



AGENDA

DATE: August 18, 2026

TO: Statesville Planning Board

FROM: Matthew Kirkendall, Senior Planner

CC: Erika Martin, Planning Director
Herman Caulder, Assistant Planning Director

SUBJECT: August Planning Board Meeting

.....

The Statesville Planning Board will hold a meeting on August 25, 2026, at 6:00 p.m. in the Council Chamber of City Hall, 227 South Center Street, Statesville, NC.

1. Welcome and approval of the agenda and minutes from July 28, 2026, Planning Board Meeting.
2. TA26-04 Stormwater Text Amendments
3. Conduct a courtesy hearing and make a recommendation to City Council for rezoning case ZC26-10 Statesville Regional Airport Properties.
4. TA26-05 Airports/Helipads

**Planning Board Meeting Minutes
City Hall Council Chambers – 227 S. Center Street
July 28, 2026 – 6:00 p.m.**

Members Present: Bernard Robertson, Alisha Cordle, Corina Iyoob, Darrin Rucker, Roger Bejcek, Cory Sloan

Members Absent: Joel Mashburn, Mark Tart

Staff: Matthew Kirkendall, Herman Caulder, Lori Deal

Chairperson Cordle called the meeting to order.

Approval of Minutes

Robertson made a motion to approve the June 23, 2026 Planning Board minutes. Seconded by Rucker. The motion carried unanimously.

Election of Officers

Robertson made a motion to nominate Alisha Cordle as Planning Board Chairperson and Roger Bejcek as Vice-Chairperson. Seconded by Rucker. The motion carried unanimously.

Conduct a courtesy hearing and make a recommendation to City Council for rezoning case ZC26-12 Turnersburg Hwy (Fourth Crescent Pl) Properties.

Matthew Kirkendall introduced the case to conduct a courtesy hearing for a rezoning request, initiated by Melissa Galarza, on behalf of Free Nancy, LLC the property owners, for an parcels (approximately 1 acre site) located along Turnersburg Highway near between Cowan Lane and 4th Crescent Place.

Summary of Information: The request is to rezone them the site from R-5 (High Density Single-Family Residential) District to B-4 (Highway Business) Zoning District. This is a straight rezoning, meaning all permitted uses (180) within the B-4 Zoning District would be allowed and no conditions may be applied. The properties are not located within the city limits (ETJ) and the annexation is running concurrently for city sewer. Iredell Water Corporation will provide water.

The 2045 Land Development Plan shows the property to be in an area suitable for Activity Center Character Intent which includes commercial uses. This is also with the Tier 1 Growth Area.

The surrounding zoning districts and land uses are as follows:

North of the Site: B-4 (Highway Business) District with O'Reilly Auto Parts and R-5 (High Density Single-Family Residential) District with existing single-family homes along Cowan Lane.

East of the Site: B-4 (Highway Business) District with Home Depot and Goodwill Office.

South of the Site: B-4 (Highway Business) District with an existing single-family home and a commercial building with an urgent care, Verizon and Jersey Mike's.

West of the Site: B-4 (Highway Business) District across Turnersburg Hwy. with the North Pointe Shopping Center with Lowes, Publix, and some outparcels.

Departmental Recommendation: The 2045 Land Development Plan is supportive of these parcels being rezoned, as it calls for this area to be Activity Center. Therefore, staff recommends approval of this request.

Bejcek asked if there will be access to Turnersburg Highway and Kirkendall stated NCDOT will require a driveway permit and will probably not allow access to Turnersburg Hwy. and utilize Fourth Crescent PI.

Chairperson Cordle opened the public hearing and being no speakers closed the public hearing.

Bejcek made a motion to approve rezoning case ZC26-12 Turnersburg Hwy. (Fourth Crescent PI) Properties Option 1. The zoning amendment is recommended for approval and is consistent with the City's comprehensive land use plan because the 2045 Land Development Plan supports commercial uses in this area. Furthermore, this request is reasonable and in the public interest because this site is partially zoned B-4 (Highway Business). Seconded by Robertson. The motion carried unanimously.

Bejcek made a motion to adjourn, seconded by lyoob. The motion carried unanimously.



Staff Report

To: Planning Board Members

From: Randall Moore, Stormwater Program Manager

Date: August 25, 2026

Re: TA26-06 Filed by the City of Statesville to Amend Chapter 20-Stormwater and Chapter 21 - Streets and Sidewalks, Article I. - General, Section 21.21 of the Statesville City Code and Appendix A - Unified Development Code, Article 1 - Administration, Section 1.04 - Responsibilities for Application of Code, C. Planning Director

Action Requested

City staff are proposing to edit Chapter 20 of the Statesville City Code regarding the tail ditch maintenance policy. Staff are also proposing to move Chapter 21 Section 21.21 of the City Code into Chapter 20 along with some minor tweaks to responsibilities in the Code.

Summary of Information

The changes include:

- Change Public Works Director to City Engineer throughout Chapter 20.
- Remove the responsibility of the Planning Director to serve as the Floodplain Administrator as Article 2 designates the Stormwater Program Manager as the Floodplain Administrator.
- Move Chapter 21, Article 1. – General, Sec. 21-21 into Chapter 20 Stormwater as it deals with depositing matter in gutters, drainageways.
- Update Chapter 20 Article III. – Tail-Ditch Maintenance to make it easier for the Stormwater Maintenance Crew to perform repairs off the right-of-way where the City has safety issues due to infrastructure needing repair.

Previous Action

City Council previously approved and adopted Ordinance 17-20, An Ordinance Amending Chapter 20 of the Statesville City Code, on the 3rd of August 2020.

Consistency Statements

☐ **Option 1: Approve (Staff Recommendation)**

The text amendment is **recommended for approval**, it is consistent with North Carolina General Statutes for Stormwater Regulations, is reasonable and in the public interest.

☐ **Option 2: Deny**

The text amendment is **recommended for denial** because it is not reasonable and in the public interest.

Attachments

1. TA-26-06
2. Code Comparison Document

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 20-STORMWATER AND CHAPTER 21-STREETS AND
SIDEWALKS, ARTICLE I.-GENERAL, SECTION 21.21 OF THE STATESVILLE CITY CODE AND
APPENDIX A-UNIFIED DEVELOPMENT CODE, ARTICLE 1-ADMINISTRATION, SECTION 1.04-
RESPONSIBILITIES FOR APPLICATION OF CODE, C. PLANNING DIRECTOR**

TA26-06

CHAPTER 20 - STORMWATER

ARTICLE I. - GENERAL

Sec. 20-1. - Supervision of Work.

It shall be the duty of the ~~Public Works Director~~ *City Engineer* and the Stormwater Program Manager, or their authorized representative, to supervise all work upon the stormwater conduits, structures, basins, and channels belonging to the city which are now or may be established. They shall report from time to time to the city council as directed on the condition of the stormwater conduits, structures, basins, and channels belonging to the city and, generally, keep the stormwater infrastructure of the city free from obstructions and in a state of good repair.

SEC. 20-2.2. - Depositing matter in gutters, drainageways.

(a) It shall be unlawful for any person to obstruct, or cause to be obstructed, the free flow of water in, over, along, upon or through any gutter or drainageway or ditch in any street or other public way in the city by depositing trash, refuse or other matter therein.

(b) It shall also be unlawful for any person to sweep the trash, dirt or other matter accumulating on sidewalks into any gutter or drainageway.

Sec. 20-3. - 20-25. - Reserved.

ARTICLE II. - ILLICIT DISCHARGE AND ILLICIT CONNECTION

Sec. 20-26. - General Provisions.

(a) *Authority.* 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) *Findings.* It is hereby determined that:

- (1) Pollutants allowed to enter streams and lakes are harmful to public health and safety as well as to the natural environment.
- (2) 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.
- (3) Therefore, the Statesville City Council establishes this set of water quality regulations to meet the requirements of state and federal law regarding non-stormwater discharges to the storm drainage system.

(c) *Purpose.* The purpose of this article is to provide for the health, safety, and general welfare for the citizens of the City of Statesville through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction

of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the City's National Pollutant Discharge Elimination System (NPDES) permit. The objectives of this article are:

- (1) To enforce the City's Stormwater Management Program;
 - (2) To reduce or prevent pollutants in the MS4 to the maximum extent practicable;
 - (3) To prohibit illicit connections and discharges to the MS4;
 - (4) To prevent improper disposal of materials that degrade water quality; and
 - (5) To authorize all inspections, surveillance and monitoring procedures necessary to ensure compliance with this article.
- (d) *Definitions.* For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) *Clean Water Act.* The federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and any subsequent amendments thereto.
 - (2) *Construction Activity.* Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
 - (3) *Facility.* Any land use including, but not limited to: commercial, industrial, and residential land uses, and any other source including, but not limited to: motor vehicles and rolling stock that directly or indirectly contribute, cause, or permit the contribution of any discharge, illicit or otherwise, to the MS4.
 - (4) *Hazardous Materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 - (5) *Illegal or Illicit Discharge.* Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted elsewhere in this article.
 - (6) *Illicit Connections.* Either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
 - (7) *Industrial Activity.* Activities subject to NPDES industrial stormwater permits as defined in 40 CFR, § 122.26 (b)(14).
 - (8) *Municipal Separate Storm Sewer System (MS4).* The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Statesville and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
 - (9) *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.* A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the

