed open space applicable to the district in which they are located.

2. The existence of a nonconforming condition on a lot, parcel, or tract of land shall not prevent the construction of additional buildings or structures on the parcel, lot, or tract, provided the building or structure itself complies with the requirements of this Code. Accessory uses shall not be constructed or added if the principal use does not exist on the property.

3. Nonconforming conditions such as absent or substandard buffering, parking spaces, landscaping, or loading areas that existed at the enactment of this ordinance on premises used for a conforming use may continue so long as they are not enlarged or otherwise made less conforming. Absent or substandard conditions shall be addressed on the property if adequate space is available. The construction or erection of structures or buildings shall not be considered an enlargement or extension of such conditions.

4. Maintenance and repairs necessary to keep a nonconforming structure in sound condition shall be permitted.

B. Americans with Disabilities Act

Construction intended to bring a nonconforming property into compliance with the requirements of the Americans with Disabilities Act (ADA) shall be permitted.

C. Improvement, Repair, and Maintenance

1. **Routine Repair and Maintenance of a Nonconforming Structure.** Normal maintenance or minor repair of a nonconforming structure shall be permitted. Minor repairs are nonstructural in nature. If the value of repairs exceeds fifty percent (50%) of the fair market value of the structure (exclusive of land costs) over any thirty-six (36) month period, the building or structure shall be brought into conformance with the provisions of this Code.

2. Structural alterations or additions to a building that is nonconforming with respect to height or setback shall be permitted, provided the existing nonconformity is not increased and no new nonconformity is created.

3. **Restoration of a Destroyed Nonconforming Structure.** A nonconforming building damaged by fire, explosion, or an act of God to the extent of more than fifty percent (50%) of its replacement value shall not be restored except in conformity with the regulations of the district in which it is located or pursuant to the granting of necessary variances. When damaged to less than fifty percent (50%) of its replacement value, a nonconforming building may be repaired and restored, provided that no restoration extends over a property line or increases the degree of nonconformity. Reconstruction shall begin within six (6) months of the date of damage, and a Certificate of Occupancy shall be issued within one (1) year of the date of damage.

D. Nonconforming Site Features

1. For existing nonresidential or multifamily structures, if there is an expansion of gross floor area by twenty-five percent (25%) or more, the lot shall comply, to the extent feasible, with the street improvement requirements of this ordinance along fronting public streets, including but not limited to turning and traffic storage lanes, sidewalks, curb and gutter improvements pursuant to Chapter 20 of the City Code, landscaping, buffering, right-of-way dedication, and any other improvement attributes identified in plans adopted by the City. Determination of feasibility and the level of compliance shall be made through a review of the site plans by the Technical Review Committee (TRC). Additional review may be required by the zoning district or the Municipal Service District.

The above referenced expansions shall apply to the cumulative total of improvements that are issued by a zoning approval within a twenty- four (24) month period.

(Ord. No. 12 -22, 10 -1-2012)

Section 4.04 Non -Conforming Open Uses of Land

Nonconforming open uses of land are those where buildings and structures are incidental to the outdoor use, such as storage yards, lumberyards, used car lots, auto wrecking and junk yards, golf driving ranges, miniature golf facilities, and similar open uses. A nonconforming open use of land may be continued, provided:

A. When the use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use. Any change of use to a structure shall be submitted to the Iredell County Building Inspection Department for approval.

B. The use shall not be changed except to a conforming use.

C. The use shall not be enlarged to cover more land than was occupied when the use became nonconforming.

D. When the use is discontinued, unused, or vacant, regardless of intent, for a period exceeding one (1) year, or six (6) months in the CB, CBP, Municipal Service, and H-115 Districts, any future use shall conform to the underlying zoning district.

Section 4.05 Nonconforming Uses

This category of nonconformance consists of land uses that, on the effective date of this Code, are not permitted in the district in which they are located. Such uses may be continued, provided as follows:

A. When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use. Any change of use to a structure shall be submitted to the Iredell County Building Inspection Department for approval. For additional information, refer to Section 4.09 of this Ordinance.

B. Except as specifically authorized below, a nonconforming use shall not be extended or enlarged except into portions of the structure that, at the time the use became nonconforming, were already erected and arranged or designed for such use. No structural alterations or additions shall be made to any structure occupied by a nonconforming use, except those required by law or ordinance and except as follows:

1. Nonconforming residential structures located in business or industrial districts may be enlarged, extended, or structurally altered, provided that no additional dwelling units result from such enlargement, extension, or alteration.

2. A nonconforming structure may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Code, was manifestly designed or arranged to accommodate such use.

3. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased, and the equipment or processes used at a location where a nonconforming situation exists may be changed, provided such changes amount only to changes in the degree of activity rather than changes in kind and do not result in violations of this Code.

4. Any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, provided the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. In particular, a mobile home may be replaced with a larger mobile home, and a single-wide mobile home may be replaced with a double-wide mobile home. This subsection is subject to the limitations stated in Section 4.05(C).

C. When any nonconforming use is discontinued for a period exceeding one (1) year, or six (6) months for properties located in the CB, CBP, Municipal Service, or H-115 Districts, the property shall not thereafter be used except in conformance with the regulations of the district. However, small expansions are permitted in the H-115 District, provided the requirements of Article 3 and Article 6 have been met.

(Ord. No. 25 -20, 11 -2-2020; Ord. No. 02- 23, exh. A, 1- 9-2023)

Section 4.06 Nonconforming Parking

The maintenance, repair, and alteration of a use with nonconforming parking may be permitted, provided that any additional off-street parking provided for the site complies with this Code.

Section 4.07 Nonconforming Signs

Nonconforming signs shall comply with the provisions of Section 6.07.

Section 4.08 Exceptions

A. Residences

1. **Garages and Sanitary Facilities.** Nonconforming residential uses may add private garages or sanitary facilities, provided such additions conform to the requirements of this Code.

2. **Residences in Commercial Districts.** Nonconforming residential structures located in commercial districts may be extended or enlarged, provided no additional dwelling units are created.

3. **Replacement.** Any nonconforming single-family residential dwelling may be replaced with a larger structure, provided the degree of nonconformance is not increased and no new nonconformities are created.

B. Historic Structures

All nonconforming structures listed as a national, state, or local historic site shall not be required to conform to these regulations, provided that:

1. Construction or reconstruction does not increase the degree of nonconformity or adversely impact the historic status of the structure; and

2. A nonconforming site or structure complies with the change-of-use provisions of this Code.

3. **Legal Lots of Record and Vested Rights.** Legal lots of record and properties that do not meet the bulk and density requirements of this Code may be developed in conformance with the underlying zoning district. However, the Planning Director may require adjacent lots under common ownership to be consolidated to create conforming lots.

Section 4.09 Change in Kind of Nonconforming Use

A nonconforming use may be changed to another nonconforming use of similar or lesser intensity upon meeting the following requirements:

A. The new use is allowed only in the same zoning districts as the previous use.

B. The hours of operation generally can be expected to be similar to, or fewer than, those of the previous use, including opening and closing times.

C. The days of operation generally can be expected to be similar to, or fewer than, those of the previous use.

D. The amount of required parking for the new use is no greater than ten percent (10%) above that required for the previous use.

E. The new use shall not include outdoor storage unless outdoor storage was part of the previous use.

(Ord. No. 17-01, adopted February 6, 2017)



Article 5. Supplemental Regulations/Performance Standards For Specific Uses

Section 5.01 General Conditions
Section 5.02 Accessory Uses and Structures
Section 5.03 Temporary Uses and Structures
Section 5.04 Primary Uses and Structures
Section 5.05 Performance Standards

ARTICLE 5. SUPPLEMENTAL REGULATIONS/PERFORMANCE STANDARDS FOR SPECIFIC USES

Section 5.01 General Conditions

A. The standards enumerated in this Article shall apply to specific land uses in addition to other applicable standards of this Code.

B. All uses shall comply with applicable building, life safety, fire and health codes adopted by the City in addition to applicable regulations of Iredell County, and State or Federal governments.

Section 5.02 Accessory Uses and Structures

A. Generally

1. No permit for an accessory use or structure shall be issued until a permit has been issued for the principal use or structure.

2. An accessory building or structure is a subordinate building or structure whose use is secondary to and supportive of the principal building.

3. Accessory structures shall not be located between the front of a principal building and the street right-of-way or front property line with the exception of gazebos and carports which shall meet a ten (10) foot front setback, five (5) foot side setbacks, and be located outside the site distance triangle. Additionally, only one (1) carport is allowed in the front yard and shall be limited to 400 square feet or less. Carports larger than 400 square feet must be in the side or rear yard or attached to the principal structure. Carports may not be taller than the principal structure.

4. Accessory structures shall conform to the setback requirements of the underlying zoning district, except as modified herein:

   a. Maximum building coverage within a required rear yard shall not exceed thirty percent (30%).

   b. The required side and rear yard setbacks shall be increased by two (2) feet for every one (1) foot that an accessory structure exceeds twenty (20) feet in height, provided the accessory structure does not exceed the height of the principal building.

   c. An accessory structure intended for human occupancy shall conform to the requirements of Section 5.02(C).

   d. Accessory structures in residential districts may be allowed a side and rear yard setback of three (3) feet and, in Historic Districts, zero (0) feet (subject to verification by a property boundary survey), provided that:

      (1) The accessory structure is located entirely behind the principal building;

(2) The accessory structure is no closer than five (5) feet to another structure on the same lot; and

(3) Corner lots comply with the front-yard setback requirements.

Accessory structures in the O&I, B-1, B-2, B-3, CB, and CBP zoning districts shall be located on the same lot as the principal structure, and all storage shall be contained within an enclosed structure. Outdoor storage is prohibited.

Accessory structures in the B-4 and B-5 zoning districts shall be located on the same lot as the principal structure. In the B-4, B-5, LI, and HI zoning districts, outdoor storage is permitted in side and rear yards, provided the area devoted to outdoor storage is screened from view with vegetation.

e. When an accessory structure is located on a lot abutting more than one (1) public right-of-way, it shall comply with the setback requirements of the underlying zoning district along all street frontages.

5. Accessory structures may be used for a home occupation, provided the requirements of Section 5.02(I) are met.

B. Accessory Amenities

1. Non-illuminated pools, tennis courts, and other recreational amenities shall be located no closer than six (6) feet to an adjacent residential lot.
2. Externally lighted pools, tennis courts, and other recreational amenities shall be located no closer than fifty (50) feet to an adjacent residential lot.
3. A minimum four (4) foot-high fence shall enclose all swimming pools.

C. Accessory Dwellings

Accessory dwelling units may be permitted in single-family residential zoning districts, subject to the following requirements:

1. Accessory dwellings shall comply with all applicable local, state, and federal housing codes.
2. Only one (1) accessory dwelling shall be permitted per lot.
3. The accessory dwelling shall not exceed fifty percent (50%) of the livable floor area of the primary structure or one thousand (1,000) square feet of gross floor area, whichever is less.
4. Accessory dwellings shall not be sold separately from the property or the principal dwelling unit.
5. Accessory dwellings shall be limited to parcels where the owner occupies either the primary dwelling or the accessory dwelling.
6. Accessory dwellings shall be located within the defined rear yard.

7. Accessory dwellings shall comply with the front-yard setback requirements of the zoning district in which the accessory dwelling is located. Required rear and side-yard setbacks shall comply with Section 5.02.
8. The accessory dwelling shall be located a minimum of five (5) feet from any other structure.
9. The accessory dwelling shall comply with the height limitations of the zoning district in which it is located.
10. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation design. Manufactured homes shall not be permitted as accessory dwelling units.
11. Adequate off-street parking shall be provided for any vehicles owned by occupants of the accessory dwelling.

D. Child/Adult Home Day Care

Adult and child home day care facilities shall maintain the residential character of the primary residential use. All requirements of the North Carolina Department of Human Resources shall be met. A fenced play area shall be provided for children.

E. Child Care Accessory to Use

On-site child care facilities for the children of business employees may be permitted, provided all regulations of the North Carolina Department of Human Resources are met and a secure, fenced outdoor play area is provided.

F. Dormitories

Dormitories may be permitted as an accessory use to a college, technical school, nursing school, or similar educational institution, subject to the following:

1. Off-street parking shall be provided in side or rear yards.
2. One (1) non-illuminated sign not exceeding nine (9) square feet in area may be erected.
3. Building design and massing shall be compatible with the surrounding neighborhood.
4. Outdoor lighting sources shall not be directly visible from adjacent properties.

G. Furniture Refinishing and Repair

Furniture refinishing and repair establishments may be permitted subject to the following:

1. The use shall be accessory to a retail sales operation.
2. All activities shall be conducted within an enclosed structure.
3. A list of finishing and stripping materials, quantities, and storage locations shall be provided to the City of Statesville Fire Marshal and updated as necessary.

H. Shared Garage

Shared garages may be permitted subject to the following:

1. A shared double garage, configured so that one-half (½) is located on each of two (2) lots, shall be permitted in any residential district.
2. The owners of both properties shall submit a written request for the shared garage with the building permit application, and a shared access easement shall be recorded.
3. No side-yard setback shall be required along the common lot line.

I. Home Occupations

Home occupations may be permitted subject to the following:

1. Purpose

a. To permit and regulate the conduct of home occupations as an accessory and secondary use to a dwelling unit, whether owner-occupied or renter-occupied.

b. To ensure that home occupations are compatible with, and do not adversely affect, nearby residential properties and uses.

c. To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;

d. To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;

e. To enable the fair and consistent enforcement of these home occupation regulations; and

f. To promote and protect the public health, safety and general welfare.

2. Home occupations are authorized if they comply with the performance standards established in these Regulations:

a. Shall only be operated by a full -time resident of the property, shall not employ or use persons on the site who are not residents of the dwelling and shall not allow on- site assembly of workers or crew.

b. The home in which the occupation occurs shall look like a residential dwelling and not a business establishment. An accessory structure in which the occupation occurs shall be compatible with the architecture and materials of the principal residential dwe lling.

c. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.

d. Shall be conducted only in the dwelling or accessory structure, provided no more than twenty-five percent (25%) of the total floor space of the principal dwelling is used for the home occupation.

e. No more than two (2) home occupations shall be permitted on a residential lot.

f. There shall be no exterior displays, no exterior storage of vehicles, equipment, including unlicensed equipment or materials, and no open lot storage.

g. Storage of dangerous, hazardous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted.

h. Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors or heat. Noise levels from the home occupation, detectable at the property line, shall not exceed those generated by the primary use. Noise, vibratio n, smoke, electrical interference, dust, odors or heat shall not exceed those generated by the primary use and shall not be detectable beyond the property lines or beyond the walls of the dwelling unit if the dwelling unit is a multifamily structure.

i. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.

j. No equipment or delivery vehicles shall exceed eight (8) ton capacity.

k. Shall comply with applicable State and County licenses and inspections.

3. The following home occupations shall be subject to all applicable home occupation regulations and standards of this Section, but shall not be required to obtain a home occupation permit, if all persons engaged in such activities live on the property and t he following conditions are met:

a. Artists, sculptors, composers with no sales permitted on the premises;

b. Craft work, such as jewelry -making and pottery, with no sales permitted on the premises;

c. Home offices with no sales or client visits permitted on the premises; and

d. E-commerce, computer internet usage for commerce, service or consulting with no sales or client visits permitted on the premises.

4. The following are expressly prohibited as home occupations:

a. Animal hospitals;

b. Physicians, dentists and chiropractors;

c. Dance studios, except that a dance studio for fewer than fifteen (15) total students may be

allowed on a collector or arterial street;

d. Exercise studios;

e. Mortuaries;

f. Nursery schools;

g. Private clubs;

h. Repair shops;

i. Restaurants;

j. Stables and kennels;

k. Automobile repair and paint shops.

5. If, in the opinion of the Planning Director, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Planning Director shall issue an order to the dwelling owner and/or tenant directing that the home occupation be immediately made safe or terminated.

The property owner and/or tenant shall be responsible for taking the necessary corrective actions. If the owner and/or tenant fails to do so after notice and a reasonable opportunity to comply, the Planning Director may take any action necessary to make the home occupation and dwelling safe. Any costs incurred by the Planning Director in taking enforcement action shall be borne by the property owner and shall be treated as a zoning violation pursuant to these Regulations.

6. The applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.

Any proposed home occupation that is neither specifically permitted nor prohibited shall, in order to be established, be an activity normally performed in household surroundings and safely conducted in the presence of children and pets.

J. Motor Vehicle Repair, Personal

The repair of a motor vehicle may be permitted in any residential zoning district as an accessory use, subject to the following:

1. Minor repairs and maintenance, defined for purposes of this Section as changing and replenishing fluid levels (including hydraulic fluid, windshield washer fluid, and lubricating oil),

replacing spark plugs or ignition points, rotating tires, checking tire pressure, and replacing drive belts and hydraulic lines, may be performed on the property.

2. Major repairs may be performed on the property but shall be restricted to fully enclosed spaces.

3. The motor vehicle must be registered to the property owner residing at the property where the repairs or maintenance are performed and shall either:

a. Display current State of North Carolina license plates; or

b. Be designated by the State of North Carolina as an antique or horseless carriage.

4. Motor vehicle repair and maintenance activities shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m.

K. Parking of Vehicles in Residential Districts

Personal, commercial, and recreational vehicles may be parked or stored on residential property, subject to the following conditions:

1. At no time shall vehicles, other than electric-powered personal automobiles, be connected to utility services.

2. Owners of domestic and recreational vehicles, boats, and/or trailers may park or store such vehicles on private residential property, subject to the following limitations:

   a. Such vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes.

   b. Parking is permitted anywhere on a lot for loading and unloading purposes for a period not exceeding twenty-four (24) hours.

   c. Parking of such vehicles shall be prohibited in the area between the street and the front yard, except that motor vehicles and trailers may be parked on a driveway or parking area constructed of concrete, asphalt, gravel, or another material commonly used for vehicle parking, excluding grass or dirt surfaces.

3. **Commercial Vehicles.** The parking of more than one (1) commercial vehicle per lot in any residential district is prohibited unless the vehicles are located within a fully enclosed structure meeting the requirements of the applicable zoning district. In no case shall commercial vehicles with more than two (2) axles or tractor-trailers be permitted to park within a residential district, except in the Residential Agricultural (R-A) District. This provision shall not apply to buses operated by churches, schools, or nonprofit organizations when parked on the subject property. Nothing in this Section shall prohibit vehicles from loading or unloading in a residential district, provided the vehicle does not remain on-site for more than forty-eight (48) hours.

L. Parking of Oversized Vehicles in the Central Business, Central Business Perimeter, H-115, and Municipal Service Districts

In no case shall commercial vehicles in excess of two (2) axles or tractor trailers (excluding charter buses) be permitted to park anytime except for loading and unloading and the temporary use of units related to construction activities. The use of trailers for seasonal sales shall be allowed upon the issuance of a permit by the City. Existing

(Ord. No. 33-21, 6-7-2021, Ord. No. 17-26, 6-1-2026)

Section 5.03 Temporary Uses and Structures

Temporary uses may be permitted upon issuance of a Temporary Use Permit and compliance with the following standards.

A. Carnivals, Circuses, Fairs, Festivals, and Concerts

Temporary recreational and entertainment-related activities may be permitted upon approval by the Fire Marshal's Office, subject to the following:

1. Duration

   a. **One-Day Events.** Events may be permitted for no longer than one (1) day and are allowed in all zoning districts.

   b. **Multi-Day Events.** Events may be permitted for no longer than ten (10) days and shall be limited to the B-3, B-4, CB, CBP, B-5, LI, and HI zoning districts.

2. Accessory uses and facilities associated with these activities may be permitted.

3. If a tent or other temporary structure is to be used for human occupancy, the structure shall be approved by the Fire Marshal. In addition:

   a. The maximum number of occupants shall be determined by the Iredell County Building Inspector.

   b. A seating plan shall be approved by the City of Statesville Fire Marshal.

   c. A certificate of flame resistance shall be submitted to the City of Statesville Fire Marshal.

   d. A certificate of insurance covering liability on the part of the applicant or sponsor in the event of an accident shall be submitted to the Planning Director.

4. All required state and local licenses and permits shall be obtained.

5. The site shall have direct access to an arterial or collector street as designated in the Thoroughfare Plan.

6. Temporary signs may be permitted in accordance with Section 6.07.

B. Construction Trailers and Mobile Construction Offices

Construction trailers and mobile construction offices may be permitted subject to the following:

1. They may be permitted only during a construction project for which a building permit has been issued.
2. Their use shall be limited to office facilities serving the construction project located on the subject property.
3. They shall not be placed within a public street.
4. They shall be removed within thirty (30) days following completion of the construction project.

C. Evangelistic, Religious, and Related Congregations and Assemblies

These uses may be permitted for a period not exceeding fourteen (14) days.

D. Mobile Classrooms

Mobile classrooms may be permitted, except within the CB and Historic Overlay Districts, subject to the following:

1. Their use shall be limited to classroom purposes and they shall be located on-site as an accessory use to a school.
2. They shall comply with the same setback requirements as the principal structure within the zoning district.
3. They shall be located so as to minimize visibility from public streets whenever possible.
4. They are exempt from the Design Standards for Non-Residential Development contained in Section 6.08.
5. They may be permitted for an initial period of five (5) years. Renewals may be granted in five-year increments.

E. Model Dwelling Units

Model dwelling units may be permitted subject to the following:

1. A single model dwelling unit may be permitted within a residential district for use as a sales office during the construction and marketing of a specific residential project. However, a model dwelling unit may be located in districts which exclude residential uses provided that it shall only be used as a means to sell homes in approved residential developments.
2. The model dwelling unit shall not be used for any business activity, other than showing and sales and shall be discontinued when the specific residential project is sold out.
3. The model dwelling unit shall meet all lot and yard requirements of the underlying district.
4. Signs are permitted, pursuant to Section 6.07, but shall not be illuminated.

5. At least five (5) off- street parking spaces shall be provided on the same lot as the model dwelling unit or on a vacant contiguous lot within the specific project.

6. The model dwelling unit shall not be used for residential occupancy prior to obtaining a certificate of occupancy.

F. On Premises Open Lot Sales

These may be permitted only for farm produce or other products made or grown by the farm producer or immediate family.

G. Open Lot Sales of Christmas Trees

These may be permitted for no longer than forty -five (45) days and for special fundraising events conducted by eleemosynary, religious or other non- profit institutions or organizations and in the B -2, B-3, B-4, B-5, CB, CBP, LI and HI zoning districts only.

H. Outdoor Bazaars, Cookouts, and Similar Activities

May be permitted for no longer than three (3) days and when conducted by eleemosynary, religious or other non-profit institutions or organizations.

I. Temporary Relocation Mobile Homes

These may be permitted for no longer than eighteen (18) months and for persons displaced as a result of natural or manmade disasters.

J. Yard Sale

These may be permitted subject to the following:

1. Yard (garage, basement, patio) sales are specifically permitted as a use in all residential districts.

2. Sales shall be limited to six (6) per year, a maximum of two (2) days per sale, sixty (60) days apart.

3. A sign on premise may be erected the day of sale, however, no signs shall be erected within street right -of-way, on telephone poles, stop signs, traffic control signs, trees or fences.

K. Dumpsters (Construction) in the CB, CBP and Municipal Service Districts

Dumpsters to be used for construction/renovation/demolition may be permitted in the CB, CBP, and Municipal Service districts subject to the following:

1. The time period for the initial dumpster(s) permit will be established by the applicant and City staff in accordance with the project schedule. Subsequent renewals of the permit will be handled in the same way.

2. Renewal of the permit can be denied and the dumpster can be required to be removed if no activity is occurring to justify the need for a dumpster.

3. The dumpster should be located so that is not visible from the street if possible.

4. The dumpster's contents must be removed when full. Trash and debris is not allowed to overflow the dumpster or accumulate out of and around the dumpster. Violations will be subject to civil penalties.

L. Road Construction Projects

1. Includes uses such as, but not limited to, temporary construction/office trailers, temporary laydown yards, temporary storage of materials/stock piles, and temporary concrete mixing plants. These uses may be allowed as a temporary use for the duration of the road project, subject to the provisions of subparagraph 3 herein. These may be permitted subject to the following:

   a. The use shall meet the same setbacks as the principal structure for the zoning district to the fullest extent possible;

   b. The use shall be located so that it is not visible from the street to the fullest extent possible; and

   c. The use shall take active measures to control dust created from the project to the fullest extent possible. In accordance with North Carolina General Statutes and at the sole discretion of the City, the permit may be pulled if it finds that it violates the terms of Hazard to Public Health, Safety and Welfare.

   d. The use shall be located three hundred (300) feet from any residence.

2. These projects are exempt from the Section 6.08 of the Unified Development Code of Statesville, Design Standards for Non-Residential Development and exempt from the Noise Ordinances found in Statesville City Code § 20-113, Code § 14-76, and Code § 6-9, with the specific and sole exception of driving pylons.

3. These projects may be permitted for a period of up to two (2) years at a time. The projects may be renewed in one (1) year increments.

(Ord. No. 19-13, 8-5-2013; Ord. No. 09-19, 4-1-2019)

Section 5.04 Primary Uses and Structures

A. Adult Care Center

These may be permitted subject to the following:

1. Shall comply with all regulations promulgated by the North Carolina Department of Human Resources;

2. Shall maintain the residential characteristic of the surrounding neighborhood;
3. Shall provide and maintain secure fencing along side and rear yard perimeters of property;
4. Hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.;
5. On-premises pick-up and drop-off areas shall be provided;
6. All staff parking shall be provided and maintained in the rear yard;
7. All drive and cuts shall be approved by the City Engineer and the North Carolina Department of Transportation, when applicable; and
8. Uses designed to accommodate more than thirty (30) adults shall be located on and have direct access to a collector street.

B. Adult Entertainment Establishment

Any structure or use of land as defined in Section 9.02 which includes the following: adult arcades, adult bookstores, adult cabarets/clubs, adult live entertainment, adult live entertainment businesses, adult motels or hotels, adult motion picture theaters, adult mini-motion picture theaters, adult theaters, adult video stores, escort agencies, adult massage businesses, nude model studios, and sexual encounter centers, provided they may not be located within two thousand (2,000) feet of another use permitted under this section, measured from the exterior walls of the buildings containing such regulated use.

No use permitted may be located within one thousand five hundred (1,500) feet of an area zoned or used for residential purposes (including retirement/nursing homes, churches, schools, parks or day cares), measured from the exterior walls of the building(s) containing such regulated uses.

Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of the view of the public way and surround properties.

C. Amusement Arcades, Pool Halls & Billiards (indoor)

No such establishment shall be located within seven hundred (700) feet of another amusement arcade, pool hall or billiard.

D. Amusement Parks

These may be permitted upon approval from the Fire Marshal's Office and subject to the following:

1. Shall not be located within one thousand (1,000) feet of any zoning district permitting residential uses;
2. Shall have a minimum lot size of ten (10) acres;
3. Setbacks for structure's equipment shall be one hundred (100) feet from property line;
4. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m.;

5. Lighting shall not be directly visible from any residential zoning district; and
6. Shall have direct access to an arterial street, as designated by the Mobility and Development Plan.

E. Animal Hospitals, Small

These may be permitted subject to the following:

1. Shall be limited to only the treatment of household pets and similar small animals;
2. All activities associated with the hospital must be conducted within the enclosed principal structure; no outside runs and/or outside boarding of animals are permitted; and
3. Shall not be located any closer than one hundred (100) feet to a residential zoning district.

F. Animal Hospitals, Large

These may be permitted subject to the following:

1. Accessory structures used to house animals shall be located no closer than one hundred (100) feet to any structure used for residential purposes.
2. Grazing areas shall also meet a one hundred (100) foot separation.
3. Area shall be maintained in a neat and orderly fashion as not to create nuisance (odor, flies) to adjacent properties.

G. Baseball Hitting Range

These may be permitted subject to the following:

1. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.;
2. A type F buffer shall be required between a baseball hitting cage and a residential lot pursuant to Section 6.04 of this code; and
3. Lighting sources shall not be directly visible from adjacent property or street right-of-way.

H. Bed and Breakfast

These may be permitted subject to the following:

1. No more than five (5) bedrooms per dwelling shall be used for bed and breakfast guests at any time;
2. Accommodations shall be provided to no more than ten (10) guests at any time;
3. One (1) additional parking space shall be required for each bedroom accommodation in addition to the required number of spaces for the residential use;

4. Parking spaces shall be provided in the side or rear yard and shall not be permitted in the front yard as defined by the principal structures building line;
5. No on-street parking shall be permitted for the residents of the house or the bed and breakfast guests;
6. The duration of a guest's stay shall be less than one (1) week, defined herein as seven (7) consecutive calendar days;
7. The operators of the bed and breakfast operation must be full time residents of the structure;
8. Signs for the operation shall not exceed four (4) square feet and be non illuminated;
9. The serving of meals to patrons of the bed and breakfast operation shall be limited to breakfast only;
10. An escape route drawing shall be posted in each guest room;
11. Smoke detectors shall be located in hallways outside the guestrooms;
12. A centrally located five-pound, minimum, ABC fire extinguisher shall be located on each inhabited floor; and
13. An operable telephone shall be located on each inhabited floor.

I. Bus Garages

These may be permitted subject to the following:

1. All maintenance shall be performed within an enclosed structure;
2. No outside or open storage of parts, wrecked or dismantled vehicles; and
3. Parking and storage of buses shall be within a fenced or otherwise screened area sufficient to screen them from public view, defined herein to mean not visible from adjoining properties or street right-of-way.

J. Bus Shelters

These may be permitted subject to the following:

1. The shelter will serve patrons of a publicly-owned or franchised bus system, operating exclusively within the Statesville Planning area;
2. The shelter may be located on public or private property, but if on private property, it shall not occupy more than ten percent (10%) of the required setback area; and
3. Compliance with City Code provisions regarding sight distances and sight triangles at intersections and driveways shall be required.

K. Camps, Non-profit

These may be permitted subject to the following:

1. Shall be located on a lot with a minimum size of five (5) acres;
2. Building setbacks shall be fifty (50) feet from all property lines;
3. A site plan shall be provided to the City of Statesville Planning Department for any proposed changes or updates not consistent with the site plan approved by the City;
4. A type E buffer shall be required between any camp and a residential lot pursuant to Section 6.04 of this code; and
5. Outdoor lighting sources shall not be directly visible to adjacent property owners.

L. Camps, Recreational Vehicles

These may be permitted subject to the following:

1. Trailer spaces shall be rented by the day or week only, and occupants may remain in the same park for no more than thirty (30) consecutive days.
2. Trailers shall be separated from each other and from other structures by at least ten (10) feet, including trailer appurtenances such as attached awnings, carports, or individual storage facilities shall be exempt from this requirement.
3. Density shall not exceed twenty-five (25) spaces per gross acre. However, the Planning Board may approve a density bonus when sensitive environmental features are preserved.
4. All parks shall contain at least one (1) recreation area which is easily accessible from all spaces. The recreation area shall not be less than eight percent (8%) of the gross park area or two thousand five hundred (2,500) square feet, whichever is greater.
5. All trailers shall be located at least thirty (30) feet from any park boundary line abutting a public street or highway.
6. Parking and maneuvering space shall be designed so the largest anticipated vehicle will not use any public street, sidewalk, public right-of-way, or adjacent private property to accomplish any movement within the park.
7. Internal streets and roadways shall be stabilized and comply with the following paving standards:

Roadway Type Roadway Width	Roadway Type Roadway Width
One-way, no parking 11 feet	One-way, no parking 11 feet
One-way, parking on one side only 24 feet	One-way, parking on one side only 24 feet
Two-way, no parking 25 feet	Two-way, no parking 25 feet
Two-way, parking on one side only 27 feet	Two-way, parking on one side only 27 feet
Two-way, parking on both sides 34 feet	Two-way, parking on both sides 34 feet

8. The park shall be served by a potable water supply providing a quantity and pressure necessary for reasonable service. The water supply shall provide connections to each trailer space.

9. A sanitary sewer system conforming to state, county, and City requirements shall serve each trailer space.

10. A central service building shall be provided within three hundred (300) feet of areas designated for dependent trailers. All common buildings for use by park users shall provide the following amenities:

Parking Spaces 1	Toilets		Urinals/Lavatories		Showers		Other Fixtures 2
	Men	Women	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1 each
16-30	1	2	1	2	1	1	1 each
31-45	2	2	1	3	1	1	2 each
46-60	2	3	2	3	2	2	2 each
61-80	3	4	2	4	2	2	2 each
81-100	3	4	2	4	3	3	3 each
101 or more	1 additional per 30 spaces	1 additional per 30 spaces	1 additional per 100 spaces	1 additional per 30 spaces	1 additional per 100 spaces	1 additional per 100 spaces	1 additional per 30 spaces

Notes:

1. Parking spaces for dependent trailers.

2. Clothes washing and drying machines, ice making machine, service sink with flushing rim or sanitary station for disposal of liquid waste.

11. Additional required facilities:

    a. Travel trailer parks designed for and exclusively limited to use by self-contained trailers shall only be required to provide one (1) flush toilet and one (1) lavatory per gender for each one hundred (100) trailer spaces or fraction thereof.

    b. Travel trailer parks operated in connection with a resort or other business establishment shall provide the required facilities independent of those required of the resort or other business.

12. The storage, collection, and disposal of refuse in the park shall comply with state, county, and City regulations.

13. The person to whom a certificate of occupancy is issued shall operate the park in compliance with this Section, provide adequate supervision, and maintain the park facilities and equipment in a safe and sanitary condition at all times.

M. Cemetery, Animal

These may be permitted subject to the following:

1. Shall comply with all regulations promulgated by the North Carolina General Statutes regarding the interment of animal remains;
2. Shall be located on a lot with a minimum size of one (1) acre;
3. No interment shall occur within thirty (30) feet of any property line;
4. All structures associated with cemetery shall be setback a minimum of twenty-five (25) feet from all property lines.

N. Cemetery, Human/Mausoleum

These may be permitted subject to the following:

1. Shall comply with all regulations promulgated by the North Carolina General Statutes regarding the interment of human remains;
2. Shall be located on a lot with a minimum size of two (2) acres;
3. Adequate space within the site shall be designated for parking and maneuvering of funeral corteges;
4. No interment shall occur within thirty (30) feet of any property line;
5. All structures shall meet the required minimum setback of the underlying zoning district or be twenty-five (25) feet from any property line, whichever is greater;
6. All structures over twenty-five (25) feet in height must provide an additional bulk setback of two (2) feet for each foot or fraction thereof exceeding twenty-five (25) feet; and
7. Maximum height shall not exceed height permitted in the underlying zoning district or fifty (50) feet, whichever is more restrictive.

O. Child Care Center

These may be permitted subject to the following:

1. Generally

a. Shall comply with all regulations promulgated by the North Carolina Department of Human Resources;

b. Shall maintain the residential characteristic of the surrounding neighborhood;

c. Hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.;

d. On-premises pick-up and drop-off areas shall be provided;

e. All staff parking shall be provided and maintained in the rear yard;

f. All driveway cuts shall be approved by the City Engineer and the North Carolina Department of Transportation, when applicable;

g. The outdoor play areas shall be enclosed with a fence, which shall be built and maintained to a minimum of four (4) feet in height. No play areas shall be permitted in the required front yard;

h. Minimum lot size shall be thirty thousand (30,000) square feet;

i. Child care centers with more than thirty (30) children are limited to churches, schools and parks.

2. Child Care Drop-In/Short Term Facility

Facilities must register with the State and are required to post a notice that they are not regulated by the State. If no outdoor play area is provided the facility may choose to provide thirty-five (35) square feet per child of indoor space in lieu of the outdoor play area as long as no child remains in care for more than a four-hour period per day.

P. Houses of Worship, Storefront in CB and CBP

Houses of Worship (storefront) shall be a permissible use within existing commercial buildings as an accessory use to the principal use of the property in the CB and CBP Districts provided they do not conflict with the normal hours of operation of the principal use.

Q. Clean Material Landfill

These may be permitted subject to the following:

1. Shall comply with all requirements administered by the North Carolina Department of Environment and Natural Resources (DENR).
2. Copies of all permits shall be made available to the planning director or his designee.
3. Review and verification of site plans showing location of fill activities and copies of State certification are necessary prior to zoning clearance by staff.
4. Fill may not be placed within boundaries of designated floodways except as permitted in Section 2.25 of this code.

R. Clubs, Civic and Private

These may be permitted subject to the following:

1. Minimum setbacks of forty (40) feet shall be maintained.

2. Parking and service areas shall be limited to rear and side yards.

3. Structure design and bulk shall be compatible to surrounding neighborhood.

4. Lighting sources shall not be directly visible to adjacent properties.

5. A type C buffer shall be required between this use a residential lot pursuant to Section 6.04 of this Code.

6. If use is designed for membership exceeding twenty -five (25) people, then direct access to a collector or arterial street, as designated in the Mobility and Development Plan, shall be provided.

S. Schools

1. All School land uses shall abide by the following general standards:

a. Shall have direct access and frontage on a publicly maintained roadway.

b. Structure design and bulk shall be compatible with surrounding development.

c. Outdoor lighting source shall not be directly visible to adjacent properties.

d. Fire, police, and rescue services, water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

2. Specific standards, Colleges, Universities, Community Colleges:

These may be permitted subject to the following:

a. Shall have direct access to a collector or arterial street, as designated by the Mobility and Development Plan.

b. Service entry shall be limited to rear and side yard.

c. A type C buffer shall be required between this use and a residential lot pursuant to Section 6.04 of this Code.

3. Specific standards, Public Safety Training Facility. May be permitted subject to the following:

a. Permitted as part of a College, University, Community College land use within the Light Industrial (LI) general use zoning district only.

b. Land Uses shall be limited to: administrative buildings, classroom/lab training and testing facilities, physical ability test/training including outdoor exercise facilities (including locker room and shower facilities), fire training facilities (burn build ing, confined spaces, vehicle/airplane fire, fuel fire, rescue training, etc.), emergency medical training, vehicle extraction training, indoor shooting range, car driving facility (competency course, precision, evasive action, etc.), and customary accessory uses (maintenance garage storage, etc.).

c. Setbacks: Individual training facilities shall observe the following:

i. Driving facility/track: one hundred (100) feet minimum from all existing residential structures.

ii. Indoor shooting facility: two hundred (200) feet minimum from all existing residential structures.

iii. Burn tower/fire training activities: three hundred (300) feet minimum from all existing residential structures.

T. Communication Towers

1. The regulations and requirements of this section are intended to provide for the location and development of commercial broadcast, non-commercial residential, and amateur radio service telecommunications towers, antennas and antenna supporting structures, and are in addition to any applicable regulations set forth in Federal Communications Commission (FCC) regulations, Federal Aviation Administration (FAA) regulations and the statutes of the State of North Carolina. All references to height include antennas, support structures and all appurtenances measured from ground level to the highest point of said structures.

2. **Generally**

a. All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established by named agencies. All towers and antennae must be updated and brought into conformity with such standards and regulations within six (6) months of their adoption.

b. They shall be erected and located to eliminate damage to adjacent properties in case of collapse. Antennas, guy wires, guying anchors, electrical equipment and energy transfer components shall be installed according to manufacturers specifications using sound engineering and safety practices.

c. They shall not interfere with air traffic or air travel to or from any existing or proposed airport.

d. Antennas and supporting structures shall be installed in a manner that meets or exceeds manufacturers installation instructions.

e. Antennas and supporting structures shall be installed so as to prevent safety hazards to persons on or off the property under any circumstances which reasonably can be anticipated.

f. A building permit shall be required for any antenna or antenna supporting structure extending more than thirty-five (35) feet above the ground level and any freestanding antenna or antenna supporting structure extending more than twenty-five (25) feet above ground level. The Director may require submission of documentation to verify compliance with any specific applicable building or electrical code(s).

g. Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the

design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

h. The base of the tower shall be screened on all sides with a Buffer Yard consisting of four (4) understory trees and six (6) shrubs per fifty (50) linear feet.

i. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding views.

j. All towers and antennae shall be equipped with an anti-climbing device such as a six (6) foot wall, fence, or other appropriate devices to prevent unauthorized access.

k. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color or colors that is identical to or closely comparable with the supporting structure and/or surrounding area so as to make the antenna and related equipment as visually unobtrusive as possible.

l. The required landscaped buffer shall be implemented in connection with a permitted project in order to:

(1) Screen the tower to enhance aesthetic appeal;

(2) Control or direct vehicular and pedestrian movement;

(3) Reduce glare;

(4) Buffer noise; and

(5) Establish privacy.

3. **Commercial Antennas**

a. Antennas shall be set back from property lines a distance equal to or greater than one-half (½) the height of the antenna and supporting structure or fifty (50) feet from front, rear and side yard setbacks, whichever is greater.

b. Co-location shall be required when feasible.

c. Transmitters on water towers shall be permitted within any zoning district.

d. Shall not be located within three hundred (300) feet of an existing dwelling within a R-A or R-20 zoning district.

e. Shall not be located within three hundred (300) feet of a R-15, R-10, R-8, R-5, M, MF, O-1, O & I-2, B-1 or B-2 zoning district, unless concealed within a church steeple, farm silo, or other architectural details.

f. Shall not be located within one thousand five hundred (1,500) feet of another communication tower in a R-A, R-20, CB, CBP, B-3, B-5, LI or HI zoning district, unless concealed within a

church steeple, farm silo, or other architectural details or located on top of existing structures exceeding fifty (50) feet in height.

g. The base of the tower shall be screened on all sides with a Buffer Yard consisting of four (4) understory trees and six (6) shrubs per fifty (50) linear feet.

h. An applicant for a building permit for a commercial antenna system shall provide an engineering report specifying the following information:

(1) Detailed structural plans for the antenna and the support system; and

(2) An engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communications Commission (FCC). An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennas.