United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- (10) *Non-Commercial Car Washing*. Any occasional automotive washing performed by individuals or groups without charging any fee or in exchange for a charitable donation. This shall include, but is not limited to, car washes performed by local church groups, school groups, athletic teams, youth organizations, and individuals at their place of residence.
- (11) *Non-Stormwater Discharge*. Any discharge to the storm drain system that is not composed entirely of stormwater.
- (12) *Person*. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (13) *Pollutant*. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid wastes, solid wastes, animal wastes, and yard wastes (including grass clippings and leaves); refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage (including flushing of sanitary sewer lines and equipment), fecal coliform, and pathogens; dissolved and particulate metals; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (14) *Premises*. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (15) *Storm Drainage System*. Facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (16) *Stormwater*. Any surface flow, runoff, and/or drainage occurring during or following any form of natural precipitation and resulting from such precipitation.
- (17) *Stormwater Control Measures (SCMs)*. There are two major categories of SCMs: structural and non-structural.
 - a. Structural SCMs refer to physical structures designed to remove pollutants from stormwater runoff, reduce downstream erosion, provide flood control, and/or promote groundwater recharge. Structural SCMs may be mandated as a condition of site development.
 - b. Non-Structural SCMs are typically passive or programmatic and tend to be source control or pollution prevention measures that reduce pollution in runoff by reducing the opportunity for stormwater runoff to be exposed to pollutants. Non-Structural SCMs are encouraged on all properties and should be implemented wherever feasible, however Non-Structural SCMs are typically not mandated as a condition of site development.
- (18) *Stormwater Conveyance System*. A network of linear and point structures designed to collect, receive, convey, and otherwise manage the controlled movement of stormwater runoff on and from the development site. The Stormwater Conveyance System can consist of numerous types of manmade structures and devices and natural conveyances including, but not limited to, swales, ditches, channels, pipes, culverts, tiles, curb inlets, yard inlets, drop inlets, junction boxes, manholes, outfalls, and the like.
- (19) *Stormwater Management Plan*. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(20) *Stormwater Management System*. All conveyances and structures (SCMs) that are constructed on a development site for the purposes of managing stormwater runoff by collecting, conveying, controlling, storing, detaining, retaining, infiltrating, filtering, and otherwise mitigating the negative impacts that stormwater has on the natural environment.

(21) *Stormwater Program Manager*. The City employee hired by the City Manager to manage the City's stormwater programs.

(22) *Wastewater*. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(e) *Jurisdiction and Scope of Authority*. The Illicit Discharge and Illicit Connection Ordinance codified in this article, hereinafter the article, shall apply to all facilities within the City limits. All persons whose facility is subject to this article, regardless of whether the facility is managed or operated by another person, shall comply with this article as well as any permits, enforcement actions or orders issued hereunder. The Stormwater Program Manager shall administer, implement, and enforce the provisions of this article. Any powers granted or imposed on the Stormwater Program Manager may be delegated by the Stormwater Program Manager to other designated personnel as may be necessary. Nothing in this article shall be interpreted to impose an obligation on the City to construct, maintain, repair or operate a storm drainage system, or any part thereof, located on another person's property.

(f) *Abrogation*. This article is not intended to repeal, abrogate, annul, impair, or interfere with any existing agreements, covenants, rules, regulations or permits previously adopted or issued. However, if any provisions or requirements of this article conflict with any existing regulations or ordinances, the more restrictive provisions shall apply.

Sec. 20-27. - Prohibited Discharges and Connections.

(a) *Illicit Discharges*. No person shall cause or allow the discharge, emission, disposal, pouring or pumping of any liquid, solid, gas or other substance, including but not limited to fuel, oil, anti-freeze, chemicals, soaps, animal waste, paints, garbage or litter, other than stormwater, in such manner and amount, directly or indirectly, so that the substance either does or is likely to reach any stormwater conveyance, waters of the state or lands within the City, except as provided in Sec. 20-27.(b).

(b) *Allowable Discharges*. Non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensation;
- (10) Irrigation water;
- (11) Springs;
- (12) Water from crawl space pumps;
- (13) Footing drains;
- (14) Lawn watering;
- (15) Residential and charity car washing;

- (16) Flows from riparian habitats and wetlands;
- (17) De-chlorinated swimming pool discharges (free and total chlorine less than 1 ppm);
- (18) Firefighting discharge;
- (19) Dyes (that are both biodegradable and non-toxic) normally used to identify and trace underground pipe networks, but only if the Stormwater Program Manager is notified at least 24 hours prior to the time of the test;
- (20) Street wash water (note: prior to street washing, excess mud, sediment, debris, and other pollutants shall be removed to prohibit such from entering the drainage system);
- (21) Any other non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued and administered under the authority of the EPA, or DWQ, provided that the permittee is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Discharges specified in writing by the Stormwater Program Manager as being necessary to protect public health and safety or discharges that have been filtered through an approved pretreatment system that consistently demonstrate no discharge of pollutants.

(c) *Illicit Connections.*

- (1) Connections to a stormwater conveyance system that allow or potentially allow the discharge of non-stormwater, other than the exclusions described in Section 20-27 (b) are unlawful. Prohibited connections include, but are not limited to: floor drains, domestic and commercial washing machines, commercial vehicle washing or steam cleaning, septic systems and sanitary sewers.
- (2) This prohibition includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) Where it is determined that said connection:
 - a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat; or
 - b. Was made in violation of any applicable regulation or ordinance, other than this section;

The City Stormwater Program Manager shall designate the time within which the connection shall be removed.

- (4) In setting the time limit for compliance, the Stormwater Program Manager shall take into consideration:
 - a. The quantity and complexity of the work;
 - b. The consequences of delay;
 - c. The potential harm to the environment, to the public health, and to public and private property; and
 - d. The cost of remedying the damage.
- (5) When necessary to stop an actual or threatened discharge that is imminently dangerous or prejudicial to the public's health or safety, the Stormwater Program Manager may, without prior notice, order that access to the MS4 be suspended. If the violator fails to comply with this suspension order, the Stormwater Program Manager may take such steps as deemed necessary to remove, abate or remedy the actual or threatened discharge. The violator shall reimburse the City the full cost of such removal, abatement or remedy according to the terms of this article. The violator may appeal the Stormwater Program Manager's decision pursuant to

this article but may not reconnect to the MS4 without prior written approval of the City.

(d) *Spills.*

- (1) Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.
- (2) In the event of a known or suspected illicit discharge of hazardous materials into the MS4, the observant or their employee, contractor, or agent, shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a non-hazardous illicit discharge, the observant shall notify the Stormwater Program Manager in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Statesville Stormwater Program Manager within three business days of the phone notice. If an illicit discharge emanates from a commercial or industrial land use, the person responsible for the facility shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 20-28. - Right of Entry.

- (a) The Stormwater Program Manager or designee shall have the right to inspect the property and/or facility of any person subject to this article and any permit/document issued hereunder. The Stormwater Program Manager or designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this article. Such inspection shall be made with the prior consent of the owner, manager, or signatory official. If such consent is refused the Stormwater Program Manager or designee may seek issuance of an administrative search warrant pursuant to G.S. 15-27.2 or its successor.
- (b) Where a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Stormwater Program Manager or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (c) The Stormwater Program Manager or designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.
- (d) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the Stormwater Program Manager or designee. The costs of clearing such access shall be borne by the person.
- (e) In no case shall inspection, monitoring, sampling, or other duties performed by the Stormwater Program Manager or designee to ensure compliance with the article confer an obligation on the City of Statesville to assume responsibility for the structural SCM.

Sec. 20-29. - Enforcement.

- (a) *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 of Statesville. Whenever this section refers to the Stormwater Program Manager, it includes his or her designee as well as any authorized agent of the City of Statesville.
- (b) *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 article.
- (c) *Each Day a Separate Offense.* Each day that a violation continues shall constitute a separate and distinct violation or offense.

(d) *Responsible Person/Entities.* Responsible persons are all persons or dischargers who participate in, assist, direct, create, cause, or maintain a condition that constitutes a violation of this article, or fails to take appropriate action so that a violation of this article results or persists.

(1) Responsible persons include, but are not limited to, owners of property where a violation occurs; persons in the design or construction field who have created, directed, or assisted in the design or construction of an improvement or feature in violation of the requirements of this article; and persons who have control over the use or maintenance of property or the activities occurring on property where a violation has occurred.

(2) Multiple violations may be charged against multiple individuals or entities for an action that violates this article.

(e) *Public Nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the responsible person's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(f) *Notice of Violation.*

(1) Whenever the City finds that a person has violated this article, the City shall notify the person and/or property owner in writing by (1) registered or certified mail, and (2) personal service or posting of said notice at the facility where the alleged violation occurred. The notice shall specify the violation and actions needed to be taken to comply. The notice may also indicate a requirement for the discharger to perform any or all of the following:

- a. Install equipment or perform testing necessary to monitor, analyze and report of the condition of the facility's storm drainage system;
- b. Eliminate illicit connections or discharges;
- c. Cease and desist all violating discharges, practices or operations;
- d. Abate or remedy the stormwater pollution or contamination hazards and restore any affected property;
- e. Pay a civil penalty; or
- f. Implement source control or treatment SCM(s).

(2) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to meet the deadline, then representatives of the City shall enter upon the facility and are authorized to take any and all measures necessary to abate the violation and/or restore the facility and the expense thereof shall be charged to the violator and collected pursuant to Section 20-28. - Right of Entry. Refusal to accept the notice shall not relieve the violator of the obligation set forth herein.

(g) *Remedies.*

(1) *Recovery of costs and fines.* As authorized by G.S. § 160A-193, the offender shall be liable to the City for the civil penalty, all costs incurred by the City while enforcing this article, including but not limited to: abatement costs, remedying the damage caused by the illicit discharge, restoring the facility, sampling, clean-up, the City's administrative costs, costs of court, and costs of litigation, to include reasonable attorney's fees. Within 30 days after the City has completed its abatement of the violation, restoration of the facility and/or its investigation and inspection, the violating HSeF-Of person will be notified of the City's total costs and the civil penalty, if any. The total amount due shall be paid within 30 days of the date of notice. If the amount due is not paid within 30 days, the charges shall constitute a lien on the land or premises where the nuisance occurred. A lien established pursuant to this division shall have the same priority and be collected as unpaid ad valorem taxes. The total amount due is also a lien on any other real property owned by the

violating person within the City limits, except for the person's primary residence. A lien established pursuant to this division is inferior to all prior liens and shall be collected as a money judgment. The violating person may avoid the lien on any other real property owned within the City limits only if it can be shown that the accrual or threatened discharge was created solely by another person. In the event that the violating person is able to pass the liability onto another person, the other person shall be liable to the City pursuant to this section.

- (2) *Withholding of inspections, permits, certificate of occupancy or other approvals.* Building inspections; permits for development or other improvements; requests for plan approval for zoning, subdivision, other development or construction; and certificates of occupancy may be withheld or conditioned upon compliance with this article until a responsible person with ownership or management of the property for which permits or approvals are sought has fully complied with this article and all actions taken pursuant to this article.
- (3) *Remedies not limited.* The remedies provided herein, whether civil, criminal, or administrative, are not exclusive; may be exercised singly, simultaneously, or cumulatively; may be combined with any other remedies authorized under the law; and may be exercised in any order.
- (4) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(h) *Civil Penalties.*

- (1) Any person who violates or fails to act in accordance with any of the provisions of this article or rules or orders adopted or issued pursuant to this article shall be subject to consideration of a civil penalty as described herein. When a civil penalty is assessed, each day of a continuing violation shall constitute a separate violation under this subsection. Failure to comply with the requirements of this article may result in imposition of enforcement measures as authorized by G.S. 143-215.6B.
- (2) Said penalties shall be assessed by the City Manager, or his/her designee. No penalty shall be assessed until the person alleged to be in violation is served in writing by (1) certified mail, and (2) personal service or posting of said notice at the facility where the alleged violation occurred.
- (3) In the event the City is fined by the state or federal governments resulting from an illicit discharge or connection made by a discharger or other person, the discharger or other person at fault shall reimburse the City for the full amount of the civil penalty assessed by the state and/or federal governments as well as for the abatement costs incurred by the City during the investigation and restoration process pursuant to this article.
- (4) Civil penalties collected pursuant to this article shall be used or disbursed as directed by law.
- (5) *Illicit discharges.* Any person, including but not limited to, a designer, contractor, agent, or engineer, who allows, acts, participates in, assists, or directs an illicit discharge, either directly or indirectly, may be subject to civil penalties as follows:
 - a. For first-time offenders:
 - 1. If the quantity of the discharge is equal to or less than five (5) gallons and consists of domestic or household products in quantities considered ordinary for household purposes, said person shall be assessed a written warning describing the offense and any corrective action(s) necessary to mitigate the discharge and prevent its recurrence. The warning shall also establish a date by which the corrective action(s) shall be completed, which shall be 30 days from the date of the written warning. If the corrective action(s) are not completed by the date specified, the offender shall be assessed a Category I Civil Penalty per violation, per day.

2. If the quantity of the discharge is greater than five (5) gallons or contains non-domestic substances, including but not limited to process wastewater, said person shall be assessed a Category I Civil Penalty per violation, per day.
 - b. First-time offenders who discharge into the MS4 any substance that is a byproduct of a commercial or industrial process or any substance that was purchased at a bulk sales location shall be assessed a Category II Civil penalty. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - c. Repeat offenders. A person who discharges into the MS4 in violation of this article more than once within a 12-month period shall be assessed a civil penalty at one category level higher than the category assessed for a first-time offender of the substance and/or volume discharged. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (6) *Illicit Connections*. Any person, including but not limited to a designer, contractor, agent, or engineer, who allows, acts, participates in, assists, or directs the establishment of an illicit connection, either directly or indirectly, may be subject to civil penalties as follows:
- a. First-time offenders shall be assessed a Category I civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - b. A person who is found to have violated this section more than once within a 12-month period shall be assessed a Category III civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (7) *Penalty considerations*. In determining the amount of the penalty, the Stormwater Program Manager or designee shall consider:
- a. The degree and extent of harm to the environment, public health and public and private property; and
 - b. The cost of remedying the damage; and
 - c. The duration of the violation; and
 - d. Whether or not the violation was willful; and
 - e. The prior record of the person responsible for the violation in complying with this article; and
 - f. The City's enforcement costs, and the amount of money saved by the violator through his, her or its noncompliance; and
 - g. Any other consideration relevant to the violation.
- (8) *Schedule of penalties*. The following civil penalties shall be imposed, up to the amount shown for each category, upon the person found to have violated this article:
- a. First Offense, discharge less than 5 gallons of domestic, household, and/or ordinary products: Written warning, with the conditions outlined in paragraph {h}(5) a.1. above.
 - b. Category I: civil penalty not to exceed \$100 per day per violation.
 - c. Category II: civil penalty not to exceed \$1,000 per day per violation.
 - d. Category III: civil penalty not to exceed \$5,000 per day per violation.

- (9) *Other remedies still required.* Assessment of a civil penalty does not exempt the violator from the responsibility to perform other remedies as allowed in paragraphs (e), (f) and (g) of this Section.

Sec. 20-30. - Appeals.

- (a) Any order, requirement, decision or determination made by the Stormwater Program Manager may be appealed to and decided by the Statesville Board of Adjustment.
- (b) An appeal from a decision of the Stormwater Program Manager must be submitted to the Statesville Board of Adjustment within 30 days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Appeals must be mailed or delivered to the ~~Public Works Director~~ City Engineer and clearly marked with the following: "Appeal of IDIC Decision - Board of Adjustment." Following submission of an appeal, ~~the Public Works Director~~ City Engineer will forward the appeal request to the BOA. Within 30 days or at the next regular BOA meeting, the Stormwater Program Manager shall provide all documentation constituting the record upon which the action appealed from was taken.
- (c) An appeal stays all proceedings in furtherance of the action appealed, unless the City of Statesville ~~City Engineer~~ ~~Public Works Director~~ certifies to the Statesville Board of Adjustment, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record upon due cause shown.
- (d) The Statesville Board of Adjustment shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. Decisions of the Statesville Board of Adjustment are final.

Sec. 20-31. - Nuisance; Injunctive Relief.

- (a) Illicit discharges and illicit connections which exist within the City are hereby found, deemed, and declared to be dangerous or prejudicial to the public health or public safety and are found, deemed, and declared to be public nuisances.
- (b) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 20-32. - 20-50. - Reserved.

ARTICLE III. - TAIL-DITCH MAINTENANCE

Sec. 20-51. - General Purpose.

- (a) The intended purpose of this policy is to provide general guidelines and procedures for maintenance and repair of tail ditches within the City of Statesville's (City) jurisdiction. The City maintains the drainage system within the City's right-of-way (ROW) and on City property. Consistent with the provisions of this Policy and City ordinances, the City may also maintain and repair drainage infrastructure outside of City ROW for the purpose of protecting City-owned infrastructure.
- (b) It is recognized that many properties have been privately developed in the floodplains of creeks and streams in Statesville and that such properties are occasionally subject to nuisance flooding, standing water, and poor drainage. The City is not legally or fiscally responsible for the repair and maintenance of general flooding on private property. However, it shall be the policy of the City to enter onto private property under these conditions and for the purpose of maintaining and repairing city infrastructure, which includes but is not limited to streets, curb and gutter, pavement, or storm pipes when it is determined that: (1) a problem has been created due to a tail-ditch issue; and (2) the City determines all of the Primary Criteria listed herein are met. The Stormwater Program Manager or designee shall administer and interpret this policy.

- (c) ~~This policy is not intended for problems affecting recently constructed, occupied structures. This policy is intended only for a residence wherein a certificate of occupancy~~

~~has been issued at least ten (10) years prior. This policy is also not intended to address control issues such as algae, mosquitoes, water quality, and trash removal, and they do not qualify for maintenance or improvements through this policy.~~

Sec. 20-52. - Primary Criteria for Tail Ditch Maintenance.

- (a) The Stormwater Program Manager shall analyze each tail ditch to determine if the following primary criteria are present:
- (1) The tail-ditch is located within the City limits of Statesville, North Carolina, or a tail-ditch located outside of the territorial limits affects City infrastructure, such as roads or streets;
 - (2) ~~A Certificate of Occupancy has been issued for the residence at least ten (10) years prior to the date the application was submitted;~~
 - (3) The property owner(s) is (are) willing to execute a Right of Entry Agreement;
 - (4) The problem threatens or creates a danger to public safety in a City ROW;
 - (5) The problem is caused by stormwaters emanating from public or private lands or right-of-way (i.e. public stormwater).

Sec. 20-53. - Terms and Conditions of City Participation.

- (a) If the Stormwater Program Manager determines all primary criteria are present, he or she shall do repair and maintenance work to tail-ditch issues as funding allows. The Stormwater Program Manager must prioritize approved applications according to approved, available funds, net public benefit, and potential dangers and harm to the public or public property.
- (b) Any work performed must be done according to the following terms and conditions:
- (1) All work must be performed by City personnel or a City contractor. The City will not furnish materials to the property owner for installation by Owner or Owner's contractor;
 - (2) ~~Participating property owners must donate to the City, where necessary, a permanent temporary construction easement and right of entry agreement to construct the Project and maintain repair the drainage system. Future stormwater maintenance by the City shall be limited to repairs and maintenance of a substantive nature that ensures the adequate performance of the infrastructure shall be the responsibility of the property owner following completion of repair. Ongoing stormwater system maintenance for the purposes of aesthetics or convenience shall be the responsibility of the property owner after repair.~~
 - (3) All maintenance and repair services are subject to available funding, determined each Fiscal year pursuant to the direction of the Statesville City Council.
 - (4) The City will not participate in maintenance and repair of Stormwater Control Measures or Stormwater Best Management Practices that are privately owned and/or required under site plans approved by the City or NC Department Environmental Quality.
 - (5) All work performed by the City shall be constructed to meet current City design standards located in the Drainage Design Manual.