4. **Amateur Radio Antennas**

a. Shall be erected and placed to eliminate damage to adjacent properties in case of collapse.

b. Shall not interfere with air traffic or air travel to or from any existing or proposed airport.

c. Allowable height shall be in accordance with NCGS 160D-905.

U. Community Centers

These may be permitted subject to the following:

1. Structure design and bulk shall be compatible to surrounding neighborhood;
2. All required side and rear yard setbacks shall be a minimum of forty (40) feet;
3. On-premises pick-up and drop-off areas shall be provided;
4. Lighting sources shall not be directly visible to adjacent properties;
5. A type D buffer shall be required between any camp and a residential lot pursuant to Section 6.04 of this Code; and
6. If membership is not limited to residents of surrounding residential neighborhood, the site shall be located on and have direct access to an arterial or collector street as designated in the Mobility and Development Plan.

V. Condominium Development

1. Condominium structures shall conform to the requirements in this Code and State law.
2. Unit ownership shall be established through an express declaration submitting the property to the provisions of the Unit Ownership Act of North Carolina, which shall be prepared in strict conformance with the Act, and recorded with the Register of Deeds.

W. Congregate Living Facility

These may be permitted subject to the following:

1. The requirements and standards of the North Carolina Department of Human Resources shall and continue to be met.
2. No other congregate living facility or professional residential facility shall be located closer than two thousand (2,000) feet to such use.
3. Each facility shall be designed and constructed to appear similar to a residential structure as possible.
4. A sign not to exceed one and one-half (1½) square feet may be erected flush mounted to structure or on mailbox shall be permitted.
5. No other external evidence of use shall be visible from adjacent property, public or private.

X. Convenience Stores

These may be permitted subject to the following:

1. Maximum building structure may not exceed three thousand five hundred (3,500) square feet of gross floor area;
2. Shall be no more than four (4) gas pumps;
3. All outdoor lighting sources shall not be directly visible from adjacent properties;
4. Shall be limited to two (2) driveway cuts and curbs shall be maintained to limit access to specific driveways;
5. Banners, flags, streamers, portable signs are prohibited.

Y. Dwellings, CB, CBP and H-115 Zoning Districts

There shall be no minimum lot area for single family dwellings. Two-family dwelling units shall have a minimum of one thousand (1,000) square foot lot size. The maximum density for townhomes or multi-family in the CB zoning district shall be one hundred (100) units per acre; the maximum density in the CBP and H-115 zoning districts shall be fifty (50) units per acre. All construction shall meet the requirements of the North Carolina State Building Code.

Z. Dwellings, Planned Multi-Family Developments

A planned multi-family development, which shall contain two (2) or more multi-family buildings, three (3) or more duplexes or any combination of units thereof, established on a single development tract, using unified design elements and coordinated organization of open space and service areas and developed according to an approved site plan, may be permitted subject to the following:

1. Planned multi-family development shall only be allowed in the R-8MF Medium Density Multi-Family Residential District, the R-5MF High Density Multi-Family Residential District, subject to the following requirements:

   a. Minimum side and rear yard setbacks shall conform to the underlying district. However, where adjoining land is developed with single-family dwellings or zoned for single family dwellings only, the side setback shall be fifteen (15) feet and the rear setback shall be thirty-five (35) feet.

   b. Every residential building in a planned multi-family development shall be located at least fifteen (15) feet from every other building within the development.

   c. Every residential building front a public or private street.

   d. Individual units shall not have driveways from a public or private street.

   e. The quantity of parking shall be provided in accordance with the regulations and requirements of the Unified Development Code.

   f. Parking may be provided by any of or a combination of any of the following and shall be outside of the public or private rights-of-way associated with streets, roads, or alleys: unit specific parking pad, unit specific garage, shared parking lot.

   g. Unit specific parking shall only be accessed from a private alley.

2. Interior streets may be designated as private streets by the City Council, upon considering the adopted Mobility and Development Plan, existing and proposed neighborhood streets and circulation needs, the relationship of the site to adjoining lands, the size and shape of the development, the number of dwellings within and adjacent to the development, and anticipated traffic volumes.

3. The design and arrangement of private streets shall be in accordance with the City of Statesville Street Specifications, reviewed by the Planning Board and approved by the City Council.

4. The parking and circulation plan shall provide safe, quick and convenient access and circulation for emergency, refuse collection, service, and delivery vehicles.

   a. The plan shall indicate locations and service connections for fire hydrants and refuse collection points.

   b. Service sides shall be identified with due consideration given to the location of refuse collection points, mechanical equipment, ingress and egress, and building design and arrangement.

5. Unenclosed parking areas for developments larger than one (1) acre shall be located no closer than fifteen (15) feet from a building. Unenclosed parking areas for developments one (1) acre or less shall be located no closer than eight (8) feet from a building. Unenclosed parking areas

shall be located no closer than five (5) feet from purely service sides and ends of buildings without access.

6. Site plans shall be designed to minimize adverse impacts from the development on surrounding properties. Creativity in site plan design shall account for the size and shape of the tract, topography and grading, the reasonable preservation of natural features and vegetation, the size and relationship of buildings, and the character and relationship of adjoining properties. Buildings should be arranged so building fronts do not face building rears. Site design shall also address the location and arrangement of recreation and parking areas, the nature and extent of screening, and street and open space design and utilization, both internal to the site and in relation to surrounding properties.

AA. Family Care Home

These may be permitted subjected to the following:

1. Requirements and standards of the North Carolina Department of Health and Human Services shall and continue to be met.
2. Certification shall be made available to planning director or his designee prior to certificate of occupancy and on an annual basis certifying criteria has continued to be met.
3. No such establishment shall be located within a one-half-mile radius of another congregate living facility, or family care home as measured in a straight line, from the closest property lines of the respective facilities.
4. Facilities shall not be used for the personal care and habilitation of mentally ill persons who are dangerous to others as defined by G.S. § 122C-3(11)(b).
5. Design and bulk of structure shall be compatible to surrounding neighborhood.

BB. Farming, Truck Gardening, Crop Production, Tree Farm

These may be permitted subject to the following:

1. Shall be permitted provided that all farm buildings housing animals shall not be located closer than one hundred (100) feet to an existing structure used for residential purposes.

CC. Fitness Center

1. For outdoor lighting Section 6.05 Lighting (attached), shall apply.
2. When accompanied by outdoor recreation and the property is adjacent to a residential property, a church, school or library; Section 6.04 Landscape Standards (attached), shall apply.
3. When accompanied by outdoor recreation, Section 14.76 Noise (attached), of the City Code shall apply.
4. Hours of operation for Recreation Outdoors shall be limited to 5:00 a.m. to 10:00 p.m.

DD. Flea Market (Outdoor)

These may be permitted subject to the following:

1. Outdoor flea markets shall be maintained as licensed retail business.
2. A Permanent office shall be located on the same lot as the flea market.
3. Any structure used in conjunction with the event shall meet all applicable zoning, health, safety and building code requirements. Any temporary structure used shall be promptly removed upon the cessation of the event.
4. Tables, booths, shelters shall comply with all setback requirements.
5. The lot shall be maintained in neat and orderly fashion.
6. One (1) sign may be maintained identifying the flea market, but banners, flags and streamers are prohibited.

EE. Food Stores

These may be permitted subject to the following:

1. Shall be located on and have direct access to collector or arterial street, as designated by the Mobility and Development Plan;
2. All loading, delivery and service areas shall be from rear of building;
3. Outside display of merchandise is prohibited.

FF. Fraternities & Sororities

These may be permitted subject to the following:

1. Minimum lot size shall be fifteen thousand (15,000) square feet;
2. There shall be useable floor space of no less than two hundred fifty (250) square feet per resident;
3. Parking shall be located in the rear or side yard and adequately screened;
4. One (1) non-illuminated sign not exceeding nine (9) square feet may be erected;
5. Structure design and bulk shall be compatible with surrounding neighborhood;
6. Sources of outdoor lighting shall not be directly visible to adjacent properties.

GG. Funeral Parlors and/or Crematoria

These may be permitted subject to the following:

1. Shall be located on and have direct access to collector or arterial street, as designated by the Mobility and Development Plan;
2. Parking shall be located in the rear or side yard;
3. Structure design and bulk shall be compatible with surrounding neighborhood.

HH. Gas Stations

These may be permitted subject to the following:

1. Maximum lot size shall not exceed twenty thousand (20,000) square feet;
2. The building structure may not exceed two thousand (2,000) square feet;
3. Auto maintenance service bays and carwashes shall be prohibited;
4. There shall be no more than two (2) driveway cuts and a curb shall be maintained limiting access to drive cuts;
5. Banners, flags, streamers and portable signs are prohibited.

II. Glass and Mirror Sales and Repair

These may be permitted subject to the following:

1. All services shall be conducted within an enclosed structure, with no open view of vehicles to be repaired.
2. The service area shall not exceed one-half (½) of the gross floor area.

JJ. Jails

These may be permitted in the downtown municipal service district and properties adjacent thereto subject to the following:

1. The height may be increased up to eighty (80) feet.
2. Streetscape elements such as streetlamps and brick pavers may be required.

KK. Laboratories, Research/Testing

These may be permitted subject to the following:

1. A floor plan, list of chemicals, chemical amounts and chemical storage area information, including contents and location, shall be provided to the City Fire Marshal. This information shall be maintained, updated and provided to the City Fire Marshal.
2. Labs shall not be located within one thousand (1,000) feet of an existing residential use or zoning district.

3. All activities and storage shall be within an enclosed structure and the property enclosed with a secure fence.

LL. Manufactured/Mobile Housing

1. The purpose of this section is to ensure manufactured housing shall have the appearance of an on-site, conventionally-built residential dwelling. The conditions of this Section apply to manufactured and modular homes.

2. A Class A manufactured house shall comply with the following development and design standards:

   a. All manufactured homes shall conform to single-family residential design standards established pursuant to these Regulations.

   b. The home shall have a minimum width of sixteen (16) feet, measured perpendicular to the longest axis at the narrowest cross section.

   c. The home shall have a maximum length up to four (4) times its width, measured along the longest axis.

   d. The longest axis of the home shall be oriented within ten (10) degrees of perpendicular to the lot frontage.

   e. All homes shall abut a paved roadway which shall be adequately lighted and drained and have direct access to collector or arterial street as designated by the Mobility and Development Plan.

   f. The home shall be secured in accordance with North Carolina Department of Insurance standards, including a permanent and continuous perimeter masonry foundation or masonry curtain wall leaving no uncovered open areas excepting vents and crawl spaces constructed in accordance with North Carolina Uniform Residential Building Codes for One- and Two-Family Dwellings. Anchor design shall be approved by the City Engineer prior to installation and shall comply with any requirements of the State. All wheels, hitches, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the home.

   g. Homes shall have a pitched roof, with a slope that rises vertically not less than three and one-half (3½) inches for each twelve (12) inches of a horizontal run. Roof material shall be class C or better and commonly used in standard residential construction. Eaves shall measure at least six (6) inches, including a gutter.

   h. The exterior material shall be of a color, material and appearance compatible with those of existing single-family dwellings including, but not limited to: residential horizontal aluminum lap siding, residential horizontal vinyl lap siding, cedar or other wood siding, wood grain, weather resistant, press board siding, brick, stucco, stone or masonry siding, or other siding materials which are determined by the Planning Works

Director to be aesthetically compatible with the above-referenced materials. Flat or corrugated sheet metal shall not be used for exterior siding material. The exterior covering material shall extend to the top of the perimeter foundation.

i. Canopies and awnings may be attached to any home and may be enclosed and used for recreation or sun room purposes. A building permit shall be required when enclosed for living purposes.

j. Stairs, porches, entrance platforms, ramps and other means of ingress/egress shall be constructed in accordance with North Carolina State Building Codes. Wood stairs shall only be used with a porch or entrance platform measuring at least twenty-four (24) square feet.

3. Exceptions to these single-family residential design standards may be authorized when the City finds that the exception will enhance the architectural character of the home and neighborhood and be compatible with adjacent development.

4. Class A manufactured homes placed on individual lots shall be located upon the lot in conformance with the requirements of the underlying zoning district.

5. Class B manufactured homes may be placed on an individual lot if one (1) of the following conditions exists:

   a. Shall only be permitted on an R-A zoned parcel of property;

   b. The lot is located within a subdivision restricted to manufactured homes; or

   c. The lot is not situated within a subdivision containing four (4) or more lots with twenty-five percent (25%) of the housing being site-built single family structures, and seventy-five percent (75%) of the land area within two hundred (200) feet of the manufactured home lot is vacant or developed with other manufactured housing.

   d. The home must have skirting completely enclosing the undercarriage from the ground up, made of a material compatible with the exterior finish of the manufactured home.

6. Class C manufactured homes shall only be permitted on an R-A zoned parcel of property.

MM. Manufactured Home Park

A manufactured housing park may be approved subject to the following criteria:

1. The park shall contain a minimum of two (2) acres, have at least five (5) spaces available at first occupancy, and have no more than seven (7) homes per gross acre.

2. Each space shall provide at least sixteen (16) feet of front yard, ten (10) feet of rear yard, twenty (20) feet on the hitch end and ten (10) feet on the trailing end of the home.

3. No manufactured home or structure shall be closer than twenty-five (25) feet to any property line of the manufactured home subdivision, street or highway, nor closer than twenty (20) feet

to another manufactured home or any building in the park except where manufactured homes are parked end to end, the end clearance shall be at least twenty (20) feet.

4. Parking shall be permitted on the front yard and the hitch end.

5. Access to the park shall be directly from a public road.

6. Two-way streets within the park shall be paved twenty-two (22) feet wide. One-way streets shall be paved eighteen (18) feet wide. Each space shall have access to a street, and shall provide two (2) off-street parking spaces in parking bays.

7. Driveways, streets, sidewalks, and approaches to common buildings shall be lighted at night.

8. Each space shall have a concrete patio at least six (6) feet wide containing a minimum of one hundred eighty (180) square feet, and joined to the parking bay by a paved walk. An unenclosed canopy, no more than eight (8) feet wide, may be placed over the patio. The patio and canopy may occupy a required yard.

9. The park shall be located outside the one hundred (100) year floodplain and be graded to prevent the accumulation or ponding of water. Stormwater drainage shall be confined or piped such that it will not endanger any water supply.

10. The park shall be visually screened from adjacent properties with a landscape screen at least six (6) feet high. No landscape screen shall extend nearer to a street right-of-way than the established building line of adjoining lots. At a minimum, each manufactured home lot shall have not less than two (2) canopy trees measuring two and one-half (2½) inches caliper measured at one (1) foot above ground level at the time of planting.

11. Service buildings or other facilities for laundry, sanitation and other uses, shall be located at least twenty-five (25) feet from property lines and shall be accessible to each manufactured home by hard-surfaced access roads and walks.

12. At least ten percent (10%) of the property shall be designed and developed as a recreation area. Playground and recreational park spaces for use of the residents of the subdivision shall be separate in addition to the open space between the habitable structures and shall be a minimum of four hundred (400) square feet per manufactured home lot. Streets, sidewalks, parking areas and accessory buildings shall not be included in the computation of the required recreation space area.

13. The park may have one (1) sign per entrance, each sign not to exceed twelve (12) square feet in area.

14. The park shall be served by a potable water supply capable of providing six (6) gallons per minute at a minimum pressure of twenty (20) pounds per square inch (psi) to each space. When a public supply is unavailable, a private supply shall be approved by the Health Department. All water piping shall be constructed and maintained in accordance with State and local laws; the water piping system shall not be connected with nonpotable or questionable water supplies, or

subject to the hazards of back-flow or back-siphonage. Individual water service connections shall be provided for direct use at each space and shall be constructed so that they will be protected from damage during the placement of homes.

15. Each space shall have access to a four (4) inch sewer connection and fittings conforming to City standards. Each connection shall be designed to be closed when in use. Sewer lines shall be constructed in accordance with recommendations and standards of the City Public Works Department, adequately vented, and laid with sufficient earth cover to prevent breakage from traffic. Where the park is not connected to a public sewer, a private sewage treatment and disposal plant or septic system shall be approved by the County Health Officer. The effluent of a sewage treatment plant shall not be discharged into any waters of the State except with prior approval of the appropriate State authority and the County Health Officer. Private sewage disposal plants shall be located to not create a nuisance or health hazard to the park or its occupants, or any nearby properties.

16. The refuse collection system shall be approved by the City Sanitation Director.

17. All power and telephone lines shall be installed underground and shall be in compliance with the standards of the utility provider.

18. A shelter shall be provided for every park or subdivision with more than five (5) manufactured homes. The storm shelter must be constructed to accommodate fifteen (15) square feet per manufactured home in the park.

NN. Motor Repair, Small

Shall include repair and maintenance of residential lawn and garden equipment, chainsaws and similar equipment. All work to be done within an enclosed structure, no outside storage of any type.

OO. Motor Vehicle Repair (major)

These may be permitted subject to the following:

1. All work shall be conducted in an enclosed area.
2. Open storage of parts, equipment or vehicles in need of repair shall be prohibited.
3. Storage of inoperable or wrecked vehicles for more than one hundred eighty (180) days shall be prohibited.

PP. Motor Vehicle Repair (minor)

These may be permitted subject to the following:

1. All work to be conducted in an enclosed structure.
2. Minor repair shall include normal maintenance (oil change, tune-up, tire rotation, belt replacements) work which can be done within a day's time.

3. No open storage of parts, equipment, or vehicles on premises for longer than forty-eight (48) hours.

QQ. Nursing, Convalescent and Extended Care Facilities

These may be permitted subject to the following:

1. All requirements of the State of North Carolina Department of Human Resources shall and continue to be met.
2. Facilities shall not be used primarily for the treatment of contagious diseases, alcoholics, drug addicts or psychotics.
3. All facilities shall have direct access to a collector or arterial street as designated in the Mobility and Development Plan.
4. Minimum lot size shall be thirty thousand (30,000) square feet.
5. Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
6. Buffers and screening shall comply with Type C Buffer Yard standards.

RR. Orphanage

These may be permitted subject to the following:

1. All requirements and standards of North Carolina Department of Human Resources shall and continue to be met.
2. Minimum lot size shall be twenty thousand (20,000) square feet.
3. Design and bulk of structure shall be compatible with surrounding neighborhood.
4. Parking minimums (one (1) per employee, one (1) per use vehicle, plus one-fourth (¼) per resident) shall be located in side or rear yard.
5. Screening of parking area shall comply with Type C Buffer Yard standards.
6. A sign one and one-half (1½) square feet in size may be erected flush to structure or mailbox.

SS. Parking, Off-Street in Residential Zones

These may be permitted subject to the following:

1. Parking areas shall have adequate drainage, and shall be provided with bumper guards where required.
2. Parking areas shall be used for the parking of automobiles only on a temporary basis, with no sales, storage, repair work, dismantling, or servicing of any kind to be permitted.

3. All required parking spaces shall be of such design and located so as to be convenient and readily usable by the patrons.
4. Sufficient area shall be provided within the property lines so that all vehicles may enter and leave in a forward motion.
5. Screening in accordance with the "C" bufferyard whenever a parking lot abuts or is located opposite a Residential (R) district.
6. All parking lots shall be constructed in such a manner that contamination by dust or dust clouds will not exist. This is to be accomplished in accordance with the requirements set forth in the Vehicle Accommodation Area Surfaces section.
7. If night time parking is to be permitted it shall be lighted with the provision that the lights shall be shielded so as to prevent direct beaming into adjoining residential areas. This provision may be deleted if a majority of the abutting property owners formally object to the lighting.

TT. Philanthropic and Eleemosynary

These may be permitted subject to the following:

1. Shall be operated on nonprofit basis.
2. Parking and service areas shall be limited to rear and side yard.
3. Parking area shall comply with Type C Buffer Yard standards.
4. Design and bulk of structure shall be compatible with surrounding area.
5. Use shall not be primarily for treatment of alcoholics, contagious disease, drug addicts or psychotics.
6. Outdoor lighting sources shall not be visible to adjacent properties.

UU. Photofinishing Labs

These may be permitted subject to the following:

1. Approval for lab shall be obtained from director of wastewater treatment or his designee prior to building permit or certificate of occupancy being issued.
2. Labs less than one thousand (1,000) square feet shall not exceed daily water consumption of five thousand (5,000) gallons.

VV. Places of Assembly

These may be permitted subject to the following:

1. Shall be located and have direct access to a collector or arterial street as designated by the Mobility and Development Plan.

2. Off-street parking shall be maintained within a zoning district.
3. Design of facility shall be compatible with surrounding neighborhoods.
4. Shall not be located within five hundred (500) feet of a residential zoning district.
5. Outdoor lighting sources shall not be directly visible to any residential zoning district.
6. Service areas shall be at the rear of the building and screened from any public right-of-way.

WW. Plant Nurseries

Shall be incidental to the residence and operated on a non-profit basis.

XX. Public Service Facilities

These may be permitted subject to the following:

1. The facility shall have direct access to a collector or arterial street as designated in the Mobility and Development Plan.
2. Buffering and screening shall meet the requirements of Section 6.04.
3. Setbacks shall meet the standards of the zoning district in which the facility is located.
4. Whenever possible such facilities shall be designed and constructed to have the same height and bulk as adjacent structures.

YY. Public Use Facility

These may be permitted subject to the following:

1. The facility shall have direct access to a collector or arterial street as shown on the Mobility and Development Plan.
2. Buffering and screening shall meet the requirements of Section 6.04.
3. Setbacks shall meet the standards of the zoning district in which the facility is located.
4. Whenever possible such facilities shall be designed and constructed to have the same height and bulk as adjacent structures.

ZZ. Publishing and Printing

These may be permitted subject to the following:

1. Printing/publishing area shall not exceed two thousand five hundred (2,500) square feet.
2. All deliveries and service areas shall be to rear of the building and shall be screened from any public right-of-way.

3. Water consumption exceeding five thousand (5,000) gallons per day shall be approved by director of wastewater treatment or his designee.

AAA. Race Tracks

Minimum lot size shall be forty (40) acres, lot shall have direct access to an arterial street. Bufferyards shall meet the requirements of "Bufferyard F" in Section 6.04. Shall not be located within two thousand (2,000) feet of a zone permitting residential uses.

BBB. Radio Television Receiving Antenna

Any radio or television receiving dish shall only be located within the rear yard or an interior side yard, provided that such structures are more distant from the street than any part of the principal building on the same lot and any part of the principal building on any lot abutting required side yard.

CCC. Recreation Outdoor

1. For outdoor lighting Section 6.05 Lighting (attached), shall apply.
2. When the property is adjacent to a residential property, a church, school or library; Section 6.04 Landscape Standards (attached), shall apply.
3. Section 14.76 Noise (attached), of the City Code shall apply.
4. Hours of operation shall be limited to 5:00 a.m. to 10:00 p.m.

DDD. Recycling Collection Center

These may be permitted subject to the following:

Small:

1. Facility shall not exceed five hundred (500) square feet in size.
2. Facility may only collect paper, glass, metal and plastic recyclable materials.
3. Shall be located outside of required parking of host tract.
4. Shall set back a minimum of ten (10) feet from any street right-of-way.
5. Shall not be located within fifty (50) feet of a residential zoning district.
6. No power-driven equipment shall be permitted.
7. Containers shall be waterproof and rustproof.
8. No storage outside of containers shall be permitted.
9. Container may have logo not exceeding fifteen (15) square feet.
10. The name, address and phone number of persons responsible for pick-up and maintenance shall be displayed on containers.

Large:

1. Facilities larger than five hundred (500) square feet shall be on separate lot.
2. Facilities may not be located closer than one hundred (100) feet to a residential zoning district.
3. Screening shall comply with Type F Buffer Yard standards.
4. All loading and storage shall be to rear of building and screened from view of any adjacent right-of-way.
5. All exterior storage shall be in containers or under shelter which are covered and secured.
6. No outside storage shall be visible to adjacent properties.
7. Any facility located within one thousand (1,000) feet of a residential structure or zone may not operate before 7:00 a.m. or after 7:00 p.m.
8. A site plan detailing layout of operation shall be submitted to the planning department for approval.

EEE. Residential Event Centers

These may be permitted subject to the following:

1. No on-street parking shall be permitted.
2. Off-street parking shall be maintained at a ratio of one-half (.5) spaces per guest. Parking shall be provided on-site or in agreement with a lot owner within five hundred (500) feet of the event facility. A signed agreement is required prior to any event center being permitted.
3. The facility must be on site that is one (1) acre in size or larger.
4. Events must end by 9:00 p.m. Sunday-Thursday and 11:00 p.m. Friday and Saturday.
5. There shall be no more than one hundred fifty (150) guests at any one (1) particular event.
6. The facility must be the owner's principal residence.
7. The facility shall strive to limit impacts on adjacent properties by keeping all lighting and sounds directed inward of the property boundary.
8. Noise shall be such that at no point outside the perimeter of the property measure over ninety (90) decibels.
9. The site must have a landscaped eight (8) foot buffer or a hardscaped six (6) foot buffer for screening purposes along the property line of adjoining residential properties.
10. An off-duty sworn police officer must be hired for parking and traffic flow.
11. A residential event center must be located in a locally designated Historic District.

12. This section will sunset on May 12, 2019 unless the city council passes a motion for its continuance.

FFF. Roadside Stands

These may be permitted subject to the following:

1. Only the occupant of the dwelling may be employed.
2. Stand may not exceed three hundred (300) square feet in size.
3. A minimum of three (3) off-street parking spaces with maneuvering area shall be provided.
4. Any source of outdoor lighting shall not be visible to adjacent properties.
5. One (1) non-illuminated sign not to exceed fifteen (15) square feet may be erected.

GGG. Shooting/Firing Ranges (Indoor)

These may be permitted subject to the following:

1. No such establishment shall be located within two hundred (200) feet of a church or other religious institution, public or private school, daycare or any residential structure. This separation shall be measured from structure to structure.
2. Certification shall be provided that the structure has been soundproofed and walls lined to prevent any negative impacts to adjoining properties.

HHH. Sanitariums and Mental Institutions

These may be permitted subject to the following:

1. Facility shall comply with all applicable Federal, State and local requirements.
2. Shall have frontage and direct access onto a collector or arterial street as designated in the Mobility and Development Plan.
3. Minimum lot size shall be five (5) acres, with a minimum lot frontage of three hundred (300) feet.
4. Structures shall setback a minimum of two hundred (200) feet from all lot lines.
5. At the time of site plan review facility operators shall provide what measures will be utilized to prevent unauthorized exit of patients, the status of patients to be institutionalized shall be provided to determine need for more elaborate security measures.
6. Signs shall be limited to one (1) non-illuminated not to exceed six (6) square feet, no other external evidence of sanitarium for identification or advertising purpose shall be permitted.
7. Buffer and screening shall comply with Type C Buffer Yard standards.

III. Sewer Treatment Facility

These may be permitted subject to the following:

1. Buffer Yard and screening shall be determined at site plan review.
2. All minimum setbacks shall be fifty (50) feet.
3. Whenever possible the facility shall be designed and constructed to have same height and bulk as adjacent structures.

JJJ. Stables

These may be permitted subject to the following:

1. Stables used as an accessory use to house animals shall be located no closer than one hundred (100) feet to any structure used for residential purposes.
2. Grazing, riding areas associated with stable shall also meet one hundred (100) foot separation.
3. A Type E Buffer Yard shall be maintained around stable/grazing area.
4. Area shall be maintained in a neat and orderly fashion as not to create nuisances (odor, flies) to adjacent properties.

KKK. Tobacco Shop

1. An establishment intended for the sale of tobacco products (see definition) and tobacco paraphernalia (see definition). This may also include hookah, vape, e-cigarette, cigar and cigarette sales. If on-site consumption is allowed, the use may not involve the on-site consumption of alcohol or food (i.e., bar and/or restaurant) consistent with North Carolina state regulations. A grocery store, convenience store, or similar retail use that sells tobacco products or tobacco paraphernalia as an ancillary sale is not included in this definition.
2. Use of neon and LED lighting shall be prohibited consistent with Section 6.05.
3. Shall not be located within one thousand five hundred (1,500) feet from another Tobacco Shop.

LLL. Truck Stop/Travel Plaza

These may be permitted subject to the following:

1. Driveway access to the site must be within seven hundred (700) feet of a full access interstate interchange right-of-way.

(Ord. No. 01-14, 3-17-2014; Ord. No. 27-15, 12-7-2015; Ord. No. 29-15, 12-7-2015; Ord. No. 02-16, 2-1-2016; Ord. No. 43-17, 11-20-17; Ord. No. 30-21, 6-6-2021; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 10-23, § 2, 4-3-2023; Ord. No. 19-23, 5-1-2023; Ord. No. 22-23, § 2, 6-5-2023; Ord. No. 30-23, 8-7-2023; Ord. No. 31-23, §§ 3, 4, 8-7-2023; Ord. No. 45-23, 11-6-2023; Ord. No. 47-23, 11-6-2023, Ord. No. 16-26, 6-1-2026)

Section 5.05 Performance Standards

1. Outdoor Lighting

The light source of outdoor lighting fixtures shall not be directly visible from the property outside the zoning lot on which it is located. Additionally, the maximum illumination permitted at the zoning lot line from any commercial or industrial zoned or used property onto a lot line of any adjacent residentially zoned lot shall be 0.20 foot-candles.

2. Sound

When manufacturing, processing and assembly operations adjoin property zoned for residential purposes, equipment, venting, and noise producing operations shall be oriented away from such use. This shall include but not be limited to: air conditioning units, compressors, venting, loading docks, and parking areas.

When the orientation away from residential zones or uses is impractical, review by the Planning Board and Council shall be required. Additional screening and/or sound barriers may be required to lessen the impact on the residential uses.

a. Equivalent sound levels shall not exceed the following maximum standards:

Between 7:00 a.m. and 8:00 p.m. — 65 dBA

Between 8:00 p.m. and 7:00 a.m. — 55 dBA

b. Noise measurements shall be made at the property line nearest the source of the noise on the receiving property. Such noise measurements shall be made at a height of least four (4) feet above the ground and at a point approximately ten (10) feet away from walls, barriers, obstructions (trees, bushes, etc.) on a second level meter operated on the "A" weighting network (scale).

c. Certification shall be provided to the Planning Director and/or his designee prior to approval. The owner or operator will be responsible for re-certification/testing if complaints are received.

3. Vibration

Vibration levels shall not exceed the following standards:

a. Maximum Peak Particle Velocity

Steady State 0.02 Inches/Second

Impact 0.04 Inches/Sound

b. The maximum particle velocity shall be the maximum displacement vector sums of three (3) mutually perpendicular components, recorded simultaneously, and multiplies by the frequency in cycles per second. For purposes of this code, steady states vibrations are vibrations that are continuous or vibrating in discrete impulses more frequent than sixty (60).

(a) All measurements to determine compliance shall be made outside and immediately adjacent to the walls of the building housing the use.



Article 6. Development Standards

Section 6.01 Overview
Section 6.02 Density and Dimensional Standards
Section 6.03 Parking Standards
Section 6.04 Landscape Standards
Section 6.05 Lighting
Section 6.06 Open Space Standards
Section 6.07 Sign Regulations
Section 6.08 Design Standards for Non-Residential Developments
Section 6.09 Guidelines for Structures in the Central Business, Central Business Perimeter and the Municipal Service Districts
Section 6.10 Fencing

ARTICLE 6. DEVELOPMENT STANDARDS

Section 6.01 Overview

This article establishes the general design standards for lots, blocks and site development, including standards for density, lots and blocks, alternative development patterns, parking, landscaping and open space.

Section 6.02 Density and Dimensional Standards

A. Minimum Lot Size

1. Subject to the planned unit development provisions of Sections 2.09 and 3.04 Z and the alternative development patterns of Article 7, all lots in the following zones shall have at least the amount of square footage indicated in Article 3.

2. Reserved.

3. Duplex residences located in an R-5, R-5M, R-8, and R-8M zone shall be permitted on corner lots provided each dwelling entrance fronts a separate street having at least one hundred fifty percent (150%) of the minimum square footage required for one (1) dwelling unit. Furthermore, additional lot width shall be applicable in accordance with this section.

4. Lots with individual sewage disposal systems shall be sized as necessary according to the results of percolation tests and subsoil investigations. Additional lot area is required in all R-15, R-10, R-8, and R-5 zoning districts when:

   a. The lot is served by either public water or sewer, but not both, in which case the lot shall exceed fifteen thousand (15,000) square feet.

   b. The lot is served by neither public water nor sewer, in which case the lot shall exceed twenty thousand (20,000) square feet.

5. The size, shape and orientation of non-residential lots shall be appropriate for the type of development and use contemplated.

6. No residential building or structure shall be erected in any district on a lot which does not abut a public street for a distance of at least thirty-seven and one-half (37½) feet. The property shall be fee simple ownership. Easements and lifetime rights shall not be acceptable. Provisions shall be made for non-residential lot for public utility services and maintenance upon request of Public Works or Director of Electric Utilities.

7. No part of any yard or other open space required about any building for the purpose of complying with the provisions of this code shall be included as part of a yard or other open space similarly requires for another building.

8. There shall not be more than one (1) principal residential building and its accessory building per lot except as otherwise permitted in this code.

B. Residential Density

1. Density (except in PUDs) shall be calculated by dividing the number of residential dwellings by the gross acreage of the site minus the acreage used for commercial or industrial uses, as shown in Figure 6-1. For a mixed-use building, the non-residential area need not be deducted from total area.

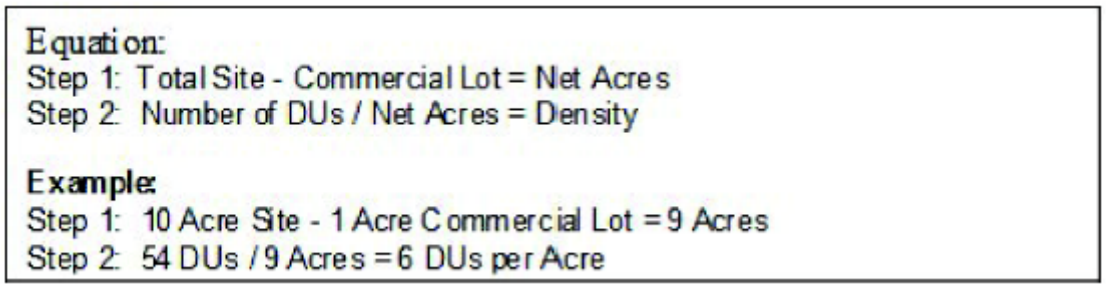
2. BUILD SVL (Housing Incentive)

    a. In the R5, R5M, R5MF, R8, R8M, and R8MF districts, the minimum lot width and setbacks may be reduced per the section below for affordable housing development in compliance with the following requirements:

        i. Dwellings must be single-family detached.
        ii. A Declaration of Affordable Housing Restrictions and an Affordable Housing Agreement must be entered into with the City before receiving a Certificate of Occupancy for the dwelling(s).
        iii. Development shall not exceed 8 units per project.
        iv. Development must be on a site under one (1) acre total site disturbance.

    b. Minimum lot width at the building line may be reduced to thirty (30) feet.
    c. Minimum setbacks: 5' for the front setback if driveways are located to side or rear (25' required for driveway in the front yard), 5' for the sides, and 20' for rear.
    d. Up to 50 percent of the total housing units in a development utilizing this option may be market-rate.
    e. No open space shall be required.

Figure 6-1: Sample Density Calculation



2. Multi-Family and Townhomes

R-8MF maximum nine (9) units per acre for multi-family or townhomes.

All other districts that permit multi-family or townhomes may have a maximum of (20) units per acre (unless otherwise specified by this Ordinance).

a. Parking should be alley-loaded or as a rear parking lot. If front loaded parking is desired, a minimum width of 10ft of retained pervious (grass or landscaped) area shall be required between driveways.

b. No more than eight (8) townhouse dwelling units shall be constructed in any single continuous row.

3. Small-Scale Mixed Use

a. Lot size for upper story residential shall be under one (1) acre total site disturbance.
b. No minimum lot size or width.
c. Shall not exceed the height limits for the district.
d. Front and corner yard setbacks for such buildings may be reduced to 10ft if parking is provided to the side or rear.
e. Side setbacks and rear setbacks may be reduced to 5 ft.
f. Off-street parking minimum may be reduced by 50%. On-street parking may be provided if approved by the Director of Public Works or City Engineer.
g. Buffer yards are not required. However, any mechanical equipment and dumpsters shall be screened with vegetation or an opaque fence or wall.
h. No common open space shall be required.
i. The building shall contain at least one (1) permissible use listed in the B-1 zoning district on the ground floor and at least (1) one upper-story residential unit.

4. Small-Scale Attached Multifamily

Development must be on a site under one (1) acre that is comprised of a lot of record that existed on or before May 11, 2026.

a. No minimum lot width.
b. Small-scale attached residential may be in multiple forms; such as, but not limited to stacked, side-by-side row style, double-duplexes, fourplexes, converted homes, and house-scale multifamily. Such units shall be attached and shall not exceed the height dimensions for the district.
c. Shall not exceed four (4) units per existing lot. Upon site plan approval, units may be subdivided into conforming lots or remain on one lot.
d. Must meet the setbacks of the underlying zoning district (side setback shall be met for end units, 0' setback for units sharing a wall).
e. Parking shall be located on a small parking pad behind the unit, in a garage with a minimum width of 10ft of retained pervious (grass or landscaped) area between driveways, or on a driveway (or shared driveway) with a minimum width of 10ft of retained pervious (grass or landscaped) area between driveways.
f. Buffer yards are not required. However, any mechanical equipment and dumpsters shall be screened with vegetation or an opaque fence or wall.
g. No common open space shall be required.

C. Lot Width and Depth

1. Lots shall be of sufficient dimensions to allow construction of buildings that can be used for purposes permissible in that zoning district while complying with minimum setback requirements summarized in this section.

2. Except in planned unit development provisions of Sections 2.09 and 3.04 Z. and the alternative development patterns of Article 7, the minimum lot width as measured at the front building line shall comply with the minimum lot widths in Article 3.

3. Minimum lot widths in MF districts for two-family and multi-family shall be increased ten (10) feet per additional unit for lots less than one hundred twenty-five (125) feet in width.

4. Minimum lot widths for two-family (duplexes) located within the R-8 and R-8M districts shall be one hundred (100) feet. Minimum lot widths for two-family (duplexes) located within the R-5 and R-5M districts shall be seventy-five (75) feet.

5. Lot width shall not be less than required by the relevant district. The minimum width at the street line shall not be less than thirty-seven and one-half (37½) feet. Corner lots shall have an additional width of ten (10) feet to permit adequate setback from the abutting street. Greater lot width is required in all R-15, R-10, R-8, and R-5 zoning districts when:

   a. Either public water or sewer is provided, but not both. In such case, the minimum average width shall be eighty-five (85) feet.

   b. Neither public water nor sewer is provided. In such case, the minimum average width shall be not less than one hundred (100) feet.

6. Greater lot depth is required in all R-15, R-10, R-8, and R-5 zoning districts when:

   a. Public water but not public sewer is provided. In such case, the minimum average depth shall be one hundred twenty (120) feet.

   b. Neither public water nor public sewer is provided. In such case, the minimum average depth shall be one hundred fifty (150) feet.

7. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

D. Building Setback Requirements

1. Except in planned unit developments in Sections 2.09 and 3.04 W., and alternative development patterns in Article 7, as well as other provisions of this Section, no portion of any building may be located on any lot closer to any lot line than is authorized in Article 3.

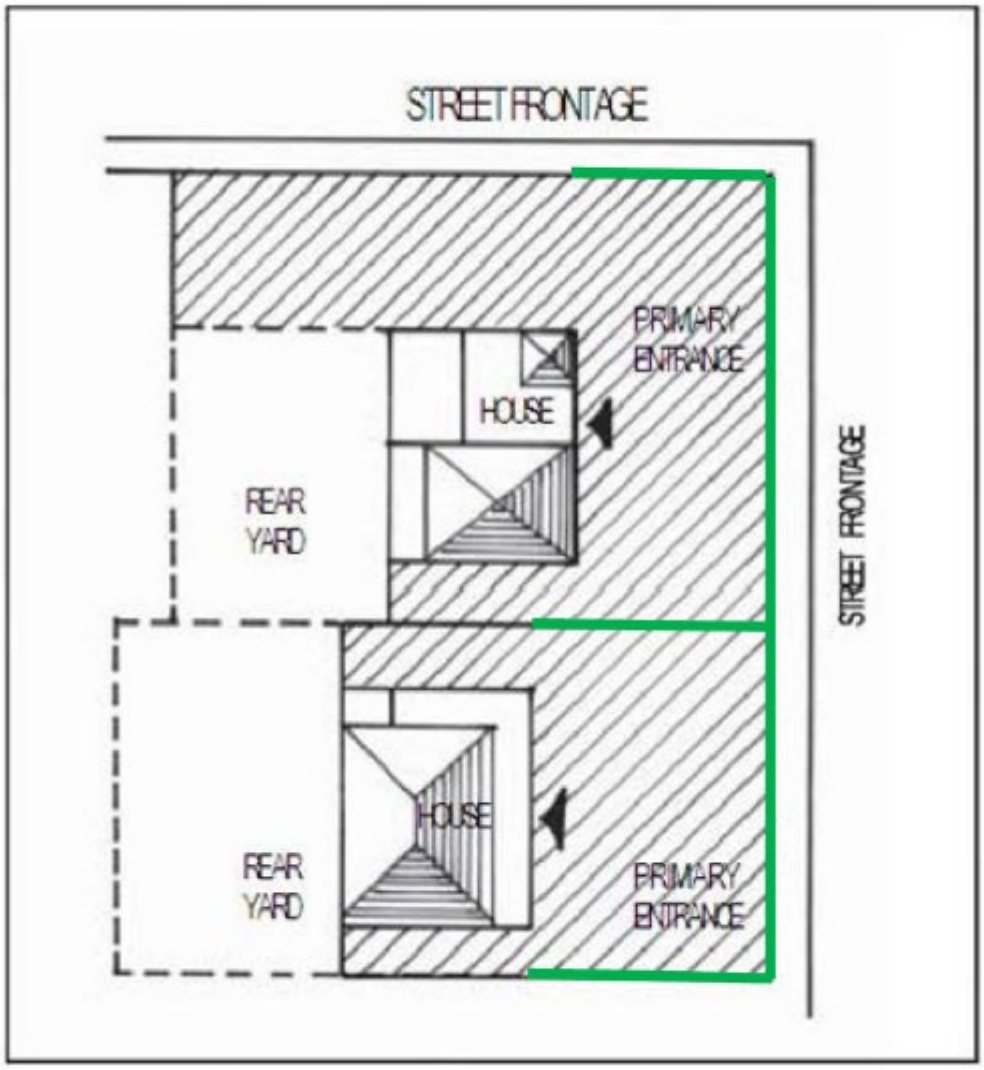
2. If the street right-of-way is readily determinable (by reference to a recorded map, set irons, or other means), the abutting yard's setback shall be measured from such right-of-way line. If the right-of-way line is not determinable, the abutting yard's setback shall be measured from the street centerline. Setbacks shall be one-half (½) the street right-of-way width for the applicable street classification as defined in Section 8.06, plus the required setback shown in Article 3. In the event that the Mobility and Development Plan provides for a future right-of-way, such setback line shall be measured from a line located a minimum distance of one-half (½) the proposed right-of-way width from the centerline of the street.

3. Overhead canopies or roofs over gas pumps located within a business or industrial district shall have a minimum setback of twelve (12) feet from any street right-of-way.

4. Gas pumps shall have a minimum setback of twenty (20) feet from the street right-of-way.

5. Residential fences running along street rights-of-way and beyond the front plane of the structure shall not exceed four (4) feet in height; except a six (6) feet fence is permitted in the abutting side yard where a residence is adjacent to commercial or industrial uses. All fences must be located outside the right-of-way. Residential fences located in the rear yard and behind the front plane of the structure may be taller than six (6) feet provided the fence meets setbacks for accessory structures in Section 5.02. Walls/fences around the perimeter of major subdivisions are excluded from this section; except that these fences must not be located in the right-of-way.

Outside Historic Districts



4 ft. Fence

6. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, the property line setback for the nonresidential lot shall be the greater of the two (2) districts.

7. Setback distances shall be measured from the property line or street right-of-way to the nearest portion of any building, excluding:

   a. The outermost four (4) feet of any uncovered porch, step, eave, gutter, canopy, or similar fixture; and

   b. A deck or patio floor if no portion of the same extends more than twelve (12) inches off the ground; and

c. Handicapped ramps and lifts.

E. Building Height Limitations

1. For the purpose of this section, the height of a building shall be the vertical distance of a building measured from the average elevation of the finished grade around the perimeter of the foundation of the structure to the highest interior finished ceiling, excluding the exceptions established herein. The maximum height shall not exceed the height in Article 3.

2. Principal uses other than single-family and two-family dwellings in residential, B-1 and O-1 Districts may exceed the thirty-five-foot height provided that the side yard is increased one (1) foot for every one (1) foot or fraction thereof of additional height. However, in no case shall a building in these districts exceed fifty (50) feet in height.

3. In an O & 1-2 and B-2 district or in a B-3, B-4 and B-5 District, the height of a building may exceed fifty (50) or sixty-five (65) feet respectively provided that the side yard is increased by five (5) feet or a fraction thereof for every five (5) feet of additional height. However, in no case shall a building exceed sixty-five (65) feet in the O & 1-2 and B-2 Districts or eighty (80) feet in the B-3, B-4, and B-5.

4. The following features are exempt from height limitations set forth in Article 3:

   a. Chimneys, church spires, elevator shafts, monuments, and similar structural appendages (belfries, cupolas, domes) not intended for human occupancy or storage.

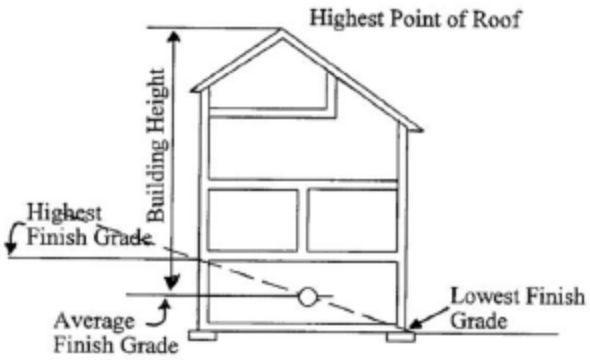
   b. Flag poles and similar devices.

   c. Towers and antennas.

   d. Heating and air conditioning equipment, solar collectors, and similar equipment fixtures and devices.

5. Notwithstanding the above table, in any zoning district the vertical distance from the ground to a point of access to a roof surface of any non-residential or multi-family residential structure containing four (4) or more units may not exceed thirty-five (35) feet in height unless the fire marshal had determined such building is designed to provide adequate access or is equipped to provide adequate protection against the dangers of fire.

Figure 6-2: Measuring Building Height



F. Blocks

1. Block lengths shall not be longer than fifteen hundred (1,500) feet nor shorter than three hundred (300) feet, unless approved by the Planning Board to secure efficient use of land or to maintain desired features of street pattern. Where blocks are longer than five hundred (500) feet or at the ends of cul-de-sac streets, the Planning Board may require pedestrian crosswalks, which shall be at least ten (10) feet wide.

2. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single-tier lots where such are required to separate residential development from through vehicular traffic and nonresidential uses.

G. Reserved

H. Half-Streets

The dedication of half-streets at the perimeter of a new subdivision is prohibited. When a half street exists, the remaining half of the street shall be dedicated on the adjoining property.

I. Alleys

1. All alleys shall be constructed in accordance with City of Statesville Street Specification and Details.

J. Intersections

1. Streets shall intersect as nearly as possible at right angles. No street shall intersect at less than sixty (60) degrees. All intersections must be approved by the City Engineer.

2. Arterial street intersections shall be at least eight hundred (800) feet apart measured from centerline to centerline.

3. Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. When the intersection angle is less than seventy-five (75) degrees, the City Engineer may require a greater radius.

4. Jogs in streets shall be offset by at least one hundred fifty (150) feet.

K. Easements

1. Utility easements for residential subdivisions along front and rear lot lines shall be at least ten (10) feet wide and centered thereon; easements alongside lot lines shall be equal to the required side yard setback. Front, rear, and side yard utility easements for nonresidential, cluster and architecturally integrated cluster subdivisions shall be established by the City Council upon review and recommendation of the Technical Review Committee and Planning Board.

2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm easement or drainage right-of-way conforming substantially to the boundaries of such watercourse, but no less than ten (10) feet in width, shall be provided in such width as required by the City Engineer.

3. Lakes, ponds, creeks and similar natural areas within the City may be accepted for maintenance upon recommendation by the Planning Board and approved by the City Council.

L. Permanent Reference Points

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements:

1. At least one (1) corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Coast and Geodetic Station or N.C. Grid System coordinated monument or City coordinated system, the corner shall be marked with a monument designated by computed X and Y coordinates, which shall be identified on a map with a statement identifying this station or monument to an accuracy of one-ten thousandth (1/10,000) of a foot. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure that is not likely to be destroyed.

2. Within each block of a subdivision, at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments if and when required. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in its top or attached by a suitable means, a metal plate of noncorrosive material and marked plainly with the point, the surveyor's registration number, the month and the year it was installed and the words "Monument" or "Control Corner." Monuments shall be set at least thirty (30) inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical. The location of monuments or control corners shall be determined by the City Engineer.

3. A steel or wrought iron pipe or its equivalent, not less than three-fourths (¾) of an inch in diameter and at least thirty (30) inches in length, shall be set at all corners, except those located

by monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency and reference point, unless already identified by a monument.

4. The allowable angular error of closure and linear error of closure for surveys within the City limits and extraterritorial jurisdiction shall be:

   a. Angular error of closure within the City limits shall not exceed twenty-five seconds (00°00'25") times the square root of the number of angles turned.

   b. Linear error of closure within the City limits shall not exceed one (1) foot per seventy-five hundred (7,500) feet of perimeter (1:7,500).

   c. Angular error of closure beyond the City limits shall not exceed thirty seconds (00°00'30") times the square root of the number of angles turned.

   d. Linear error of closure beyond the City limits shall not exceed one (1) foot per five thousand (5,000) feet of perimeter (1:5,000).

M. Utility Services

Extension of City of Statesville's electric service is governed by the City's Services Policy Manual.

1. Normally, the City's Electric distribution and service facilities are installed above-ground on poles or other fixtures. At the request of the owner (including builders, developers, contractors and customers), the City will install, own and maintain underground facilities under the terms and conditions of the City's Services Policy Manual.

   a. Utility services in all public and private housing developments shall be installed underground.

   b. All utilities shall be installed and maintained in accordance with the NESC (National Electric Safety Code).

2. Whenever any electric or telecommunications company maintains pole along a street, they shall permit other such users to collocate additional facilities on their poles, provided such poles have available capacity to do so.

(Ord. No. 02-16, 2-1-2016; Ord. No. 08-17, 4-3-2017; Ord. No. 25-20, 11-2-2020; Ord. No. 33-21, 6-7-2021; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 11-23, 4-3-2023; Ord. No. 19-23, 5-1-2023; Ord. No. 30-23, 8-7-2023; Ord. No. 47-23, 11-6-2023, Ord. No. 16-26, 6-1-2026, Ord. No. 17-26-, 6-1-2026)

Section 6.03 Parking Standards

A. Off Street Parking Requirements

1. Off-street parking shall be provided and permanently maintained on every lot on which any of the following uses are hereafter established in all districts.

In the Central Business (CB) District, nonresidential uses, and residential uses in upper stories of existing buildings are exempt from off-street parking requirements. New townhome or multi-family residential construction projects are required to provide one (1) parking space per unit.

2. Off-street parking in the CB (where required), CBP, Municipal Service and H-115 Districts shall be located only in the defined side and rear yards, under a building or in an approved parking deck. If parking is located within the side yard, hardscape screening four (4) feet in height and/or landscape screening three (3) feet in height at planting (reaching four (4) feet in height within one (1) year) shall be required. Corner lots will screen side and rear yard parking from the intersecting streets.

3. The number of required off-street parking spaces shall be increased when a change of use of either a structure or of land requires additional parking spaces in compliance with this Article. Parking spaces may be decreased when a change of use in either the structure or the land requires fewer spaces than provided for the replaced use.

4. A one-time enlargement of a structure or increase in the amount of land used may be made for existing uses which are not deficient in off-street parking, provided that the enlargement or increase does not represent a requirement in excess of five (5) off-street parking spaces. In the event that such increase represents a requirement in excess of five (5) off-street parking spaces, such increase shall require complete compliance with the provisions of this section for the entire use.

5. In residential areas, the parking or storage of motor vehicles, recreation vehicles, boats and/or trailers shall be prohibited in the area between the street and the front yard, except that the parking of motor vehicles, recreation vehicles, boats and/or trailers are permitted upon a driveway or parking area constructed of concrete, asphalt, gravel or any other material commonly used for parking of vehicles, but not including grass or dirt.

6. A certificate of occupancy will not be issued for any use until all off-street parking and loading requirements in accordance with this ordinance have been met and are in place and ready for use.

B. Computation of Off-Street Parking Requirements

1. When units of measurement determining the number of required parking spaces results in the requirement of a fractional space, any remainder under one-half (½) shall be disregarded and any fraction equal to or over one-half (½) shall require the provision of one (1) entire parking space.

2. Where seating consists of benches, pews, or other continuous seating surface, each twenty (20) inches of seating surface shall be considered as one (1) seat.

3. Where more than one (1) work shift is employed for any operation, parking requirements based on the number of employees shall be calculated for the largest shift.

4. Driveways shall be considered as providing off-street parking spaces for all single-family and two-family dwellings provided that there is a minimum of twenty (20) feet along the driveway between the building and the right-of-way, and that not more than thirty percent (30%) of the front yard is paved or graveled. Request for more than thirty percent (30%) shall be reviewed by TRC.

C. Parking Space Dimensions

1. Except as provided in the following paragraphs, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

2. In parking areas containing ten (10) or more parking spaces, up to twenty percent (20%) of the parking spaces needed may contain a rectangular area of only seven and one-half (7½) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

3. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by nine (9) feet unless otherwise approved.

D. Required Widths of Parking Area Aisles and Driveways

1. Parking area aisle widths shall conform to Table 6-3 which varies the width requirement according to the angle of parking.

2. Driveways shall be not less than ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.

Table 6-3: Required Aisle Width by Parking Angle (feet)

Parking Angle	0°	30°	45°	60°	90°
One-Way Traffic	13'	11'	13'	18'	24'
Two-Way Traffic	19'	20'	21'	23'	24'

E. General Design Requirements

1. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply driveways that serve one (1) or two (2) dwelling units, except that the creation of a lot that requires backing onto arterial streets is prohibited.

2. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the

necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

3. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

4. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

5. Except by way of approved driveways, access from or egress to a public road from a parking area shall be expressly prohibited.

F. Vehicle Accommodation Area Surfaces

1. Vehicle accommodation areas shall be graded to avoid ponding and surfaced with asphalt or concrete except under the following circumstances, provided however that the following provisions are not an exemption from required landscaping:

   a. In the LI and HI districts where the vehicle accommodation area is located at least two hundred (200) feet from the nearest residence;

   b. Commercial or other non-residential parking areas that are required to have fewer than ten (10) parking spaces;

   c. Driveways for single family or duplex residences.

2. Parking spaces in concrete or asphalt surfaced parking lots shall be appropriately demarcated with painted lines.

3. Vehicle accommodation areas that are not provided with concrete or asphalt surfaces shall:

   a. Be graded and surfaced with crushed stone, gravel, or other suitable material as suggested by the City Engineer to provide a stable surface;

   b. Be maintained to manage dust and erosion;

   c. Have perimeters clearly defined with bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved with concrete or asphalt for a distance of fifteen (15) feet back from the edge of the street pavement.

4. The City Engineer may authorize the use of alternate parking surfaces after finding the surface to provide equivalent or better safety, dust control, convenience and durability.

G. Joint Use of Required Parking Spaces

1. One (1) parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one (1) use may not be credited to any other use.

2. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on the weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.

H. Satellite Parking

1. If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces. Satellite parking spaces shall only be located in the zoning district(s) where the principal use is permitted.

2. All such satellite parking spaces (except spaces intended for employee use) must be located within three hundred (300) feet of a public entrance of a principal building housing the use associated with such parking, or within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

3. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

4. All such off-street parking areas located in a Residential (R) district shall require the issuance of a Special Use Permit by the City Council in accordance with the following section.

I. Number of Required Off-Street Parking Spaces

The number of required off-street parking spaces shall be as set forth in the Table 6-4.

Use	Required Spaces
AGRICULTURE AND RELATED USES	
Roadside Stand	3.0 per 1,000 SF
Stable, Public	1.0 per five animal stalls
CULTURAL FACILITIES	
Art Galleries	3 per 1,000 SF
Museums	3 per 1,000 SF
Libraries	3 per 1,000 SF
COMMUNICATION FACILITIES	
Radio and Television Studio	1.0 per 1,000 SF
Radio/Television Transmitting/Receiving Facility	1.0 per employee
COMMUNITY RECREATIONAL USES	
	3.3 per 1,000 SF plus 1.0 per 30% of the maximum capacity for open uses
MANUFACTURING, PROCESSING, ASSEMBLY	
	1 per 1,500 SF of building area
MEMBERSHIP ORGANIZATIONS	
	3.3 per 1,000 SF
OPEN USES OF LAND—HEAVY	
Junkyards	0.5 per employee plus 1.0 per 5,000 sq. ft. of lot area
Landfills	1.0 per employee on largest shift
PLACE OF ASSEMBLY	
	0.3 per seat of maximum capacity
PUBLIC FACILITIES	
Public Service Facilities	1.0 per employee
Public Use Facilities	3.3 per 1,000 SF
Jail	1.0 per employee plus 1.0 per 25 inmate beds
Correctional Facilities	1.0 per employee plus 1.0 per 25 inmate beds
RESIDENTIAL SUPPORT USES	
Church/Synagogue	0.3 per seat
Child and Adult Care Center	1.0 per employee, plus 1.0 per facility vehicle, plus 1.0 per 15 children/adult
College/University, Trade, or Vocational School	1.0 per 150 SF
Elementary School	1.75 per classroom
Junior High School	1.75 per classroom
Senior High School	5.0 per classroom

RESIDENTIAL USES	
Congregate Living Facility and Life Care Treatment Facilities	1.0 per employee on largest shift, plus 1.0 per facility vehicle, plus 0.25 per resident
Multiple Family Dwellings	1.0 per dwelling unit plus 0.5 per bedroom 1.0 per dwelling in CB (Central Business) District
Single Family/Townhome Dwellings	2.0 per dwelling unit 1.0 per dwelling in CB (Central Business) District
Mobile Home	2.0 per dwelling unit
Two Family (Duplex)	2.0 per dwelling unit
Fraternities and Sororities	3.3 per 1,000 SF
Boarding/Room/Tourist House/Bed & Breakfast	1.0 per bedroom
Elderly Multifamily Dwelling	1.0 per unit

RETAIL	
Convenience Goods	1.0 per 200 SF
Restaurant, no drive through	1.0 per 150 SF
Restaurant, with drive through	1.0 per 150 SF, plus Stacking for 5 in lane
Restaurant, outdoor seating (in addition to above)	1.0 per 4 outdoor seats
Apparel stores	3.5 per 1,000 SF
Department stores	3.5 per 1,000 SF
Drinking Establishment, Brewpubs, Microbreweries, Micro-distilleries	10.0 per 1,000 SF
Breweries, Distilleries	1 per 1,500 SF of Building Area
Furniture and home furnishings stores	1.0 per 1,000 SF
Food Store	5.0 per 1,000 SF
Gas Station	1.0 per 4 pumps
Mobile Home and Recreational Vehicle Sales	2.0 per 1,000 SF
Motor Vehicle Sales	2.0 per 1,000 SF
Service Stations	1.0 per 4 pumps, plus 3.0 per repair bay

Movie Theaters, indoor	1.0 per 4 seats
Movie Theaters, outdoor	1.0 per speaker box
Bowling, skating, indoor tennis, pool halls, indoor shooting/firing ranges, indoor paintball, etc.	1.0 per 3 persons of maximum capacity, or if unattainable, then 1.0 per 200 SF
Hotel/Motel	1.0 per rental room, plus 1.0 per employee on largest shift, plus necessary spaces for subordinate uses
Specialty Retail	5.0 per 1,000 SF
All Other Retail	4.0 per 1,000 SF

SERVICES	
Airport	by individual review
Airport Support Uses	by individual review
Banking	2.0 per ATM, plus 4.0 per 1,000 SF, plus stacking for 5 vehicles per drive thru lane
Bus Terminal	8.0 per 1,000 SF of waiting area
Business and Professional	3.5 per 1,000 SF
Health/Dental Practitioners' Offices	6.0 per 1,000 SF
Animal Hospital/Veterinary Clinic	5.0 per 1,000 SF
Hospitals	2.0 per bed
Medical and Dental Laboratories	4.0 per 1,000 SF
Nursing, Convalescent, Extended Care Facilities	0.35 per bed
Rehabilitation Center	4.0 per 1,000 SF
Sanitarium/Mental Hospital	2.0 per 1,000 SF
Railroad Switching Yard	1.0 per employee
Taxi Stand	1.0 per employee
Train Terminal	8.0 per 1,000 SF of waiting area
Truck Terminal	1.0 per employee
WAREHOUSING	
Warehouse/Distribution	0.5 per employee on largest shift
Warehouse, Mini	1.0 per 2,000 SF of storage area, plus 1.0 per employee
MISCELLANEOUS	
Adult Uses	3.0 per 500 SF
Amusement Park	by individual review
Circuses/Carnivals/Fairs	by individual review
Funeral Chapel	0.25 per seat of chapel capacity, plus 0.33 per employee
Funeral Home	1.0 per 100 SF
Dry Cleaning Plant	1.0 per employee on largest shift, plus 1.0 per facility vehicle
Drycleaner	1.0 per 200 SF
Flea Markets	3.0 per 1,000 SF
Lumberyard	2.0 per 1,000 SF
Publishing and Printing	1.0 per 1,000 SF
Rental/Leasing of Light Equipment	3.0 per 1,000 SF
Rental/Leasing of Heavy Equipment	3.0 per 1,000 SF
Rental/Leasing of Domestic Vehicles	3.0 per 1,000 SF
Rental/Leasing of Commercial Vehicles	3.0 per 1,000 SF

Research Activities	1.4 per employee
Slaughterhouse	1.0 per 1,000 SF
Stadium	0.3 per seat
Campground	1.0 per camping space
Golf Course	1.0 per 200 SF of enclosed area, plus 1.0 per 3 persons of maximum indoor capacity
Driving Range	1.0 per tee plus 1.0 per 200 SF
Other outdoor recreation	to be calculated based on mix of activities
Carwash, Conveyor	1.0 per 3 employees, plus stacking for 5 times wash capacity
Carwash, Self service	2.0 spaces per wash bay, plus stacking for 2.0 per wash bay

J. No Parking Indicated Near Fire Hydrants

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved, the pavement shall be clearly marked to indicate that parking within fifteen (15) feet of such hydrant is prohibited.

K. Handicapped Parking

Provisions relating to parking for the handicapped are set forth in the North Carolina State Building Code, and all vehicle accommodation areas shall comply with such requirements to the extent they are applicable.

L. Reduction of Off-Street Parking Requirements in Age Restricted Developments

1. Residential developments which are designed for and restricted to use by senior populations shall be designed to accommodate their special needs. These developments shall be defined as housing developments in which one hundred percent (100%) of the residents are sixty-two (62) years of age or older, or eighty percent (80%) of the total number of residents are fifty-five (55) years of age or older and the development is designed to have tenants age in place with appropriate facilities.

2. Existing facilities meeting these criteria may apply for a reduction in their parking requirements. The City Council, after recommendation from the Planning Board, may authorize a reduction in the parking requirements to the following standards:

On Site Parking Requirements for Age Restricted Developments:

- one (1) parking space (nine (9) feet by eighteen (18) feet) for each dwelling unit
- one (1) parking space for each employee of the development
- one (1) parking space for each service/transportation vehicle
- one (1) drop-off/pick-up vehicle space (transit or other) including drive-through or turn around area.

3. Documentation verifying the dedication of these units for elderly use only shall be provided, as well as a site plan meeting code requirements, for staff or Technical Review Committee review, if needed.

4. Design for on-site parking shall comply with the requirements set forth in this section.

M. Overflow or Additional Parking

Overflow or additional parking spaces equaling ten percent (10%) or more above that required in Table 6-4 shall be constructed as required herein unless an alternate plan is recommended by the Planning Board and approved by City Council.

Table 6-4: Required Parking

N. Loading/Unloading Requirements

In order to assure a proper and uniform development of off-street loading areas throughout the City, every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley.

1. Retail operations and all first floor nonresidential uses, with a gross floor area of less than twenty thousand (20,000) square feet, and all wholesale and light industrial operations with a gross floor area of less than ten thousand (10,000) square feet.

2. A loading space determined by the Planning Director to be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the use without hindering the movement of pedestrians and vehicles over the public right-of-way.

3. Retail operations, including restaurant and dining facilities within hotels and office buildings, with a gross floor area of twenty thousand (20,000) square feet or more; One (1) loading berth with minimum dimensions of twelve (12) feet by thirty-five (35) feet and fourteen (14) feet overhead clearance where applicable for every twenty thousand (20,000) square feet of floor area and any fraction thereof in excess of ten thousand (10,000) square feet.

4. Retail operations and all other uses within shopping center having an aggregate gross leasable area in excess of one hundred thousand (100,000) square feet; One (1) loading berth with minimum dimensions of twelve (12) feet by fifty-five (55) feet and fourteen (14) feet overhead clearance where applicable for every forty thousand (40,000) square feet of floor area.

5. Office buildings and hotels with a gross floor area of fifty thousand (50,000) square feet or more; One (1) loading berth with minimum dimensions of twelve (12) feet by fifty-five (55) feet and fourteen (14) feet overhead clearance where applicable for every fifty thousand (50,000) square feet of floor area and any fraction thereof in excess of twenty-five thousand (25,000) square feet.

6. Industrial and wholesale operations with a gross floor area of ten thousand (10,000) square feet or over shall provide berths no less than twelve (12) feet by fifty-five (55) feet and fourteen (14) feet overhead clearance where applicable in quantities determined by the Planning Director or

his designee to be sufficient to allow normal loading without hindering the movements of pedestrians and vehicles over the public right-of-way.

7. Places of assembly shall have one (1) passenger loading space for every one hundred (100) seat of capacity.
8. Child care facilities shall have one (1) passenger loading space for every ten (10) children of capacity.

O. Dumpsters/Recycling Containers

Bulk containers, rollout receptacles and recycling containers shall be screened from public streets for all new construction including improvements to properties whereby the cost of improvements equal or exceed fifty percent (50%) of the structural value. The screening shall consist of materials including masonry, wood, etc. (excluding chain link fences and vinyl).

On scheduled pick up days for refuse collection it shall be the responsibility of the owner/tenant of the property to open the front screening to access the containers.

(Ord. No. 02-16, 2-1-2016; Ord. No. 04-16, 3-21-2016; Ord. No. 45-23, 11-6-2023)

Section 6.04 Landscape Standards

A. Purpose

The City of Statesville in a pro-active response to the marked increase in development seeks to positively impact the economy, to protect the natural resources of the community, and to provide aesthetic characteristics that will collectively improve the quality of life.

The purpose of establishing these standards is to encourage landscape development and preservation of the existing forest canopy that characterizes Statesville as a unique place by enhancing its natural beauty and maintaining a livable environment.

B. Definitions

The following definitions shall apply to the regulation and control of landscaping within this ordinance:

1. Buffer Yard: the required installation of landscaping and screening materials between adjacent properties along the periphery of the property.

a. Type A: a planting strip having a minimum width of eight (8) feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

b. Type B: a low density screen having a minimum width of ten (10) feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

c. Type C: a medium density screen having a minimum width of fifteen (15) feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

d. Type D: a medium-high density screen having a minimum width of twenty (20) feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

e. Type E: a high density screen having a minimum width of twenty-five (25) feet which is intended to substantially block visual contact between zoning classifications, create spatial separation, and reduce lighting and noise that would otherwise intrude upon adjacent zoning classifications.

f. Type F: a very high density screen having a minimum width of thirty (30) feet which is intended to substantially block visual contact between zoning classifications, create spatial separation, and reduce lighting and noise that would otherwise intrude upon adjacent zoning classifications.

2. Caliper: a standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four (4) inches in caliper size, and twelve (12) inches above the ground for larger sizes.

3. Critical Root Zone (CRZ): a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one (1) foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.

4. Diameter-at-Breast-Height (DBH): is the tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground.

5. Dripline: an imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

6. Grading Permit: An erosion/sedimentation control permit issued by the North Carolina Department of Environmental and Natural Resources (DENR).

7. Group Development: land under unified control to be developed either as a whole in a single development operation or a programmed series of development operations. (Further defined as Planned Development in Zoning Ordinance Definitions Section 10.4.1.)

8. Planting Bed: the area prepared for the purpose of accommodating the planting of trees, shrubs, and other plant material.

9. Shrub: an upright plant for ornamental or screening purposes.

a. Large: ten (10) feet to twenty (20) feet in height at maturity.

b. Medium: five (5) feet to ten (10) feet in height at maturity.

c. Small: less than five (5) feet in height at maturity.

10. Street Yard: a planting area parallel to a public street designed to provide continuity of vegetation adjacent to the right-of-way and to soften the impact of development by reducing glare, reflective and visual clutter.

11. Technical Review Committee (TRC): a committee of City staff members including the City Arborist/Horticulturist, designated by the Director of Planning, to review and approve plans submitted for methods of compliance.

12. Tree Topping: an unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and causes decay and sprout production from the cut ends, resulting in a potentially hazardous situation. Tree topping is also referred to as heading, stubbing, tipping or rounding off.

13. Tree: an upright plant for shade, screening, or aesthetic purposes such as flowers, interesting bark, or fall foliage.

a. Ornamental: small to medium, growing fifteen (15) feet to forty (40) feet in height at maturity.

b. Shade: large, growing to over forty (40) feet in height at maturity.

14. Wetlands: lands and waters that come under the jurisdictional control of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency.

C. Applicability

This ordinance shall apply to all property owners/developers proposing new or expanded developments. Zoning clearances for development or construction are required with the following exemptions.

Exemptions:

1. If there is no change in the existing use of the property and/or no change in the number of parking spaces.

2. Single-family and two-family residential dwellings on single lots (excepting stream buffers).

3. Central Business (CB) District properties inbound of Front, Meeting, Water, and Tradd Streets (excepting parking lots) are exempt from this ordinance.

4. Parking lots in the CB, CBP and the H-115 Districts with four (4) or less parking spaces.

5. Existing individual lots that have a shape or size that would create a hardship for the owner in that the full and strict compliance with this ordinance would prevent otherwise allowable development from being developed for the zone uses, may request consideration for alternative compliance.

D. Landscape Development Process

The landscaping development process shall begin when the developer/owner meets with the Planning Department staff. Staff shall explain process, submission requirements, fees and review and public hearing schedule, if required. Steps shall be completed in the following order:

1. A meeting between the staff and developer/owner shall be held to initiate dialog relative to the development and to ensure the compliance with this and other relevant ordinances. This meeting shall take place prior to any land disturbing activity, including defoliation of the property. A written authorization to proceed, issued by the staff, will be required prior to land disturbing activities.

2. Developer/Owner shall submit completed code compliant documents, including a Tree/Landscaping Assessment, Landscape Site Plan and a grading/erosion control plan (a copy of the DENR permit shall suffice) for review by the TRC.

3. Staff and TRC shall review submission per TRC schedule. If code requirements and documents are complete and in compliance, zoning clearances for grading and building permits shall be prepared if approval by Planning Board and City Council are not required.

4. Developer/Owner shall apply for grading and building permits.

5. Following completion of the development project, developer/owner shall request a zoning compliance final construction inspection to obtain a Certificate of Occupancy. A permanent Certificate of Occupancy for the development shall not be issued unless the landscaping required under this Section is installed in accordance with these standards and in accordance with the approved Landscape Site Plan. See Section 6.04 (I) Alternative Methods of Compliance.

6. Health and vigor of planting materials shall be assured with a follow-up landscaping inspection by staff no later than twelve (12) months following the issuance of the Certificate of Occupancy.

E. Grading Standards for Stream and Wetland Protection

1. For requirements regarding soil erosion, storm drainage control, retention and/or detention, contact the City of Statesville Stormwater Division.

2. An undisturbed, natural buffer shall be maintained along each perennial stream within the planning jurisdiction. The minimum buffer width shall be thirty (30) feet as measured from the top of bank on each side of the stream. Top of bank determination is to be generally consistent with the US Army Corps of Engineers “Ordinary High Water Mark” used in delineation of jurisdictional waters. In cases of conflicting interpretations, the applicant will have the option of providing a jurisdictional determination, including tops of stream banks, from an individual certified by NCDEQ as qualified for Surface Water Identification.

3. No land-disturbing activities shall take place within a stream buffer or delineated wetland area, except for required streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths. Roads and golf courses may cross a buffer, provided they do not cross at an angle of less than sixty (60) degrees.

F. Tree/Landscaping Assessment, Preservation Credits, Tree/Root Preservation Process

Identification of existing trees and topographical features on a site prior to the advanced preparation of development plans enables planned preservation of existing vegetation while considering unique

site conditions. A Tree/Landscaping Assessment is intended to identify forest stands or trees of a uniform size and species, specimen trees of varying sizes and species (particularly free standing or open-grown or field-grown trees) and/or a distinctive tree line or forest edge.

1. Tree/Landscaping Assessment Drawing

a. The area in which to locate trees shall be within the proposed site and extend twenty-five (25) feet beyond the property lines.

b. Provide a general written description on the drawing of the significant vegetation twelve (12) inches DBH or greater. Briefly describe the uniform size and height of trees including the typical tree species and spacing between trees.

c. Show the dripline and general species of any existing forest stand with tree trunks six (6) inches DBH or greater located at the edge of the stand.

d. Locate, show the dripline, and label species of all free standing, open grown, or field grown specimen trees twelve (12) inches at DBH or greater located on the site.

e. Show all other important natural features influencing site design such as the location of wetlands, rock outcroppings, site topography at two (2) foot contour intervals, slopes steeper than five percent (5%), perennial streams, natural drainage ways, lakes, and other water bodies.

f. Provide a brief statement of the reasons for tree removal (age of tree, tree damaged or diseased, location of building, driveways, etc.).

2. Preservation Credits

a. Upon approval by the Planning Department, credits for existing trees within Buffer Yards, Street Yards and Parking Lots will be accrued according to Table 3.

b. Minimum size requirement to qualify for tree preservation is two and one-half (2½) inches diameter at DBH.

c. Should any tree designated for preservation in the tree preservation plan die at any time after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient plant material equal to the tree preservation credit within one hundred eighty (180) days. The replacement tree shall meet the requirements of Section 30.6.8 Landscape Specifications.

3. Tree and Root Preservation Process

a. Tree and root preservation shall be incorporated as part of the Landscaping Site Plan.

b. Prior to the start of development activities, the owner shall be responsible for the erection of tree and root protection fencing and associated protective measures.

c. Sturdy and visible fencing shall be constructed from materials substantial enough to protect the roots, trunk, and crown of the tree before clearing and grading begins.

d. The location for tree protection fencing shall be approved by TRC based upon the Tree/Landscaping Assessment and cannot be removed until after all development activities are completed. Fencing shall be placed at a minimum of two (2) feet from the outside of the tree dripline.

e. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or parking or storage of heavy equipment are allowed within the CRZ of trees to be preserved.

f. Root pruning shall be kept to an absolute minimum using approved ANSI standards.

g. Topping of trees is prohibited. Pruning of existing vegetation shall be completed in accordance with current standards of the American National Standards Institute (ANSI).

G. Landscape Site Plan Submittal Requirements

The Landscaping Site Plan shall be drawn on the same scale as Development Site Plan, contain a North arrow, define necessary interpretive legends, and include the following:

1. Location of buffer yards, street yard, and parking lot landscaping.

2. Location of any proposed buildings, parking and traffic patterns, walkways and public sidewalks, irrigation systems, signage, and connections to existing streets or adjacent lots.

3. Location of overhead and underground utilities.

4. Location and description of landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.

5. Streams, wetlands, and required buffers.

6. Zoning designation and use of adjacent properties.

7. Location, type, and quantity of existing plant materials to be preserved and location of tree protection fencing (if applicable).

8. Plant lists with botanical name, common name, quantity, and size of all proposed landscape material.

9. Planting and installation details to ensure conformance with all required American National Standards Institute (ANSI) standards.

H. Landscaping/Design Specifications

1. Plant materials must be selected from an approved species list prepared by the City Arborist/Horticulturist and conform to the requirements described in the latest edition of American Standard for Nursery Stock. Use of native plant material is encouraged. No synthetic plants shall be used to satisfy the requirements.

2. Planting standards for Buffer Yards and Street Yards are based on the minimum requirements per one hundred (100) feet linear feet. All fractional plant unit requirements resulting from linear calculations shall be rounded up to the nearest whole plant unit.

3. Shade Trees shall be a minimum of two and one-half (2½) inches in caliper at time of planting.

4. Ornamental Trees must be a minimum of eight (8) feet in height (from top of root ball to top of tree) at the time of planting.

5. Shrubbery shall be a minimum of three (3) gallon in size at time of planting.

6. No plant materials shall be installed within an underground or overhead utility easement or a drainage easement or be located in the proximity of meters, switches, equipment panels, covers, boxes, equipment, etc., associated with utilities or safety equipment without prior approval of the Director of Public Works and the easement holder at the time of the Landscape Site Plan approval.

7. Developer/Owner shall furnish and ensure that all plant materials listed on the Landscape Site Plan are installed to adequately create a proper growing environment for plant material. This would include the location of material, planting, proximity to building and other plant material allowing for air, light, water, growth at maturity, etc. Plant beds shall be mulched and watered to ensure survival and growth of plant material.

8. It shall be the responsibility of the property owner and/or tenant to maintain and ensure the survival of plant material in perpetuity. Such maintenance shall include all actions necessary to keep the landscaped areas free of liter and debris and to keep plantings healthy and orderly in appearance. Dead plant material must be replaced by the property owner and/or tenant as soon as practical, but in no case more than one hundred eighty (180) days.

9. Walkways shall feature adjoining landscaped areas.

10. Walkways along front and sides of buildings facing street yards where impervious surface directly abuts building shall provide planting beds with a minimum width of three (3) feet for foundation landscaping, except where features such as arcades, awnings, entrances or entryways are part of the facade.

11. Building setbacks (as listed in Section 60.1.4) shall supersede landscaping requirements.

12. Tree topping is prohibited. Trees, shrubs, or other plant material shall be pruned in accordance with American National Standards Institute (ANSI) standards.

13. All planting areas subject to vehicular traffic shall be protected with barriers including, but not limited to, curbs, wheel stops, or walls. Wheel stops shall be used where curbing is not used or less than six (6) inches in height. Curbing and wheel stops shall be continuously maintained.

14. Location of planting material outside shade of building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.

I. Alternative Methods of Compliance

1. The Arborist/Horticulturist may approve an alternate landscape plan which proposes different plant materials or methods, provided that quality, effectiveness, durability, and performance are equivalent to that required by this ordinance. The plan must demonstrate how the alternate purposes and standards of this ordinance will be met by measures other than those found in the ordinance. Alternatives may be used where unreasonable or impractical situations would result from application of landscaping requirements or where necessary to protect existing vegetation.

2. If plant materials are unavailable at time of installation or if weather conditions prohibit completion of the planting, the developer/owner may select one (1) of the following two (2) options:

a. Request alternate selections from Arborist/Horticulturist providing there is no reduction in quantity of plant material, no significant change in size or location of plant materials, new plants are of the same general type, and plants have the same general design or characteristics (mature height, crown spread) as the materials being replaced.

b. Submit a copy of a signed contract for purchase and installation of the required planting materials and post a surety bond equal to the amount of the contract. In no instance shall the surety bond be for a period greater than one hundred eighty (180) days. A surety bond will satisfy landscape requirements toward the issuance of a Certificate of Occupancy.

3. If a taking of a right-of-way puts a property in noncompliance, the property shall come back into compliance as it was previous to the taking. If coming into compliance presents a hardship for the property owner, then the property owner may present an alternate method of compliance, if possible.

4. If water is rationed or watering prohibited, the owner may request a deferment equal in time to the length of the City imposed prohibition.

J. Landscaping and Design Standards for Buffer Yards/Fences

1. Buffer Yard types are determined by zoning districts and use of adjacent properties.

a. Table 1 determines the type of Buffer Yard that is required.

b. Table 2 illustrates the required landscaping point system for Buffer Yard types A—F including the minimum yard width and type and quantity of plant material.

2. Trees shall be equally distributed along the buffer yards to allow for pedestrian and vehicular cut throughs but not required to be at absolute equal intervals.

3. Where properties abut an alleyway, the Buffer Yard requirement shall meet the buffer requirement for the zoning district on the other side of the alley.

4. Where a vacant parcel is being developed adjacent to another vacant parcel, then the developer/owner or owner of the first parcel to be developed shall provide the landscaping required adjacent to the vacant land. Where a vacant parcel is being developed adjacent to an

existing land use, then the developer/owner of the vacant parcel shall provide the landscaping required adjacent to the existing land use.

5. In the case of a group development, the exterior boundaries of the land under unified control shall be initially landscaped according to the requirements of Table 2. The interior boundaries separating areas of development shall meet the requirements of Table 2 as areas are developed.

6. Fences are permitted only where they are of uniform design, materials and construction. Fences shall be placed on the property to allow maintenance on site by the owner and shall be located behind street yards. Chain link fences located in non-industrial zones or industrial zones along street fronts shall be of dark earth-tone color (dark green or black). Public service facilities are exempt from fence restrictions.

K. Landscaping and Design Standards for Street Yards

1. Table 2 illustrates the required landscaping point system for Street Yards including the minimum yard width and type and quantity of plant material.

2. Street Yard size shall be a minimum of sixty-four (64) square feet.

3. A minimum of thirty percent (30%) of the total tree requirements for Street Yards shall be shade trees except in the case of a conflict with utility lines. Trees shall be equally distributed along the street frontage but not required to be at absolute equal intervals.

4. No more than twenty percent (20%) of the Street Yard may be used for walkways or signs.

5. Parking, merchandise display and off-street loading are prohibited in the Street Yard.

6. No tree or shrub shall be planted within the Sight Triangle and/or Right-of-Way without the prior approval of the Director of Public Works.

L. Landscaping and Design Standards for Parking Lots

1. Table 2 illustrates the required landscaping point system for Parking Lots including the minimum planting bed width and type and quantity of plant material.

2. Trees and shrubs planted within planting beds shall be set back a minimum of five (5) feet from the edge of the bed respective to vehicles parked perpendicular to the bed or a minimum of four (4) feet respective to vehicles parked parallel to the bed.

3. A minimum of fifty percent (50%) of the total tree requirements for Parking Lots shall be shade trees.

4. Required trees shall be located within or adjacent to Parking Lots in tree islands, medians, ends of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than sixty (60) feet from a Parking Lot tree. Exceptions to this standard regarding tree preservation credit shall be determined by the Arborist/Horticulturist.

5. Trees located within Buffer Yards or Street Yards cannot be credited toward Parking Lot requirements.

6. Planting beds shall be a minimum of eighty-one (81) square feet. Minimum inside width of planting beds (excluding curb) shall be ten (10) feet for beds perpendicular to parking spaces and eight (8) feet for beds parallel to parking spaces.