Sec. 20-54. - 20-75. - Reserved.

CHAPTER 21 – STREETS AND SIDEWALKS

ARTICLE I. - GENERAL

~~Sec.21-21. - Depositing matter in gutters, drainageways. Reserved~~

- ~~(a) It shall be unlawful for any person to obstruct, or cause to be obstructed, the free flow of water in, over, along, upon or through any gutter or drainageway or ditch in any street or other public way in the city by depositing trash, refuse or other matter therein.~~
- ~~(b) It shall also be unlawful for any person to sweep the trash, dirt or other matter accumulating on sidewalks into any gutter or drainageway.~~

APPENDIX A – UNIFIED DEVELOPMENT CODE

ARTICLE 1 – ADMINISTRATION

Section 1.04 – Responsibilities for Application of Code

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.

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2026.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the _____ day of _____, 2026, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2026.

CITY OF STATESVILLE

J. Douglas Hendrix, Mayor

APPROVED AS TO FORM

ATTEST:

Leah Gaines Messick, City Attorney

Emily Kurfees, City Clerk

(Seal)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 20-STORMWATER AND CHAPTER 21-STREETS AND
SIDEWALKS, ARTICLE I.-GENERAL, SECTION 21.21 OF THE STATESVILLE CITY CODE AND
APPENDIX A-UNIFIED DEVELOPMENT CODE, ARTICLE 1-ADMINISTRATION, SECTION 1.04-
RESPONSIBILITIES FOR APPLICATION OF CODE, C. PLANNING DIRECTOR**

TA26-06

CHAPTER 20 - STORMWATER

ARTICLE I. - GENERAL

Sec. 20-1. - Supervision of Work.

It shall be the duty of the City Engineer and the Stormwater Program Manager, or their authorized representative, to supervise all work upon the stormwater conduits, structures, basins, and channels belonging to the city which are now or may be established. They shall report from time to time to the city council as directed on the condition of the stormwater conduits, structures, basins, and channels belonging to the city and, generally, keep the stormwater infrastructure of the city free from obstructions and in a state of good repair.

SEC. 20-2.2. - Depositing matter in gutters, drainageways.

- (a) It shall be unlawful for any person to obstruct, or cause to be obstructed, the free flow of water in, over, along, upon or through any gutter or drainageway or ditch in any street or other public way in the city by depositing trash, refuse or other matter therein.
- (b) It shall also be unlawful for any person to sweep the trash, dirt or other matter accumulating on sidewalks into any gutter or drainageway.

Sec. 20-3. - 20-25. - Reserved.

ARTICLE II. - ILLICIT DISCHARGE AND ILLICIT CONNECTION

Sec. 20-26. - General Provisions.

- (a) *Authority.* 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) *Findings.* It is hereby determined that:
 - (1) Pollutants allowed to enter streams and lakes are harmful to public health and safety as well as to the natural environment.
 - (2) 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.
 - (3) Therefore, the Statesville City Council establishes this set of water quality regulations to meet the requirements of state and federal law regarding non-stormwater discharges to the storm drainage system.
- (c) *Purpose.* The purpose of this article is to provide for the health, safety, and general welfare for the citizens of the City of Statesville through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction

of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the City's National Pollutant Discharge Elimination System (NPDES) permit. The objectives of this article are:

- (1) To enforce the City's Stormwater Management Program;
 - (2) To reduce or prevent pollutants in the MS4 to the maximum extent practicable;
 - (3) To prohibit illicit connections and discharges to the MS4;
 - (4) To prevent improper disposal of materials that degrade water quality; and
 - (5) To authorize all inspections, surveillance and monitoring procedures necessary to ensure compliance with this article.
- (d) *Definitions.* For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) *Clean Water Act.* The federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and any subsequent amendments thereto.
 - (2) *Construction Activity.* Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
 - (3) *Facility.* Any land use including, but not limited to: commercial, industrial, and residential land uses, and any other source including, but not limited to: motor vehicles and rolling stock that directly or indirectly contribute, cause, or permit the contribution of any discharge, illicit or otherwise, to the MS4.
 - (4) *Hazardous Materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 - (5) *Illegal or Illicit Discharge.* Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted elsewhere in this article.
 - (6) *Illicit Connections.* Either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
 - (7) *Industrial Activity.* Activities subject to NPDES industrial stormwater permits as defined in 40 CFR, § 122.26 (b)(14).
 - (8) *Municipal Separate Storm Sewer System (MS4).* The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Statesville and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
 - (9) *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.* A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the

United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- (10) *Non-Commercial Car Washing*. Any occasional automotive washing performed by individuals or groups without charging any fee or in exchange for a charitable donation. This shall include, but is not limited to, car washes performed by local church groups, school groups, athletic teams, youth organizations, and individuals at their place of residence.
- (11) *Non-Stormwater Discharge*. Any discharge to the storm drain system that is not composed entirely of stormwater.
- (12) *Person*. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (13) *Pollutant*. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid wastes, solid wastes, animal wastes, and yard wastes (including grass clippings and leaves); refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage (including flushing of sanitary sewer lines and equipment), fecal coliform, and pathogens; dissolved and particulate metals; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (14) *Premises*. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (15) *Storm Drainage System*. Facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (16) *Stormwater*. Any surface flow, runoff, and/or drainage occurring during or following any form of natural precipitation and resulting from such precipitation.
- (17) *Stormwater Control Measures (SCMs)*. There are two major categories of SCMs: structural and non-structural.
 - a. Structural SCMs refer to physical structures designed to remove pollutants from stormwater runoff, reduce downstream erosion, provide flood control, and/or promote groundwater recharge. Structural SCMs may be mandated as a condition of site development.
 - b. Non-Structural SCMs are typically passive or programmatic and tend to be source control or pollution prevention measures that reduce pollution in runoff by reducing the opportunity for stormwater runoff to be exposed to pollutants. Non-Structural SCMs are encouraged on all properties and should be implemented wherever feasible, however Non-Structural SCMs are typically not mandated as a condition of site development.
- (18) *Stormwater Conveyance System*. A network of linear and point structures designed to collect, receive, convey, and otherwise manage the controlled movement of stormwater runoff on and from the development site. The Stormwater Conveyance System can consist of numerous types of manmade structures and devices and natural conveyances including, but not limited to, swales, ditches, channels, pipes, culverts, tiles, curb inlets, yard inlets, drop inlets, junction boxes, manholes, outfalls, and the like.
- (19) *Stormwater Management Plan*. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(20) *Stormwater Management System*. All conveyances and structures (SCMs) that are constructed on a development site for the purposes of managing stormwater runoff by collecting, conveying, controlling, storing, detaining, retaining, infiltrating, filtering, and otherwise mitigating the negative impacts that stormwater has on the natural environment.

(21) *Stormwater Program Manager*. The City employee hired by the City Manager to manage the City's stormwater programs.

(22) *Wastewater*. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(e) *Jurisdiction and Scope of Authority*. The Illicit Discharge and Illicit Connection Ordinance codified in this article, hereinafter the article, shall apply to all facilities within the City limits. All persons whose facility is subject to this article, regardless of whether the facility is managed or operated by another person, shall comply with this article as well as any permits, enforcement actions or orders issued hereunder. The Stormwater Program Manager shall administer, implement, and enforce the provisions of this article. Any powers granted or imposed on the Stormwater Program Manager may be delegated by the Stormwater Program Manager to other designated personnel as may be necessary. Nothing in this article shall be interpreted to impose an obligation on the City to construct, maintain, repair or operate a storm drainage system, or any part thereof, located on another person's property.

(f) *Abrogation*. This article is not intended to repeal, abrogate, annul, impair, or interfere with any existing agreements, covenants, rules, regulations or permits previously adopted or issued. However, if any provisions or requirements of this article conflict with any existing regulations or ordinances, the more restrictive provisions shall apply.

Sec. 20-27. - Prohibited Discharges and Connections.

(a) *Illicit Discharges*. No person shall cause or allow the discharge, emission, disposal, pouring or pumping of any liquid, solid, gas or other substance, including but not limited to fuel, oil, anti-freeze, chemicals, soaps, animal waste, paints, garbage or litter, other than stormwater, in such manner and amount, directly or indirectly, so that the substance either does or is likely to reach any stormwater conveyance, waters of the state or lands within the City, except as provided in Sec. 20-27.(b).

(b) *Allowable Discharges*. Non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensation;
- (10) Irrigation water;
- (11) Springs;
- (12) Water from crawl space pumps;
- (13) Footing drains;
- (14) Lawn watering;
- (15) Residential and charity car washing;

- (16) Flows from riparian habitats and wetlands;
- (17) De-chlorinated swimming pool discharges (free and total chlorine less than 1 ppm);
- (18) Firefighting discharge;
- (19) Dyes (that are both biodegradable and non-toxic) normally used to identify and trace underground pipe networks, but only if the Stormwater Program Manager is notified at least 24 hours prior to the time of the test;
- (20) Street wash water (note: prior to street washing, excess mud, sediment, debris, and other pollutants shall be removed to prohibit such from entering the drainage system);
- (21) Any other non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued and administered under the authority of the EPA, or DWQ, provided that the permittee is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Discharges specified in writing by the Stormwater Program Manager as being necessary to protect public health and safety or discharges that have been filtered through an approved pretreatment system that consistently demonstrate no discharge of pollutants.