7. Reduced Parking Requirements. The minimum number of required parking spaces (in a lot of thirty (30) or more) may be reduced by as much as ten percent (10%) if fifty percent (50%) of the reduced area is used for Parking Lot landscaping. Bonus landscaping area for reduced parking spaces shall apply to industrial, commercial, and office/institutional districts only.

8. Existing Parking Lot Compliance. If an existing Parking Lot (paved or unpaved) is expanded or improved to add twelve (12) or more spaces, it shall comply with the Parking Lot requirements within the expanded or improved portion. In addition, existing Parking Lot landscaping shall be upgraded to comply at the same percentage as the percentage of increased space.

M. Landscaping and Design Standards for Residential Subdivisions

1. Street Yard trees shall be planted parallel to the street within ten (10) feet of the right-of-way or property line. All trees required under this Section shall be planted within the private lot.

2. In addition to Street Yard requirements, each lot shall provide shade trees in accordance with the following schedule:

Lot Size	Required Number of Shade Trees
Less than 15,000 sq. feet	1
15,001—20,000 sq. feet	2
More than 20,000 sq. feet	3

N. Zoning Change

If the zoning district classification changes for an existing use or parcel, then the parcel shall come into compliance with the landscaping requirements of this ordinance. The developer/owner may need to install additional plant material on the parcel, especially on developed sites, to bring the parcel up to the standards for the landscaping required under this ordinance.

O. Appeals and Penalties

1. Any person affected by any decision of the Planning Director or Horticulturist/Arborist relating to the application of these regulations may appeal to the Board of Adjustments for a variance.

2. Any act constituting a violation of these standards shall subject the property owner to a civil penalty as outlined in Section 1-7 General Penalty City Code.

3. Each individual deficit shall constitute a separate, daily and continuing violation.

4. The owner and/or tenant of any property wherein a violation exists, and any builder, contractor and/or agent who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

5. A non-monetary penalty, in the form of increased or additional planting requirements may be assessed in addition to or in lieu of any monetary penalties prescribed under this Section.

Statesville Landscape Ordinance - Table 1

Buffer Yards

Proposed Site Zoned Single-Family	
Adjacent Property Zoned	Buffer Yard Required
R-A	C
R-20	C
R-15	C
R-15M	C
R-10	C
R-10M	C
R-8	C
R-8M	C
R-8MF	A
R-8MFM	A
R-5	C
R-5M	C
R-5MF	A
R-5MFM	A
O-1	B
O & I-2	B
B-1	C
B-2	C
B-3	E
B-4	E
B-5	E
CB	C
CBP	C
H-115	C
L1	F
H1	F

Proposed Site Zoned Multi-Family	
Adjacent Property Zoned	Buffer Yard Required
R-A	C
R-20	C
R-15	C
R-15M	C
R-10	C
R-10M	C
R-8	C
R-8M	C
R-8MF	A
R-8MFM	A
R-5	C
R-5M	C
R-5MF	A
R-5MFM	A
O-1	B
O & I-2	B
B-1	C
B-2	C
B-3	D
B-4	D
B-5	D
CB	C
CBP	C
H-115	C
L1	E
H1	E

Proposed Site Zoned B-1, B-2	
Adjacent Property Zoned	Buffer Yard Required
R-A	C
R-20	C
R-15	C
R-15M	C
R-10	C
R-10M	C
R-8	C
R-8M	C
R-8MF	C
R-8MFM	C
R-5	C
R-5M	C
R-5MF	C
R-5MFM	C
O-1	A
O & I-2	A
B-1	A
B-2	A
B-3	A
B-4	A
B-5	A
CB	A
CBP	A
H-115	A
L1	C
H1	C

Proposed Site Zoned B-3, B-4, B-5	
Adjacent Property Zoned	Buffer Yard Required
R-A	E
R-20	E
R-15	E
R-15M	E
R-10	E
R-10M	E
R-8	E
R-8M	E
R-8MF	D
R-8MFM	D
R-5	E
R-5M	E
R-5MF	D
R-5MFM	D
O-1	C
O & I-2	C
B-1	A
B-2	A
B-3	A
B-4	A
B-5	A
CB	A
CBP	A
H-115	A
L1	D
H1	D

Proposed Site Zoned Central Business or Central Business Perimeter, H-115	
Adjacent Property Zoned	Buffer Yard Required
R-A	C
R-20	C
R-15	C
R-15M	C
R-10	C
R-10M	C
R-8	C
R-8M	C
R-8MF	C
R-8MFM	C
R-5	C
R-5M	C
R-5MF	C
R-5MFM	C
O-1	A
O & I-2	A
B-1	A
B-2	A
B-3	A
B-4	A
B-5	A
CB	A
CBP	A
H-115	A
L1	D
H1	D

Proposed Site Zoned Office One or Office & Institutional - Two	
Adjacent Property Zoned	Buffer Yard Required
R-A	B
R-20	B
R-15	B
R-15M	B
R-10	B
R-10M	B
R-8	B
R-8M	B
R-8MF	B
R-8MFM	B
R-5	B
R-5M	B
R-5MF	B
R-5MFM	B
O-1	A
O & I-2	A
B-1	A
B-2	A
B-3	C
B-4	C
B-5	C
CB	A
CBP	A
H-115	A
L1	D
H1	D

Proposed Site Zoned Light or Heavy Industrial	
Adjacent Property Zoned	Buffer Yard Required
R-A	F
R-20	F
R-15	F
R-15M	F
R-10	F
R-10M	F
R-8	F
R-8M	F
R-8MF	E
R-8MFM	E
R-5	F
R-5M	F
R-5MF	E
R-5MFM	E
O-1	D
O & I-2	D
B-1	C
B-2	C
B-3	D
B-4	D
B-5	D
CB	D
CBP	D
H-115	D
L1	A
H1	A

Statesville Landscape Ordinance - Table 2
Required Landscaping Point System

Points Shade Tree 12 Ornamental Tree 6 Large Shrub 3 Medium Shrub 2 Small Shrub 1			Required Landscaping Point System		
BUFFER YARD TYPE	Minimum Width	Shade Trees Minimum per 100'	Ornamental Trees Minimum per 100'	Shrubs: Large Medium Small	Required Points per 100 linear feet

A	8'	N/A	1	Optional	40
B	10'	1	1	Optional	60
C	15'	2	1	Optional	70
D	20'	2	1	Optional	80
E	25'	2	2	Optional	90
F	30'	2	2	Optional	100
STREET YARD	8'	3*	or 4*	Optional	36
	Minimum inside width	per 12 spaces	per 12 spaces		per 12 spaces
PARKING LOT	10' perpendicular to vehicles 8' parallel to vehicles	1*	or 2*	Optional	12

A minimum of fifty percent (50%) of the total tree requirements for Street Yards and Parking Lots shall be shade trees except in the case of a conflict with utilities.

Statesville Landscape Ordinance - Table 3
Preservation Credit

DBH	Credit Points
Under 2.5"	None
2.5" to 4.99"	12
5" to 9.99"	18
10" to 14.99"	24
15" to 19.99"	30
20" to 24.99"	36
25" and Greater	42

(Ord. No. 02-23, exh. A, 1-9-2023, Ord. No. 9-26, 4-20-2026)

Section 6.05 Lighting

1. All outdoor lighting shall comply with the performance standards contained in Section 5.05(1) of the Code.

2. Outdoor lighting shall be so located as not to directly reflect on adjacent property, or on public streets in such a manner as to adversely affect the enjoyment of adjacent property or endanger the motorist traversing such public streets. This shall be achieved by a number of methods including, but not limited to, shielding, orientation and lumen cast.

3. Lighting of Windows and Architectural Features. Lighting is prohibited from being used to define, outline or highlight windows or architectural features of the building (i.e., windows, doors, roof lines, eaves, awnings, railings, etc.). This prohibition shall not extend to the use of neon or LED signage in a window consistent with applicable sign regulations (see example below).

4. Lighting of Businesses and Landscaped Areas. Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and away from adjoining properties, public or private rights-of-way, and the night sky. Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.

(Ord. No. 22-23, § 3, 6-5-2023)

Section 6.06 Open Space Standards

A. Open Space Defined

Open space is land and/or bodies of water used for recreation, amenity or buffer; it will be freely accessible to all residents of a development, where required by this chapter. Open space shall not be occupied by buildings or structures unless accessory to a permitted recreational use, roads, parking or road rights-of-way, utility easements, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements. Retention basins may be counted towards up to forty percent (40%) of open space, provided that side slopes are 5:1 run:rise or flatter unless otherwise approved by the City Engineer.

B. Open Space Plan

An open space plan will be submitted as a part of the application for a planned unit development, cluster subdivision or architecturally integrated cluster subdivision that designates:

1. The areas to be reserved as open space and the specific design of open space areas;
2. The type of open space that will be provided; and
3. The manner in which the open space will be perpetuated, maintained and administered.

C. Types of Open Space

The types of open space which may be provided to satisfy the requirements of this chapter, together with the maintenance required for each type, are as follows: (NOTE: Areas that are designated as permanent soil stock piling or borrow pits cannot be dedicated as open space.)

1. **Natural areas** are areas of undisturbed vegetation. Woodlands, wetlands and stream buffers are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free flowing and devoid of debris. Stream channels will be maintained so as not to alter floodplain levels.
2. **Recreational areas** are designed for specific, active recreational uses such as tot lots, tennis courts, swimming pools, ballfields and similar uses. Recreational areas will be accessible to all residents of the development. Maintenance is limited to insure that there exist no hazards, nuisances or unhealthy conditions.
3. **Greenways** are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths and bridle paths. Connecting greenways

between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances or unhealthy conditions.

4. **Landscaped areas** and lawns with or without trees and shrubs will be mowed regularly to insure neatness. Landscaped areas will be trimmed, cleaned and weeded regularly.

D. Preservation and Maintenance of Open Space

Land designated as common open space may not be sold or developed and must be platted as a lot. Open space areas will be maintained so that their use and enjoyment as open spaces are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by a registered land trust;
2. Common ownership of the open space by a property owner's association which assumes full responsibility for its maintenance;
3. Private ownership which will prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility. Copy of approved and recorded plat must be submitted to the City prior to the issuance of a certificate of occupancy.

E. Areas Not Allowed as Open Space

The following areas shall not count toward common open space set-aside requirements:

1. Private lots, yards, balconies and patios dedicated for use by a specific unit;
2. Electric or gas transmission line rights-of-way;
3. Public right-of-way or private streets and drives;
4. Open parking areas and driveways for dwellings;
5. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;
6. Designated outdoor storage areas;
7. Land areas between buildings of less than forty (40) feet;
8. Land areas between buildings and parking lots or driveways of less than forty (40) feet in width;
9. Required setbacks; and
10. Detention/retention facilities except as provided in this section.

F. Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the City, such area may be credited toward the minimum amount of common open space required. Such areas also may qualify for density bonuses.

G. Design Criteria for Open Space

All common open space lands shall meet the following design criteria, as relevant:

1. Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty percent (40%) of required open space, provided that retention facilities are designed to provide safe access to water and detention facilities encompass at least ten thousand (10,000) square feet of area with less than two percent (2%) grade. Side slopes to retention and detention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.
2. At least forty percent (40%) of required open space must be dry land with a slope of less than ten percent (10%) unless otherwise approved the City Council.
3. Unless otherwise approved by the City Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

H. Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

1. Dedicated public park or greenway lands;
2. Dedicated school sites;
3. Other dedicated open spaces;
4. Common open space located adjacent to the development;
5. Portions of the regional trail and open space system;
6. Neighborhood shopping and activity centers; and
7. Adjacent employment centers.

I. Contiguity Required

To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek. With the exceptions of trails, the minimum width of an open space parcel shall be one hundred (100) feet.

J. Accessibility Required

Common open space shall be reasonably accessible to all of the residents of the development:

1. At a minimum, pedestrian access to common open space shall occur every five-hundred (500) feet of linear length of common open space.
2. Pedestrian access to common open space shall occur within five hundred (500) feet of every dwelling unit in the development.
3. The City may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources.
4. Where provided, access to common open space shall be a minimum of twenty-five (25) feet wide and shall be located where such access is visible to dwelling units and shall not be isolated by walls, screening, landscaping, or any other kind of barrier that would prevent resident surveillance of the open space.

K. Open Space Amenities

Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, recreation, or play areas and shall contain at least three (3) of the following features:

1. Seasonal planting areas.
2. Benches or other seating.
3. Gazebos or other decorative shelters.
4. Play structures for children.
5. On-site community recreation amenities.

Section 6.07 Sign Regulations

A. Purpose

The purpose of these regulations is to ensure that persons and businesses desiring to exercise their rights, under the First Amendment of the U.S. Constitution, by expressing commercial and non-commercial messages shall be treated uniformly while ensuring that the public health, safety and welfare are protected. These regulations for signs have the following specific objectives:

1. To ensure that signs are designed, constructed, installed and maintained so that the public safety and traffic safety are not compromised;
2. To allow and promote positive conditions for sign communications while at the same time avoiding nuisances to nearby properties and promoting an attractive environment;
3. To reflect and support the desired character and development patterns of the various zoning districts;

4. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and

5. To ensure that the constitutionally guaranteed right of free speech is protected.

B. Applicability and Effect

Other than lawful nonconforming signs, no signs shall be permitted in any zoning district except in accordance with the provisions of this Section and shall require a sign permit in conformance with the provisions in Section 2.23.

1. **Applicability:** The provisions of this Chapter shall apply to the erection, alteration, reconstruction, construction and maintenance of all on-premise and off-premise signs and billboards within the City and its Extraterritorial Jurisdiction.

2. **Restrictiveness:** To the extent that any other provision of this Section shall be more restrictive than the provisions set forth in this Code, the more restrictive provision shall apply.

3. **Severability:** The sections, paragraphs, clauses, and phrases of this Section are severable and if any phrase, clause, sentence, paragraph or section of this Section shall be declared unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Section. In the event that, contrary to the policies, interests, and values of the City, a court of competent jurisdiction issues a judgment, decree or injunction order that this Section is unlawful because of any omission or prohibition in this Section, then all provisions of this Section not specifically declared to be unlawful shall remain in full force and effect. In the event that a judgment, decree or injunction order declaring all or a portion of this Section to be unlawful is reversed or vacated by a court of competent jurisdiction, the provisions contained in this Section shall remain in full force and effect.

C. Definitions

For the purposes of this Section, the definitions contained in this zoning ordinance shall control. Figure 6-3 illustrates several common sign types referred to in this Section. In addition, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context clearly indicates a contrary meaning:

Animated sign. See Flashing sign.

Awning sign shall mean any sign on a cloth, metal, plastic or other cover designed to shade a window or entrances and attached to any structure.

Back to back sign shall mean a sign with two (2) sign faces that are parallel or within up to fifteen (15) degrees of being parallel and oriented in opposite directions.

Banner sign. See Temporary sign.

Beacon. See Temporary sign.

Billboard. A large outdoor advertising structure typically found in high-traffic areas such as alongside busy roads. Billboards present large advertisements to passing pedestrians and drivers typically showing slogans and distinctive visuals, billboards are highly visible in the top designated market areas.

Building frontage shall mean the linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

Canopy sign. See Awning sign.

Eave shall mean the projecting lower edges of a roof overhanging the wall of a building.

Entrance sign shall mean any sign placed at the intersection of a public street and a public or private entryway into an apartment complex, condominium complex, office complex, industrial complex or other building or buildings with multifamily residential dwelling units or multiple commercial units.

Erect shall mean to build, paint, construct, attach, hang, place, suspend, assemble or affix.

Externally illuminated sign shall mean any sign illuminated by an external light source directed primarily toward such sign.

Fascia sign. See Wall sign.

Flag shall mean a usually rectangular piece of fabric of distinctive design that is the flag of the United States of America, the flag of nations recognized by the United States of America, the flag of the State of North Carolina, the flag of any state or territory of the United States of America, the flag of a political subdivision of any state or territory of the United States, or any religious, non-state political or other noncommercial flag as indicated by the Reed vs Gilbert Supreme Court decision.

Flashing sign shall mean any sign whose message or appearance scrolls, flashes, rotates or changes, or whose illumination changes in intensity more often than once every fifteen (15) seconds, including but not limited to reader boards and LED signs.

Freestanding Sign shall mean a sign which is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principal function is something other than the support of a sign. (Also referred to as a ground, monument or pole sign).

Ground sign shall mean any sign supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building. Ground signs include monument-based signs, pole and post mounted signs.

Halo sign shall mean a sign using a three-dimensional message or logo which is lit in such a way as to produce a halo effect (also known as back-lit illumination).

Hand held human/mascot signs shall mean any sign larger than six (6) inches by six (6) inches displayed by a human and or mascot including but not limited to shields or sandwich boards.

Height shall mean the vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Incidental signs shall mean any sign used in conjunction with equipment or other functional elements of a use or operation. These shall include but not limit to: drive through window menu boards, signs on automatic teller machines, gas pumps, express mail drop, boxes, vending machines, newspaper delivery boxes, or signs painted or permanently attached to licensed motor vehicles that are not parked or located so as to function as a sign.

Internally illuminated signs shall mean any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

Mobile sign. See Temporary sign.

Monument sign shall mean a ground based sign that is a freestanding sign attached to a contiguous structural base or planter box that is the same width or greater than the message portion of the sign as opposed to a sign supported by and attached to poles or braces and is permanently affixed to the ground.

Multi-tenant structure in CB, CBP and the MSD Districts shall mean a structure containing more than one (1) commercial entity with ingress and egress through one (1) main door.

Nonconforming sign shall mean any sign that does not conform with the provisions of this Section.

Off-premise advertising shall mean any permanent sign designed to advertise a good or service that is not provided on parcel on which the sign is located.

Pennant. See Temporary sign.

Pole sign. See Ground sign.

Portable sign. See Temporary sign.

Projecting sign shall mean any sign that is attached perpendicular to a building or other structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

Reflectors shall mean any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.

Roof sign shall mean a sign that is attached to a building or structure and is displayed above the lowest horizontal line of a building's roof.

Sandwich sign. See Temporary sign or Hand held sign.

Searchlight. See Temporary sign.

Sign shall mean any device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing different elements that are organized, related, and composed to form a unit shall be considered to be one (1) sign. Where different elements are displayed in a random manner without an organized

relationship to each other, or where there is reasonable doubt as to the relationship of different elements to each other, each element shall be considered to be a single separate sign.

Sign face area shall mean the area within a single, continuous perimeter enclosing the characters, lettering, logos, illustrations, and ornamentation, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

Stake sign shall mean any temporary sign supported by at least one (1) upright placed into the ground, and not supported by or suspended from any building with signable area not greater than eight (8) square feet.

Store front shall mean the primary facade of a single, undivided unit containing an area larger than seven hundred fifty (750) square feet.

Streamer. See Temporary sign.

Subdivision sign shall mean any entrance sign placed at the intersection of two (2) public roads to identify the development.

Suspended sign. See Projecting sign.

Temporary sign shall mean any sign or device that is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure. These signs include, but are not limited to, (i) sky lights, (ii) balloons, (iii) streamers, (iv) flag strings, (v) inflatable displays, (vi) banners, (vii) beacons, (viii) searchlights, (ix) pennants, and (x) mechanical or animated figures.

Wall sign shall mean any sign which is attached parallel to or painted on an exterior building wall, which may include a door and shall not project more than twelve (12) inches from the building. Non flush mounted wall sign is a permanent sign which is affixed to an attached structural architectural building feature such as a canopy, atrium, portico, veranda or porch.

D. Measurements

1. **Height.** Figure 6-4 shows the method for calculating sign height. Where topography, neighboring buildings, or existing landscaping would obscure a sign from the adjoining street, the applicant may request a variance in conformance with Section 2.11. The height of a sign shall be measured from the top of highest attached component of the sign, to the higher of:

   a. The average grade of the ground excluding berms, filling, mounding or excavations, at the base of the sign, or

   b. The average grade level of the adjacent street or highway centerline for signs located within twenty-five (25) feet of the right-of-way, whichever is higher.

2. **Sign Face Area.** On-premise signs shall be calculated by measuring from the extreme boundaries of the each sign face, as illustrated in Figure 6-5. The message area shall include any emblem, logo, trademark, representation or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but shall not include the supporting framework, bracing, poles, apron, supports, structural members, decorative fence or wall that is clearly incidental to the sign and not a part of the message. Billboards and off-premise sign area calculations shall include the border and trim.

   a. **Cabinet Signs:** The sign area is determined by multiplying the width by the height. The sign area of round cabinet signs shall be calculated based on the formula: 3.14 × radius × radius.

   b. **Back-to-Back Signs:** The sign area of back-to-back signs shall be calculated by measuring only one (1) sign face. If there is a separation of more than three (3) feet between faces or an angle greater than fifteen (15) degrees, then each sign face shall be calculated.

   c. **Multiple Signs:** The sign area for multiple signs shall be calculated by taking the sum of the sign area for each individual sign.

E. Sign Setbacks

Signs located within the required front yard or side street of a principal structure shall be located a minimum of five (5) feet from the property line of road right-of-way. The location of signs shall not interfere with the site visibility triangle.

F. Freestanding Signs

Only one (1) freestanding sign may be erected per parcel except:

1. As otherwise allowed for properties with more than five hundred (500) feet of frontage; or
2. For parcels that are one (1) acre or more in size that have frontage on two (2) public collector or arterial streets, a second freestanding sign may be authorized.

G. Permitted Sign Standards

The type of sign permitted, maximum number of signs, maximum size, maximum height, maximum projection, minimum setback, lighting method, and permit requirement shall be in conformance with Table 6-13 in addition to the following standards:

1. Construction Standards; All Signs

a. **Building code compliance:** All signs shall be constructed and maintained in accordance with the provisions of the adopted building code.

b. **Materials required:** All signs for which a permit is required by this Section, except temporary signs, shall be constructed of non-combustible material.

c. **Reflectors:** Reflectors and lights shall be permitted on ground signs, roof signs, and wall signs; provided, however, that the reflectors and lights shall be provided with proper glass lenses so that no light therefrom creates a hazardous or dangerous condition.

d. **Internal illumination:** The illumination of internally illuminated signs, which are authorized only in the B-3, B-4 and B-5 zoning districts, shall not exceed twenty (20) footcandles of incandescent light measured at a distance of ten (10) feet from such structure.

e. **External illumination:** Externally illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians or onto a residential structure.

2. Special Limitations

In addition to the limitations set forth in the other sections of this article, the following limitations shall apply to these specific types of signs:

a. **Wall signs:** No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

b. **Projecting signs:** See Section R. Sign Standards for the CB, CBP, Municipal Service and H-115 Districts.

c. **Awning signs:**

(1) Awning signs must be painted or installed directly on the valances of the awning.

(2) Awning signs shall not have lettering or graphics exceeding eighteen (18) inches in height.

(3) No awning sign may be internally illuminated.

(4) The signable area of any awning sign shall not exceed ten percent (10%) of the surface area of the awning.

d. **Entrance sign:** All entrance signs shall be placed on private property and may not be placed in the right-of-way, except in a center median based on the following criteria:

(1) the sign has two (2) faces;

(2) the location has been approved in writing by the City Engineer; and

(3) applicant agrees to be responsible for maintenance and repair of the entrance sign and ensures that the existence of the entrance sign is documented on the final plat for the development.

e. **Subdivision sign:** All subdivision signs shall be placed on private property and may not be placed in the right-of-way, except in a center median based on the following criteria:

(1) the sign has two (2) faces;

(2) the location has been approved in writing by the City Engineer; and

(3) the applicant agrees in writing to be responsible for maintenance and repair of the entrance sign and ensures that the existence of the entrance sign is documented on the final plat for the development.

f. **Banners in City parks:**

(1) City sponsored or operated events shall be exempt from sign regulations.

(2) Banners shall be considered temporary signs.

(3) In addition to the special limitations of this Section, banners placed in the City parks shall be further regulated as follows:

(a) Banners in the City's parks can be displayed for no more than seventy-two (72) hours;

(b) No person shall be permitted to display more than one (1) banner on the premises, and only one (1) banner shall be displayed on the premises at any given time;

(c) Each person is responsible for erecting and removing its banner;

(d) No banner shall be any larger than sixty (60) square feet;

(e) All banners shall be attached to poles provided by the City, and no banner shall at any time be attached to trees within the park.

3. **Sign Separation.** A ground-mounted sign (e.g., pole and monument signs) shall not be located closer to another ground mounted sign than fifty (50) feet, measured parallel to the right-of-way. In circumstances where existing signs would preclude the installation of a sign in conformance with these spacing standards on a lot or parcel legally existing on the date of the adoption of these regulations, one freestanding sign shall be authorized for the parcel.

H. Prohibited Signs

The following signs shall not be permitted in any district:

1. Signs with flashing, moving, rotating, pulsating or glaring parts, including LED signs not specifically authorized by this Code except for time and temperature (see Section S. for exceptions for Houses of Worship, Schools and Daycare Centers);

2. Signs which resemble traffic control signs or devices or use the words "stop", "slow", "danger", "caution" or the like which may confuse motorists and cause traffic hazards;

3. Strings of lights, pennants, strings and loops of strings or ribbons, garlands, search lights, beacons, paper posters applied directly to a wall, pole, fence or building surface, and banners and streamers, are prohibited, except as allowed as a temporary sign in and for vehicle sales lots where ninety-five percent (95%) of the inventory is located outdoors, subject to issuance of a temporary use permit and payment of applicable fees;

4. Abandoned signs or signs advertising a business, service or product no longer offered on the premises;
5. Signs containing obscene messages, scenes or graphics, or false or misleading advertising or information;
6. Portable or temporary signs other than those specifically permitted herein;
7. Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, utility poles, fences, or placed on any public property or public right-of-way, except as authorized by the City;
8. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign;
9. Signs placed on or extending over public right-of-way, except as otherwise allowed by this section;
10. Any sign on which the illuminating or lighting device is so placed as to reflect or shine directly into the adjacent highways or streets in such a manner as to hamper the vision of a motor vehicle operator thereon;
11. Roof signs, except mansard roofs as shown in Figure 6-5:
12. Business, company, or other non-governmental flags displayed on roof-mounted poles;
13. Mobile billboards or street blimps parked in any zoning district for more than one (1) hour in a twenty-four (24) hour period;
14. **Obstruction to doors, windows, or fire escapes:** No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape; nor shall any sign be attached to any stand pipe or fire escape;
15. Off-premises signs except as permitted in Section 6.07, Sign Regulations;
16. Handheld signs;
17. New billboards.

Figure 6-3: Common Sign Types



Figure 6-4: Sign Height

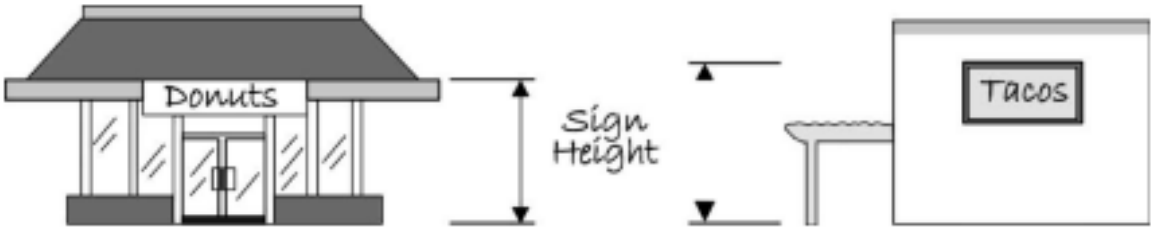


Figure 6-5: Calculating Sign Area



Table 6-13: Permitted

Zoning District	Type of Sign	Structural Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height	Additional Regulations
ON-PREMISES SIGNS—PERMANENT						
R-A, R-20, R-15, R-15M, R-10, R-10M, R-8, R-8M, R-8MF, R-5, R-5M, R-5MF	On-premises sign for subdivisions and multi-family projects	Monument and median sign (see Section G. and see Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street entrance to subdivision or multi-family project	20 sq. ft. per sign face	6 ft.	Permit required. Must not interfere with sight triangle. No internal illumination
	Other signs for residential uses	Identification	1 per dwelling	1.5 sq. ft.		No internal illumination
		Wall signs for customary home occupation	1 per street front	1.5 sq. ft.	under eave of building	Permit required. No internal illumination
	On-premises sign for non-residential uses	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft.	6 ft.	Permit required. 5 ft. minimum setback from right-of-way. No internal illumination
		Wall sign	1 per lot	32 sq. ft. total sign area	under eave of building	Permit required. No internal illumination
O-1 (If located in the MSD see Section 6.07 R.)	On-premises sign	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft. per sign face or 40 sq. ft. with approved master sign plan (see Section J.)	6 ft. monument	Permit required 5 ft. minimum setback from right-of-way. No internal illumination

	On-premises sign	Wall sign, awning, marquee, or projecting sign	any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each street facade not to exceed 100 sq. ft. maximum	under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. No internal illumination
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination
O & I-2	On-premises sign	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft. per sign face or 40 sq. ft. with approved master sign plan (see Section J.)	6 ft. monument	Permit required 5 ft. minimum setback from right-of-way. No internal illumination of signs located on property sides that adjoin residential districts
	On-premises sign	Wall sign, awning, marquee, or projecting sign	any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each street facade not to exceed 500 sq. ft. for Hospitals and 200 sq. ft. for all other	under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. No internal illumination of signs located on property sides that adjoin residential districts
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination
B-1	On-premises sign	Monument (See Section S. regarding signs for	1 per street front	32 sq. ft. per sign face or 40 sq. ft.	6 ft. monument	Permit required 5 ft. minimum setback from right-of-way.

		Houses of Worship, Schools and Daycare Centers)		with approved master sign plan (see Section J.)		No internal illumination
	On-premises sign	Wall sign, awning, marquee, or projecting sign	any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each facade visible from right-of-way	under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. No internal illumination
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination
B-2	On-premises sign	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft. per sign face or 40 sq. ft. with approved master sign plan (see Section J.)	6 ft. monument	Permit required 5 ft. minimum setback from right-of-way. No internal illumination of signs located on property sides that adjoin residential districts
	On-premises sign	Wall sign, awning, marquee, or projecting sign	any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each facade visible from right-of-way	under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. No internal illumination of signs located on property sides that adjoin residential districts

	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination
B-3, B-4, B-5	On-premises sign	Monument sign (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street frontage, additional signs may be allowed at a rate of 1 per 500 feet of street front	120 sq. ft. Shopping Center Signs	8 ft. monument, may be increased by 1 ft. for each additional 5 ft. of setback up to 12 ft. in height	Permit required. 5 ft. minimum setback from right-of-way. Internally or externally illuminated
	On-premises sign	Wall, awning, marquee, or projecting sign	any number of signs not to exceed max, total sign area except not more than 1 projecting sign per business	10% of each facade visible from right-of-way	under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. Internally or externally illuminated
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	Permit required. No internal illumination
	Out-parcel located on a parcel of land divided as a separate parcel which is located within a shopping center or on an individual lot	Monument	1 per lot	32 sq. ft.	6 ft.	Permit required. 5 ft. minimum setback from right-of-way. Internally or externally illuminated
	Off-premises commercial directional sign (see Section N.)					
Business Districts *B-1 thru B-5	Interstate Vicinity sign within 1,000 feet of an	Pole	1 per lot	1 sq. ft. per 1 linear foot of	Height of district, exceptions	Permit required. Property must be within 1,000

	interstate highway right-of-way			frontage/ Maximum 200 sq. ft.	see Section L.	ft. of interstate right-of-way (see Section L.) Internally or externally illuminated
	Hand Held Human/Mascot signs					No permit required outside right-of-way. Cannot impede traffic or public safety. Permission from property owner
CB, CBP, MSD, H-115	See Section 6.07 R.					
LI, HI	On-premises sign	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft. per sign face	8 ft.	Permit required 5 ft. minimum setback from right-of-way. No internal illumination of signs located on property sides that adjoin residential districts
	On-premises sign	Wall sign, awning, marquee, or projecting sign	Any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each facade visible from right-of-way not to exceed 500 sq. ft.	Under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. Internally or externally illuminated. *See footnote
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination

	Entrance sign (Industrial Parks 49 acres or less)	Monument	1 per entrance	64 sq. ft.	8 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated
	Entrance sign (Industrial Parks in excess of 50 acres)	Pole or Monument	1 per entrance	64 sq. ft. each side of sign (Limited to 4 sides)	25 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated
	Off-premises directional sign (Industrial Parks in excess of 50 acres)	Pole, Monument or Ground	1 per entrance	64 sq. ft.	25 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated.
PUD	Per approved final PUD plan/Requires Master Signage Plan. If PUD approval does not address signs, then sign regulations for equivalent district, as determined by the Planning Director shall apply.					
Existing Billboards	See Section M.					
TEMPORARY SIGNS						
R-A, R-20, R-15, R-15M, R-10, R-10M, R-8, R-8M, R-8MF, R-5, R-5M, R-5MF	Temporary	Pole/Post or monument	1 per street front	4 sq. ft. per sign face	5 ft. for pole/post or monument	Permit required (see Section K.) No internal or external illumination
	Temporary	Wall sign	1 per street front	4 sq. ft. per sign face	under eave	
O-1, O & I-2, B-1, B-2	Temporary	Pole/Post or monument	1 per street front	16 sq. ft. per face	12 ft. for pole/post; 5 ft. for	

					monument base	
	Temporary	Wall sign	1 per street front	16 sq. ft. per face	under eave	
H-115, B-3, B-4, B-5, LI, HI	Temporary	Pole/Post or monument	1 per parcel	32 sq. ft. per face	25 ft. for pole/post	
	Temporary	Wall sign	1 per parcel	32 sq. ft. per face	under eave	
CB, CBP, MSD	Temporary	Wall sign	1 per storefront	16 sq. ft. per face	under eave	

1. *Signs near residential zoning districts. No sign within one hundred fifty (150) feet of a residential zoning district may be illuminated between the hours of 10:00 p.m. and 6:00 a.m., unless there is no spillover of lighting or glare to the residential zoning districts beyond the boundaries of the lot where the lighting is located.

2. *Shielding of lights. External lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into or cause glare onto a public right-of-way or residential premises.

3. *A dimmer switch shall be installed to regulate future concerns and/or complaints from adjoining residential properties.

I. Exempt Signs

The following non-illuminated signs may be erected without the issuance of a permit. Exemption from a permit does not exempt property owners from duties and responsibilities established by private deed restrictions or covenants.

1. Residential Signs

Non-illuminated signs not exceeding one and one-half (1.5) square foot in area that are customarily associated with residential use, such as signs identifying names or numbers or signs on mailboxes, and are not of a commercial nature, except for permitted home occupations, shall be exempt.

2. Governmental Signs and Historic Markers

Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body shall be exempt.

3. Flags

Flags as defined above shall not be included in the total allowable signage of a lot along with schools and the CB, CBP and Municipal Service Districts.

Schools are permitted to erect flags that represent "welcome, school name, mascot or similar subject matter." Each school flag cannot exceed four (4) feet by six (6) feet in area. The total number of flags permitted is as follows:

0—5 acres	2
5—10 acres	4
10—20 acres	6
20 + acres	8

Businesses in the CB, CBP and Municipal Service Districts are permitted to erect flags that represent "open, welcome, sale, or decorative without advertisement." Such flag cannot exceed three (3) feet by five (5) feet and is limited to one (1) per business. There must be at least seven (7) feet of clearance from the bottom of the flag and it cannot project more than six (6) feet from the building. If an "open" flag is erected, then no other open sign is permitted.

Advertising events or products on such flags is prohibited. Except in the B-4 or B-5 Districts, heights of flagpoles are limited to forty (40) feet and the maximum size of any governmental flag cannot exceed eight (8) feet by twelve (12) feet. If located in the B-4 or B-5 District and on a property with one hundred (100) feet or more of frontage on an Interstate Highway right-of-way, heights of flagpoles can be a maximum of one hundred thirty (130) feet and the maximum size of the flag cannot exceed forty (40) feet by eighty (80) feet and only one (1) per site is permitted. Flagpole plans must have an engineer's seal for stress load and wind shear.

4. Decorative/Architectural Features

Holiday season decorations and signage; historic plaques, corner stones and commemorative plaques; and integral decorative or architectural features of buildings or works or art, so long as such features or works do not contain letters, trademarks or moving parts, and when cut into any masonry surface or when constructed of bronze or other incombustible materials.

5. Directional Signs

On-premises, directional signs containing no commercial message visible from an abutting street, provided that they do not exceed four (4) square feet per sign face or four (4) feet in height.

6. Incidental Signs

Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, signs on automatic teller machines, gas pumps, express mail drop boxes, vending machines or newspaper delivery boxes, or signs painted or permanently attached to currently licensed motor vehicles that are not parked or located so as to function as a sign. Not to exceed thirty-two (32) square feet in size. Menu boards may be increased to fifty-two (52) square feet provided they are located to the rear of the principal structure.

7. Hospital Signs

Directional signs on premises not exceeding fifteen (15) square feet.

8. Vehicular Signs

Signs painted on or otherwise permanently attached to currently licensed and operable motor vehicles, which vehicles are not stored in open areas or primarily used as signs.

9. Constitutionally Protected Speech

Signs expressing constitutionally protected speech not otherwise addressed herein.

10. Traffic Signs

Traffic signs authorized by act of the City Council or other public agency having authority over public use of right-of-way.

11. Transportation Signs

Signs indicating location (bus stop, taxi stand and similar transportation facilities not to exceed three (3) square feet.

12. Warning Signs

Warning signs, no trespassing, no hunting and similar signs not exceeding four (4) square feet in area.

13. Small Wall Signs

Wall signs one (1) square foot and smaller.

14. Hidden Signs

Signs that are not visible from any public right-of-way or any adjacent property.

15. Signs Required by Law

Signs required to be posted by Federal law, State law or by the City Code.

16. Real estate signs shall not be subject to permit requirements, but shall be subject to the following requirements:

a. **For lease or rent signs for non-residential property** shall be posted on the wall or in the window of the space for lease and shall be counted towards allotted signage.

b. **All other on-site real estate signs.**

(1) **Number of Signs.** Only one (1) such sign shall be allowed along the border of each side of a lot that fronts upon a street and be located behind the street's right-of-way.

(2) **Allowed Area.** If the lot has less than two hundred (200) feet of frontage, the sign may not exceed four (4) square feet in area. If the lot has two hundred one (201) feet to five hundred (500) feet of frontage, the sign may not exceed sixteen (16) square feet in area. Lot frontage over five hundred (500) feet may have a sign not to exceed thirty-two (32) square feet in area. For lots in industrial areas (General Business, Light Industrial, or Heavy Industrial) such signs may be up to thirty-two (32) square feet in area.

c. **Off-premises directional real estate signs.**

(1) A maximum of four (4) off-site directional signs allowed for a property for sale (there is no minimum distance requirements between signs).

(2) Signs cannot exceed four (4) square feet in areas or four (4) feet in height.

(3) Signs cannot be located in the public rights-of-way and cannot be located in the area of cross visibility.

(4) Realtors and home builders and all others must obtain written permission by the property owner where they are placing a directional sign.

(5) Signs must be removed within forty-eight (48) hours of the property closing or at the termination of the listing agreement.

(6) A maximum of four (4) directional signs are allowed per intersection and not more than two (2) at any one (1) corner of an intersection.

(7) Signs must be located within a one and one-half (1.5) mile radius of the property for sale.

(8) Open house/special event signs must not be placed before 8:00 a.m. on a holiday or Saturday, and must be removed by 6:00 p.m. on Sunday, or the holiday, whichever comes late in the immediate succession.

(9) Open house/special event signs cannot exceed six (6) square feet in area or four (4) feet in height.

(10) Provisions regarding the posting of signage in the historical district shall override these provisions.

17. Construction Sign

Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources and may contain related information, including, but not limited to, sales or leasing information. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected more than thirty (30) days prior to the issuance of a building permit and shall be removed within forty-eight (48) hours of the final property closing in the development.

18. Special Event Sign

Signs indicating that a special event such as a fair carnival, circus, festival, or similar happening is to take place on the lot on which the sign is located, Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than three (3) days after the event.

19. Noncommercial, Civic, Non-profit Signs

Signs or banners may be erected for more than fourteen (14) days announcing a noncommercial, civic, non-profit event in any district. Such signs or banners shall be limited to one (1) per lot with the

written permission of the owner and may be located in required yards. Not included is the banner location on East Broad Street east of Tradd Street.

20. Political Signs

Signs, non-illuminated, may be erected in connection with elections or political campaigns outside of the city right-of-way. Political signs are prohibited in the downtown streetscape and the landscaped median on E. Broad Street. Such signs shall be removed within five (5) days following the election or conclusion of the campaign. No such sign may exceed fifteen (15) square feet in surface areas if located within a residential area.

21. Outdoor Inventory Signs

The following subsections apply to lots which have ninety-five percent (95%) of the standard inventory located out of doors. An annual fee of $250.00 shall apply to the aforementioned lots which advertise subject to any or all of these provisions.

a. Temporary professionally made signs or banners erected for not more than thirty (30) days announcing a commercial event. Such signs or banners shall be limited to two (2) per lot and be required to be placed a minimum of five (5) feet back from the right-of-way. The maximum square footage of the sign or banner shall not exceed one hundred (100) square feet. The sign or banner may be attached to a building and/or on poles on the lot.

b. Temporary signs to be displayed in windows of vehicles on a dealership lot. Signs must not exceed eight (8) square feet in area. A maximum of twelve (12) signs located in windows are permitted on a lot.

c. Balloons/Pennants which are firmly attached to a stationary object, have a maximum tether height of thirty (30) square feet in area and do not encroach over public right-of-way.

d. Magnetic signs attached to vehicles for sale on a vehicle dealership lot. The signs must not exceed thirty (30) square feet in area and a maximum of six (6) magnetic signs are allowed on a lot.