(c) *Illicit Connections.*

- (1) Connections to a stormwater conveyance system that allow or potentially allow the discharge of non-stormwater, other than the exclusions described in Section 20-27 (b) are unlawful. Prohibited connections include, but are not limited to: floor drains, domestic and commercial washing machines, commercial vehicle washing or steam cleaning, septic systems and sanitary sewers.
- (2) This prohibition includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) Where it is determined that said connection:
 - a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat; or
 - b. Was made in violation of any applicable regulation or ordinance, other than this section;

The City Stormwater Program Manager shall designate the time within which the connection shall be removed.

- (4) In setting the time limit for compliance, the Stormwater Program Manager shall take into consideration:
 - a. The quantity and complexity of the work;
 - b. The consequences of delay;
 - c. The potential harm to the environment, to the public health, and to public and private property; and
 - d. The cost of remedying the damage.
- (5) When necessary to stop an actual or threatened discharge that is imminently dangerous or prejudicial to the public's health or safety, the Stormwater Program Manager may, without prior notice, order that access to the MS4 be suspended. If the violator fails to comply with this suspension order, the Stormwater Program Manager may take such steps as deemed necessary to remove, abate or remedy the actual or threatened discharge. The violator shall reimburse the City the full cost of such removal, abatement or remedy according to the terms of this article. The violator may appeal the Stormwater Program Manager's decision pursuant to

this article but may not reconnect to the MS4 without prior written approval of the City.

(d) *Spills.*

- (1) Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.
- (2) In the event of a known or suspected illicit discharge of hazardous materials into the MS4, the observant or their employee, contractor, or agent, shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a non-hazardous illicit discharge, the observant shall notify the Stormwater Program Manager in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Statesville Stormwater Program Manager within three business days of the phone notice. If an illicit discharge emanates from a commercial or industrial land use, the person responsible for the facility shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 20-28. - Right of Entry.

- (a) The Stormwater Program Manager or designee shall have the right to inspect the property and/or facility of any person subject to this article and any permit/document issued hereunder. The Stormwater Program Manager or designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this article. Such inspection shall be made with the prior consent of the owner, manager, or signatory official. If such consent is refused the Stormwater Program Manager or designee may seek issuance of an administrative search warrant pursuant to G.S. 15-27.2 or its successor.
- (b) Where a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Stormwater Program Manager or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (c) The Stormwater Program Manager or designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.
- (d) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the Stormwater Program Manager or designee. The costs of clearing such access shall be borne by the person.
- (e) In no case shall inspection, monitoring, sampling, or other duties performed by the Stormwater Program Manager or designee to ensure compliance with the article confer an obligation on the City of Statesville to assume responsibility for the structural SCM.

Sec. 20-29. - Enforcement.

- (a) *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 of Statesville. Whenever this section refers to the Stormwater Program Manager, it includes his or her designee as well as any authorized agent of the City of Statesville.
- (b) *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 article.
- (c) *Each Day a Separate Offense.* Each day that a violation continues shall constitute a separate and distinct violation or offense.

(d) *Responsible Person/Entities.* Responsible persons are all persons or dischargers who participate in, assist, direct, create, cause, or maintain a condition that constitutes a violation of this article, or fails to take appropriate action so that a violation of this article results or persists.

(1) Responsible persons include, but are not limited to, owners of property where a violation occurs; persons in the design or construction field who have created, directed, or assisted in the design or construction of an improvement or feature in violation of the requirements of this article; and persons who have control over the use or maintenance of property or the activities occurring on property where a violation has occurred.

(2) Multiple violations may be charged against multiple individuals or entities for an action that violates this article.

(e) *Public Nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the responsible person's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(f) *Notice of Violation.*

(1) Whenever the City finds that a person has violated this article, the City shall notify the person and/or property owner in writing by (1) registered or certified mail, and (2) personal service or posting of said notice at the facility where the alleged violation occurred. The notice shall specify the violation and actions needed to be taken to comply. The notice may also indicate a requirement for the discharger to perform any or all of the following:

- a. Install equipment or perform testing necessary to monitor, analyze and report of the condition of the facility's storm drainage system;
- b. Eliminate illicit connections or discharges;
- c. Cease and desist all violating discharges, practices or operations;
- d. Abate or remedy the stormwater pollution or contamination hazards and restore any affected property;
- e. Pay a civil penalty; or
- f. Implement source control or treatment SCM(s).

(2) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to meet the deadline, then representatives of the City shall enter upon the facility and are authorized to take any and all measures necessary to abate the violation and/or restore the facility and the expense thereof shall be charged to the violator and collected pursuant to Section 20-28. - Right of Entry. Refusal to accept the notice shall not relieve the violator of the obligation set forth herein.

(g) *Remedies.*

(1) *Recovery of costs and fines.* As authorized by G.S. § 160A-193, the offender shall be liable to the City for the civil penalty, all costs incurred by the City while enforcing this article, including but not limited to: abatement costs, remedying the damage caused by the illicit discharge, restoring the facility, sampling, clean-up, the City's administrative costs, costs of court, and costs of litigation, to include reasonable attorney's fees. Within 30 days after the City has completed its abatement of the violation, restoration of the facility and/or its investigation and inspection, the violating HSeF-Of person will be notified of the City's total costs and the civil penalty, if any. The total amount due shall be paid within 30 days of the date of notice. If the amount due is not paid within 30 days, the charges shall constitute a lien on the land or premises where the nuisance occurred. A lien established pursuant to this division shall have the same priority and be collected as unpaid ad valorem taxes. The total amount due is also a lien on any other real property owned by the

violating person within the City limits, except for the person's primary residence. A lien established pursuant to this division is inferior to all prior liens and shall be collected as a money judgment. The violating person may avoid the lien on any other real property owned within the City limits only if it can be shown that the accrual or threatened discharge was created solely by another person. In the event that the violating person is able to pass the liability onto another person, the other person shall be liable to the City pursuant to this section.

- (2) *Withholding of inspections, permits, certificate of occupancy or other approvals.* Building inspections; permits for development or other improvements; requests for plan approval for zoning, subdivision, other development or construction; and certificates of occupancy may be withheld or conditioned upon compliance with this article until a responsible person with ownership or management of the property for which permits or approvals are sought has fully complied with this article and all actions taken pursuant to this article.
- (3) *Remedies not limited.* The remedies provided herein, whether civil, criminal, or administrative, are not exclusive; may be exercised singly, simultaneously, or cumulatively; may be combined with any other remedies authorized under the law; and may be exercised in any order.
- (4) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(h) *Civil Penalties.*

- (1) Any person who violates or fails to act in accordance with any of the provisions of this article or rules or orders adopted or issued pursuant to this article shall be subject to consideration of a civil penalty as described herein. When a civil penalty is assessed, each day of a continuing violation shall constitute a separate violation under this subsection. Failure to comply with the requirements of this article may result in imposition of enforcement measures as authorized by G.S. 143-215.6B.
- (2) Said penalties shall be assessed by the City Manager, or his/her designee. No penalty shall be assessed until the person alleged to be in violation is served in writing by (1) certified mail, and (2) personal service or posting of said notice at the facility where the alleged violation occurred.
- (3) In the event the City is fined by the state or federal governments resulting from an illicit discharge or connection made by a discharger or other person, the discharger or other person at fault shall reimburse the City for the full amount of the civil penalty assessed by the state and/or federal governments as well as for the abatement costs incurred by the City during the investigation and restoration process pursuant to this article.
- (4) Civil penalties collected pursuant to this article shall be used or disbursed as directed by law.
- (5) *Illicit discharges.* Any person, including but not limited to, a designer, contractor, agent, or engineer, who allows, acts, participates in, assists, or directs an illicit discharge, either directly or indirectly, may be subject to civil penalties as follows:
 - a. For first-time offenders:
 - 1. If the quantity of the discharge is equal to or less than five (5) gallons and consists of domestic or household products in quantities considered ordinary for household purposes, said person shall be assessed a written warning describing the offense and any corrective action(s) necessary to mitigate the discharge and prevent its recurrence. The warning shall also establish a date by which the corrective action(s) shall be completed, which shall be 30 days from the date of the written warning. If the corrective action(s) are not completed by the date specified, the offender shall be assessed a Category I Civil Penalty per violation, per day.

2. If the quantity of the discharge is greater than five (5) gallons or contains non-domestic substances, including but not limited to process wastewater, said person shall be assessed a Category I Civil Penalty per violation, per day.
 - b. First-time offenders who discharge into the MS4 any substance that is a byproduct of a commercial or industrial process or any substance that was purchased at a bulk sales location shall be assessed a Category II Civil penalty. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - c. Repeat offenders. A person who discharges into the MS4 in violation of this article more than once within a 12-month period shall be assessed a civil penalty at one category level higher than the category assessed for a first-time offender of the substance and/or volume discharged. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (6) *Illicit Connections*. Any person, including but not limited to a designer, contractor, agent, or engineer, who allows, acts, participates in, assists, or directs the establishment of an illicit connection, either directly or indirectly, may be subject to civil penalties as follows:
 - a. First-time offenders shall be assessed a Category I civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - b. A person who is found to have violated this section more than once within a 12-month period shall be assessed a Category III civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (7) *Penalty considerations*. In determining the amount of the penalty, the Stormwater Program Manager or designee shall consider:
 - a. The degree and extent of harm to the environment, public health and public and private property; and
 - b. The cost of remedying the damage; and
 - c. The duration of the violation; and
 - d. Whether or not the violation was willful; and
 - e. The prior record of the person responsible for the violation in complying with this article; and
 - f. The City's enforcement costs, and the amount of money saved by the violator through his, her or its noncompliance; and
 - g. Any other consideration relevant to the violation.
- (8) *Schedule of penalties*. The following civil penalties shall be imposed, up to the amount shown for each category, upon the person found to have violated this article:
 - a. First Offense, discharge less than 5 gallons of domestic, household, and/or ordinary products: Written warning, with the conditions outlined in paragraph {h}(5) a.1. above.
 - b. Category I: civil penalty not to exceed \$100 per day per violation.
 - c. Category II: civil penalty not to exceed \$1,000 per day per violation.
 - d. Category III: civil penalty not to exceed \$5,000 per day per violation.

- (9) *Other remedies still required.* Assessment of a civil penalty does not exempt the violator from the responsibility to perform other remedies as allowed in paragraphs (e), (f) and (g) of this Section.

Sec. 20-30. - Appeals.

- (a) Any order, requirement, decision or determination made by the Stormwater Program Manager may be appealed to and decided by the Statesville Board of Adjustment.
- (b) An appeal from a decision of the Stormwater Program Manager must be submitted to the Statesville Board of Adjustment within 30 days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Appeals must be mailed or delivered to the City Engineer and clearly marked with the following: "Appeal of IDIC Decision - Board of Adjustment." Following submission of an appeal, the City Engineer will forward the appeal request to the BOA. Within 30 days or at the next regular BOA meeting, the Stormwater Program Manager shall provide all documentation constituting the record upon which the action appealed from was taken.
- (c) An appeal stays all proceedings in furtherance of the action appealed, unless the City of Statesville City Engineer certifies to the Statesville Board of Adjustment, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record upon due cause shown.
- (d) The Statesville Board of Adjustment shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. Decisions of the Statesville Board of Adjustment are final.

Sec. 20-31. - Nuisance; Injunctive Relief.

- (a) Illicit discharges and illicit connections which exist within the City are hereby found, deemed, and declared to be dangerous or prejudicial to the public health or public safety and are found, deemed, and declared to be public nuisances.
- (b) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 20-32. - 20-50. - Reserved.

ARTICLE III. - TAIL-DITCH MAINTENANCE

Sec. 20-51. - General Purpose.

- (a) The intended purpose of this policy is to provide general guidelines and procedures for maintenance and repair of tail ditches within the City of Statesville's (City) jurisdiction. The City maintains the drainage system within the City's right-of-way (ROW) and on City property. Consistent with the provisions of this Policy and City ordinances, the City may also maintain and repair drainage infrastructure outside of City ROW for the purpose of protecting City-owned infrastructure.
- (b) It is recognized that many properties have been privately developed in the floodplains of creeks and streams in Statesville and that such properties are occasionally subject to nuisance flooding, standing water, and poor drainage. The City is not legally or fiscally responsible for the repair and maintenance of general flooding on private property. However, it shall be the policy of the City to enter onto private property under these conditions and for the purpose of maintaining and repairing city infrastructure, which includes but is not limited to streets, curb and gutter, pavement, or storm pipes when it is determined that: (1) a problem has been created due to a tail-ditch issue; and (2) the City determines all of the Primary Criteria listed herein are met. The Stormwater Program Manager or designee shall administer and interpret this policy.
- (c) This policy is not intended to address control issues such as algae, mosquitoes, water quality, and trash removal, and they do not qualify for maintenance or improvements through this policy.

Sec. 20-52. - Primary Criteria for Tail Ditch Maintenance.

- (a) The Stormwater Program Manager shall analyze each tail ditch to determine if the following primary criteria are present:
 - (1) The tail-ditch is located within the City limits of Statesville, North Carolina, or a tail-ditch located outside of the territorial limits affects City infrastructure, such as roads or streets;
 - (2) The property owner(s) is (are) willing to execute a Right of Entry Agreement;
 - (3) The problem threatens or creates a danger to public safety in a City ROW;
 - (4) The problem is caused by stormwaters emanating from public or private lands or right-of-way (i.e. public stormwater).

Sec. 20-53. - Terms and Conditions of City Participation.

- (a) If the Stormwater Program Manager determines all primary criteria are present, he or she shall do repair and maintenance work to tail-ditch issues as funding allows. The Stormwater Program Manager must prioritize approved applications according to approved, available funds, net public benefit, and potential dangers and harm to the public or public property.
- (b) Any work performed must be done according to the following terms and conditions:
 - (1) All work must be performed by City personnel or a City contractor. The City will not furnish materials to the property owner for installation by Owner or Owner's contractor;
 - (2) Participating property owners must donate to the City, where necessary, a temporary construction easement and right of entry agreement to repair the drainage system. Future stormwater maintenance shall be the responsibility of the property owner following completion of repair.
 - (3) All maintenance and repair services are subject to available funding, determined each Fiscal year pursuant to the direction of the Statesville City Council.
 - (4) The City will not participate in maintenance and repair of Stormwater Control Measures or Stormwater Best Management Practices that are privately owned and/or required under site plans approved by the City or NC Department Environmental Quality.
 - (5) All work performed by the City shall be constructed to meet current City design standards located in the Drainage Design Manual.

Sec. 20-54. - 20-75. - Reserved.

CHAPTER 21 – STREETS AND SIDEWALKS

ARTICLE I. - GENERAL

Sec.21-21. - Reserved

APPENDIX A – UNIFIED DEVELOPMENT CODE

ARTICLE 1 – ADMINISTRATION

Section 1.04 – Responsibilities for Application of Code

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. Other responsibilities as may be assigned and delegated by the City Council.
15. 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).
16. 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.

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2026.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the _____ day of _____, 2026, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2026.

CITY OF STATESVILLE

J. Douglas Hendrix, Mayor

APPROVED AS TO FORM

ATTEST:

Leah Gaines Messick, City Attorney

Emily Kurfees, City Clerk

(Seal)



Staff Report

To: Planning Board Members

From: Joseph Campbell, Planner II

Date: August 17, 2026

Re: ZC26-10 Statesville Regional Airport

Action Requested

This request, initiated by the City of Statesville on behalf of the Statesville Regional Airport, is to rezone 54 parcels comprising approximately 481.5 acres of land acquired for airport operations and safety purposes. The request is to rezone these parcels from City of Statesville RA (Residential Agricultural), Airport Zoning District, and R-20 (Single-Family Residential) to City of Statesville Heavy Industrial (HI).

Summary of Information

The Statesville Regional Airport first began operating as a grass airstrip during the 1930's. During the 1950's, the main runway was paved for the first time. Multiple runway alterations and hangar additions were made in the following decades, including multiple runway extensions to accommodate larger corporate aircraft. In 2026, the airport hosted their ribbon cutting ceremony to open its brand-new, multi-level terminal building.

The current total site is approximately 481.5 acres. Over time, the airport has acquired adjacent property for future projects and the City is seeking to rezone these properties into one uniform zoning district. The request is to rezone approximately 481.5 acres, including runway areas that were never rezoned from its original zoning designation, and adjacent parcels purchased by the City of Statesville.

This is standard by-right rezoning, meaning it is not subject to any conditions. Rezoning these parcels to the Heavy Industrial zoning district will bring the land use classification into conformance with the actual ownership, operational use, and long-term planning for the Statesville Regional Airport and other future airports.

The 2045 Land Development Plan shows the property to be in a Tier 1 Growth Area suitable for Employment Center + Industrial Flex character intent.

The surrounding zoning districts and current land uses are as follows:

North of the Site:

City of Statesville: LI (Light Industrial), B-5 (General Business), R-20 (Suburban Residential) & Iredell County: RA (Residential Agriculture).

East of the Site:

City of Statesville R-20 (Suburban Residential), RA (Residential Agriculture), and Airport Zoning.

South of the Site:

City of Statesville RA (Residential Agriculture), and Iredell County RA (Residential Agriculture).

West of the Site:

City of Statesville RA (Residential Agriculture), and Iredell County RA (Residential Agriculture).

Previous or Relevant Actions

N/A

Strategic Initiative Supported

Connecting our City.

Budget/Funding Implications

N/A

Consequences For Not Acting

The properties would remain nonconforming and would limit future expansions.

Department Recommendation

The 2045 Land Development Plan is supportive of this request, as it shows these parcels to be in the Employment Center + Industrial Flex and intent area, which provides opportunities for a mix of heavy and light industrial along the corridor. The Tier 1 Growth Area shows this site as suitable for development which supports this request.

Therefore, staff recommends **approval – option 1** to approve the requested rezoning.