22. Temporary Signs for Road Construction

Existing signs that are required to be removed due to road construction projects are permitted to be replaced with temporary signs during construction provided the following can be met:

a. Temporary sign(s) in addition to the allowable wall sign(s) may be placed on the structure and shall be flush mounted wall signs or banners not to exceed a cumulative total of fifty (50) square feet. These signs are not allowed to be placed above the lowest horizontal line of the roof except for mansard roofs.

b. Temporary free-standing signs shall be placed on the property outside the right-of-way and must not interfere with site visibility. These sign(s) shall not exceed a cumulative total of fifty (50) square feet or six (6) feet in height.

c. All temporary signs must be removed once construction affecting the site is completed or the permanent free-standing sign has been erected.

23. Existing Billboards

Existing billboards are exempt from the regulations of this ordinance except for the replacement of an existing billboard or the conversion to digital copy. Both must meet the requirements of Section 6.07 M., Existing Billboards.

J. Master or Common Signage Plan

1. Purpose

The purpose of a master signage plan is to ensure that signage for multi-tenant properties is coordinated and consistent with the standards of this code.

2. Applicability

All applications for new construction or reconstruction of shopping centers, business and industrial parks and other multi-tenant developments shall be accompanied by a master signage or common signage plan or amendments thereto. The owner of the property shall be responsible for allocating sign area to tenants of the property.

3. Master Signage Plan Contents

Any site plan application for applicable development projects shall include a master signage plan, signed by the property owners or their authorized agents, that includes the following information:

a. Plot plan at scale;

b. Location of buildings, parking lots, driveways and landscaped areas;

c. Computation of the total frontage of the lot, parcel or tract and maximum total sign area, maximum area of individual signs, heights of signs, and number of pole/post signs;

d. Location and placement of all signs;

e. Setbacks and sign dimensions; and

f. Landscaping and other site improvements to be coordinated with the sign placement.

4. Sign Area Bonus for Master Signage Plans

The maximum total sign area allowed for a multi-tenant development may be increased by ten percent (10%) if the Master Signage Plan demonstrates the use of uniform wall signage, graphics, lettering, sizes, colors, materials, and placement. The plan may provide for design variations for colors and lettering that are part of a corporate logo or identification scheme. A single menu sign that incorporates and coordinates with these methods of signage shall be used rather than multiple signs for the property.

K. Temporary Signs Requiring Permit

Temporary signs shall be permitted in conformance with the following regulations.

1. Temporary signs are subject to the sign permitting process established in Article 2. Permits for temporary signs are valid for thirty (30) days from the date of permit issuance, except for banners placed in City parks, which must be removed within seventy-two (72) hours after placement on the lot.

2. No more than four (4) periods per calendar year are allowed; or one (1) per quarter.

3. All temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the building code, electrical code.

4. Temporary signs shall not have moving parts, blinking or flashing or glaring lights. All temporary signs shall be secured from at least four (4) points to the ground or a building or structure to prevent the sign from being moved by physical or weather forces.

5. If any temporary sign is erected or maintained in such a manner so as to be in violation of this Section or any other ordinance or law of the City, the City Council may give written notice to the owner thereof and to the owner of the property and premises upon which the sign is located that the sign must be removed within three (3) days. If the sign is not thereafter removed, the City Council may cause its removal and impose the cost of the removal as a lien upon the property upon which the sign sits.

6. The Planning Director may authorize the installation of street banners within the public right-of-way to advertise special events beneficial to the public and community.

7. Temporary non-illuminated blimps/inflatables may be erected for no more than fourteen (14) consecutive days announcing a commercial opening or special event. The blimp/inflatable must be securely anchored and may not exceed one hundred (100) feet in height. No more than one (1) blimp/inflatable may be erected per quarter of a calendar year.

L. On-Premises Interstate Vicinity Signs

Commercial sites within one thousand (1,000) feet of an interstate highway right-of-way are allowed one (1) freestanding sign, such signs size to be calculated by one (1) square foot of sign face per linear foot of frontage along the street right-of-way or access road with a maximum size allowance of two hundred (200) square feet. The right-of-way shall be measured along the straightest right-of-way line, excluding all additional right-of-way used for ramping and/or interchanges. Sign height must comply with the district in which it is located, except that an automotive or filling station, restaurant or place of lodging within one thousand (1,000) [feet] is permitted a maximum height of eighty (80) feet. The sign shall display only the trade name logo of the product of the business advertised.

M. Existing Billboards

Billboard signs are subject to the following regulations:

1. All billboard signs located within six hundred sixty (660) feet from the edge of the road right-of-way line shall, except as noted, meet the criteria established by the North Carolina Department of Transportation Outdoor Advertising Manual or the provisions of this ordinance, whichever is stricter.

2. Permitted sign size and dimensions

The maximum permitted sign size shall be determined from the road which the sign predominantly faces. If a sign equally faces two (2) different roads, the larger of the two (2) permitted sized signs may be erected.

a. Billboard signs located within six hundred sixty (660) feet of the edge of interstate highway rights-of-way shall have a maximum area of four hundred (400) square feet. An additional allowance of a maximum of twenty (20) percent of the board size shall be permitted for cutouts.

b. Billboard signs located within six hundred sixty (660) feet of the edge of U.S. or N.C. primary route and all other road rights-of-way within the City of Statesville zoning jurisdiction shall have a maximum area of three hundred (300) square feet.

c. Billboard signs located within six hundred sixty (660) feet of the edge of Interstate highway rights-of-way shall have a maximum height of fifty (50) feet measured from the highest point of the sign to the nearest grade of adjacent roadway.

d. Billboard signs located within six hundred sixty (660) feet of the edge of U.S. and N.C. primary routes and all other road rights-of-way within the City of Statesville planning jurisdiction shall have a maximum height of thirty (30) feet measured from the highest point of the sign to its base or grade of the nearest adjacent roadway, whichever is greater.

e. All Billboard signs shall have a maximum length of forty-four (44) feet.

3. Permitted illumination and motion

a. Signs which contain, include, or are illuminated by any flashing, intermittent or moving part, light or lights including animated LED signs are prohibited. LED and changeable copy signs are allowed outside the CB and CBP districts provided that the message does not change more than once every ten (10) seconds and that signs do not flash or blink.

N. Off-Premises Commercial Directional Signs

1. Purpose

The purpose of this Section is to provide notice to motorists of certain planned nonresidential multitenant developments or subdivisions which may not be directly accessible and visible through travel on thoroughfares, while maintaining the flow of traffic and vehicular safety.

2. Sign Eligibility

a. Access to the development is made exclusively by local streets not designated as thoroughfares on the most recently adopted version of the Statesville Mobility and Development Plan.

b. The development is not visible from a thoroughfare.

c. The development and the off-premises directional sign shall be located in a B-4, B-5 or HI zoning district for conforming uses only.

d. A special use permit shall be required.

e. The provisions set forth cannot supersede the authority of NCDOT with regards to outdoor advertising regulations.

f. The owner of the sign shall have a set lease rate (per sign space) approved by the Statesville City Council.

g. Noncompetitive provisions are prohibited.

3. Location

a. The off-premises directional sign shall be located at or in close proximity of the intersection of the thoroughfare and the local street.

b. The sign shall be located outside of a public right-of-way and not create a cross-visibility obstruction.

c. One (1) sign shall be permitted at any intersection that qualifies under these provisions.

d. The development must be within one (1) mile of the intersection of the thoroughfare and the local street.

4. Sign Criteria

a. **Sign size:** Thirty (30) square feet; six (6) vertical feet by five (5) horizontal feet.

b. **Number of panel slots:** Six (6) (One (1) per business panel, no duplications).

c. **Panel size:** Eighteen (18) inches by twenty-four (24) inches.

d. **Height of sign:** Eight (8) feet.

e. **Lighting:** External only.

f. **Sign message:** Business or development name and/or logo; non-changeable copy.

g. **Materials:** Metal, wood, brick, non-reflective sign structure.

h. A directional arrow will be located at the top or bottom of the sign.

i. Sign design and artwork are subject to adopted criteria.

O. Non-Conforming Signs

1. Purpose

The purpose of this Section is to provide for the regulation of signs and sign structures that legally existed prior to the effective date of this Code, but which fail to comply with one (1) or more of the applicable regulations or standards. It is the intent of these regulations to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

2. Applicability

These regulations apply to nonconforming signs and sign structures that were originally allowed and have been maintained over time. These signs and sign structures have legal nonconforming status and may continue so long as they are legal otherwise. Nonconforming signs and sign structures that were not permitted when they were established and have been maintained over time have no legal right to continue and shall be terminated.

3. Non-Conforming Sign Procedures and Standards

a. **Status of Legal Non-conforming Signs:** Any on-premises or off-premises sign or billboard which was lawfully established, erected or affixed prior to the adoption of this Section and which complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of these regulations, shall be considered a legal nonconforming sign or billboard.

b. **Continuation of Legal Nonconforming Signs:** A legal nonconforming sign or billboard may be continued so long as it is in conformance otherwise with these standards and is maintained in good condition.

c. **Conditions Under Which Legal Nonconforming Signs Shall be Permitted to Continue:** An existing non-conforming sign may continue to be used subject to the following conditions:

(1) The message displayed on a nonconforming billboard may be changed and painted messages on a nonconforming billboard may be repainted.

(2) A non-illuminated, nonconforming sign or billboard shall not be illuminated.

(3) A nonconforming on-premises sign may be changed or altered for the express purpose of making it a conforming sign.

(4) In order to eliminate an unsafe condition(s), the Planning Director may order that repairs and/or alternations be made to a nonconforming sign or billboard. Such ordered repairs shall be the minimal necessary to correct an unsafe situation(s).

(5) The type of materials used in the construction of the structural elements of a sign or billboard shall not be changed after the date the sign or billboard becomes a nonconforming sign nor shall structural alterations be made to a nonconforming sign or billboard with the exception of existing billboards outside the CB and CBP district.

(6) Nothing contained in this Section shall be construed so as to permit the enlargement of a nonconforming sign or billboard.

d. **Conditions Under Which Nonconforming Signs and Billboards Shall Not be Permitted to Continue:** Under the following conditions, a non-conforming sign shall be removed or brought into conformance with these regulations.

(1) **Illegal Sign:** The sign or billboard was not established or expanded in conformance with the regulations of this Section or previous ordinances adopted by the City to regulate advertising and signs.

(2) **Destruction or Damage - Unintentional:** If any nonconforming sign or billboard is completely destroyed or damaged, due to circumstances beyond the control of the owner or his agents, to the extent of fifty percent (50%) or more of the replacement cost of the sign and its structure, as determined by a certified real estate appraiser, the sign or billboard shall not be replaced.

(3) **Destruction or Damage - Intentional:** A sign or billboard that has been intentionally damaged by fire or other causes within the control of the owner or his agents.

(4) **Value of Maintenance or Repairs Excessive:** If the value of maintenance or repairs to ensure the safety and compliance of the sign or billboard with the regulations of this Section, is fifty percent (50%) or more of the fair market value of the sign, as determined by a certified real estate appraiser, the sign or billboard shall be brought into conformance with the provisions of this Section.

(5) **Cessation of Use of Property for Which Sign or Billboard was Used:** A nonconforming sign shall be removed or made to conform with all the requirements of this Section if one (1) of the following occurs:

(a) The use of the property for which the sign was intended to advertise is discontinued.

(b) The business name changes.

(6) **Prohibited Nonconforming Signs and Billboards:** Any sign that is prohibited under this Section shall be removed or made to conform to the current sign regulations within thirty (30) days of receipt of a notice of nonconformity.

P. Maintenance

1. General Maintenance

Every on-premises and off-premises sign or billboard and its supporting structure shall be maintained in good repair and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris. All structural members and all advertising copy shall be kept painted and clean so as to prevent deterioration, oxidation, paint fading, paint peeling or other unsightly conditions. Owners that are found to be improperly maintaining on- or off-premises signs or billboards shall be given written notice to correct the condition with thirty (30) days. All electrical signs shall continuously conform to the electrical code adopted by the City.

2. Inspection

Iredell County shall inspect or cause to be inspected all signs and shall require the removal of any sign found to have been established in violation of this Section. Signs shall be removed or repaired if they are:

a. Not securely affixed to a substantial structure or anchored to the ground.

b. Not in good repair.

c. Related to a business or product which is no longer in operation or available.

d. Unclean or faded to such an extent as to be unsightly.

e. Creating a dangerous or unsafe condition for traffic or pedestrians.

Q. Sign Standards by Zoning District

1. Signs shall comply with the standards established in Table 6-13 in addition to the other standards established in this Section.
2. No sign shall be illuminated, either internally or externally, in any district zoned R-A, R-20, R-15, R-15M, R-10, R-10M, R-5, R-5M, R-5MF except that entrance signs and subdivision signs may be externally illuminated from dusk until dawn.
3. All temporary signs are prohibited on lots zoned for residential use, except for stake signs as allowed in this section.
4. The following requirements shall be observed in the PUD district, in addition to other standards of this Code and the conditions of PUD district approval:

a. A uniform design scheme of signs shall be established for the development as a whole and/or for each building in the development and approved by the Planning Board.

b. Plans for the development shall include detailed descriptions of all signs, including, but not limited to, size, height, location, type, colors and materials to be used, lighting and ownership responsibility.

c. Plans for signs shall undergo the same review and approval process as is required of other aspects of the development; provided that the City Council may make no modification of these regulations which would permit a sign otherwise prohibited under this Section.

d. All signs shall be designed, erected and maintained in accordance with an approved plan.

R. Sign Standards for the CB, CBP, Municipal Service and H-115 Districts

Prior to any sign clearance being issued in the CB, CBP and Municipal Service Districts by the City, approval shall be obtained by the Downtown Statesville Development Corporation. Signs in the H-115 District require only staff approval.

1. Sign, area.

The entire surface of the sign including any masking border, frame, architectural trim or structural embellishment shall be included within the total sign area. The width of the masking border or sign frame structure shall not extend beyond the maximum surface area more than six (6) inches. In the case of signs mounted back-to-back or angled away from each other, the surface area of one (1) side shall be computed. In the case of cylindrical signs, the circumference shall be calculated. Signs in the shape of cubes, or other signs which are substantially three-dimensional with respect of their display surfaces, the display surface or surfaces visible from the street shall be included in computations of area. In case of appurtenances (display portions of signs extending outside the general display area, i.e. pop-ups, cut-outs) shall be computed separately as part of the total surface area of the sign.

2. Signs prohibited in the CB, CBP, Municipal Service and H-115 Districts

The following signs shall be prohibited:

a. Signs listed in Section H.

b. Any sign designed to be internally illuminated whether or not it has any electrical or mechanical components that create internal lighting, (halo signs shall be permitted in the CBP District). However, internally illuminated signs are permitted in the H-115 District.

c. Billboards.

d. Signs placed or extending over right-of-way except as otherwise regulated below.

3. Signs encouraged but not mandated in the CB, CBP, Municipal Service and H-115 Districts

a. Awning signs.

b. Window signs which are stenciled or painted to complement architectural period of the building.

c. Neon signs in windows of the building which complement the architectural period of the building.

d. Externally illuminated identification signs which are composed of materials in keeping with the architectural style of the downtown.

4. Freestanding Monument Signs; H-115 District

Freestanding monument signs are allowed in the H-115 District in association with a use within a building. A monument sign is a sign attached to a contiguous structural base or planter box that is the same width or greater than the message portion of the sign and is permanently affixed to the ground. One (1) sign shall be permitted per street front. No monument sign shall be located higher than six (6) feet above average grade as measured to the top of the sign. All signs shall be located behind the street right-of-way. No monument sign shall be located so that it violates traffic safety precautions. The maximum size of the monument sign shall not exceed the following:

Street Frontage	**Sign Size**
0—39 L.F.	15 S.F.

Street Frontage	Sign Size
40—69 L.F.	25 S.F.
70 L.F. & over	32 S.F.

5. Freestanding Signs: CB, CBP, and Municipal Service District

Freestanding signs are allowed in the CB and CBP District in association with a use within a building. Types of freestanding signs are as follows:

a. A monument sign is a sign attached to a contiguous structural base or planter box that is the same width or greater than the message portion of the sign and is permanently affixed to the ground. No sign shall be located higher than six (6) feet above average grade as measured to the top of the sign.

b. A projecting pole mounted sign is a sign installed as a single pole in the ground with an arm projecting created for holding signage and is permanently affixed to the ground. No projecting pole mounted sign shall be located higher than six (6) feet above average grade as measured to the top of the sign and total height of structure not to exceed a total of eight (8) feet.

c. A two-pole mounted sign is a sign installed as a double pole permanently affixed in the ground with the signage located parallel to the ground. No two-pole mounted sign shall be located higher than six (6) feet above average grade as measured to the top of the sign and total height of structure not to exceed a total of eight (8) feet.

6. General Requirements of Freestanding Signs

One (1) sign shall be permitted per street front. All signs shall be located behind the street right-of-way. No freestanding sign shall be located that will violate traffic safety precautions. The maximum size of the freestanding sign shall not exceed the following:

Street Frontage	Sign Size
0-39 L.F.	15 S.F.
40-69 L.F.	25 S.F.
70 L.F. & over	32 S.F.

7. Wall Signs⁵

Shall be attached flush to the building and may not extend out more than twelve (12) inches. One (1) wall sign may be located on each building side having an entrance or on a building side visible from a street right-of-way. Wall signs shall not occupy more than ten (10) percent of the area of the facade upon which the sign is placed. Halo signs shall be permitted in the CBP District.

8. Window Signs*

a. Window signs, including neon and other permanent window signs shall not cover more that twenty-five percent (25%) of the window area or storefront glass area.

b. Temporary signs are allowed within windows, provided that they are not displayed for more than thirty (30) days and all temporary signs shall not exceed thirty percent (30%) of any window area.

c. Neon Signs shall be allowed in windows subject to the area limitations.

9. Awning Signs*

a. Awning signs shall have a maximum letter height of eighteen (18) inches per letter.

b. The maximum area of any awning sign shall be twenty (20) square feet.

c. Backlighting of awning signs is prohibited.

d. If a business name is incorporated into the awning sign, a separate wall sign is prohibited.

10. Projecting Signs*

a. Facade projecting signs must be perpendicular to the face of the building on which it is attached with a minimum clearance of seven (7) feet from grade of sidewalk to base of sign. Projecting signs may not extend more than four (4) feet from the building wall to the edge of the sign or sign structure.

b. Street corner projecting signs must be located on the corner of a building adjoining a public street or alleyway and installed in a vertical manner proportionate to the building with a clearance of fifteen (15) feet from grade to base of sign.

c. The maximum area for a facade projecting or street corner projecting signs shall be two percent (2%) of the total storefront area not to exceed fifteen (15) square feet. If located on a corner then the maximum area will be derived from the square footage of the front facade excluding double frontage facades.

Each business may choose up to a total of three (3) of the four (4) options referenced in Sections R. 7-10. The total square footage of the three (3) options combined shall not exceed twelve percent (12%) of the facade.

d. The maximum square footage for multi-tenant structures shall be two percent (2%) of the total front facade not to exceed fifteen (15) square feet; divided equally on one (1) projecting sign.

e. All projecting signs shall comply with the North Carolina Building Code.

f. Projecting signs shall not be installed across cornices or other significant architectural features.

11. Building Names

Buildings that have been recognized by the National Register of Historic Places shall be allowed to display the building name on the front of the building provided that the lettering shall not be taller than eighteen (18) inches on a single line, the materials are in keeping with the architectural style of the building and the length of the text does not exceed fifty percent (50%) of the building width (i.e. The City Center, The James Iredell Building).

12. Uniform Sign Plan

Multi-tenant buildings are required to have a uniform sign plan. Multi-tenant buildings located in the CB and CBP must be approved by the Design Review Committee (DRC). Once a uniform sign plan has been approved by the DRC, each sign permit shall be issued by staff from that point forward. Uniform sign plans in the H-115 District require staff approval only. A uniform sign plan must include the size, types, placement, color, material and lighting details for all tenants before the first sign permit is issued. A uniform sign plan must show that the total signage as divided among all tenants does not exceed ten percent (10%) of the facade.

13. Sandwich Board Signs

The sandwich board signs shall not exceed eight (8) square feet and four (4) feet in height and shall only be displayed between the hours of 7:00 a.m. and 10:00 p.m., EST. Each individual business shall have no more than one (1) sign and there must be at least fifteen (15) feet between each sign. A five (5) foot clearance must be maintained at all times on the sidewalk. No sandwich board sign shall block visibility, vehicular or pedestrian at any time. The sign must not be permanently affixed to any permanent object, structure or the ground. They are to be freestanding, self-supporting and be designed and weighted to prevent overturning.

The tenant or property owner that will be placing the signs within the City's right-of-way must carry an extended coverage liability insurance policy in the amount of $500,000.00 with the City of Statesville, NC named as additionally insured. For the tenants or property owners that will be placing their sandwich board signs on private property no insurance is required, but a permit must be obtained.

The following materials are not permitted:

a. glass, clear acrylic sheeting or breakable materials

b. paper or laminated paper

c. corrugated or hollow core plastics

d. pvc pipe frames

e. internal illumination or spotlighting illumination

14. Maintenance of Signs

All permitted signs shall at all times be maintained in good condition see Section 6.07 P.

15. Temporary Signs and Banners

Shall be permitted as outlined in Section 6.07 K.

16. Block Corner Directory Signs

a. A block corner directory sign shall be defined as a sign composed of a post and hanging panels, each panel listing the name and/or use of a business, activity, organization, or office located nearby. Such sign panels shall not contain other advertising messages, except arrows pointing toward the business, activity, organization, or office identified.

b. To improve pedestrian ability to locate certain businesses or services, to create a unique yet unified look for the downtown, and to increase public safety by combining various pieces of information at single locations, the City will determine where block corner directory signs may be placed. Business, organizations, and uses within the CB and CBP districts may request space on the corner sign posting. The City Council may specify the size, material, colors, letter height, and similar criteria for each panel on the corner directory sign. The Downtown Statesville Development Corporation will be responsible for installation and maintenance of the sign post, and will hang and remove all panels.

c. Individuals or businesses must purchase an annual permit from the City for each panel. The City shall reserve the right to have panels removed that are so deteriorated or damaged that they may affect public safety, or those panels directing persons to uses no longer in existence. Annual fees for panels shall be set by the City Council and revised from time to time as deemed necessary.

S. Houses of Worship, Schools, Daycare Centers, and Public Use Facilities

Houses of Worship, Schools, Daycare Centers and Public Use Facilities are permitted to have changeable copy LED monument sign in all zoning districts except for the CB and CBP zoning district but shall be subject to the following conditions:

1. The changeable copy portion of the sign may consist of up to one hundred percent (100%) of the total area of the permitted monument sign, the sign cannot be a flashing, fluttering or a rotating sign. The copy area of the monument sign for Churches, Schools, Daycares and Public Use Facilities are allowed to be thirty-two (32) square feet; All other requirements for monument signs are as stated in the UDC.

2. The text on the changeable copy area cannot change more than once every fifteen (15) seconds. There may be no scrolling of messages from left to right or top to bottom;

3. All signs must be equipped with a dimmer control and photocell that automatically adjusts the display's intensity according to natural ambient light conditions. No electronic message board shall be brighter than is necessary for clear and adequate visibility, and shall not exceed a maximum of five thousand (5,000) Nits during daytime hours (sunrise to sunset) and five hundred (500) Nits during nighttime hours (sunset to sunrise).

4. The sign surround shall be clad in brick, stone or stucco matching the principal building.

5. No sign shall be located closer than ten (10) feet to any adjacent lot line. A minimum fifteen-foot side-yard setback shall be required if the side lot line abuts a residential district.

(Ord. No. 20-13, 8-5-2013; Ord. No. 23-13, 9-16-2013; Ord. No. 17-14, 10-6-2014; Ord. No. 07-17, 4-3-2017; Ord. No. 02-18, 1-22-2018; Ord. No. 20-18, 6-4-2018; Ord. No. 19-19, 7-15-2019; Ord. No. 32-

19, 10-7-2019; Ord. No. 33-19, 10-21-2019; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 09-23, 4-3-2023; Ord. No. 19-23, 5-1-2023; Ord. No. 52-23, 10-2-2023)

Section 6.08 Design Standards for Non-Residential Developments

A. Purpose and Applicability

The purpose of this article is to ensure that the physical characteristics of proposed development are compatible when considered within the context of the surrounding area. Guidelines should be read in conjunction with the general development regulations and zone-specific standards. This section does not apply to the CB, CBP, HD, LI or HI zoning districts.

B. General Compatibility Requirement

All development subject to this article shall be compatible with the established architectural character of the city by using a design that is complementary to predominant architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have color, shades, and textures similar to those existing in the immediate area of the proposed development.

C. General Principals - Site

The environmental/architectural inventory shall be the foundation on which all site design decisions are based. Minor variations to these regulations may occur based on environmental/architectural conditions at the site. The Planning Director shall approve all site design decisions based on the inventory.

D. Building Relocation to Surrounding Properties

Buildings shall not significantly overshadow secluded private open spaces or main public area windows into adjacent buildings, ensure no significant loss of amenity to adjacent dwellings, open space or streetscape. Buildings shall not significantly block scenic vistas from public view. Active recreation and service areas shall be located away from secluded private open spaces on adjacent buildings.

E. Building Aesthetics, Purpose

Building aesthetics establish a base criteria related to the appearance of specific structures. These regulations strike a balance between creativity and innovation on one hand, while avoiding obtrusive, incongruous structures on the other. The City strongly discourages architectural styles that do not build upon and promote the existing character of the City. The City supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

F. Building Design

1. **Emphasize Human Scale**

Building design shall emphasize a human scale at ground level, at entryways and along street frontages through the creative use of windows, doors, columns, canopies, and awnings.

2. **Major Building Design Features Proportional**

Major building design features, such as windows, doors, eaves, and parapets shall be designed to be in proportion to one another.

3. **Structural Lines Retained at Storefront Level**

The structural lines of a building and its materials shall be retained at the storefront level. For instance, brick piers and columns shall be carried down to street level.

4. **Awnings and Canopies**

Awnings and canopies shall complement the color and material of the building to which they are fixed.

5. **Massing**

A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. Roofline offsets shall be provided to lend an architectural interest and variety to the massing of a building and to relieve the effect of a single long roof.

G. Avoiding Monotony in Design

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent practicable, within the standards set forth in this article, to provide visual interest.

H. Harmony of Design

1. Purpose

The purpose of this section is to achieve good design, not a certain stylistic result. It will also establish a consistent framework for assessing proposed development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings shall respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form.

2. Building Materials

Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials. All sides of the building shall use materials consistent with those on the front if visible from public streets, public parking and/or drive-thru areas, and should be carefully designed with similar detailing, compatible quality, and compatible

materials. Materials used only on one (1) face of a structure which gives the impression of thinness and artificiality are prohibited.

3. Similar Size and Height for Infill Development

New Infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same block, or if no buildings exist thereon, then on adjoining blocks.

4. Unify Individual Storefronts

If several storefronts are located in one (1) building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage. The unified design should represent a theme, rhythm and/or design flow.

5. Additions and Renovations

Building additions and facade renovations should be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings.

6. Varying Architectural Styles

In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

I. Architectural Character

1. Purpose

Architectural character focuses on the micro-level details that greatly affect the overall appearance of a particular development. These architectural character regulations provide direction in aspects of color, facade materials, rooflines, and the enhancement of entryways. The primary goal is to define the "finishing touches" that provide the development with a sense of permanence, style, and compatibility. The City prohibits proposals that have not taken these materials into account. The City desires that all development be treated as a lasting contributor to the community and as a "good neighbor" to its surroundings.

2. Roofs

a. Roof lines shall be varied to reduce the scale of structures and add visual interest. Flat roofs and roof pitches less than 3/12 shall include cornices, parapets and/or other detailing.

b. Roof shape (for example: flat, hip, mansard, or gable) and material shall be architecturally compatible with facade elements and the rest of the building.

J. Facades

1. Recesses and Projections

Facades greater than one hundred (100) feet in length, measured horizontally, must incorporate recesses and projections along at least twenty percent (20%) of the length of the facade. Windows, awnings, and arcades should total at least sixty percent (60%) of the facade length abutting a public street.

2. Repeating Design Patterns

Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

3. Materials

Brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels except in residential neighborhoods where the preservation of such facades are economically or environmentally impractical. The use of mirrored glass is not permitted.

4. Exterior Wall Cladding

All exterior walls visible from a parking lot or public right-of-way shall be clad with the same material required for the front of the building.

K. Entryways

Each principle building on a site should have a clearly defined, highly visible customer entrance featuring no less than two (2) of the following: canopies or porticos, arcades, arches, wing walls, planters, recesses/projections, raised corniced parapets over the door, peaked roof forms, display windows, and/or architectural details such as tile work and moldings which are integrated into the building structure. Emergency exit doors, service doors and ventilation grates on the first floor and visible from a public street shall be decorative.

L. Mechanical Screening

Projecting elements like mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators, propane gas tanks and other utility hardware on the building, roof or ground shall be screened from public view with material similar to the structure or they shall be so located as not to be visible from any public view with materials similar to the structure or they shall be located as not to be visible from any public view or from potential buildings, streets or residences nearby. Rooftop mechanical equipment shall be screened. Abandoned mechanical equipment is prohibited and shall be removed.

M. Color and Materials

1. Predominant Exterior Building Materials

Predominant exterior building materials shall be high quality materials, including brick, wood, sandstone, other native stone, aluminum composite materials and tinted/textured concrete masonry

units. Tinted textural concrete masonry, can be used as accent block. Metal with no exposed fasteners may be used up to fifty percent (50%) on facades visible from public streets, public parking areas and/or drive-thru areas. Metal with exposed fasteners may be used up to thirty percent (30%) on facades visible from public streets, public parking areas and/or drive-thru areas as accent materials. Metal siding with exposed or non-exposed fasteners may be used up to one hundred percent (100%) for service facades not visible from public streets, public parking and/or drive-thru areas.

2. Colors

a. Facade colors shall be of low reflectance and/or subtle colors. Building trim may feature brighter colors. Neon tubing is not allowed as an accent material. The use of high intensity colors or fluorescent colors shall be prohibited.

b. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.

N. On-Site Storage

Storage of inventory, trailers, and containers shall be prohibited unless located within a screened area constructed of the same material as the main building on site.

(Ord. No. 12-22, 1-10-2022; Ord. No. 02-23, exh. A, 1-9-2023)

Section 6.09 Guidelines for Structures in the Central Business, Central Business Perimeter and the Municipal Service Districts

A. All exterior changes and new construction must be approved by the Downtown Design Review Committee in accordance with the adopted Design Guidelines; except art, which shall be reviewed by the Design Review Committee and approved by City Council.

B. Metal exteriors (excluding roofing) in aforementioned districts shall be prohibited. The exteriors shall consist of masonry (excluding common face block, cement block, tilt up panels and dryvit) or other non-metal materials.

C. The use of reflective or highly tinted glass is prohibited unless the applicant can demonstrate need for such material because of the use and function of the structure, its commonality with the surrounding structures, and the structure has no historical and/or architectural value.

D. The enclosing, bricking in, or covering of windows or door openings shall not be permitted.

E. Broken or missing glass in windows and doors shall be replaced within sixty (60) days of official notice by the City of Statesville.

F. Dumpsters to be located in the downtown for construction/renovation/demolition are subject to Section 5.03.

(Ord. No. 04-13, 3-4-2013)

Section 6.10 Fencing

Chain link and square wire fencing including barbed wire, concertina wire and razor wire are prohibited in the CB, CBP and H-115 Districts. Governmental uses requiring security fencing shall be reviewed by the Downtown Design Review Committee in the CB and CBP and the TRC if located in the H-115 District. Both committees shall review fences in regards to height, coloring, intended use to be secured and the location of the fence on the site.



Article 7. Alternate Development Patterns

Section 7.01 Cluster Subdivisions

Section 7.02 Architecturally Integrated Cluster Subdivisions

Section 7.03 Cluster/Architecturally Integrated Cluster Subdivision Street Design Standards

ARTICLE 7. ALTERNATIVE DEVELOPMENT PATTERNS

The provisions of this article describe a variety of desirable development patterns that generally are not facilitated by conventional zoning. These developments should be designed to enhance an improved living environment through open space/recreation, connectivity and architectural standards.

Section 7.01 Cluster Subdivisions

A. Purpose

The purpose of cluster developments is to provide creative and innovative single family developments that minimize land disturbances and maximize the preservation and conservation of sensitive natural areas and open space by grouping dwellings in clusters through:

1. Variation of lot sizes, and use of open space;
2. Maintenance and restrictive use of open space;
3. Integration of existing and potential development adjoining the cluster subdivision.

B. Procedure

Cluster subdivisions shall be processed as major subdivisions pursuant to Section 2.03.

C. Minimum Development Area

Cluster subdivisions shall provide at least three (3) developable acres. Existing developments may be enlarged as cluster subdivisions provided the total resulting developable area exceeds three (3) acres.

D. Permitted Districts and Lot Sizes

Cluster subdivisions shall be permitted in the R-5, R-5MF, R-8, R-8MF, R-10, R-15 and R-20 zoning districts, and shall conform to the requirements thereof, unless otherwise specified. Lots may be created smaller than required by the underlying zoning district, as shown in Table 7-1.

Table 7-1: Lot Sizes for Cluster Subdivisions

Zoning District	Minimum Square Feet
R-5, R-5MF	4,000
R-8, R-8MF	6,000
R-10	7,500
R-15	11,250
R-20	15,000

E. Open Space

The minimum amount of open space shall equal the difference between lot area required in the underlying zoning district and lot area provided. Open space shall comply with standards established in Section 6.06.

F. Private Streets

Private streets may be approved in conformance with Section 8.06.

G. Lot Standards

In any cluster subdivision, lots shall conform to the setback requirements listed in Article 3 except for lot width and Section 7.01, G.2.

1. Each lot must be of sufficient size and dimension to support development, including principal and accessory structures, off-street parking, accessory structures, and utility easements.
2. Dwellings shall have a minimum ten-foot separation.

H. Density

Total density shall not exceed the density allowed in Section 6.02.

(Ord. No. 02-15, 3-2-2015; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 30-23, 8-7-2023)

Section 7.02 Architecturally Integrated Cluster Subdivisions

A. Purpose

The purpose of this section is to provide flexibility for creative, higher quality architectural residential developments with open space in R-5, R-5MF, R-8 and R-8MF zoning districts, for developments having a minimum of three (3) acres in regards to minimum lot sizes, lot widths, and setbacks. This section is designed to provide flexibility consistent with public health and safety without increasing overall densities permitted within any residential zoning district.

B. Lot Standards

In any architecturally integrated subdivision, lots may be created and structures constructed without regard to minimum lot size, lot width, or setback requirements except that:

1. Side and rear yard setbacks shall apply where and to the extent that the subdivided tract abuts land that is not inclusive of the subdivision. A five-foot reduction in the rear yard setback is permitted provided that opaque screening is installed along the rear yard boundary. The opaque screening may be achieved by fencing, vegetation, or a combination thereof and must be six (6) feet in height (fencing) at the time of installation. Vegetative buffers will be reviewed and approved by staff.
2. Each lot must be of sufficient size and dimension that it can support the structures to be located on it, consistent with all other applicable regulations of this ordinance including off-street parking, accessory structures, and utility easements.

3. The side yard for single-family detached and duplex units shall be established by the City Council upon review and recommendation of the Technical Review Committee and Planning Board.

C. Subdivision Procedures

No architecturally integrated subdivision may be constructed except in accordance with the subdivision regulations and procedures established in Article 2. All plats submitted shall provide building location and design.

D. Density

In an architecturally integrated subdivision the total density of the tract may not exceed the densities allowed in Section 6.02.

E. Open Space

The amount of land "saved" by creating lots that are smaller than allowed in the underlying zoning district shall be set aside for open space. The open space requirements for cluster subdivisions shall be met for any architecturally integrated subdivision. Open space shall comply with standards established in Section 6.06.

F. Zero Lot Line Standards

Single-family detached, zero lot line architecturally integrated cluster subdivisions shall meet the following requirements:

1. The wall of the dwelling located on the lot line shall have no windows, doors, heating/air conditioning units, utility meters (electric, gas, water), or any other type openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the atrium or court is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. The wall shall be constructed of the same material as the exterior walls of the unit.

2. A perpetual four (4) foot wall-maintenance easement shall be provided on the lot adjacent to the zero lot line property, which, with the exception of a wall and/or fence, shall be kept clear of any structures. This easement shall be shown on the plat to be approved and incorporated into each deed transferring title to the property. The wall/fence shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two (2) affected property owners.

3. Roof overhang may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches; the roof shall be designed so that the water runoff from the dwelling placed on the lot line is limited to the easement area.

G. Elevation Design Guidelines

1. Exterior materials shall be residential in character and shall be wood siding, wood shingles, brick, stone, stucco, vinyl or similar products. No structure shall be built with less than twenty-five percent (25%) of its exterior surface area covered by brick, stone or stucco.

2. For homes with less than twenty-five percent (25%) of its exterior surface area covered by brick, stone or stucco, a minimum of three (3) architectural features from the following list shall be included on the front facade:
   a. Reverse gable, two (2);
   b. Covered porch or veranda;
   c. Decorative door and window surrounds;
   d. At least two (2) feet of relief at one (1) or more points along the front facade, excludes garage bump-outs;
   e. Accent siding (i.e., cedar shakes or similar material);
   f. Decorative front door (i.e., sidelights, window panes, stained glass).

3. A minimum 6/12 roof pitch shall be maintained over a minimum of eighty percent (80%) of the total roof area. Roof materials shall be architectural asphalt shingles, standing seam metal, slate, wood shingles or similar materials. Eaves shall be a minimum of twelve (12) inches in depth. Side gables may have a three-dimensional decorative trim detail.

4. Foundations shall be crawl space or raised slab. Any structure built on a slab foundation shall have a minimum four-course exposed brick masonry veneer skirt (of standard brick size), stone or other similar materials extending up the face of the slab on all sides.

5. Front-loaded garages shall not have visual prominence on the front facade.
   a. **Protruding garages.** Fifty percent (50%) of the homes in the subdivision may have garages that protrude from the front facade. The maximum protrusion shall be ten (10) feet and only every fourth house shall have the maximum protrusion. All adjacent homes with protruding garages shall have a minimum of a three-foot offset from the maximum.
   b. **Inline or recessed garages.** Fifty percent (50%) of the homes shall have garages built to meet the following standards:

      1. Zero (0) to fifty percent (50%) porch length; the garage is required to have an eight-foot setback from the front facade.

      2. Fifty (50) to eighty percent (80%) porch length; the garage is required to have a four-foot setback from the front facade.

      3. Eighty (80) to one hundred percent (100%) porch length; the garage is allowed to be in line with the front facade.
         c. One (1) garage door is permitted for a two-car garage; all garage doors must be decorative.
         d. The ratio of garage door (exclusive of side returns) to the front of the house cannot exceed fifty percent (50%).

6. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right and left hand versions shall be considered the same exterior house plan.

7. Projects incorporating attached units or a centralized architectural theme may request an exemption from section G. Elevation Design Guidelines. These projects will be reviewed by the staff, planning board, and City Council. The merits of the elevations shall be judged on integrity and quality.

H. Private Streets

As discussed in cluster developments, private streets may be approved in conformance with Section 8.06.

(Ord. No. 30-23, 8-7-2023)

Section 7.03 Cluster/Architecturally Integrated Cluster Subdivision Street Design Standards

A. Street Standards

Streets shall be provided in accordance with Section 8.06.

(Ord. No. 30-23, 8-7-2023)



Article 8. Public Facilities Requirements

Section 8.01 Generally
Section 8.02 Water
Section 8.03 Centralized Wastewater Systems
Section 8.04 Private (On-Site) Wastewater Systems
Section 8.05 Stormwater Management
Section 8.06 Streets, Sidewalks and Greenway Paths

ARTICLE 8. PUBLIC FACILITIES REQUIREMENTS

Section 8.01 Generally

A. Purpose

The purpose of these regulations is to promote development that is served by public infrastructure at sufficient levels of service. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and transportation facilities. Public facilities shall be provided in a manner that is consistent with the Comprehensive Plan, this Code and other standards adopted by the City.

1. New development shall provide adequate facilities and services, including required easements, to accommodate demands from proposed development in conformance with the minimum standards established in this Article and other design manuals adopted by the City.
2. Unconstructed improvements shall be guaranteed prior to the recording of the Final Plat.
3. New development shall be phased at a pace that will ensure the provision of adequate community facilities and services for proposed and future development.
4. Each development project shall be designed so that the project is capable of functioning effectively and independently at completion of each phase.
5. Adequate roadway facilities shall be provided concurrently with new development and shall be designed and constructed in conformance with applicable City standards.
6. All required facilities shall be inspected and approved by the City prior to issuance of a Building Permit or Certificate of Occupancy, as applicable.

B. Consistency with Comprehensive Plan Required

Proposed public improvements shall conform to and be properly related to the City of Statesville's Comprehensive Plan and applicable facility and capital improvements plans.

C. Water

All habitable buildings and buildable lots, exempting residential lots of record as of February 5, 2013, within the City limits and the ETJ, shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection as required in Section 8.02. Exceptions to this requirement may be approved by the Public Utilities Director for single family residential construction not included in a major or minor subdivision application.

D. Wastewater

All habitable buildings and buildable lots shall be connected to a public sanitary sewer system. Exceptions to this requirement may be approved by the Public Utilities Director for single family residential construction not included in a major or minor subdivision application.

E. Stormwater Management

Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in volume or velocity of stormwater to prevent downstream flooding and protect water quality. The City shall require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development pursuant to Section 8.05.