Manager Comments

N/A

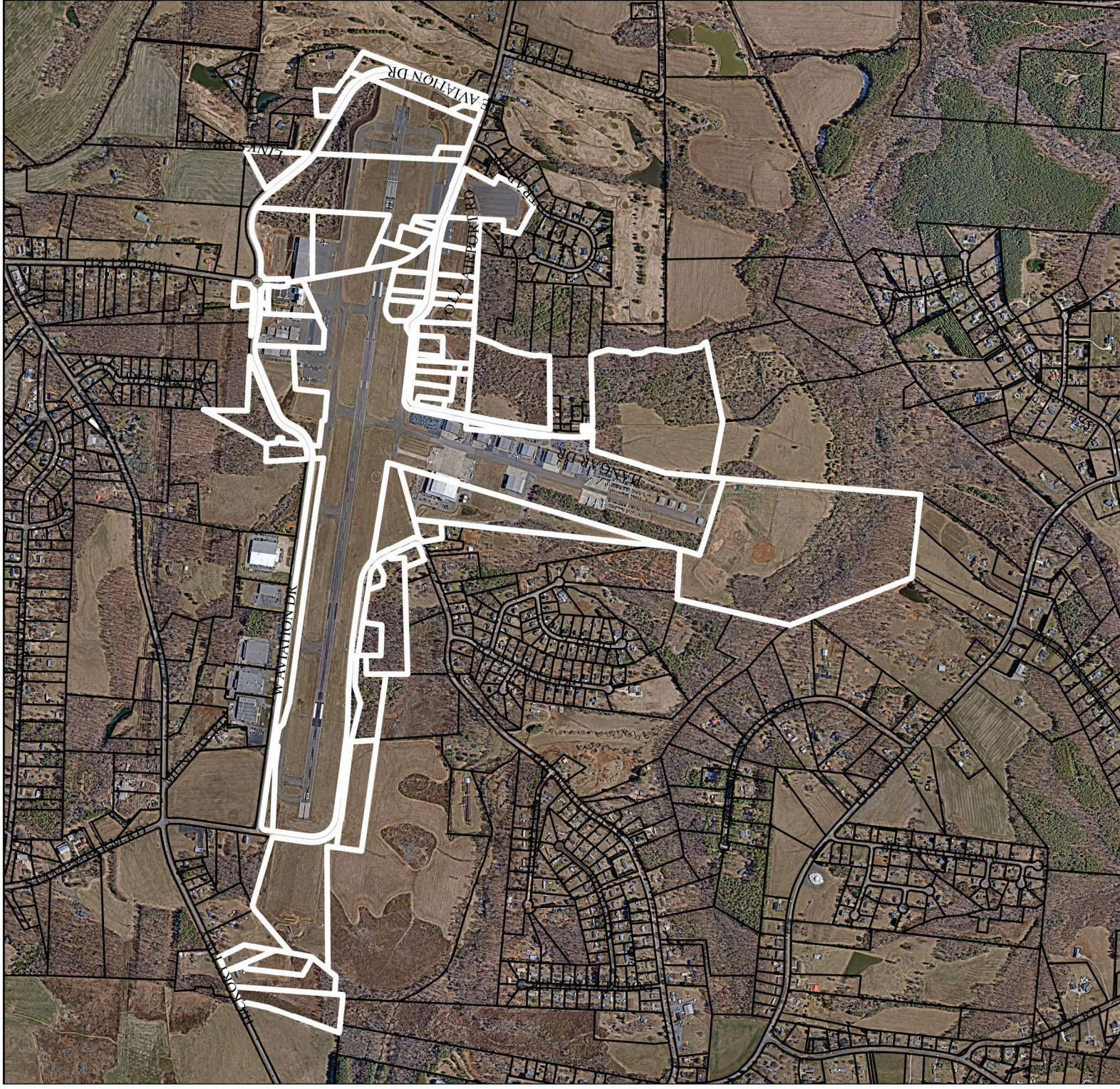
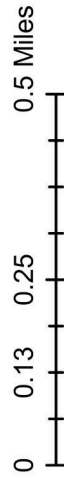
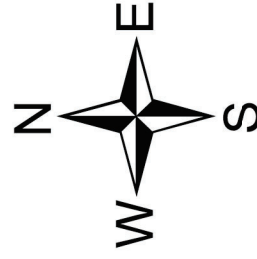
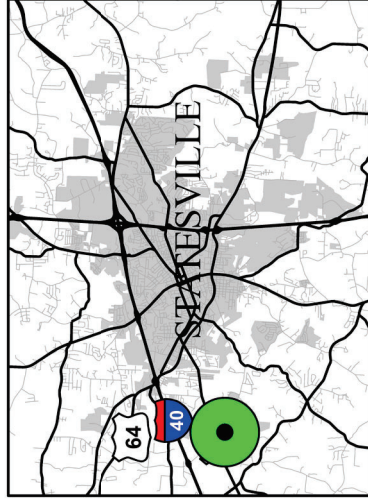
Next Steps

Recommendation from the Planning Board and City Staff moves to City Council for the first reading and public hearing of ZC26-10 Statesville Regional Airport on September 14th, 2026.

Attachments:

1. Location Map
2. Aerial Photo Map
3. Site Photo(s)
4. Current Zoning & Utilities Map
5. 2045 LDP Land Use & Character Intent Map
6. Employment Center + Industrial Flex Character Intent
7. Zoning Consistency Statement

ZC 26-10:
 Statesville
 Regional Airport



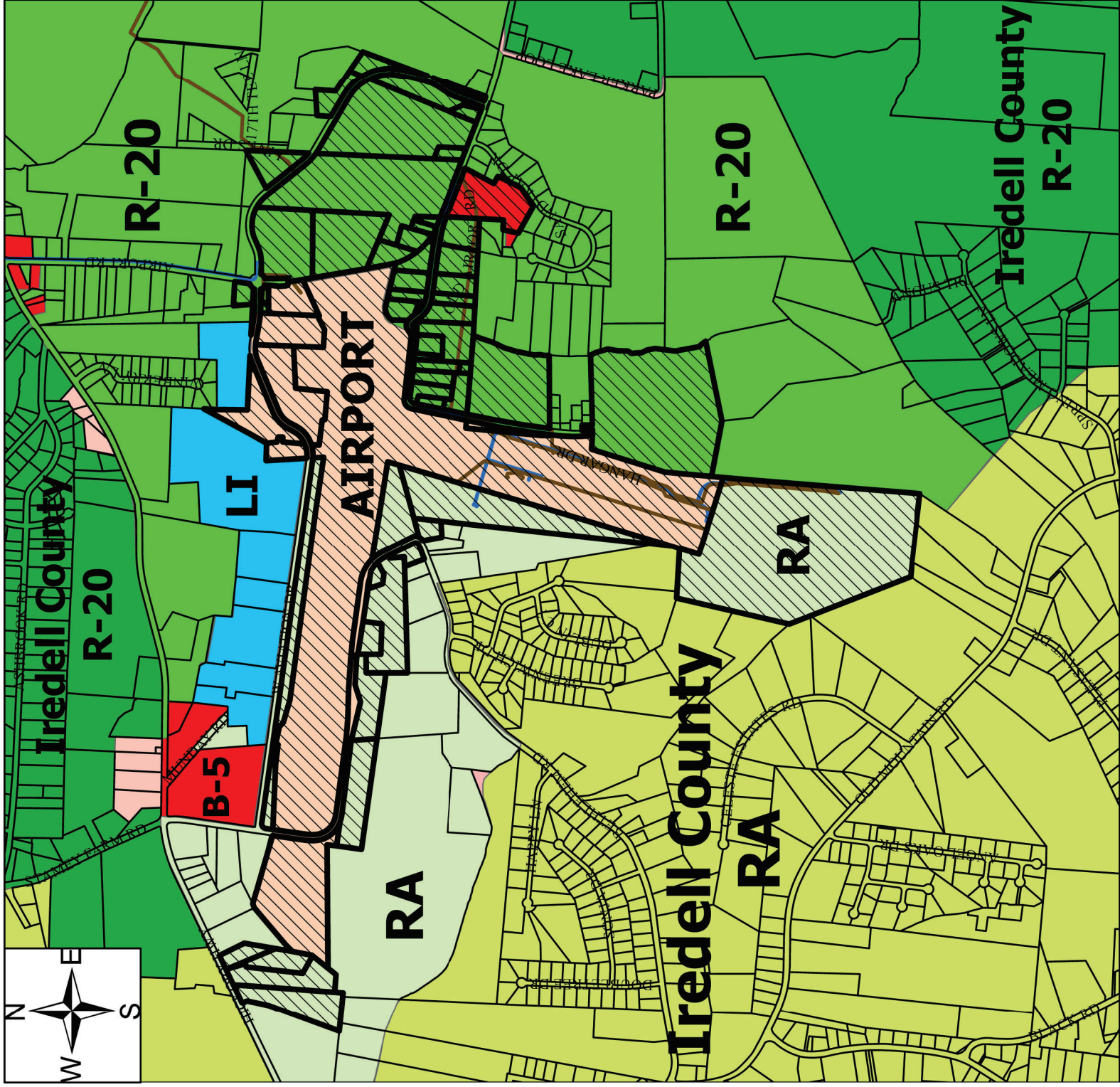
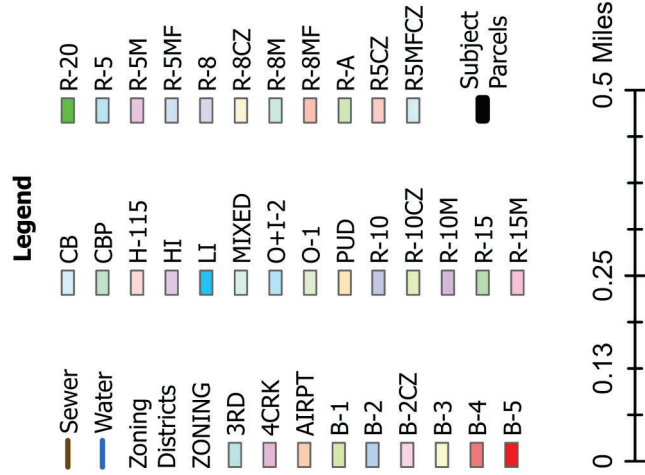
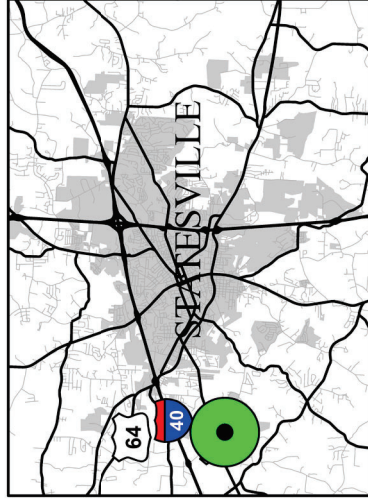