F. Streets

Proposed streets shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation, shall be properly related to the Mobility and Development Plan; and shall be appropriate for the particular traffic characteristics of each proposed development. New development shall contribute to the construction of the transportation facilities needed to meet the demands attributable to the development. Such roadways shall be provided concurrently with new development. The subdivider shall provide the grading of the entire street right-of-way, alley or public place and pave the streets in conformance with Section 8.06. Dedication of rights-of-way and other access easements necessary for needed transportation facilities for current and future phases shall be required of new development.

G. Utilities

All utilities provided as new installations within a subdivision shall be placed in the right-of-way or in easements. Utilities shall be provided underground in residential subdivisions unless an exception has been granted by the City Council. Utilities or adequate conduits for service lines shall be installed prior to final paving of streets.

H. Extension and Oversized Facilities

All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure to serve future growth. The City may require the applicant for a subdivision to extend offsite improvements to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of plat or plan approval. The City shall pay the cost of upsizing a utility line as outlined in Section 23-252(c) of the City Code.

I. Phasing

The City may require the phasing of development or improvements in order to maintain satisfactory levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants.

J. Easements and Rights-of-Way

1. **Adequate Easements Required:** Except as otherwise provided in this Code, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, storm water, water, wastewater and other public utilities.

2. **Utility Easements:** The property owner shall grant adequate utility easements for all public and private utilities as required by the City Engineer and Director of Electric Utilities. Utility easements shall be shown on the plat and dedicated in conjunction with recordation of the Final Plat.

3. **Easements along Rights-of-Way:** Easements of at least ten (10) feet in width shall be dedicated on each side of the right-of-way as determined by the City Engineer to be necessary for City utilities and storm sewers. Unless otherwise authorized or required by the City Engineer, utilities within or adjacent to street rights-of-ways shall be located consistent with the right-of-way widths shown in Table 8-1.

4. **Location of Easements:** Except where prohibited by topography, easements shall be located on the centerline of lot lines. All easements for drainage or sewer shall be selectively cleared of undergrowth, trees and other obstructions by the developers prior to final approval. No buildings or structures, except as necessary for utilities, shall be permitted within or on easements.

5. **Adequate Right-of-Way Required:** The applicant shall provide adequate on-site rights-of-way for anticipated traffic demands in a manner consistent with this Code, the Mobility and Development Plan and project specific traffic impact analysis (TIA), if applicable. If a TIA shows that a proposed development creates the need for additional off-site right-of-way, the applicant shall be required to provide right-of-way prior to development approval.

6. **Easement for Waterway:** Whenever any stream or surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, maintaining or protecting the water course, and such easement, which shall include all required stream buffers, shall be dedicated as open space.

K. Construction and Materials

Except as otherwise provided in this Code, the construction and material specifications of all public improvements shall comply with adopted improvement standards.

L. Inspections and Acceptance

The City or its authorized agent shall inspect public improvements to ensure that such improvements are constructed to City standards and specifications. City acceptance of required improvements shall be required prior to the issuance of a Certificate of Zoning Compliance as applicable.

M. Maintenance

The City shall require a one (1) year maintenance guarantee for all public improvements as a condition of accepting such improvement.

(Ord. No. 02 -23, exh. A, 1 -9-2023; Ord. No. 19- 23, 5- 1-2023; Ord. No. 01 -24, 1 -8-2024)

Section 8.02 Water

A. Generally

All occupied structures and buildable lots, exempting residential lots of record as of February 5, 2013, within the City limits and the ETJ shall be connected to a publicly owned water system. Exceptions may be granted by the Public Utilities Director for single family residential construction not included in a major or minor subdivision application. Such exceptions must be approved prior to plan approval and all exceptions will be based on the impracticality of location and/or any undue financial hardship imposed by requiring the connection in relation to the value of the property.

Fire hydrants shall also be installed in all subdivisions within the corporate limits and any area receiving City service. The water supply system shall be constructed under the direction and control of the City and shall conform to State and Federal standards. The applicant shall pay all applicable fees as a condition of extension of water service. Prior to receiving approval of a subdivision that will receive City water service, owners of properties located outside the City limits shall enter into an annexation agreement or petition for satellite annexation as a condition of approval.

Individual service connections within single-family residential subdivisions shall be extended from the main to each lot, and clearly marked. Regarding system development fees, inactivity for twenty-four (24) months shall result in expiration of water approval. Developer must reapply unless a specific development agreement states otherwise.

B. Design Criteria

Design and construction of water improvements shall comply with the Standard of practice set by the Engineering Department and the Services Policy Manual.

C. Off-Site Improvements

The developer shall provide for on-site and off-site improvements required to adequately serve a proposed development. In no event shall approval be granted to allow occupancy prior to connection to an adequate public water supply.

D. Extension/Oversizing

Water lines shall be a minimum of eight (8) inches in diameter unless otherwise approved by the City Engineer. The City Council may require that water lines be oversized and be phased in coordination with the pace of new development to ensure the development will be adequately served. The subdivider shall be required to provide water systems with adequate capacity to serve the subdivision. Water systems shall be extended to the boundaries of the subdivision when required to facilitate future extensions of such systems. When oversizing of a water main in excess of the design standards

of these regulations is required by the City Council to facilitate system expansion, the City may provide for reimbursement.

E. Water System Easements

The applicant shall dedicate easements required to accommodate all water system facilities to serve new development, except individual service lines. The City Engineer shall approve the location and dimensions of required easements. Easements shall follow property lines to the greatest extent possible. In no case shall easements be less than twenty (20) feet wide.

(Ord. No. 03-13, 2-4-2013; Ord. No. 13-19, 5-6-2019; Ord. No. 01-24, 1-8-2024)

Section 8.03 Centralized Wastewater Systems

A. Generally

All new construction, commercial and residential, within the City limits or the ETJ shall be required to connect to the City's wastewater system. Exceptions may be granted by the Public Utilities Director for single family residential construction not included in a major or minor subdivision application. Such exceptions must be approved prior to plan approval and all exceptions will be based on the impracticality of location and/or any undue financial hardship imposed by requiring the connection in relation to the value of the property.

1. The applicant shall pay appropriate fees as a condition of connection to the public sanitary sewer system.
2. Centralized wastewater systems shall be used only for sewage disposal; flow from footing drains, gutters or other extraneous sources shall not be directed to the wastewater system.
3. Prior to receiving approval of a subdivision that will receive City wastewater service, owners of properties located outside the City limits shall enter into an annexation agreement or petition for satellite annexation as a condition of approval.
4. Regarding system development fees, inactivity for twenty-four (24) months shall result in expiration of wastewater approval. Developer must reapply unless a specific development agreement states otherwise.

B. Sewerage Facilities

1. **Connections:** Sewer connections shall extend to each lot. All connections between the City sewer system and the subdivision sewer system shall comply with the applicable adopted ordinance of the City pertaining to sewers and all construction of the system shall be subject to the direction and approval of the City Engineer.
2. **Alternate Treatment Systems:** In cases where a sanitary sewer is not available or cannot be extended until a connection can be made with the public sewer system, the use of an alternate central treatment facility may be permitted, provided such facilities are approved by the State

and in accordance with City standards pertaining to sanitary sewage disposal. The City may require the system to be designed for ultimate connection into the City's system.

3. **Permits for Private Sewage Disposal Systems:** All private sewage disposal systems shall be approved by and constructed in accordance with State guidelines under the direction and control of the appropriate County or State authorities.

4. **Facilities Required:** All lots shall be individually sewered with the grades and sizes as required by the City Engineer.

C. Design Criteria

Design and construction of wastewater system improvements shall comply with the Standard of practice set by the Engineering Department and the Services Policy Manual.

D. Off-Site Improvements

The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development. In no event shall approval be granted to allow occupancy prior to connection to an approved wastewater system unless the City Council has approved an interim service plan and has received a performance bond.

E. Extension/Oversizing

The City Council may require that wastewater systems and lines be over-sized to accommodate future development. The subdivider shall be required to provide wastewater systems with adequate capacity to serve the subdivision. Wastewater systems shall be extended to the boundaries of the subdivision when required to facilitate future extensions of such systems. When oversizing of a sewer main in excess of the design standards of these regulations is required by the City Council for system expansion, the City may provide for the reimbursement.

F. Wastewater System Easements

The developer shall dedicate adequate easements to accommodate all wastewater system facilities required to serve new development. The City Engineer shall approve the location and dimensions of required easements, but in no instance shall an easement be narrower than twenty (20) feet in width. Easements should follow property lines when possible. Where other utility lines are placed adjacent to the sewer, additional easements shall be required.

(Ord. No. 03 -13, 2 -4-2013; Ord. No. 13- 19, 5- 6-2019; Ord. No. 01- 24, 1 -8-2024)

Section 8.04 Private (On-Site) Wastewater Systems

A. Generally

The use of on-site wastewater systems must be authorized by the City Council. Exceptions may be granted by the Public Utilities Director for single family residential construction not included in a major

or minor subdivision application. Such exceptions must be approved prior to plan approval and all exceptions will be based on the impracticality of location and/or any undue financial hardship imposed by requiring the connection in relation to the value of the property. The private (on-site) wastewater system must be constructed and maintained per requirements of the Iredell County Department of Environmental Health. The City reserves the right to require connection to the public sanitary sewer system.

B. Private Wastewater Treatment, Public Nuisance Not Permitted

The location and installation of private wastewater systems shall be such that with reasonable maintenance, the private wastewater system will function in a sanitary manner and will not create a nuisance, health hazard or endanger the safety of any domestic water supply. Any private wastewater treatment system installed, added to, altered, expanded or repaired in violation of this Section and the rules and regulations of the City, County or State is a threat to the health, safety and welfare of the City and is a public nuisance.

C. Private Waste Treatment, Issuance of Permit

Iredell County shall issue the appropriate permit in compliance with this Section and any rule or regulation adopted pursuant to this Section, and payment of the appropriate fee.

D. Private Wastewater Treatment Standards

The City may require connection to or the provision for future connection to its centralized wastewater system for any development on lots. All private wastewater disposal systems shall be installed, altered, expanded, repaired or operated according to City, County, and State regulations and the following standards:

1. **Factors Considered:** When reviewing an application for an individual wastewater system, consideration shall be given to the size and shape of the lot, number of structures proposed in the development, slope of natural and finished grade, soil type and classification, depth of ground water, proximity of existing or future water supplies and possible expansion of the system. The minimum size of an individual lot shall be one (1) acre.

2. **Community Treatment Design for Developments of More Than One (1) Lot:** Where rural lots are clustered to provide open space, a community treatment system may be approved at the discretion of the City Council.

3. **Designed to Receive All Sewage:** Wastewater systems shall be designed to adequately receive all sewage from the dwelling. Neither footing nor roof drainage shall enter any part of the system.

4. **Issuance of Rules and Regulations:** The City may promulgate reasonable rules and regulations to implement the provisions of this Section.

E. Alternative Method for Sewage Treatment

If a failing system cannot be reinstalled in compliance with this Section, the City Engineer may require connection to the City's centralized wastewater system. Connection shall be required if the failed system is located within four hundred (400) feet of an existing sewer line with available capacity.

(Ord. No. 01 -24, 1 -8-2024)

Section 8.05 Stormwater Management

A. Authority, References, and Usage

1. **Authorities.** The following authorities shall apply to Section 8.05:

    a. The City Council of the City of Statesville, further referred to herein as “the City”, is authorized to adopt this section pursuant to North Carolina law, including but not limited to, Article 14, Section 5 of the Constitution of North Carolina; G.S. 143-214.7 and rules promulgated by the environmental management commission thereunder; Session Law 2004-163, G.S. 160A-174 and 160A-185;

    b. The Stormwater Program Manager is authorized to determine the interpretation of this section. Any person may request an interpretation by submitting a written request to the Stormwater Program Manager, who shall respond in writing within thirty (30) business days. The Stormwater Program Manager shall keep on file a record of all written interpretations of this section and shall post these on the City’s website; and

    c. Any act authorized by this section to be carried out by the City or Stormwater Program Manager may be carried out by his or her designee.

2. **Role of the Stormwater Program Manager.** In addition to the powers and duties that may be conferred by other provisions of this section and other laws, the Stormwater Program Manager shall have the following powers and duties under this section:

    a. To assist in the review and approval, approval with conditions or disapproval plans pursuant to this section;

    b. To make determinations and render interpretations of this section;

    c. To establish application requirements and schedules for submittal and review of applications, to review and make recommendations to the Statesville City Council on applications for development or redevelopment approvals;

    d. To enforce the provisions of this section in accordance with its enforcement provisions;

    e. To maintain records, maps, forms and other official materials as they relate to the adoption, amendment, enforcement and administration of this section;

f. To provide expertise and technical assistance to the Statesville City Council upon request;

g. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Program Manager; and

h. To take any other action necessary to administer the provisions of this section.

3. **Most Recent Editions.** Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the City Stormwater Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

4. **Calculation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City. References to days are calendar days unless otherwise stated.

5. **Word Usage.** The following provisions about usage shall apply:

   a. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature;

   b. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions and events apply. The word "or" indicates that one (1) or more of the connected items, conditions, provisions or events apply;

   c. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa; and

   d. In the event of a conflict or inconsistency between the text of this section and any heading, caption, figure, illustration, table, or map, the text shall control.

6. **Other Ordinances and Rules.** This section is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety and welfare shall control.

7. **Easements and Other Agreements.** This section is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this section are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this section shall govern. Nothing in this section shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this section. In no case shall the City be obligated to enforce the provisions of any easements, covenants or agreements between private parties.

8. **If a Portion of this Section is Judged Invalid.** If the provisions of any subsection, paragraph, subdivision or clause of this section shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of this section.

9. **Effective Date.** This Ordinance shall take effect on 20th of April, 2026.

B. Findings

1. **Hydrologic Effects.** Development alters the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, sediment transport and deposition, as well as reducing groundwater recharge.

2. **Pollution.** These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment.

3. **Managing Effects of Stormwater.** These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

4. **Federal Authority.** Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and Federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to Federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this section.

5. **City Response to Stormwater Runoff.** Therefore, the Statesville City Council establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

C. Purpose

1. **General Purpose.** The purpose of this section is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment.

2. **Specific Objectives.** The stormwater management requirements seek to meet the general purpose through the following specific objectives and means:

    a. Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;

    b. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storms to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;

    c. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

    d. Establishing design and review criteria for the construction, function, and use of Stormwater Control Measures (SCMs) that may be used to meet the minimum post-development stormwater management standards;

    e. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;

    f. Establishing provisions for the long-term responsibility for and maintenance of SCMs and nonstructural stormwater Best Management Practices (BMPs) to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

    g. Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to ensure appropriate long-term maintenance;

    h. Coordinating site design plans that include open space and natural areas with the City Zoning Ordinance and establish riparian buffers;

    i. Controlling erosion and sedimentation from construction activities; and

    j. Assigning responsibility and processes for approving the creation and maintenance of adequate drainage and flood damage prevention measures.

D. Definitions

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise. All provisions, terms, phrases, and expressions contained in this section shall be construed according to the

general and specific purposes set forth in Section 8.05. If a different or more specific meaning is given for a term defined elsewhere in the City's Code of Ordinances, the meaning and application of the term in this section shall control for purposes of application of this section.

Definitions marked with an asterisk (*) are as defined in 15A NCAC 02H .1000 – Stormwater Management.

1. **As-built**
   A document to compare the designed stormwater control measure to the final specifications and provide details as actually constructed. As-builts reflect all changes made in the design plans and drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the contract and all relevant calculations.

2. **Built-upon Area (BUA)**
   As defined in G.S. 143-214.7D, BUA is impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. For the purposes of implementing State or local government stormwater programs, none of the following surfaces shall be considered "built-upon area" or an impervious or partially impervious surface:

   a. A slatted deck;

   b. The water area of a swimming pool;

   c. A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric;

   d. A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour);

   e. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle; and

   f. Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

3. **Department**
   The North Carolina Department of Environmental Quality (NCDEQ).

4. **Design Manual**
   A single document or manual or collection of documents and manuals referenced by the City containing policy, criteria, and information, including technical specifications and standards, for designing and operating SCMs and any conveyances, appurtenances, or other structures to or from the SCM. All references herein to the Design Manual are to the latest published edition or revision.

5. **Development**
   As defined in G.S. 143-214.7, any land-disturbing activity that increases the amount of BUA or that otherwise decreases the infiltration of precipitation into the subsoil. When additional development occurs at a site that has existing development, the BUA of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law.

6. **Dispersed Flow***
   Uniform shallow flow that is conveyed to a vegetated filter strip as defined in 15A NCAC 2H .1059, another vegetated area, or SCM. The purpose of "dispersed flow" is to remove pollutants through infiltration and settling, as well as to reduce erosion prior to stormwater reaching surface waters.

7. **High Density Project***
   A development project that exceeds the low density threshold for BUA.

8. **Instrument of Title**
   Any recorded instrument that affects title or constitutes the chain of title to real property, including, but not limited to, all deeds, wills, estate documents evidencing transfer of title, plats, surveys, easements, rights-of-way, outstanding mortgages and deeds of trust, judicial orders or decrees, and documents evidencing intestate succession.

9. **Larger Common Plan of Development or Sale**
   Any area where multiple, separate and distinct construction or land-disturbing activities will occur under one (1) plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

10. **Low Density Project***
    A development project that has less than 24 percent BUA for all residential and non-residential development.

11. **Minimum Design Criteria (MDC)***

The requirements set forth in 15A NCAC 02H .1050 for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for the City to issue stormwater permits that comply with State water quality standards.

12. **Non-erosive Velocity***
    The flow rate of water, usually measured in feet per second that does not exceed the maximum permissible velocity for the condition and type of soil and groundcover over which the water is flowing. Erosion occurs when the maximum permissible velocity is exceeded.

13. **N-year, 24-hour Storm***
    A rainfall event with a 24-hour duration, having a total precipitation that is expected to be equaled or exceeded, on average, once in n times during a 12-month period.

14. **Owner**
    The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

15. **Primary SCM***
    A wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, rainwater harvesting, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the MDC.

16. **Project***
    The proposed development activity for which an applicant is seeking a stormwater permit from the City. "Project" shall exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, State, or local stormwater regulation. Owners and developers of large developments consisting of many linked projects may consider developing a master plan that illustrates how each project fits into the design of the large development.

17. **Redevelopment**
    As defined in G.S. 143-214.7, any land-disturbing activity on previously developed land that does not result in a net increase in BUA and that provides greater or equal stormwater control to that of the previous development. For purposes of Section 8.05 of this ordinance, a rebuilding activity that results in no net increase in BUA and provides equal or

greater stormwater control than the previous development is exempt from requirements related to redevelopment.

18. **Riparian**
    Of or pertaining to the landscape interface between an upland area and a flowing surface water body. Riparian areas exhibit their own significance in geography, particularly ecology and hydrology, which are significantly influenced by its relationship with the surface water body.

19. **Sheet Flow**
    Conveyance of surface water or runoff at a depth significantly less than the width of the flow path on which it flows. Sheet flow is maintained until the flow begins to concentrate into rills or micro-channels. The purpose for sheet flow in regards to this Ordinance is that sheet flow maintains a lower energy and higher surface area of contact with the flow path than concentrated flow.

20. **Secondary SCM***
    An SCM that does not achieve the annual reduction of Total Suspended Solids (TSS) of a "Primary SCM" but may be used in a treatment train with a primary SCM or other Secondary SCMs to provide pre-treatment, hydraulic benefits, or a portion of the required TSS removal.

21. **Stormwater Control Measure (SCM)***
    A permanent structural device designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. SCMs include physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. “SCM” is synonymous with “structural practice,” “stormwater control facility,” “stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “structural stormwater treatment systems,” and similar terms used in this Ordinance.

22. **Vegetated Buffer**
    An undisturbed area of natural or established vegetation adjacent to surface waters, through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation due to development activities.

23. **Vegetated Conveyance***
    A permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

E. Applicability

1. Applicability. Section 8.05 shall apply to development projects and major modifications of development projects for residential, commercial, industrial, or institutional use that:
    a. Are subject to one (1) or more of the post-construction stormwater management programs listed in 15A NCAC 02H .1001;
    b. Are submitted for review on or after the effective date of this ordinance revision;
    c. Are within the areas designated on the map titled City of Statesville Zoning Map, both within the City limits and within the Extra-Territorial Jurisdictional areas;
    d. Cumulatively disturbs one (1) acre or more, or adds twenty thousand (20,000) square feet or more of BUA, or is part of a larger common plan of development or sale that cumulatively disturbs one (1) acre or more or adds twenty thousand (20,000) square feet or more of BUA; and
    e. Are not exempt pursuant to Item 3 below.

2. **Redevelopment.** For redevelopment, increased stormwater controls shall only be required for the amount of BUA being added that exceeds the amount of BUA which existed before the redevelopment.

3. **Exemptions.** Activities that are exempt from Section 8.05 include:

    a. Activities that are exempt from Section 404 of the federal Clean Water Act as specified in 40 CFR 23, including land management activities associated with agriculture or silviculture;

    b. Activities of the North Carolina Department of Transportation (NCDOT) that are regulated in accordance with the provisions of NPDES Permit Number NCS000250;

    c. Development activities that have already received a permit from the City of Statesville. These activities shall follow their existing permit conditions;

    d. Airport facilities that are deemed permitted in accordance with G.S. 143-214.7(c4);

    e. Redevelopment that does not result in a net increase in BUA;

    f. Linear transportation projects undertaken by an entity other than the NCDOT when:

        i. The project is constructed to NCDOT standards and is in accordance with the NCDOT Stormwater Best Management Practices Toolbox;

        ii. Upon completion, the project will be conveyed either to the NCDOT or another public entity and will be regulated in accordance with that entity's NPDES MS4 stormwater permit; and

        iii. The project is not part of a common plan of development.

4. **Disputes Over Applicability.** In the event of a dispute, the applicability of this Ordinance to a particular area of land or SCM shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

F. Stormwater Design Manual

1. **Basis of Decisions.** The Stormwater Program Manager shall use the policy, criteria, and information, including technical specifications and standards, in the Design Manual as the basis for decisions about stormwater permits and about the design, implementation and performance of SCMs and nonstructural stormwater BMPs.

2. **Design Practices and Criteria.** The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

3. **Relevance of Other Manuals.** The Design Manual may consist of one (1) or several acceptable manuals or documents determined by the Stormwater Program Manager. The Stormwater Program Manager may add or remove manuals or documents from reference at their discretion in order to meet this section of the Statesville UDO and Phase II laws. As of the effective date of this Section 8.05 revision, Design Manual shall refer to both the City Stormwater Design Manual and the NCDEQ Stormwater Design Manual. Links to the documents for the effective Design Manuals will be posted on the City's website.

4. **Evaluation of SCMs.** All SCMs and stormwater treatment required under this section shall be evaluated by the Stormwater Program Manager according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Program Manager shall determine whether proposed SCMs will be adequate to meet the requirements of this section.

5. **Determination of Adequacy.** Stormwater treatment practices that are designed, constructed and maintained in accordance with the criteria and specifications in the Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this section. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this section. The Stormwater Program Manager may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Program Manager to determine whether such an affirmative showing is made.

6. **If Design Manual is More Restrictive.** If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.

7. **Updates to Design Manual During Plan Review.** If the standards, specifications, guidelines,

policies, criteria, or other information in the Design Manual are amended subsequent to the submittal of an application for approval pursuant to this section but prior to approval, the information applicable at the date of the submittal shall control and shall be utilized in reviewing the application and in implementing this section with regard to the application.

8. **Updates to Design Manual.** The Design Manual may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience. NCDEQ regularly updates portions of their manual and offers a service for notifications of updates. Notices of updates to the City manual will be posted on the City website.

G. Stormwater Design Requirements

The following stormwater design requirements are in accordance with 15A NCAC 02H – Section 1000.

1. **Calculation of Project Density.** The following procedures shall be used to calculate project density:

    a. Project density shall be calculated as the total BUA divided by the total project area. Computation of lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site based on coordinate geometry of horizontal projection;

    b. A project with existing development may use the calculation method listed above in 1.a or shall have the option of calculating project density as the difference of total BUA minus existing BUA divided by the difference of total project area minus existing BUA; and

    c. On a case-by-case basis as determined by the City during application review, projects may be considered to have both high and low density areas based on one (1) or more of the following criteria:

        i. Natural drainage area boundaries;

        ii. Variations in land use throughout the project; or

        iii. Construction phasing.

2. **Low Density Projects.** The following design standards shall apply to low density projects:

    a. A project is considered low density when the drainage area contains less than 24 percent BUA for all residential and non-residential development;

    b. Projects shall be designed to maximize dispersed flow through vegetated areas and minimize channelization of flow;

    c. Stormwater runoff that cannot be released as dispersed flow shall be transported from

the development by vegetated conveyances to the maximum extent practicable. A minimal amount of non-vegetated conveyances for erosion protection or piping for driveways or culverts under a road shall be allowed by the City when it cannot be avoided. Vegetated conveyances shall meet the following requirements:

i. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the City that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
ii. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm as demonstrated by engineering calculations.

d. Low density projects may use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

i. The curb outlets shall be designed such that the swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity;

ii. The longitudinal slope of the swale or vegetated area shall not exceed five percent, except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;

iii. The swale's cross-section shall be trapezoidal with a minimum bottom width of two feet;

iv. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical); and

v. The minimum length of the swale or vegetated area shall be one hundred (100) feet.

3. **High Density Projects.** The following standards shall apply to high density projects:

a. A project is considered high density when the project equals or exceeds 24 percent BUA; and

b. High density projects shall include primary SCMs that meet the following requirements:

i. SCMs shall control and treat runoff from the first inch of rain;

ii. Minimum design criteria for SCMs shall be in accordance with 15A NCAC 02H .1050 through .1062 and the Design Manual; and

iii. The peak rate of flow from the new development shall not exceed the peak rate of flow that existed prior to the new development for the 2-year, 10-year, and 25-year, 24-hour storm events.

4. **City Authority to Approve Alternative Designs.** The City shall have the option to approve projects that do not comply with all of the provisions on a case-by-case basis as follows:

    a. If the alternative design pertains to an SCM design that does not meet all of the MDC, then the applicant shall provide technical justification based on engineering calculations and the results of research studies showing that the proposed design provides equal or better stormwater control and equal or better protection of waters of the State than the requirements of this section and that it shall function in perpetuity. The City shall have the option to require compliance with the MDC in the event that the alternative SCM design fails; or

    b. If the variation pertains to other aspects of the project, then the applicant shall demonstrate that the project provides equal or better stormwater control and equal or better protection of waters of the State than the requirements of this section.

H. Vegetated Buffers

1. **Before High Rock Lake Buffer Rule Implementation.** Prior to the implementation of 15A NCAC 02B .0764 High Rock Lake Nutrient Strategy: Protecting Existing Riparian Buffers, all BUA shall be a minimum of thirty (30) feet landward of all perennial and intermittent surface waters. The vegetated buffer shall meet the following requirements:

    a. The width of a vegetated buffer shall be measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers. Top of bank determination is to be generally consistent with the US Army Corps of Engineers “Ordinary High Water Mark” used in delineation of jurisdictional waters. In cases of conflicting interpretations by the Stormwater Program Manager and the applicant, the applicant will have the option of providing a jurisdictional determination, including tops of stream banks, from an individual certified by NCDEQ as qualified for Surface Water Identification;

    b. No land-disturbing activities shall take place within a vegetated buffer, except for required streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths. Roads and golf courses may cross a buffer, provided they do not cross at an angle of less than sixty (60) degrees; and

    c. SCMs, fill slopes, and outlet structures shall be located a minimum of thirty (30) feet landward of all perennial and intermittent surface waters.

2. **After High Rock Lake Buffer Rule Implementation.** Following the implementation of 15NCAC 02B.0764, protected riparian buffers shall be in place and consist of two zones as follows:

a. Zone 1 shall consist of a 30-foot vegetated area that is undisturbed that shall be measured as follows:

    i. For streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of thirty (30) feet on all sides of the stream, measured horizontally (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end); and

    ii. For ponds, lakes and reservoirs subject to this Rule, Zone 1 shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally.

b. Zone 2 shall consist of a stable, vegetated area that is undisturbed except for uses deemed allowable within 15A NCAC 02B .0764. Grading and revegetating in Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward twenty (20) feet as measured horizontally. The combined width of Zones 1 and 2 shall be fifty (50) feet on all sides of the surface water; and

c. All other requirements of 15A NCAC 02B .0764 shall be met.

I. Stormwater Plan Timing and Phasing

1. **Timing of Stormwater Plan Application.** Design plans and calculations for the stormwater facilities shall be provided as part of the subdivision construction plans and site plan review submission. All development and redevelopment projects for which complete and full applications were submitted and accepted as complete by the City prior to the effective date of this section shall be exempt from complying with all provisions of this updated Section 8.05 but shall be subject to the Section 8.05 ordinance provisions in place when the application was submitted.

2. **Phased Development Plan.** A phased development plan shall be reviewed and approved under the Section 8.05 ordinance provisions in place at the time the plan is submitted and accepted as complete by the City if the following provisions apply:

    a. For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been submitted for TRC approval and accepted as complete; or
    b. For any subsequent phase of development, the submitted plan includes sufficient detail to show that implementation of the updated requirements of this section to that phase of development would require a material change in that phase of the plan.

3. **Plan Review Procedures.** Stormwater management approvals shall be reviewed separately by the Stormwater Program Manager or designee and may be reviewed concurrently with the City of Statesville Planning Department Technical Review Committee processes and procedures.

J. Stormwater Concept Plan

1. When a Concept Plan is Required. A concept plan is required for the following types of projects:

    a. High density projects;

    b. Projects disturbing five (5) or more acres of land;

    c. Major subdivisions;

    d. Conditional rezoning projects; and

    e. Any site whose complexity or proximity to natural resources is deemed necessary by the Stormwater Program Manager.

2. **Concept Plan Consultation Meeting.** Prior to submitting a Stormwater Plan Application, the applicant shall schedule a consultation with the Stormwater Program Manager. This consultation meeting may be held as part of a Planning Department/TRC Pre-Application Conference. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering commences. Local watershed plans, the Unified Development Ordinance, and other relevant resource protection plans shall be consulted in the discussion of the concept plan.

3. **Required Components of a Stormwater Concept Plan.** The applicant shall provide existing conditions based only on publicly available topography, hydrography, soils, land cover, flood zones that can be obtained from government websites or observed from aerial photography. Applicants are encouraged to also incorporate other information as may be available from their own records or upon request from NCDOT, adjacent property owners, etc. The concept plan shall include the following items:

    a. Location and boundaries of perennial and intermittent streams, lakes, ponds, stream buffers and wetlands;

    b. Soil survey map (if available);

    c. Location of floodplain/floodway limits;

    d. Relationship of site to upstream and downstream properties and drainages;

e. Proposed limits of clearing and grading;

f. Existing and proposed topography and proposed flow paths;

g. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces, as well as any known existing utilities on the site;

h. Other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.) – to the extent this information is publicly available or can be observed from general site reconnaissance;

i. Preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings; and

j. A written or graphic concept plan of the proposed post-development stormwater management system, including preliminary selection and location of proposed SCMs and associated access corridors; low-impact design elements; location of existing and proposed conveyance systems.

K. Stormwater Plan Application Requirements

The stormwater management plan shall be prepared by a qualified registered North Carolina professional engineer and the engineer shall perform services only in their area of competence and shall be submitted electronically and shall include the following items:

1. **Narrative.** The narrative shall detail how post-development stormwater runoff will be controlled and managed. The narrative shall also verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the design and plans are sufficient to comply with applicable standards and ensure compliance with Section 8.05 and policies found in the Design Manual.

2. **Engineering Drawings.** The signed and sealed engineering drawings shall contain the following items:

    a. Perennial and intermittent streams;

    b. Mapping of predominant soils from soil surveys (if available);

    c. Locations of floodplain/floodway limits;

    d. Relationship of site to upstream and downstream properties and drainages;

    e. Proposed limits of clearing and grading;

    f. Existing and proposed topography and proposed flow paths;

g. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces, as well as any known existing utilities on the site. All notes, plans, calculations and details pertinent to stormwater construction. It is recommended that plans are developed with coordinate geometry referenced to the NC Grid System, since electronic as-builts will later be required in this format;

h. Clear delineations and accounting for all existing and proposed BUA, specifying areas to be removed and any additional BUA requiring stormwater treatment;

i. Storm drainage easements, shall be shown on the plan sheets and labeled "Public Storm Drainage Easement" for all stormwater pipes and open conveyances which convey runoff from public rights-of-way; and

j. The locations of any jurisdictional wetlands and vegetated buffers on the development.

3. **Cost Estimate.** The construction cost estimate for each SCM shall be signed and sealed.

4. **Operation and Maintenance Agreement.** The operation and maintenance agreement shall include all SCM(s) and the drainage system on the development, shall be signed and notarized and shall meet all requirements in Sub-section P below.

5. **Stormwater Plan Review Fee.** The stormwater plan review fee shall be calculated as a standard fee per project plus an additional amount per acre of disturbance. Revisions to approved plans will incur the same fee schedule. If no revisions are required between grading only and full construction plans, then no additional stormwater fees shall be required. Fee schedule can be found on the Stormwater Plan Review website.

L. Stormwater Plan Application Review Process

1. **Initial Plan Review.** The Stormwater Program Manager, or designee, shall review each complete stormwater plan submittal and within thirty (30) days of receipt will either notify the applicant that it has been approved or provide written comments if the plan does not meet the criteria in Section 8.05.

2. **Subsequent Plan Reviews.** The Stormwater Program Manager, or designee, shall review revised plans and within fifteen (15) days of receipt, shall either notify the applicant that it has been approved or provide written comments if the plan does not meet the criteria in Section 8.05.

3. **Performance Securities.** Upon approval of the stormwater plan, the applicant shall submit a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement. The installation performance security shall be the total estimated construction cost of the SCM(s), plus fifty (50) percent plus $2,500 for mobilization per SCM.

4. **Deed Restriction or Protective Covenants.** The approval of the stormwater plan shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

5. **Expiration of Stormwater Plan Approval.** Stormwater management plan approvals shall automatically expire two years from date of approval, and all activities pursuant to such approval thereafter shall be deemed in violation of this Code, when:

    a. The applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the development application, or that was made pursuant to the terms of any development agreement; or

    b. The applicant fails to present a subsequent stormwater plan application within two years as required by this Code. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be two years from the date of approval.

6. **Extensions.** Unless otherwise prohibited, the Stormwater Program Manager may approve a permit extension for a period not to exceed six months from the original date of expiration.

M. Variances from Stormwater Requirements

1. **Variances.** Any person may petition the Board of Adjustment for a variance granting permission to use the person's land in a manner otherwise prohibited by this section. To qualify for a variance, the petitioner shall show all of the following:
    a. Unnecessary hardships would result from strict application of the stormwater requirements;

    b. The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property;

    c. The hardships did not result from actions taken by the petitioner; and

    d. The requested variance is consistent with the spirit, purpose, and intent of this section; will secure public safety and welfare; and will preserve substantial justice.

2. **Board of Adjustment Action.** The Board of Adjustment may seek input from the City of Statesville Stormwater Advisory Committee for variance requests. The Board of Adjustment may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

N. Revocation of Stormwater Plan Approvals

1. **Revocations.** If the Stormwater Program Manager determines that there are reasonable grounds for revocation of a stormwater management plan approval, the Stormwater Program Manager shall set a hearing before the final decision-maker. If the original approval being revoked was made by the Stormwater Program Manager, the hearing shall be conducted by the Board of Adjustment. All other revocations shall be reviewed by the City Council. If the City Council was the original decision-maker, the Council may, at its sole discretion, refer the proposed revocation to the Board of Adjustment for a recommendation prior to its action.

2. **Effect and Appeals.** Effects and appeals shall be handled as follows:

    a. A decision to revoke a development permit shall become final fifteen (15) days after the date the decision is rendered, unless appealed. After the effective date of revocation, any activities continuing pursuant to the permit shall be deemed to be in violation of this Code; and

    b. Written notice of appeal shall be filed with the Stormwater Program Manager no later than thirty (30) days after the date of the action. A meeting date shall be set for the Board of Adjustment within thirty (30) days of receipt of written notice of appeal, or as soon thereafter as is practicable.

3. **Additional Actions.** The City's right to revoke a development permit, as provided in this Section, shall be cumulative to any other remedy allowed by law.

O. As-built Plans and Final Approval

1. **Timing of As-built Submittal.** Upon completion of a project, and before a certificate of occupancy shall be granted and/or installation bonds released, the applicant shall provide certification by the engineer of record that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual as-built plans and calculations for all stormwater management facilities or practices after final construction is completed. As-built plans shall be submitted electronically with units in feet and based on NC State Plane coordinates.

2. **Required Components of As-built Submittal.** The as-built submittal shall include the following items:

    a. Final grading from the development and the locations of all BUA on the sites as well as the total area of BUA installed;

    b. The final design for all SCMs and stormwater drainage system components that includes field location, size, depth, and planted vegetation as installed;

    c. Updated calculations based on the installed topography, BUA, SCMs, and stormwater drainage system; and

d. A signed and sealed certification from the designer that the as-built SCMs and stormwater drainage system is in compliance with the approved stormwater management plans and designs and with the requirements of this Section.

3. **Final Inspection.** A final inspection and approval by the Stormwater Program Manager shall occur before the release of any performance securities.

4. **Other Permits.** No certificate of compliance or occupancy shall be issued by Iredell County without all aspects of this section being met and approval by the Stormwater Program Manager, except where multiple units are served by the stormwater practice or facilities, or where SCMs required by this section are being used for erosion control and a bond is in place for their conversion. In this case, Iredell County shall withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

P. Operation and Maintenance Requirements

1. **General Standards for Maintenance.** The owner of each SCM installed pursuant to this section shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the SCM was designed.

2. **Agreement Requirements.** The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the SCM, and shall state the terms, conditions, and schedule of maintenance for the SCM. In addition, it shall grant to the City a right of entry in the event that the Stormwater Program Manager has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the SCM; however, in no case shall the right of entry, of itself, confer an obligation on the City to assume responsibility for the SCM.

3. **Approval of the Agreement.** The operation and maintenance agreement shall be approved by the Stormwater Program Manager prior to construction plan approval, shall be referenced upon the final plat, or any instrument of title recorded with the county Register of Deeds if there is no recorded plat, and shall be executed by all parties. The original signed and executed maintenance agreement shall be given to the Stormwater Program Manager before a certificate of occupancy will be issued. Property owner shall maintain a record of the operation and maintenance agreement. If unable to locate, owner may request a copy from the Stormwater Program Manager.

4. **Execution of the Agreement.** Prior to the conveyance or transfer of any lot or building site to be served by an SCM pursuant to this Ordinance, and prior to issuance of any permit for development or redevelopment requiring an SCM pursuant to this Ordinance, the applicant or owner of the site shall execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the SCM.

5. **Automatic Transference of the Agreement.** When property, sites, or lots served by the SCM,

are transferred from the original owner or applicant to a new owner, the new owner shall become responsible for carrying out the provisions of the operation and maintenance agreement.

6. **Deed Recordation and Indications on Plat.** The applicable operation and maintenance agreement pertaining to every SCM shall be referenced on the final plat. If no subdivision plat is recorded for the site, then the operation and maintenance agreement shall be referenced upon any instrument of title recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

7. **Signage.** Where appropriate in the determination of the Stormwater Program Manager to assure compliance with this section, SCMs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

8. **Nuisance.** The owner of each SCM or nonstructural BMP, shall maintain it so as not to create or result in a nuisance condition, as enumerated in Chapter 13 of the City's Code of Ordinances.

9. **Maintenance Easement.** All SCMs and associated maintenance accesses on privately owned land except for those located on single family residential lots shall be located in permanent recorded easements for adequate maintenance and repair. The easement shall be a minimum width of ten feet, shall not exceed 3:1 slopes, and extend from the nearest public right-of-way. The easement shall be permanently recorded with the SCM shown and labeled within the easement. The easement shall grant access to the City as the party responsible for enforcing the stormwater program.

10. **Special Requirement for Homeowners' and Other Associations.** For all SCMs required pursuant to this Ordinance and are to be, or are owned and maintained by, a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

    a. Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

    b. Establishment of an escrow account, which can be spent solely on maintenance, repair, replacement, and reconstruction costs of the SCMs. If SCMs are not performing adequately or as intended or are not properly maintained, the City, in its sole discretion, may remedy the situation, and in such instances, the City shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the SCMs, provided that the City shall first consent to the expenditure.

    c. Both developer contribution and annual sinking fund deposits shall fund the escrow account. The total sinking fund budget shall require ten (10) percent of the stormwater control project's original cost of construction within five (5) years following acceptance of the SCM by the City and shall be retained by the owner of the system. Prior to plat

recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to five (5) percent of the initial construction cost of the SCMs. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

d. Requirement that the association is formed and the association bylaws are submitted to the City prior to the conveyance or transfer of any lot, unit, or building site. The Stormwater Program Manager will not approve the final plat until this requirement is met.

e. Grant to the City a right of entry to inspect, monitor, maintain, repair, and reconstruct SCMs.

f. Authorization for the City to recover from the association and its members any and all costs the City expends to maintain or repair the SCMs or to correct any operational deficiencies. Failure to pay the City all of its expended costs, after forty-five (45) days written notice, shall constitute a breach of the agreement. In the case of deficiency, the City shall thereafter be entitled to bring an action against the association and its members to pay or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

g. A statement that this agreement shall not obligate the City to maintain or repair any SCMs, and the City shall not be liable to any person for the condition or operation of SCMs.

h. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City to enforce any of its ordinances as authorized by law.

i. A provision indemnifying and holding harmless the City for any costs and injuries arising from or related to the SCM, unless the City has agreed in writing to assume the maintenance responsibility for the SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.

Q. Installation Performance Security

1. **Need for Security.** The City shall require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the SCMs are installed as required by the approved stormwater management plan.

2. **Amount of Security.** The amount of an installation performance security shall be the total estimated construction cost of the SCMs, or conversion cost if the SCM location is first being used for erosion control purposes, approved under the permit, plus fifty (50) percent

plus $2,500.00 for mobilization. The installation performance security is required to remain in effect until the City has inspected and approved all SCMs. Installation performance securities are required to be submitted to the City prior to issuance of any grading or building permits. Installation performance security amounts may be adjusted upon approval of the Stormwater Program Manager based on updated cost estimates for phased projects and/or where SCM construction is substantially complete but part of the contributory drainage area is still under an erosion control permit.

3. **Forfeiture Provisions.** The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this section, approvals issued pursuant to this section, or an operation and maintenance agreement established pursuant to this section.

4. **Default.** Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any SCM in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Program Manager shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the City shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

5. **Costs in Excess of Performance Security.** If the City acts upon such failure by the applicant or owner, the City may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

6. **Refund.** Within sixty (60) days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25 percent) of landscaping installation and ongoing maintenance associated with the SCMs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

R. Annual Maintenance Inspections

1. **Inspection Reports.** All inspection reports shall be on forms supplied by the Stormwater Program Manager. The first report shall be submitted to the Stormwater Program Manager one (1) year following the final approval date of the SCM and each year thereafter on or before the approval anniversary date.

2. **Maintenance of Records.** The owner of each SCM shall keep records of inspections,

maintenance, and repairs for the most recent five years and shall submit the same upon reasonable request to the Stormwater Program Manager.

3. **Annual Maintenance Inspection.** The person responsible for maintenance of any SCM installed pursuant to this section shall submit to the Stormwater Program Manager an inspection report from a qualified registered North Carolina professional engineer or a qualified professional certified in the state of North Carolina for inspection and maintenance of SCMs. The inspection report shall contain all of the following:

    a. The name and address of the landowner;

    b. The recorded book and page number of the lot of each SCM;

    c. A statement that an inspection was made of all SCMs;

    d. The date the inspection was made;

    e. A statement that all inspected SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this section if the SCM is judged to be in compliance;

    f. An action plan for restoring any SCM that is found to be out of compliance;

    g. Digital photographs from the date of the inspection; and

    h. The original signature and seal of the engineer or certification number of the qualified inspector.

4. **Major Issues with Outlet Structure or Dam Embankment.** Should any major issues related to the outlet structure or dam embankment be noted during the inspection, it shall be required to consult a qualified registered North Carolina professional engineer to assess the maintenance issue and design a signed and sealed repair plan.

5. **City Inspections.** Inspections and inspection programs by City may be conducted or established on any reasonable basis, including but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs.

6. **Owner Refusal of City Inspection.** If the owner or occupant of any property refuses to permit such inspection, the Stormwater Program Manager shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall

obstruct, hamper or interfere with the Stormwater Program Manager while carrying out his or her official duties.

S. Enforcement, Violations, and Remedies

1. **Authority to Enforce.** The provisions of this section shall be enforced by the Stormwater Program Manager, his or her designee, or any authorized agent of the City. Whenever this section refers to the Stormwater Program Manager, it includes his or her designee as well as any authorized agent of the City.

2. **Violation Unlawful.** Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this section, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this section, is unlawful and shall constitute a violation of this section.

3. **Violations Continue.** Any violation of provisions existing on the effective date of this section shall continue to be a violation under this section and be subject to penalties and enforcement under this section unless the use, development, construction, or other activity complies with the provisions of this section.

4. **Each Day a Separate Offense.** Each day that a violation continues shall constitute a separate and distinct violation or offense.

5. **Responsible Persons/Entities.** Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, SCM, practice, or condition in violation of this section shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this section, or fails to take appropriate action, so that a violation of this section results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

   For the purposes of this article, the person(s) responsible shall include but not be limited to:

   a. An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this section, or fails to take appropriate action, so that a violation of this section results or persists; or

   b. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

6. **Remedies and Penalties.** The remedies and penalties provided for violations of this section, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

a. Withholding of certificate of occupancy. Iredell County may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise addressed the violations described therein.

b. Disapproval of subsequent permits and development approvals. As long as a violation of this section continues and remains uncorrected, the Stormwater Program Manager or other authorized agent may withhold, and the City Planning Department or Stormwater Program Manager may disapprove, any request for permit or development approval or authorization provided for by this section or any other ordinance contained the City Code of Ordinances for the land on which the violation occurs.

c. Injunction, abatements, etc. The Stormwater Program Manager, with the written authorization of the City Manager may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction, order of abatement or other civil action to correct a violation of this section. Any person violating this section shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

d. Correction as public health nuisance, costs as lien, etc. If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by G.S. 160A-193, the Stormwater Program Manager, with the written authorization of the City Manager may cause the violation to be corrected and the costs to be assessed as a lien against the property.

e. Stop work order. The Stormwater Program Manager may issue a stop work order to the person(s) violating this section. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

7. **Civil Penalties.** Violation of this Section may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within thirty (30) days after notice of the violation is issued by the Stormwater Program Manager. Civil penalties may be assessed up to the full amount of penalty to which City is subject for violations of its Phase II stormwater permit, or if no Phase II stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.

8. **Criminal Penalties.** Each violation of this section can be enforced as a misdemeanor pursuant to G.S. 14-4, subject to a maximum fine of $500.00. (See Section 8.05 E.1.c.)

9. **Enforcement Procedures.** Enforcement procedures shall be as follows:

   a. Initiation/Complaint. Whenever a violation of this section occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Program

Manager, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Program Manager.

b. Inspection. The Stormwater Program Manager shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this section.

c. Notice of Violation and Order to Correct. The issuance of a Notice of Violation and Order to Correct shall be handled as follows:

   i. When the Stormwater Program Manager finds that any building, structure, or land is in violation of this section, the Stormwater Program Manager shall notify, in writing, the property owner or other person violating this section. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they shall be paid or be subject to collection as a debt.

   ii. The Stormwater Program Manager may deliver the notice of violation and correction order personally, by the City of Statesville Police Department, Iredell County Sheriff's Department, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

   iii. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Program Manager may take appropriate action under this section to correct and abate the violation and to ensure compliance with this section.

10. **Extension of Time.** A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Program Manager a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Program Manager may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding thirty (30) days. The Stormwater Program Manager may grant multiple 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this section. The Stormwater Program Manager may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction shall be made, after which the violator shall be subject to the penalties described in the notice of violation and correction order.

11. **Enforcement After Time to Correct.** After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Program Manager, the Stormwater

Program Manager shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Program Manager may act to impose one (1) or more of the remedies and penalties authorized by this section.

12. **Emergency Enforcement.** If delay in correcting a violation would seriously threaten the effective enforcement of this section or pose an immediate danger to the public health, safety or welfare, then the Stormwater Program Manager may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Program Manager may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

(Ord. No. 13-19, 5-6-2019; Ord. No. 08-21, 3-1-2021, Ord. No. 9-26, 4-13-2026)

Section 8.06 Streets, Sidewalks and Greenway Paths

A. Streets, Generally

All development shall be provided with safe and adequate access designed to accommodate development at maximum planned densities unless the applicant restricts future subdivision through deed restrictions. Street systems shall be designed and constructed in accordance with this Section.

B. Street Design

1. Street Design, Generally

The standards established by this Section shall apply to all public and private streets in the City of Statesville and its ETJ. The City of Statesville's Comprehensive Plan and Mobility and Development Plan shall serve as a guide for the location and scale of future arterial and collector streets.

a. Roadway Improvements not associated with a Traffic Impact Analysis shall be installed per the City Code, the Unified Development Code, and/or the Mobility and Development Plan on the project side of the road or roads adjacent to the subject property or properties. If the improvements required by the Mobility and Development Plan require a divided cross section, only the Curb and Gutter and Sidewalk are required to be installed. The City Engineer may approve a fee in lieu request per Section 1.05 Exemptions.

b. Additional right-of-way and pavement shall be required when existing or newly platted lots abut city or state-maintained roads and the city's Mobility and Development Plan indicates improvements to said streets are planned. The owner shall construct at his cost such additional improvements including dedication of necessary right-of-way for widening of pavement areas.

c. Street and sidewalk design and construction shall be in conformance with the current regulations of the City of Statesville and the North Carolina Department of Transportation. Exceptions to the requirements of this section shall be obtained in writing from the City Engineer and/or NCDOT.

2. Street Classification

All streets shall be classified as arterial, collector, commercial and industrial or local streets. Any street that is not already classified in the City Road System shall be classified by the City Engineer subject to

confirmation by the City Council. In classifying streets, the City shall consider projected traffic demands after twenty (20) years of development.

3. Street Design Standards

See Detail ST-1 Street Design Standards of the City of Statesville's Street Construction Specifications and Details manual.

4. Topography and Arrangement

a. **Alignment:** Street grades and alignment shall be related and integrated with the existing topography. However, a combination of steep grades and curves shall be avoided. Local roads shall be curved wherever possible to avoid the appearance of rigid conformity. All streets shall be arranged in order to gain as many building sites as possible at, or above, the grades of the streets.

b. **Conformance to Existing Plans:** All streets shall be aligned with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Comprehensive Plan, Mobility and Development Plan or adopted technical standards for public improvements.

c. **Related to Land Uses:** All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers to population densities, and to the pattern of existing and proposed land uses.

d. **Conforming to Topography:** Minor or local streets shall be designed to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

e. **Extension:** Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless the City Council finds that the extension is prevented by topography or other physical conditions, or unless, in the opinion of the City Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

f. **Commercial and Industrial Developments:** In commercial and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

5. General Street Arrangement

a. **Adequate Traffic Circulation.** Provisions shall be made for adequate traffic circulation. Local and residential streets shall be designed to allow through traffic, but at limited volume and velocities.

b. **Lot Access.** Every lot shall have approved access to a public right-of-way approved by the City Council. Multiple driveways shall be reviewed and approved by the City Engineer.

c. **Street Connections.** Streets should connect with those already dedicated in adjoining or adjacent subdivisions and provide for future connections to adjoining unsubdivided tracts whenever possible.

d. **Dead End Streets.** If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end streets greater than one hundred fifty (150) feet in length, with the notation on the subdivision plat that the land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary dead-end streets one hundred fifty (150) feet or less are not required to provide a cul-de-sac and may not have any driveway connections. Permanent dead-end streets, of any length, shall provide a cul-de-sac in accordance with Appendix A, Section 8.06, Streets, B. Street Design, 6, Cul-de-sac Street.

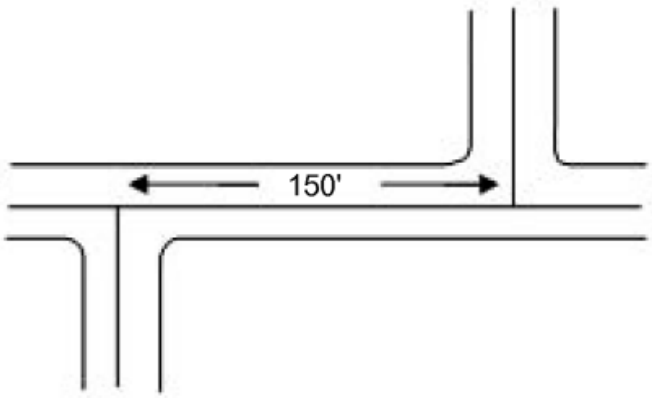
e. **Street Alignment/Jogs:** Offset streets shall be avoided where possible. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street intersection has divided lanes without median breaks. An offset street is illustrated in Figure 8-1.

f. **Intersection of Streets:** The angle of intersection between minor streets and major streets shall not vary by more than twenty (20) degrees from a right angle.

g. **Minimum Curb Radius:** At the intersection of two (2) local or collector streets, the minimum curb radius shall be a least twenty-five (25) feet.

h. **Cross Slope:** The cross slopes of all streets, including intersections, shall not exceed three percent (3%).

Figure 8-1: Offset Street



6. Cul-de-sac Street

See the City of Statesville's Street Construction Specifications and Details manual.

7. Alleys

All alleys must be privately maintained and be provided with a recorded easement or right-of-way. Alleys shall be designed and constructed in accordance with the City of Statesville Street Specifications and Details.

8. Half Streets

Half streets are prohibited.

9. Private Streets

All streets shall be public unless approved by the City Engineer and the Planning Director. Private streets constructed to the less stringent private street standards as outlined in the City of Statesville Street Specifications and Details shall not be eligible to be added to the City System of Streets and shall be maintained by a Homeowners association or other responsible private entity approved by the City. In order for a Private Street to be added to the City System of Streets, it shall be improved to at a minimum meet the standards for public streets. Private streets shall be at a minimum constructed in accordance with the City of Statesville Street Specifications and Details.

10. Secondary Access

Secondary access shall be provided for any residential development creating more than one hundred (100) units, as required by the North Carolina Fire Code, as required by the City of Statesville Fire Marshal's Office, or as required by the City of Statesville Mobility and Development Plan.

Secondary access shall be provided for any non-residential development as required by the North Carolina Fire Code, as required by the City of Statesville Fire Marshal's Office, or as required by the City of Statesville Mobility and Development Plan.

11. Curbs and Gutters

Curbs and gutters shall be required for any existing or new streets, except where the City Engineer has approved a fee in lieu of request Per Section 1.05, Exemptions. All curbs and gutters shall be constructed per the City of Statesville Street Specifications and Details.

12. Street Names

Streets in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.

a. Street names shall not be similar, duplicate, nor sound similar to the names of existing streets in the City or respective counties. Hyphenating, dividing one (1) word into two (2) words, affixing "Drive" for "Road," etc., other manipulations of an existing street name shall not constitute an acceptable street name. Similar sounding names shall be unacceptable regardless of spelling.

b. The established residential street numbering system shall be utilized for every residential, commercial or industrial subdivision. (Contact the Iredell County for naming and numbering assistance.)

c. Every building shall be assigned and shall display a property number. Property numbers shall be so located and of such a size as to be visible from the street. If a mailbox is located at the street, such mailbox shall have the property number affixed thereto with numerals measuring at least three (3) inches in height.

d. It shall be unlawful for any person to alter, deface or take down any property number placed in accordance with this provision except for repair or replacement of such number.

e. The continuation of any road or the design and construction of a new road results in the creation of a four-way intersection, the new road or continued road must have the same name the entire duration of the road unless otherwise prohibited by law.

13. Street Dedication

No road or street shall be accepted by the City unless it meets the design standards established by this Code and all other design standards established by the City. Dedication of half-streets will not be approved.

14. Street Composition

Pavement composition shall meet applicable City or State standards and specifications.

C. Street Construction and Materials

See City of Statesville's Street Construction Specification and Details manual, Section 106, Control of Material.

D. Traffic Control

Traffic control devices shall be provided for new development pursuant to standards adopted by the City and NCDOT, MUTCD Manual.

E. Access Standards

1. Purpose

The purpose of regulating the amount and nature of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions may be required to be shown on subdivision plats.

2. Access to Primary Arterials

Where a residential subdivision borders on or contains an existing or proposed primary arterial, the City may require that access to such streets be limited by one (1) of the following means:

a. Lots shall back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial; or

b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to the primary arterial; or

c. A marginal access or service road (separated from the primary arterial by a ten (10) foot wide planting strip and having access at suitable points).

3. Railroads and Limited Access Highways

Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

a. In residential districts, a Type E Buffer Yard shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat.

b. In districts zoned for business, commercial or industrial uses, wherever practicable, the nearest street extending parallel or approximately parallel to the railroad right-of-way shall be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.

c. When streets parallel to the railroad right-of-way intersect a street that crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4. Driveway Permits

A driveway permit, issued by the City Engineer, is required prior to the construction of any new access point. When a traffic impact analysis is required, no driveway permit will be issued until the traffic impact analysis process has been completed. Any non-residential change in use resulting in the following will require a new driveway permit:

a. an increase of greater than fifty (50) peak hour trips, or

b. a ten percent (10%) increase in average daily trips, or

c. over ten (10) additional daily vehicle trips made by vehicles exceeding thirty thousand (30,000) pounds in gross vehicle weight.

For the purposes of evaluating driveway permit requests, the boundary of the site is considered to be all contiguous parcels under the same ownership on the date of adoption of this provision.

5. Driveway Design Standards

a. **Dimensions:** The minimum driveway width shall be thirteen (13) feet for residential and twenty-five (25) feet for non-residential land uses, and the maximum driveway width shall be twenty-four (24) feet for residential and thirty (30) feet for non-residential land uses. The minimum concrete thickness shall be six (6) inches.

b. **Approach:** The driveways adjacent to paved roads shall provide a concrete driveway approach from the property line to the roadbed edge unless otherwise approved by the City Engineer.

c. **Multiple-Frontage Lots:** When a residential lot has multiple frontages, the driveway(s) shall be located on the street with the lowest functional classification except where the City Engineer determines that commercial traffic would introduce excessive traffic to a local residential street.

6. Reserved.

7. Design Objectives

In reviewing an application for a driveway permit for any non-residential or multi-family use, the City Engineer shall determine that the following objectives have been met:

a. Adequate corner clearance from any adjacent street intersections has been provided to preserve the functional integrity of the intersection, and spacing from adjacent driveways is sufficient to safely minimize conflicts between traffic entering and exiting adjacent driveways;

b. Adequate stopping sight distance and intersection sight distance are provided;

c. Auxiliary turn lanes are provided as needed to:

1. minimize speed differentials with mainline highway traffic,
2. prevent the encroachment of turning vehicles on mainline traffic, and
3. prevent the queuing of inbound traffic from impacting mainline traffic.

d. Sufficient storage distance between the curb line and the first point of conflict for traffic on the site is provided to prevent the backup of traffic onto public streets. This distance shall be adequate to absorb the maximum peak period inbound traffic during the normal weekday;

e. Appropriate conflict reduction measures have been provided to safely manage inbound and outbound traffic. Median design features and driveway channelization shall be used as appropriate to accomplish conflict reduction;

f. Access locations have been properly offset from driveways or street intersections located across the roadway in order to limit conflicts within the mainline or median of the street;

g. The design of the access satisfies standard geometric guidelines for turning radii, driveway slope, angle of entry, design speed and width. The access grade within the public right-of-way shall not exceed three percent (3%). The drainage design of the access should not interfere with the drainage system in the public right-of-way;

h. The access provides for the safe crossing of pedestrians, the handicapped and bicyclists;

i. The installation of necessary traffic control devices for the safe and proper operation of the access meet the requirements adopted by the City and in the case of traffic signals, are located so as to allow

for proper signal coordination and adequate left turn storage needs at the access and nearby intersections;

j. No single family or two-family lot smaller than one (1) acre shall be created which is accessed from an arterial street or a major collector street;

k. These standards are not intended to preclude access to existing lots. Where the City's standards would preclude access to a lot, the Planning Board may vary the access standard.

8. Substandard Access

Where the access standards or design objectives of this section cannot be met, the City Engineer shall be guided by the following process in determining whether substandard access may be permitted.

a. The City Engineer shall first determine whether alternate access to another street that meets the standards of the Code.

b. Where alternate access opportunities are determined not to exist, the City Engineer may grant a reduction in spacing standards of up to twenty percent (20%).

c. If after considering alternatives under (1) and (2) above, the City Engineer determines that no feasible alternatives exist, a substandard access permit may be granted subject to variance provisions and the following findings:

1. Conditions or circumstances exist which limit the strict application of the requirements of this Code, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;

2. The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and

3. The limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.

9. Acceleration and Deceleration Lanes

For any driveway or street located on an arterial street, except driveways serving one (1) to five (5) single-family residences, acceleration and deceleration lanes shall be provided. The minimum length for deceleration lanes shall be one hundred twenty (120) feet for collector streets or two hundred (200) feet for arterial streets except that either the City Engineer or the State Department of Transportation's district traffic and safety engineer, as applicable, may specify longer or shorter lanes based on grade, distance from an intersection, design speed, etc. The City Engineer shall make recommendations to the district traffic engineer on the need for and design of acceleration lanes on State routes. The City Engineer shall determine the need for and design specifications for acceleration lanes along City streets.

10. Reserved.

F. Oversizing Streets

1. Responsibility

Where a designated street, according the Mobility and Development Plan, runs through the proposed subdivision, the applicant shall be responsible for the construction of such street to a collector street standard.

2. Reimbursement and Costs

If the designated street exceeds the collector standard, the applicant may be required to construct the designated street subject to reimbursement by the City for the construction cost of the difference between the collector street and arterial street. Should reimbursement funds by the City not be available, the applicant's responsibility for construction shall be limited to a collector standard; however, the design shall be modified to facilitate future expansion of such street. Any required improvements deleted by the City Engineer in order to facilitate the future street expansion shall not relieve the responsibility of the subdivider for such improvements. The cost of such deleted improvements shall be paid to the City. Such monies shall be deposited in a street construction fund such as a transportation improvement fee fund, which may be expended by the City Council for the purpose of construction of arterial and collector streets within the City. Should the subdivider make such payments, he shall be relieved of any obligation for the completion of such deleted improvements.

G. Other Improvements

1. Sidewalks

a. Sidewalks shall be required in accordance with specifications approved by the city engineer on both sides of all existing and new city or state maintained streets except for existing residential lots, minor subdivisions with three (3) lots or less or where the City Engineer has approved a fee in lieu of request per Section 1.05(C).

b. **Easements:** Sidewalk easements shall be a minimum of ten (10) feet in width if adjacent to a public street or land. The minimum width of the sidewalk easement between the rear or side lot lines of a parcel shall be fifteen (15) feet, unless approved otherwise by the City Engineer.

c. Sidewalks shall be designed accordance with specifications approved by the city engineer and the Americans with Disabilities Act, provided that the City Engineer may approve a different standard for walkways across private property.

d. In such cases where sidewalks are being installed across existing driveways, such driveways shall be cut, and sidewalks installed in accordance with specifications approved by the city engineer.

2. Greenway Path Standards

a. Greenway paths shall be required in accordance with the Mobility and Development Plan.

b. Greenway paths shall be designed in accordance with specifications approved by the city engineer and the Americans with Disabilities Act, provided that the City Engineer may approve a different standard for walkways across private property.

c. Greenway paths shall be located within a dedicated right-of-way or access easement.

d. **Easements:** Greenway path easements shall be a minimum of twenty (20) feet in width.

3. Street Lighting

Installation of street lights shall be required in accordance with design and specification standards approved by the Director of Electric Utilities. Developers should make early contact with the applicable power company in order for a lighting plan to be developed, approved and installed in a timely manner.

4. Utilities

a. **Location:** All existing utility facilities throughout the subdivision shall be shown on the preliminary plan and located in compliance with City standards. In addition, all proposed utility facilities, except electric should be shown on the preliminary plan. (Note: Electric Utility facilities are designed and installed by the applicable electric utility.)

b. **Easements:** Easements as required by the City Engineer shall be provided for utilities (private and municipal) and such easements shall be at least twelve (12) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

c. Slopes from the back of curb to the edge of right-of-way shall be no greater than one-quarter (¼) foot to one (1) foot to accommodate utility installation.

5. Street Trees

Street trees shall be planted unless the Board of Adjustment, upon recommendation of the City Arborist/Line Clearance Supervisor, grants a variance. The variance shall be granted only if there are trees growing along the right-of-way or on the abutting property that, in the opinion of the Board of Adjustment, comply with these regulations.

H. Traffic Impact Analysis

The purpose of a traffic impact analysis (TIA) is to assess the impact of a proposed development on the existing transportation system. A TIA will (1) ensure that the transportation network has adequate capacity to handle projected transportation demand associated with the project, (2) identify problems with the transportation system, (3) delineate solutions to identified problems, and (4) identify improvements to be incorporated into the proposed development.

1. TIA Required

Applicants for development authorization in which the proposed development, redevelopment, or change of use is expected to generate two thousand (2,000) or more trips daily shall have prepared by

a qualified professional a TIA meeting the guidelines established in this section. In addition to the foregoing, the City Engineer or Planning Director shall have the discretion to require a TIA when there are localized safety or capacity deficiencies or a proposed access is within one thousand (1,000) feet of an interchange or where known problems exist or are anticipated.

2. Pre-submittal Conference

An applicant for development authorization for any project expected to meet or exceed the TIA threshold specified in Section 1, above, shall schedule a pre-submittal conference with the City. The engineering firm selected to prepare the TIA shall attend this meeting. The purpose of the meeting is to establish the study area, the trip distribution, the traffic counts to be utilized, approved developments in the area, pass-by and internal capture percentages, additional hours of analysis, if required (other than a.m. or p.m. peak), and resolve any other questions specific to the site.

3. TIA Submission

Three (3) copies of the TIA, if required, shall accompany the application for development authorization. The TIA shall be prepared by a licensed engineer registered to practice in the State of North Carolina who shall have traffic assessment and transportation management experience. At a minimum, the TIA shall include the following:

a. Study purpose and objectives.

b. Description of the site and study area boundaries including appropriate mapping and rationale for selection of the study area boundaries.

c. A summary of existing conditions including, but not limited to, surrounding street and key intersection traffic volumes (daily and peak-hour), turning movements, capacities, safety deficiencies, and funded transportation improvements.

d. Anticipated or approved development in the area.

e. Trip generation, trip distribution, and discussion of the following:

1. Trip generation rates shall be based on trip generation rates contained in the latest edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE). The applicant shall also provide the ITE code used to identify the development trip generation rate and assumptions used or data collected for any variations from generally accepted ITE rates or equations.
2. Pass-by trip factors and assumptions.
3. Internal trip assumptions for mixed use developments.
4. Trip distribution assumptions.

f. Projection of future traffic volumes and assessment of future roadway and intersection operating conditions for the year of the ultimate completion of the project. All projections should specifically document projected background traffic as well as the traffic generated by the proposed development.

If the project is to be phased; projections for each phase of the development is required. If the unphased build-out period of the project is greater than nine (9) years, then a minimum of one (1) intermediate and one (1) full build-out projection is required. All projections and assessments should include the following three (3) scenarios:

1. No build.
2. Maximum possible development under existing use or zoning. Applicant shall conduct assessment of project phasing. The impact of the development of a particular phase is not to be compared with the total possible build-out of the entire project location.
3. The development as proposed.

g. Analysis of the key elements of the development and evaluation of the impacts of the development on the following:

1. **Generalized Peak Hour and/or Daily Link Level of Service (LOS) Analysis.** Using the peak hour directional volumes and daily traffic volumes forecast and service thresholds, a general evaluation shall be made of the street system for the short term and long-term horizon years. If the project is to be phased; then an assessment of conditions after the completion of each phase of the development is required. Incremental differences attributable to the land use action shall be identified. A map showing generalized levels of service shall be presented for each design year.
2. **Access Analysis.** The design, number, and location of access points to collector and arterial roadways must be fully analyzed. The number of access points shall be kept to a minimum and be designed to be consistent with the type of roadway facility. Access analysis shall include a strip accident, intersection accident analysis and bicycle/pedestrian analysis.
3. **Intersection Analysis (Signal Warrant Analysis, Phasing Analysis, Intersection Crash Analysis and Progression Analysis).** The appropriateness of the development's access locations and type must be established. For full-access locations, a signal warrant analysis based on the *Manual on Uniform Traffic Control Devices* must be conducted for each design year. Traffic signals specifically warranted by the land use action shall be identified.
4. **Peak Hour Intersection Level of Service.** An AM and PM peak hour intersection level of service analysis shall be conducted for each intersection, based on procedures specified in the most recent release of the *Highway Capacity Manual*. Levels of service for signalized intersections shall be based on the signal timings developed for the signal progression analysis.
5. **Turn Lane Storage Requirements.** Turn lane storage needs shall be identified for the "warranted" situation, based on projected turning volumes and AASHTO analytic techniques. Appropriate documentation of the calculations must be provided.
6. **Sight Distance.** The identification of sight distance at the development entrances and all internal streets shall be conducted.

7. **Appropriateness of Acceleration or Deceleration Lanes.** All proposed development access points on arterials shall be evaluated to determine the need for acceleration lanes or deceleration lanes, with justification and basis provided for recommendations.

8. **Pedestrian and Bicycle Analysis.** Continuity and adequacy of pedestrian and bike facilities shall be provided to the nearest attraction (existing or planned) within one-quarter (¼) mile of the development site. Destinations of significance include bus stops, elementary schools, parks, activity centers and major bicycle facilities. Adherence to the Americans with Disabilities Act (ADA) shall be required.

9. **Public Transportation Analysis.** Existing and proposed (if any) public transportation facilities analysis shall be provided.

10. **Special Analysis/Issues.** The City may require specific focused traffic analyses relative to the proposed development.

h. Recommendations for site access and transportation improvements or mitigation measures needed to maintain traffic flow to, from, within and adjacent to the proposed development at an acceptable and safe level of service (generally assumed at LOS D or better).

i. Data collected for the study shall be made available to the City for evaluation of the study conclusions. The format for data submission as well as format for data to be provided to the City will be determined at a pre-consultation meeting between the applicant and the City. The City shall be granted the right to use, copy and share the TIA results as deemed appropriate by City staff.

(Ord. No. 01 -15, 1 -12-2015; Ord. No. 48- 21, 12- 20-2021; Ord. No. 11- 23, 4- 3-2023; Ord. No. 19-23, 5 -1-2023; Ord. No. 30- 23, 8- 7-2023.)



Article 9. Definitions

Section 9.01 Rules of Interpretation
Section 9.02 Definitions

ARTICLE 9. DEFINITIONS

Section 9.01 Rules of Interpretation

The following rules apply to the text of this ordinance:

A. The particular controls the general.

B. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative example, the text shall control.

C. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "should" is discretionary.

D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".

G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more times, conditions, provisions, or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
3. "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

I. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

J. Words not defined in sections of this ordinance shall have the meaning commonly assigned to them. The reference for dictionary common meanings shall be the latest edition of Webster's New World Dictionary of the American Language.

Section 9.02 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section.

Accessory - having a subordinate function. (See also building, accessory; structure, accessory; and use, accessory).

Addition - any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Administrative Decision - decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in G.S. Ch. 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative Hearing - a proceeding to gather facts needed to make an administrative decision.

Adult Arcade - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.

Adult Bookstore - a bookstore which receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. § 14-202; or has as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. § 14-202.10.

Adult Cabaret/Club - a nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one (1) of its principal business purposes: persons who appear nude or semi-nude; or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or films,

motion pictures, video cassettes, slides, or other photographic reproductions which depict specified sexual activities or specified anatomical areas.

Adult Care Center - any establishment which provides supervision and care for adults on a regular basis for more than five (5) persons unrelated to the operator for a period of less than twenty-four (24) hours a day and receives a fee or grant for any of the adults receiving care, wherever operated and whether or not operated for a profit.

Adult/Child Home Day Care - a residence within which child or adult care and supervision is provided for less than a twenty-four (24) hour period. The childcare or adult care center must meet the requirements of the North Carolina Department of Health and Human Services.

Adult Entertainment Establishment - any structure or use of land that is defined in G.S. § 14-202 and/or including the following: adult arcades, adult bookstores, adult cabarets/clubs (such as "topless" dancing), adult live entertainment, adult live entertainment business, adult motels or hotels, adult motion picture theaters, adult mini motion picture theaters, adult theaters, adult video stores, escort agencies, adult massage business, nude model studios, sexual encounter centers.

Adult Live Entertainment - any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.

Adult Live Entertainment Business - any establishment or business wherein adult live entertainment is shown for observation by patrons.

Adult Massage Business - any establishment or business wherein massage is provided for entertainment purposes. In this context, health related massage and therapies are not inclusive of this type of business.

Adult Mini-Motion Picture Theater - an enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motel or Hotel - a motel, hotel or similar commercial establishment that:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassette, slides, or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas as one (1) of its principal business purposes; or

B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater - an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. (Adult motion picture theater does not include any adult mini-motion picture theater as defined in this section.)

Adult Theater - a theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one (1) of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas or specified sexual activities.

Adult Video Store - a commercial establishment which as one (1) of its principal business purposes offers for sale or rent for any form of consideration any one (1) or more of the following:

A. Video cassettes, video reproductions, photographs, films, motion pictures, slides, or other visual representation that depict or describe specified sexual activities or specified anatomical areas; or

B. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Alcoholic Beverages - beverages containing more than one-half percent (0.5%) alcohol by volume.

Alley - a dedicated and typically privately maintained right-of-way, twenty (20) feet or less in width, that provides a secondary means of access to abutting property and not intended for general vehicular traffic circulation.

Animal Hospital or Veterinary Clinic, General - any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured, or disabled animals other than humans.

Animals, Household - animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include, but not be limited to, domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatiels, finches, toucans, mynah birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians, and aquarium fish.

Appeal - a request for review of a determination or action of the City or its officials by the appropriate reviewing authority.

Approved - any standard, procedure, provision, construction, improvement or plat which has either been reviewed or inspected and found to be in compliance with and acceptable in accordance with the plans and policies officially adopted by the City of Statesville.

Area of Shallow Flooding - a designated AO or VO Zone shown on a Flood Insurance Rate Map (FIRM), which have base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Art Gallery - the use of a structure or building for the display of sculpture, painting, photographs, or other artistic works for public viewing with only incidental sales.

Art Studio - the use of a structure or building primarily as a work room for an artist. Viewing and/or sales are prohibited.

Average Grade - the average elevation between the highest and lowest point of the foundation.

Bakery - the use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this ordinance as a use under "Retail" the bakery products produced must be for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this ordinance, shall be considered manufacturing.

Bank - financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

Basement - the lowest story of a structure which has its floor below grade on all sides.

Bedroom - a room designated as sleeping or bedroom on building plans and/or permit application. Also see "sleeping unit."

Bio Fuels - liquid fuels derived from plant materials.

Bioethanol - an alcohol made by fermenting the sugar components of sugar and starch crops. It can be used in its pure form but typically used as a gasoline additive.

Biodiesel - made from vegetable oils, animal fats, or recycled greases. It can be used in its pure form but typically used as a diesel additive.

Block - a parcel of land which is bounded by streets, highways, and/or railroad rights-of-way, parks or open space, undeveloped land, water-courses or bodies of water or a combination thereof.

Boarding/Rooming House/Bed and Breakfast - a dwelling or group of dwellings, as distinguished from a motel, containing in combination three (3) or more lodging units intended primarily for rental or lease for periods of longer than one (1) week, with or without board for not more than ten (10) persons.

Breakaway Wall - a wall that is not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten (10) nor more than twenty (20) pounds per square foot (between ten (10) and twenty (20) psf). A wall with loading resistance of more than twenty (20) pounds per square foot requires an architect or professional engineer's certificate.

Brewery - an establishment where beer and malt beverages are made on the premises at an annual beer production rate of over fifteen thousand (15,000) barrels of beer per year. All applicable NC ABC Permits are required.

Brewpubs - an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant. Where allowed by law, brewpubs may sell beer for off-premises consumption and/or distribute to offsite accounts. All applicable NC ABC Permits are required.

Buildable Area, Building Envelope - a portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory - a subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and less than the square footage of the principal building.

Building, Principal - a building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.

Building Height - see Section 6.02 E.

Building Lines - lines that are tangent to the exterior surfaces of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side and rear lot lines, and referred to as front, side and rear building lines, respectively.

Building Setback Line - a line parallel to a property line.

Business Services - an establishment offering primarily services to the business community and to individuals. Such services include, but are not limited to, advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security services, insurance agency, management consulting and public relations services, news syndicates, personnel services, photography, art and graphics services, and real estate services.

Camp - land containing two (2) or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or cabins, for recreation, education or vacation purposes.

Campsite - any plot of ground within a camp intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

Car Wash - an establishment engaged in the business of washing domestic vehicles with self-serve, automated or staffed facilities.

Carport, an open-sided automobile shelter that is accessory to a principal structure.

Cemetery, Human - land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Cemetery, Pet - land used or intended to be used for the burial of animals in individual burial plots or a mausoleum and dedicated for cemetery purposes.

Certificate of Occupancy - a document issued by an authorized official setting forth that land, a building or structure legally complies with the City of Statesville building code, housing code, this ordinance and other pertinent local and State requirements and that the same may be used for the purposes stated therein.

Certificate of Zoning Compliance - a document issued by the planning director or his designee certifying compliance with all terms of an approved zoning compliance permit. It may either be a separate document or part of the normal documents associated with a certificate of occupancy, occupational license, building permit, or the like.

Child Care Center - any establishment that provides supervision and care for children on a regular basis for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: Public schools and non-public schools which are in compliance with the compulsory school attendance law, summer camps having children in full-time residence; summer day camps, and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

Child/Adult Home Daycare - a residence within which child or adult care and supervision is provided for less than a twenty-four (24) hour period. Child care is limited to no more than five (5) preschool aged children, including the caregiver's own preschool aged children; plus up to three (3) school aged children. Adult care is limited to five (5) adults unrelated to the caregiver.

Child Care Drop-In/Short Term Facility - a child care arrangement where children attend on an intermittent unscheduled basis.

Church, Storefront - see Houses of Worship, Storefront.

Church/Synagogue - see Houses of Worship.

Circulation Area - that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

City - the City of Statesville, North Carolina.

City Council - the City Council of the City of Statesville, North Carolina.

Clubs, Civic and Private - an organization that is established and operated solely for a social, recreational, patriotic, cultural or fraternal purpose on a nonprofit basis.

Collector Vehicle - a specialty vehicle that is not used as an everyday vehicle and is looked upon as an investment opportunity. Collector vehicle values do not typically depreciate. Kit cars, muscle cars, motorsports vehicles, street hot rods, and limited production models can be considered a collector vehicle. Antique and classic vehicles fit under this definition as defined by the Classic Car Club of America and/or the North Carolina Department of Insurance.

Common Open Space - a parcel of land, body of water, or combination thereof, designed and intended for the use or enjoyment of residents of a particular development or the general public. Common open spaces may contain accessory structures and

improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. Credit for common open space shall not be given for public rights-of-way or easements, public or private streets, parking areas, or driveways. Common open space may include floodplain, but not floodway.

Communication Towers - a tower facility, including, but not limited to, radio and television transmission towers, microwave towers or mobile telephone towers. This does not include ham radio antennas or two-way local radio facilities, or public safety or emergency services communication structures.

Community Center - a structure or building used by members of a community, as opposed to the general public, for social, cultural or recreational purposes and which are generally utilized by local clubs or groups, homeowners or civic associations or other such community groups.

Community Recreational Uses - parks and playgrounds, community centers, recreation clubs, such as Boys and Girls Clubs; golf clubs; swimming clubs; tennis clubs; country clubs; and paddle, racquetball, handball courts and greenways.

Comprehensive Plan - the most recently adopted Comprehensive Plan of the City of Statesville, NC, which includes the Land Development Plan, Mobility and Development Plan, Downtown Study, facility master plans, area plans and other documents addressing Statesville's future that are adopted by the City Council.

Conditional Use Overlay District - governs certain uses that would be inappropriate at particular locations in the absence of special conditions. The conditions imposed by the Conditional Use Overlay District apply in addition to the standards of the base zoning district.

Condominium - Real estate developed pursuant to the North Carolina Condominium Act, North Carolina General Statute Chapter 47C.

Congregate Living Facility - any building, buildings, section of a building, or distinct part of a dwelling unit, boarding/rooming house, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, housing, food services, and one (1) or more personal care services to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the N.C. Department of Social Services. ("Personal services," for the purpose of this definition, means services in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered

medication, transportation, emotional security, and other related service. Personal service does not include nursing or medical treatment.)

Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this ordinance, congregate living facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing, convalescent and extended care facilities.

Construction Plans - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City of Statesville.

Contiguous Property - all parcels or tracts of land under single ownership which continuously abut or adjoin each other.

Contractors Office - an establishment engaged in the provision of construction activities including, but not limited to, plumbing, electrical work, building, paving, carpentry and other such contracting activities. This facility shall serve as the office and dispatch area only.

Correctional Facility - a publicly or privately owned building(s), and all accessory uses and structures used for long term confinement housing and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A correctional facility is distinguished from a jail, in that a correctional facility is considered to be a larger, long term incarceration facility normally operated under the authority or jurisdiction of the State or Federal government and housing persons that have been convicted.

Crematorium - an establishment for the burning of human or animal remains.

Cultural Facility - the use of land, buildings, or structures to provide educational and informational services to the general public, including, but not limited to, aquariums, arboreta, botanical and zoological gardens, art galleries, museums, and libraries.

Customary Home Occupation - see Section 5.02.

Dedication - a gift, by the property owner, of a right to use land for stated purposes. This gift is usually made to the general public or to specific members of the public, notably purchasers of a lot within subdivision. A dedication is made by written instrument and is completed with acceptance. A dedication itself is not a commitment on the part of the City of Statesville or any other government entity to maintain or develop said dedication.

Determination - a written, final, and binding order, requirement or determination regarding a decision.

Developer or Subdivider - any person, firm or corporation that owns or has interest in land and causes it, directly or indirectly to be divided into a subdivision as defined herein.

Development - unless the context clearly indicates otherwise, the term means 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.A. 160D-802.

D. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval - an administrative or quasi-judicial approval made pursuant to G.S. Ch. 160D 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 G.S. Ch. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Regulation - a unified development code or ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, or any other regulation adopted pursuant to G.S. Ch. 160D, or a local act that regulates land use or development.

Distillery - an establishment engaged in the production and distribution of spirituous beverages at an annual rate of over fifty thousand (50,000) proof gallons a year. A tasting room to sample only the product produced on site is permitted. All applicable NC ABC Permits are required.

Domestic Vehicles - any vehicle, licensed by any state of the United States or Mexico or province or territory of Canada, as a private vehicle for operation on streets and may include, but not be limited to, automobiles, private pickup trucks and vans.

Dormitory - a building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage,

convent, monastery, or other similar use. Dormitories do not include kitchen facilities except a group kitchen to serve all residents.

Drinking Establishment - an establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent (50%) of the facility's total sales, the facility shall be considered an eating establishment.

Drive-in Theater - a facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Drive-in Window - a window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Driveway - that portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dry Cleaner - an establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaner, Small - an establishment which employs not more than five (5) persons engaged on a small scale in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant - an establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dwelling Unit - One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters for one (1) family, with a separate entrance and cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not dwelling units. (see G.S. 160D-706(b).

Dwelling Unit, Accessory - a subordinate structure containing a single dwelling unit that is incidental to the primary structure.

Dwelling Unit - Attached (Townhouse) - a dwelling unit located within a building and attached to other similar dwelling units in which each unit is located on an individually owned parcel, within a development containing facilities and areas owned in common.

Dwelling Unit - Attached (Townhouse) Lot - a parcel meeting dimensional standards supporting a single family residence that is part of a multi-family development with shared walls.

Dwelling Unit - Multi Family - a building or portion thereof used or designed for five (5) or more dwelling units; the term includes apartments, townhomes, and condominiums.

Dwelling Unit - Single Family - a structure composed of a single dwelling unit.

Dwelling, Single Family, Affordable Housing: Residential units encumbered by a recorded deed restriction requiring occupancy and pricing to be limited to households at or below a specified percentage of Area Median Income (AMI), for a defined affordability period, consistent with US Housing and Urban Development (HUD) income limits.

Dwelling Unit, Small-Scale Attached Multi-Family- a structure composed of two (2), three (3), or four (4) attached dwelling units on the same parent parcel. Also, known as missing middle housing, mansion apartments, small footprint apartments, duplex (side by side or stacked), triplex, fourplex, or quadplexes.

Dwelling Unit, Small-Scale Mixed Use- a dwelling unit or units located on a floor above a non-residential use(s) on the ground floor. May include live-work buildings (built to residential code in which the operator lives and works in the same unit) or commercial with upper-story residential.

Dwelling Unit - Upper Story Residential - a dwelling unit located on a floor above a nonresidential use on the ground floor.

Eating Establishment - an establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state. Sit-down eating establishments are those at which food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables. Walk-in/drive-in eating establishments are those at which the customers receive but do not consume the food and/or beverages at a counter, bar, or from a drive-in window.

Easement - a grant by the property owner for use by the public, a corporation or persons of a strip of land for specified reasons. No transfer to ownership is involved.

Electrical/Electronic Repair, Large - an establishment engaged in the repair of electrically powered equipment or electronic equipment such as, but not limited to, large appliances, large computers, radio and television broadcasting equipment, and similar items.

Electrical/Electronic Repair, Small - an establishment engaged in the repair of electrically powered equipment of electronic equipment such as, but not limited to, small appliances, televisions, radios, noncommercial stereo equipment, personal or mini computers, and

similar equipment. As a general rule, if the item is too large to be hand carried by one (1) or two (2) people, it is not considered small equipment.

Escort Agency - a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its principal business purposes, for a fee, tip, or other consideration. An escort means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Exception - a deviation from the standards of this Code that is specifically authorized in the Code and does not require the approval of a variance by the Board of Adjustment.

Evidentiary Hearing - a hearing to gather competent, material, and substantial evidence in adopted under G.S. Ch. 160D.

Family - any number of people related by blood, marriage or adoption or not more than five (5) unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

Family Care Home - a residential home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident persons with disabilities as it is set forth in G.S. § 168-21. Persons with disabilities has been set forth in G.S. § 168-21 as a person with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. § 122C-3(11)(b).

Farming (Agriculture) - the use of the land for:

A. The tilling of the soil;

B. The growing of crops or plants, including truck farming, field crops, vegetables, fruit, nut, sod, seed, or tree production;

C. Pasturage, including pasture for cattle, horse, sheep or goats and other farm animals;

D. Forestry and other forms of food and fiber production for human and animal consumption;

E. Greenhouses, nurseries and ornamental horticulture;

F. The raising, breeding, working and use of farm animals;

G. Aquaculture;

H. Bee keeping.

Fitness Center - a residential or non-profit recreational land use that may include exercise equipment, weight training, classes for aerobics, Zumba, and other recreational or sports related classes. To be used in conjunction with a housing subdivision, Planned Unit Development (PUD), non-profit/institutional such as a YMCA (compliance with Section 5.04 (AAA) is required).

Floor Area - the sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor area used for habitation, access and storage. Not countable as floor area are open terraces, patios, atriums, balconies, breezeways, and outside open space devoted to commercial and service uses. Also not included are tool sheds, special purpose areas for common use (for instance, recreation and social rooms) and open basement areas not used for habitation.

Floor Area, Gross - The floor area calculated based upon the outside dimensions of a building or structure.

Floor Area, Net - The floor area calculated based upon the inside dimensions of a building or structure, minus those area not countable as floor area.

Floor Area Ratio - the ratio of permitted floor area to the gross land area of the lot.

Floor Area Ratio, Maximum Permitted - the floor area ratio permitted as a right in the several districts, excluding any bonus or transferred floor area.

Fraternity/Sorority House - a dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college students who are affiliated with a social, honorary, or professional organization recognized by the college or university.

Frontage - all the property abutting on one (1) side of a street or between two (2) intersecting streets measured along the street line.

Funeral Parlor - an establishment engaged in preparing human remains for burial and conducting funerals.

Furniture Refinishing/Repair Establishment - an establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other like refinishing of the wood and metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

Garage, Private - a part of a building designed and used to contain no more than the number of vehicles in use in the principal structures.

Gas Station - an establishment where gasoline, diesel fuel and/or biofuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at such facilities but the sales shall be accessory to the sale of gasoline or diesel fuel.

Group Home - see Congregate Living Facility or Family Care Home.

Gym - a commercial land use conducted entirely inside a building that may include exercise equipment, weight training, classes for aerobics, Zumba, martial arts and other recreational or sports related classes.

Handicapped - a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined by State law.

Health Services - the use of land, buildings and structures for uses such as, but not limited to, health practitioners, animal hospital or veterinarian clinic, hospitals, medical and dental laboratories, nursing, convalescent and extended care facilities, rehabilitation centers and sanitarium/mental institutions.

Herein - within this article or section.

Hereto - accompanying this article or section.

Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the walls of the proposed structure.

Home Day Care - a Family Care Home providing care for children or adults.

Homeowner's Association - an incorporated, nonprofit organization established by a developer or an association of property owners whose membership shall consist of individual property owners of a subdivision and operating under recorded legal agreements.

Hospital - an institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services and staff offices.

Hotel/Motel - a building or group of buildings containing lodging units intended primarily for rental or lease to transients by the day or week, and which often provides additional

services such as restaurants, meeting rooms and recreation facilities, available to general public and guests.

House of Worship - tax exempt buildings uses for nonprofit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by such House of Worship.

House of Worship, Storefront - a House of Worship in a building designed to be occupied or previously occupied by a commercial business.

Includes - shall not limit the term to specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Incremental Master Development Plan - plan depicting a more detailed configuration of uses for a particular phase of development. This plan will define the land uses, layout and densities to be built on that portion of the site. The plan must be consistent with the approved Development Conditions and Land Use Plan. Incremental Master Development Plan is more clearly explained in Article 3.

Infill Development - development of existing platted lots smaller than ten thousand (10,000) square feet or development of a parcel with existing structures on three (3) or more sides, or any development falling within the CB, CBP or designated historic district.

The term infill development, when used in context with multi-family development projects, shall also refer to existing parcels of property zoned either R-5MF and R-8MF as of December 31, 2022 meeting applicable standards of the UDO allowing for staff approved multi-family development projects.

Insignificant Deviations - a deviation is insignificant if it has no discernable impact on neighborhood properties, the general public or those intended to occupy or use the proposed development.

Jail - a publicly-owned building(s) and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for misdemeanor violations of criminal laws, or who are awaiting trial for alleged violations of criminal laws, not including temporary holding facilities that are accessory to a police station. This definition does not include correctional facilities.

Junk - old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, recreational vehicles and parts thereof.

Junkyard - land used for the storage, keeping, handling, or display of junk.

Kennel - any lot or premises on which six (6) or more household or exotic animals, more than six (6) months of age, are housed, groomed, bred, boarded, trained, or sold.

Land Excavation - removal of five hundred (500) cubic yards or more of sand, soil, peat, muck, clay, stone, shell and the like, for disposal off-site.

Land Use Concept Plan - a drawing or series of drawings that is intended to demonstrate the proposed mix of land uses within the property, general locations of such land uses and the overall transportation circulation pattern within the property.

Landfill, Beneficial - property available for development which requires clean fill dirt from an off-premises source to improve land use potential.

Landfill, Clean Material - land used for the disposal of only non-water-soluble, non-decomposable, inert material, consisting of concrete, brick, steel, clean fill dirt and other similar material.

Landfill, Sanitary - a facility used for the disposal of solid waste excluding hazardous waste. Sanitary landfills are divided into two (2) classes based on the amount of wastes received.

A. Class A sanitary landfills are those which receive solid waste at a monthly average of more than twenty (20) tons of solid waste per day or more than fifty (50) cubic yards of solid waste per day.

B. Class B sanitary landfills are those which receive solid waste at a monthly average of twenty (20) tons or less of solid waste per day or less than fifty (50) cubic yards of solid waste per day.

Legislative Decision - the adoption, amendment, or repeal of a regulation under Chapter Ch. 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of Chapter 160D.

Legislative Hearing - a hearing to solicit public comment on a proposed legislative decision.

Levee - a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Library - a building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Life Care Treatment Facility - an establishment which provides one (1) or more levels of personal care services and which may include a nursing convalescent and extended care facility, eligible for approval by the N.C. Department of Social Services.

Liquor Store - an establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises.

Livability Space - a portion of total open space appropriately improved and located as outdoor living space for residents and for aesthetic appeal. Such space includes lawns and other landscaped areas, walkways, paved terraces and landscaped portions of street rights-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency access.

Loading, Off-Street - space located outside of any street right-of-way easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Local Administrator - the City Manager.

Lot - a portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes the words "plot" or "parcel."

Lot, Corner - a lot abutting upon two (2) or more streets at their intersection.

Lot Depth - the mean horizontal distance between front and rear lot lines.

Lot, Double Frontage - a continuous or through lot of the same depth as the width of a block containing two (2) tiers of lots and which is accessible from both of the parallel streets upon which it fronts. Corner lots fronting on three (3) streets shall be included.

Lot Front - the portion of a lot abutting the street right-of-way. On corner lots the lot front shall be that portion of the lot abutting the street right-of-way which the principal structure faces. In the event of a principal structure which faces the corner of an intersection the lot front shall be that portion of the lot between the structure and the right-of-way of the major intersecting street.

Lot Line - a line that marks the boundary of a lot.

Lot Line, Interior - any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot, Reverse Frontage - a continuous or through lot which is accessible from only one (1) of the parallel streets upon which it fronts.

Lot Line, Street - any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

Lot of Record - a lot which is part of a subdivision, the plat of which has been recorded in the appropriate office of the register of deeds, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in said office, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lot Width - the horizontal distance measured along a straight line connecting the points where the minimum front yard line meets the interior lot lines, or, if on a corner, the other front yard line.

Lowest Floor - any floor, including a basement, used for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.

Lumber/Building Material Sales - an establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors, and other materials used by individuals or builders. All materials shall be stored and sold from a completely enclosed building with the exception of the lumber which may be stored in buildings with a roof.

Lumberyard - an establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber.

Major Design Modifications - Any change to the PUD plan not classified as an Insignificant Deviation or a Minor Design Modification and shall require an amendment to and modification of the PUD.

Manufactured Home - a dwelling unit that (1) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; (2) exceeds forty (40) feet in length and eight (8) feet in width; and (3) is not constructed in accordance with the standards set forth in the North Carolina State Building Code.

Manufactured Home, Class A - a manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of

Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies "acceptable similarity" appearance criteria established by Section 5.04.

Manufactured Home, Class B - a manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.

Manufactured Home, Class C - any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufacturing, Processing and Assembling - the mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or lacquers.

Mean Sea Level - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Medical/Dental Laboratory - an establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner.

Medical Practitioner's Office - an establishment offering diagnostic and routine health care on an out-patient basis by licensed practitioners such as, but not limited to, physicians, dentists and chiropractors.

Membership Organizations - a membership establishment operated by a corporation or association of persons for activities which include, but are not limited to, business, professional, social, literary, political, educational, fraternal, charitable or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Microbrewery - an establishment where beer and malt beverages are made on the premises at an annual beer production rate of under fifteen thousand (15,000) barrels of

beer per year. Microbreweries sell to the public by one (1) or more of the following methods: brewer to wholesaler to retailer to consumer; brewer (acting as wholesaler) to retailer to consumer: and directly to consumer. All applicable NC ABC Permits are required.

Micro-distillery - an establishment engaged in the production and distribution of spirituous beverages at an annual rate of no more than fifty thousand (50,000) proof gallons a year. Tastings of the product manufactured on site may be an ancillary use. A tasting room to sample only the product produced on site is permitted. All applicable NC ABC Permits are required.

Minor Design Modifications - those changes that have no substantial impact on neighboring properties, the general public or those intended to occupy or use the proposed development.

Mixed Development - a mixture of residential, office, commercial, and/or institutional uses.

Mixed Use Development - the combination of complementary land uses in an integrated fashion through the development of a tract of land, building or structure.

Mobile Home - synonymous with manufactured home, defined herein. The term "manufactured home" is considered to be more accurate terminology for the variety of factory built homes now being constructed, which includes units intended for permanent sites as well as transient use.

Mobility and Development Plan - the most recently adopted plan for public streets, bicycle and pedestrian facilities, transit, freight and aviation facilities throughout the City's jurisdiction.

Modular Home - a dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motor Vehicle - a self-propelled wheeled vehicle that does not run on rails.

Motor Vehicle Repair, Minor -

A. Sale and service of spark plugs, batteries, and distributor and ignition system parts.

B. Sales, service and repair of tires, but not recapping or regrooving.

C. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.

D. Radiator cleaning, flushing, and fluid replacement.

E. Greasing and lubrication.

F. Providing and repairing fuel pumps, oil pumps, and lines.

G. Minor adjustment and repair of carburetors.

H. Emergency repair of wiring.

I. Adjusting brakes and installing exchange brake shoes.

J. Minor motor adjustment not involving removal of the head or crankcase and grinding valves.

K. Wheel balancing.

L. Battery recharging.

M. Warranty maintenance and safety inspections.

N. Other minor servicing of a similar intensity to those listed above.

Motor Vehicle Repair, Major - any automotive repairs or servicing not listed under Minor, above.

Motor Repair, Small - any repairs or servicing of small lawn and garden or similar equipment.

Multi-family Structures - three (3) or more attached dwelling units.

Museum - an establishment engaged in the procurement, care, study and display of objects of historical, educational and cultural value and interest.

National Geodetic Vertical Datum (NGVD) - as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the flood plain.

New Construction - structures for which the start of construction commenced on or after the effective date of this ordinance.

Nonconforming - lots, uses of land, uses of structures, structures, or characteristics of uses, which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance.

Nude Model Studio - any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. (Nude model studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.)

Nursing/Convalescent/Extended Care Facility - any facility which provides nursing services as defined by State law. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.

Off-Premises - not located on the zoning lot with the principal use or structure.

Official Maps or Plans - any maps or plans officially adopted by the City Council as a guide for the development of the City and surrounding area.

Open Space -

A. Open space is the total horizontal area of uncovered open space plus one-half (½) the total horizontal area of covered open space subject to limitations set forth below.

B. Uncovered open space is total gross residential land area not covered by buildings, plus open exterior balconies and roof areas improved as recreation space.

C. Covered open space is usable open space closed to the sky, but having two (2) clear unobstructed open or partially open sides. Partially open is construed as fifty percent (50%) open or more. Examples of covered open space area are covered balconies, covered portions or improved roof areas, or spaces under buildings supported on columns or posts on cantilevers. The square footage countable as covered open space shall not exceed the square footage of the open sides.

Outdoor Storage - the storage outside of a building, or within buildings with less than three (3) sides, of materials, stuff, supplies, merchandise, equipment, non-motorized commercial vehicles and like items, but excluding junk.

Parking Area Aisles - that portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking, Off-Street - space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.

Parking Space - a portion of the vehicle accommodation area set for the parking of one (1) vehicle.

Person - any natural person, partnership, corporation, body politic and incorporated association, organization or society which may sue or be sued under a common name.

Place of Assembly - a place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events, and including, but not limited to, coliseums, athletic centers, concert halls, and auditoriums.

Planned Unit Development - see Article 3.

Planning Board - the planning board of the City of Statesville, North Carolina.

Plans, Construction - plan profile sheets in sufficient detail to indicate the construction of all the improvements associated with the property to be subdivided prepared by a professional engineer or land surveyor licensed by the State of North Carolina.

Plans, Sketch - a simple sketch of a proposed subdivision providing information required under Article 2.

Plat - a map or plan which delineates:

A. A tract or parcel of land which is to be, or which has been subdivided;

B. A tract or parcel of land to be officially dedicated for public or private use;

C. A right-of-way for street or utility purposes to be dedicated for public or private use;

D. An easement to be dedicated for utility, public or private use; or

E. A combination thereof.

Plat - shall include the terms "map," "plot," "plan," "plat," "replat," "replot."

Plat, Final - a plat prepared in accordance with the requirements of this chapter and G.S. § 47-30, in a form suitable for recording, with necessary affidavits, dedications and with complete bearings and dimensions of all lines defining lots, streets, public and private areas and other dimensions of land required by this chapter. The final plat shall be approved and recorded prior to the sale of land within a subdivision as defined herein.

Plat, Preliminary - a plat prepared in accordance with this ordinance, drawn to scale, which delineates the proposed subdivision in sufficient detail, including, but not limited to; street right-of-way, and lot layout. The preliminary plat precedes the final plat preparation.

Plat, Unconventional Subdivision - plats which reflect a subdivision of land as addressed in Article 1.

POA - Property Owners Association.

Primary Project Signage - signage at main ingress/egress points, entry features or major signs between varying uses within the PUD.

Professional Services - an establishment containing practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include, but not be limited to, accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as health practitioners.

Project Edge - The Project Edge is the area encompassing the outermost extent of the PUD District where it abuts adjacent properties, roadways or other adjacent features. The Project Edge requirements for a PUD are further explained in Section 2.08.

Public Safety Training Facility (PSTF) - a program developed as part of a Community College Basic Law Enforcement Training (BLET) curriculum offering educational and training opportunities for enrolled students as well as current local/regional public safety officials.

Public Service Facility - the use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants, telephone exchanges, resource recovery facilities, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Public Use Facility - the use of land, buildings, or structures by a municipal or other governmental agency to provide protective, administrative and social services directly to

the general public, including police and fire stations, municipal buildings, community centers, and any other public facility providing the above services, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and not including public cultural facilities or public service facilities.

Public Utility Uses - electric transmission and distribution lines, gas and water pumping stations, transformer stations, sewer pump/lift stations but not including land used for storage of materials and maintenance of equipment.

Publishing/Printing - an establishment primarily engaged in preparing, publishing, and printing newspapers, periodicals, books and pamphlets.

Quasi-judicial decision - a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one (1) or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Race Shop - a facility for the preparation of vehicles and/or engines for on or off road competition including the preparation of motor vehicles, engines, boats, go-carts and the like.

Radio/Television Studio - a facility for the production and broadcast of radio and television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this ordinance.

Radio/Television Receiving Antenna or Dish, Accessory - an antenna or dish designed for the above-ground reception of airborne radio or television signals and serving only the needs of the occupants of a single building or of a single residential development.

Radio/Television Transmitting or Receiving Facility - the use of land, buildings, or structures for the above-ground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas except accessory radio or television receiving antennas and dishes.

Recreation Outdoor - a commercial land use of exterior outdoors for organized athletic recreational activities such as volleyball, basketball, tennis, pickle ball, batting cages,

weight training or cross fit; to be used in conjunction with a commercial gym. Where the outdoor recreational area is adjacent to a residential property or as indicated by "SR" in Table 3-1 of Article 3, Section 3.04; compliance with Section 5.04 (AAA) is required.

Recreational Vehicle - a vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use and includes, but is not limited to, travel trailers, motor homes, camping trailers, campers, auto truck, and recreational vans. This definition also includes boats and all terrain vehicles.

Recreational Vehicle Park - the provision of two (2) or more recreational vehicle spaces on a single zoning lot.

Recreational Vehicle Space - an area of land designated for the location of a recreational vehicle while said recreational vehicle is in use as a dwelling unit.

Register of Deeds - the Register of Deeds of Iredell County.

Regulations - shall mean the subdivision regulations of the City of Statesville, North Carolina, and shall include the word "ordinance."

Rehabilitation Centers - an establishment engaged exclusively in the provision of out-patient services to correct, cure or assist an individual in adjusting to a physical disability. Such services include, but are not limited to, physical therapy, occupational therapy, speech therapy, but excluding therapy for mental illness, drug or alcohol dependency, or rehabilitation of criminals.

Rental/Leasing of Light Equipment - an establishment engaged in the renting or leasing of equipment including, but not limited to, wedding supplies, party supplies, small appliances, hand tools, furniture, and like items.

Replat - a final plat drawn for the purpose of lot consolidation and/or rearrangement, which conforms to paragraph (1) of the definition of a "subdivision" in this section.

Research Activity Lab - research, development, and prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Reservation - an obligation to keep property free from development for a stated period of time. The time period shall be for twenty (20) years, if not stated on the plat. A reservation of land does not involve any transfer of property rights.

Residential Event Centers - a facility in a residential district that's primary use is a single-family home but can be used to host small scale events such as weddings, parties, retreats and the like.

Residential Land Use - all land for residential development and related uses, including open space, or on the lot where residential uses in other locations are established. Such land area shall be construed to include streets entirely within residential portions of the development, common open space, and lands accepted for dedication to public use.

Retail - the use of land, buildings or structures for the sale of merchandise to the consumer of the merchandise which may include, but not be limited to, convenience goods, shoppers' goods, bicycle sales, gas stations, liquor stores, lumber and other building material sales, mail order pickup facilities, mobile home sales, motor vehicle sales, service stations, and sales of used merchandise.

Retail Sales, Convenience Goods - commercial establishments that generally service day-to-day commercial needs of a residential neighborhood, including, but not limited to, convenience stores, tobacco shops, newsstands, bakeries, candy, nut and confectionery stores, delicatessens, dairy products, meat and seafood markets, produce markets, food stores with less than ten thousand (10,000) square feet in floor area, and eating establishments.

Retail Sales, Shoppers' Goods - commercial establishments that supply the more durable and permanent needs of a community, including, but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; book and stationery stores; camera and photography supplies stores; department stores; discount stores; drug stores; drinking establishments; farm supplies stores; florists; furniture and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and craft stores; jewelry stores; lawn and garden supply stores; novelty and souvenir shops; office equipment stores; optician and optical supplies stores; paint and wallpaper stores; pet shops; radio and television sales stores; sporting goods stores; supermarkets; trading stamps redemption stores; and variety stores.

School - a facility which is in compliance with the North Carolina Compulsory School Attendance Law and provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

School - Business, Technical, Trade, and Vocational Training - land use(s) engaged in offering a variety of technical, trade, continuing education, vocational and skills training educational services to clients. Includes facilities providing workforce education and college transfer academic programs and may include institutions that offer on-site living

accommodations (i.e. dormitories) but not approved by the North Carolina Department of Public Instruction.

School - College, University, Community College - a degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include, but are not limited to, dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

Schools - Preparatory - a land use providing academic courses designed to satisfy curriculum requirements/standards established by the State of North Carolina Department of Public Instruction including pre-school through 12th grade/pre-college activities provided by either public or private institutions. The term includes kindergarten, elementary/secondary and high schools, schools for the mentally and/or physically disabled, military academies, schools for the deaf or visually impaired, and alternative schools.

Service Building - a structure housing toilet, lavatory, and such other facilities as may be required to serve a travel trailer parking area.

Service Station - an establishment where gasoline, diesel fuel and/or biofuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered within an enclosed structure and sales made accessory to the sale of gasoline and/or diesel fuel:

A. Sales and service of spark plugs, batteries, and distributor and ignition system parts;

B. Sales, service, and repair of tires, but not recapping or regrooving;

C. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;

D. Radiator cleaning, flushing, and fluid replacement;

E. Washing and polishing, and sale of automotive washing and polishing supplies;

F. Greasing and lubrication;

G. Providing and repairing fuel pumps, oil pumps and lines;

H. Minor adjustment and repair of carburetors;

I. Emergency repair of wiring;

J. Minor motor adjustment not involving removal of the head or crankcase;

K. Sale of beverages, packaged food, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal uses;

L. Provision of road maps and other travel information to customers;

M. Provision of restroom facilities;

N. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts; painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

Sexual Encounter Center - a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

Sign - for the purposes of this Code, a sign shall be considered as any form of publicity directing attention to an individual, activity, business, service, profession, entertainment, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks, trade names, or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, building exteriors or other structures or supports. (See Sign Code, Article 6)

Site Distance Triangle - the triangular area formed by a diagonal line connecting two (2) points located on intersecting right-of-way lines, or a right-of-way line and the curb or edge of pavement of a private street or driveway, each point being thirty-five (35) feet from the intersection, and the two (2) intersecting right-of-way lines (or right-of-way line and curb cut). A sight triangle may also be created with dimensions as determined by the North Carolina Department of Transportation.

Site Plan - a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are

applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as a conditional zoning decision.

Sleeping Unit - a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units. See also "bedroom."

Solid Waste - garbage, rubbish, refuse or other discarded solid or semi-solid material resulting from domestic, commercial, industrial, agricultural activities and government operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Special Use - a use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare.

Special Use Permit - governs uses that may be appropriate in the zoning district subject to specific conditions.

Specified Anatomical Areas - shall mean:

A. Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device covering that, when worn, simulates male genitals in a discernibly turgid state.

Specified Sexual Activities - shall mean:

A. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

B. Sex acts normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

C. Masturbation, actual or simulated.

D. Human genitals in a state of sexual stimulations, arousal, or tumescence.

E. Excretory functions as part of or in connection with any of the activities set forth in (A), (B), (C) or (D) above.

Start of Construction - the first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring of slabs or footings or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story - that portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Street - a public thoroughfare or road which has been dedicated to public use and accepted for maintenance by the City or the North Carolina Department of Transportation or which has been improved to the standards necessary for acceptance by the City or the North Carolina Department of Transportation.

Street, Alley - a minor way used for vehicular access to the rear or side of properties otherwise abutting a street at the front.

Street, Arterial - a major street in the City's street system that serves as an avenue for the circulation of traffic onto, out, or around the City and carries high volumes of traffic.

Street, Collector - a street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

Street, Cul-de-sac - a street that terminates in a vehicular turnaround.

Street, Local - a street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

Street, Marginal Access - a street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Minor - a street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine (9) dwelling units and is expected to or does handle up to seventy-five (75) trips per day.

Street, Private - a street which has been approved by the City Engineer and Planning Director to be private and designed according to the City of Statesville Street Specifications and Details. Collector streets may not be designated as a private street.

Street, Public - a dedicated and accepted right-of-way maintained by the State of North Carolina or the City of Statesville and providing access to adjacent property.

Street, Subcollector - a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than one hundred (100) dwelling units and is expected to or does handle between two hundred (200) and eight hundred (800) trips per day.

Structural Alteration - any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams or girders.

Structure - anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including, but not limited to, principal and accessory buildings, manufactured homes, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers, and cables.

Structure, Accessory - a subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. The accessory structure is less than the square footage of the principal structure.

Figure 9-1: Accessory Structure

Structure, Principal - a structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Subdivision -

A. Includes all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this chapter:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as required by this chapter.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. The division of a tract of land in single ownership where the entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way is involved, and where the resultant lots are equal to or exceed to standards of the City, as required by this chapter.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

B. Subdivisions, for the purpose of this ordinance, shall be categorized into two (2) separate classes, defined and described as follows:

1. **Major Subdivision** - the subdivision of land as defined herein, which exceeds the classification of a "minor subdivision" and which shall conform to the procedures for approvals, the requirements and standards as specified in this Code.
2. **Minor Subdivision** - the subdivision of land as defined herein, out of a tract of land in single ownership which:

a. Does not involve the construction of new streets or alterations to existing streets.

b. Does not fall within corridors of any new planned or proposed street as shown on the Mobility and Development Plan adopted by the City of Statesville.

c. Does not involve the extension of public utilities.

d. Does not create more than ten (10) lots.

e. Does not landlock or impair ingress or egress to or from rear or side of the tract of subject property or any adjoining properties.

f. Does not violate any other local, State or Federally adopted law, ordinance, regulation, plan or policy.

Each lot in a minor subdivision, as defined herein, shall abut an open, publicly dedicated and accepted street for a distance as prescribed by this Code and shall meet or exceed the minimum area and dimensional requirements as specified therein. Each lot or parcel, subdivided or intended to be an addition to an existing lot or lots which front a publicly dedicated and accepted street, may be allowed under this definition. Such additions to an approved existing lot as described above may be allowed to be added to the side or rear of the existing lot.

Substantial Improvement - any repair, reconstruction, or improvement of a structure, within any twelve (12) month period, where the cost equals or exceeds fifty percent (50%) of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Taproom - a room that is ancillary to the production of beer at a brewery or microbrewery where the public can purchase and/or consume only the beer produced on site. All applicable NC ABC Permits are required.

Technical Review Committee - the City of Statesville Technical Review Committee consisting of representatives of Planning, Public Works (Engineering, Water/Sewer Maintenance, Street, Sanitation), Electrical, Wastewater Treatment and Fire Departments.

Technical Schools - the use of land, structures or buildings for the provision of training in various skills and may include, but not limited to, business schools, trade schools and vocational schools.

Temporary Recreational or Entertainment Related Activities - fairs, bazaars, concerts and other special events intended to attract fifty (50) or more individuals and

necessitating special provisions to address the parking and sanitation needs of participants.

Temporary Road Construction Projects - improvements and repairs to existing roads and/or construction of new roads by the North Carolina Department of Transportation (NCDOT) or the City of Statesville.

Thoroughfare Plan - see Mobility and Development Plan.

Tobacco Shop (includes Hookah and Vape) - an establishment dedicated to the retail sale of tobacco, tobacco products (see definition), and/or tobacco paraphernalia (see definition) as its primary source of income, meaning more than fifty (50) percent of gross monthly sales. The sale of products shall include e-cigarettes, hookah and vape products/cartridges. If consumption is allowed, the use may not involve the on-site consumption of alcohol or food (i.e., bar and/or restaurant) consistent with North Carolina state regulations. A grocery store, convenience store, or similar retail use that sells tobacco products or tobacco paraphernalia as an ancillary sale is not included in this definition.

Tobacco Paraphernalia - any equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means into the body of tobacco, tobacco products (see definition), or other controlled substances. Items or devices classified as tobacco paraphernalia include, but are not limited to: pipes, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs and devices for holding burning material. Lighters and matches are excluded from the definition of tobacco paraphernalia.

Tobacco Product - any product in leaf, flake, plug, liquid (such as e-cigarette liquid, vape cartridges, hookah products), or any other form, containing nicotine or tetrahydrocannabinol derived from the tobacco or hemp plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means. For the purposes of this Code, this term excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

Trade School - see Vocational School.

Trailer - any of the following:

A. **Travel Trailer** - a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified

travel trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.

B. **Pick-up Coach** - a structure designed to be mounted on a truck chassis for the use as a temporary dwelling for travel, recreation, and vacation.

C. **Motor Home** - a portable temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

D. **Camping Trailer** - a canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

E. **Dependent Trailer** - a trailer which is dependent upon a service building for toilet and lavatory facilities.

F. **Self-Contained Trailer** - a trailer which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Trailer Space - a parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

Trailer Stand - that part of an individual trailer space which has been reserved for the placement of a single trailer and its accessory structures.

Transportation Plan - the most recently adopted plan for public streets, bicycle and pedestrian facilities, transit, freight and aviation facilities throughout the City's jurisdiction referred to as the Mobility and Development Plan.

Travel Trailer Parking Area - a parcel of land in which two (2) or more spaces are occupied or intended for occupancy by trailers for transient dwelling purposes.

Truck Stop/Travel Plaza - a business that is open to the public and that serves commercial vehicles such as tractor trailers or other heavy trucks, including by selling fuel to such vehicles. Truck stops/travel plazas may provide repair and maintenance services, food and convenience item sales, overnight vehicle accommodation, and other related services typically associated with such uses. A truck stop/travel plaza need not serve commercial vehicles exclusively and may also provide fuel sales and other services for passenger vehicles or other types of vehicles. A business that would otherwise meet this definition shall not be deemed a truck stop/travel plaza if it has no more than two (2) diesel fuel pumps and no more than five (5) overnight parking spaces large enough for tractor trailers or other heavy trucks.

Use - the specific activity or function for which land, a building, or a structure is designated, arranged, occupied, or maintained.

Use, Accessory - a use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure.

Use, Principal - the primary use and chief purpose of a lot or structure.

Used Merchandise - an establishment engaged in the sale of previously owned goods, except the sale of used motor vehicles.

Utility Services - transmission and distribution systems for electricity, telephone, telegraph, cable television, water, sewage, and gas.

Variance - a grant of relief to a person from the requirements of this ordinance which permits a use or construction of a structure in a manner otherwise prohibited by this ordinance where specific enforcement would result in an unnecessary hardship.

Vehicle Accommodation Area - that portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Veterinary Clinic, Small Animal - any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured, or disabled animals (other than human) of no greater size than a dog.

Violation - the failure of a building, structure, use, action or other matter subject to this Code to be fully compliant with the regulations herein. Each day the failure to conform exists shall be counted as a separate violation.

Vocational School - a vocational school, trade school, or career college in which students are taught the skills needed to perform a particular occupation, such as, but not limited to, automotive repair, barbering, cosmetology, hair styling, bartending and interior decorating.

Warehouse - a building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one (1) or more lessees of space in the facility or both, with access to contents only through management personnel.

Warehouse, Mini - a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

Wholesale Distribution - establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Wood Processing - the development of raw wood materials into processed forms, such as, but not limited to, pulp products, paper, engineered wood products (medium-density fiberboard (MDF), construction materials (milled boards), and/or residuals (wood chips).

Yard - an open space unoccupied and unobstructed by any structure or portion of a structure from thirty-six (36) inches above the general ground level of the graded lot upward (except as otherwise provided by these regulations), provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein, and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

Yard, Front - a yard extending between the side lot lines across the portion of a lot adjacent to a street.

Yard, Rear - a yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots, corner lots and waterfront lots.

Yard, Side - a yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line.

Zoning Compliance Permit - a permit issued by the planning director or his designee authorizing the recipient to make use of property in accord with the requirements of this ordinance. This permit may either be a separate document or part of the normal permits associated with certificates of occupancy, occupational license applications, buildings permits, or the like.

Zoning Districts - areas of land or water, whose boundaries are indicated on the Official Zoning Map, within which all properties are regulated by the general regulations of this ordinance and the specific regulations of the individual district.

Zoning Lot - a lot or combination of lots shown on application for a zoning compliance permit.

(Ord. No. 01-14, 3-17-2014; Ord. No. 27-15, 12-7-2015; Ord. No. 29-15, 12-7-2015; Ord. No. 02-16, 2-1-2016; Ord. No. 04-16, 3-21-2016; Ord. No. 43-17, 11-20-2017; Ord. No.

04-18, 2-5-2018; Ord. No. 09-19, 4-1-2019; Ord. No. 12-20, 6-15-2020; Ord. No. 08-21, 3-1-2021; Ord. No. 34-19, 10-21-2019; Ord. No. 02-23, exh. A, 1-9-2023; Ord. No. 10-23, 4-3-2023; Ord. No. 19-23, 5-1-2023; Ord. No. 22-23, § 4, 6-5-2023; Ord. No. 30-23, 8-7-2023; Ord. No. 31-23, § 2, 8-7-2023, Ord. No. 16-26, 6-1-2026, Ord. No. 17-26, 6-1-2026)



Article 10. Appendices

ARTICLE 10. APPENDICES

All applications, species list and fee schedule can be obtained in the City of Statesville Planning Department or on the website at **www.ci.statesville.nc.us**.

The Services Policy Manual can be obtained in the City of Statesville Engineering Department or on the website at **www.ci.statesville.nc.us**.

(Ord. No. 13-19, 5-6-2019)

A-3 Plat Certificates

A. Minor Final Plat

Certificate of Accuracy: The final plat shall contain a certificate signed by the surveyor meeting the requirements of State law, written as follows:

I, _____ hereby certify that the plat upon which this certificate appears is in all respects correct according to the best of my knowledge and belief and was prepared by me from an actual survey made by me on the _____ day of _____***, 20***, with a maximum field error of linear closure of _____, and angular closure of _____.

Surveyor Registration No.

Owner's Certificate and Notarization: This certificate shall be notarized.

KNOW ALL MEN BY THESE PRESENTS, that _____, _____ hereby certify(ies) that (I am) (we are) the owner(s) of the property shown on this plat, that (I) (we) hereby acknowledge this plat and allotment to be (my) (our) free act and do hereby dedicate to public use all streets, alleys, easements and other public areas shown on this plat. (I) (we) further certify that (name of surveyor or engineer) surveyed and made this plat at (my) (our) direction, and that the entire subdivision is within the boundaries of a tract conveyed to (me) (us) by a deed recorded in Book _____ Page _____, filed with the Iredell County Register of Deeds.

Date

Owner Owner

Notarial Seal required.

Certificate of Approval of Private Water and Sewer System: *(where appropriate)*

I hereby certify that the water supply and sewage disposal system installed or proposed for installation, in the subdivision entitled _____, fully meets the requirements of the North Carolina State Health Department and are hereby approved as shown.

Date Iredell County Health Officer

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Minor Subdivision Regulations of the City of Statesville, North Carolina and that the plat has been approved for recording in the office of the Register of Deeds of Iredell County.

Date Statesville Planning Staff

B. Major Final Plat

Certificate of Accuracy: The final plat shall contain a certificate signed by the surveyor meeting the requirements of State law, written as follows:

I, (name of Surveyor) hereby certify that the plat upon which this certificate appears is in all respects correct according to the best of my knowledge and belief and was prepared by me from an actual survey made by me on the _____ day of _____***, 20***, with a maximum field error of linear closure of _____, and angular closure of _____.

Surveyor Registration No. _____

Owner's Certificate and Notarization

KNOW ALL MEN BY THESE PRESENTS, that _____, _____ hereby certify(ies) that (I am) (we are) the owner(s) of the property shown on this plat, that (I) (we) hereby acknowledge this plat and allotment to be (my) (our) free act and do hereby dedicate to public use all streets, alleys, easements and other public areas shown on this plat. (I) (we) further certify that (name of surveyor or engineer) surveyed and made this plat at (my) (our) direction, and that the entire subdivision is within the boundaries of a tract conveyed to (me) (us) by a deed recorded in Book _____ Page _____, filed with the Iredell County Register of Deeds.

Date

Owner Owner

***Notarial Seal required*.**

Certificate of Approval of Private Water and Sewer System: *(where appropriate)*

I hereby certify that the water supply and sewage disposal system installed or proposed for installation, in the subdivision entitled _____, fully meets the requirements of the North Carolina State Health Department and are hereby approved as shown.

Date Iredell County Health Officer

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Major Subdivision Regulations of the City of Statesville, North Carolina and the preliminary plat approved by the City Council of the City of Statesville. This plat has been reviewed for compliance by the Technical Review Committee, and (the streets, utilities, and other required improvements have been installed in an acceptable manner and according to City specifications and standards in the subdivision entitled _____) (a guarantee of the installation of the required improvements by the _____ day of _____***, 20*** has been received in an amount or manner satisfactory to the City of Statesville.

Date

Statesville City Engineer Statesville Planning Director

Certificate of Conformity with Plans and Specifications

I hereby certify, to the best of my knowledge, ability, and belief, that all infrastructure work to be performed on this subdivision will be checked by me or my authorized representative and will conform with lines, grades, cross-sections, dimensions, and material requirements which are shown on and indicated in the plans which have been reviewed and approved by the City Engineer. Any significant changes or deviations will be reviewed

and approved by the City Engineer prior to construction or installation. I also acknowledge that falsification of the above certification may subject me to civil suit and/or criminal prosecution under G.S. 14-100, 136-102.6.

Date Developer

Certificate of Private Road Design and Construction: *(where appropriate)*

(Use for pre-existing private roads)

I hereby certify that the proposed private roads are in compliance with all standards contained and referenced in the Statesville Subdivision Regulations, and that the "travel way" of said roads is located within the right-of-way as shown on the plat.

(Surveyor) (Engineer) Registration No. _____

(Use for newly constructed private roads)

I hereby certify that the proposed private roads were constructed in conformance with the preliminary construction plans and profiles prepared in accordance with the Statesville Subdivision Regulations.

(Surveyor) (Engineer) Registration No. _____

(Use in all cases of private roads)

All private roads shown on the forgoing plat shall not be maintained by the City of Statesville or the North Carolina Department of Transportation. The maintenance of all private roads in the subdivision shall be the responsibility of the developer and it shall further be his responsibility to improve such private roads as necessary in order to meet the standards as certified by the design and construction engineer. After transfer of ownership of the road to the homeowners' association it shall be their responsibility for maintenance. The transfer of ownership of any subdivision road from the developer to the homeowner's association can only occur when fifty percent (50%) of the units have been issued an occupancy permit by the Iredell County Inspections Department.

Date Owner

Certificate of Public Road Maintenance: *(where appropriate)*

(I) (We) hereby certify that (I) (We) will maintain the public roads within this subdivision to the standards set forth by the City of Statesville until the respective governmental agency takes over this responsibility.

Date

Owner Owner

(Ord. No. 02-23, exh. A, 1-9-2023)