ZC26-10 Statesville Regional Airport – E. Aviation Drive & Airport Road



ZC26-10 Statesville Regional Airport – Highway 70

ZC 26-10: Statesville Regional Airport



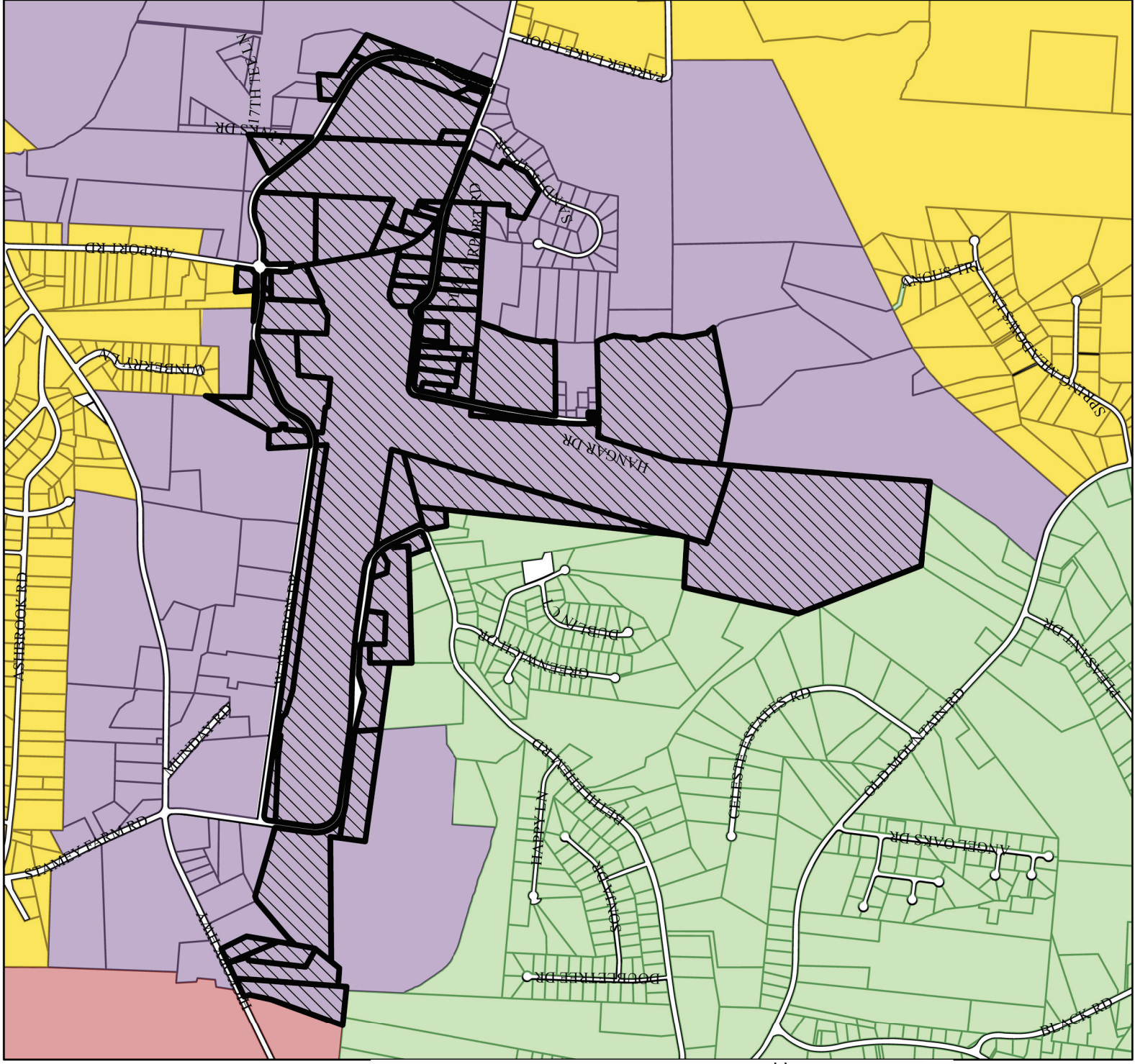
ZC 26-10: Statesville Regional Airport

Legend

2045 LDP	Rural Areas
Activity Areas	Rural
Activity Center	Employment Areas
Activity Corridor	Employment
Downtown and Core Neighborhoods	Center / Industrial Flex
Downtown Center	Redevelopment Corridor
Downtown Neighborhood 1	Special Areas and Institutions
Downtown Neighborhood 2	Medical Core
City Neighborhoods	Medical Support
Complete Neighborhood 1	Institutional
Complete Neighborhood 2	Recreational Open Space
	Subject Parcels



0 0.13 0.25 0.5 Miles



Employment Center / Industrial Flex

Character Intent

This character area serves as an engine of employment for the city including business parks, corporate campuses, flex space, as well as heavy manufacturing, warehousing, logistics and distribution, research and development and other industrial uses. These areas are located along major road corridors that provide adequate truck access. The market for employment space is changing and requires flexibility to cater to new production models, employee preferences, and customers. Production facilities may include public-facing show rooms, test kitchens, or tour spaces. This character area allows for such diversification while maintaining a focus on industrial and manufacturing uses. Restaurants and convenience commercial are appropriate uses in these areas to reduce worker commutes and enhance productivity. Uses and loading areas should be buffered from adjacent lower intensity uses with landscaping and other transitions. Developments fronting gateway corridors should have enhanced landscaping and buffering to maximize visual quality along the corridor. Corporate campuses should be master planned to maximize pedestrian access between buildings and create a visually appealing entranceway through landscaping and signage.

For information about the changing market for employment space, See Real Estate Market Analysis Report, page 36.

Pattern & Form

Large format buildings on mid-size to longer block lengths.

Opportunities

New industries and employers.

Primary Uses

Heavy and light industrial, office, office – corporate campus, heavy commercial, entrepreneurial incubator spaces.

Secondary Uses

Convenience retail, restaurants and bars.

Form Characteristics

Building Height	One to five stories
Building Orientation	Buildings oriented toward primary street, complexes may be designed around common space or service streets, 20-50 ft setbacks
Building Types	Large and mid-size format production facilities, offices, and small format retail and service uses
Street Character	Streets capable of accommodating regular truck traffic, sidewalks connecting sites encouraged
Parking Character	Surface lots that serve development sites, shared parking preferred, parking includes adequate loading, maneuvering, and equipment parking, parking located to side or rear





To: Statesville Planning Board

From: Joseph Campbell, Planner II

Date: August 17, 2026

Subject: Rezoning

Case: ZC26-10 Statesville Regional Airport

Address: 54 parcels (481.5 acres) around or adjacent to the Statesville Regional Airport.

☐ **Option 1: Approve (Staff Recommendation)**

The zoning amendment is **recommended for approval** and is consistent with the City's 2045 Land Development Plan, particularly the Airport/I-40 Area New Development Strategic Focus Area. The Plan supports maximizing the economic development potential of the Statesville Regional Airport and encourages aviation-supportive, industrial, logistics, manufacturing, and commercial uses in the surrounding area. Furthermore, this request is reasonable and in the public interest because rezoning this site aligns with the existing airport/helipad use with the zoning district.

☐ **Option 2: Deny**

The zoning amendment is **recommended for denial** even though it is consistent with the City's 2045 Land Development Plan. However, the rezoning is not reasonable, nor in the public interest because this request is not in harmony with the surrounding area.

Date: Alisha Cordle, Chairperson

Date: Joseph Campbell, Planner II



Staff Report

To: Planning Board Members

From: Joseph Campbell, Planner II

Date: August 18, 2026

Re: TA26-05 Airports/Helipads

Action Requested

Conduct a courtesy hearing for Text Amendment-05 (TA26-05) and consider adopting text amendments to the Unified Development Code regarding airports and helipads.

Summary of Information

The City of Statesville is proposing text amendments to move applicable airport regulations from the City Code to the Unified Development Code (UDC). Statesville Regional Airport height and use regulations were codified in Chapter 4 of the City Code (Sections 4-7 through 4-25), separate from the UDC in 2021. As part of an ongoing effort to consolidate all zoning-related standards into a single, consistent document, Staff have identified the airport regulations as zoning in nature — governing height limitations, permitted uses, nonconforming structures, permitting, variances, and appeals — and therefore appropriately relocated to the UDC alongside other use-specific supplemental regulations in Article 5, Section 5.04.

The UDC's Table of Permitted Uses already lists “Airports/Heliports” as a permitted use within the Heavy Industrial zoning districts but currently lacks the corresponding Supplemental Requirements. This amendment closes that gap by adding a new subsection, 5.04(MMM) — Airports/Helipads. The City is running a concurrent rezoning to align the airport operations with the updated text amendment.

Previous or Relevant Actions

N/A

Strategic Initiative Supported

Connecting our City.

Budget/Funding Implications

N/A

Consequences For Not Acting

Supplemental regulations for the use Airports/Helipads would continue to reside in City Code, rather than the Unified Development Code.

Department Recommendation

Staff is supportive of consolidating uses into the appropriate codes.

Therefore, staff recommends **approval – option 1** to approve the requested text amendments.

Manager Comments

N/A

Next Steps

Recommendation from the Planning Board and City Staff moves to City Council for the first reading and public hearing of TA26-05 Airports/Helipads on September 14th, 2026.

Attachments:

1. City Code Removal Sheet.
2. Unified Development Code Addition.
3. Consistency Statement.

KEY: ~~Removed Text~~ Added Text

Chapter 4 AVIATION¹

ARTICLE I. AIRPORT HEIGHT AND OVERLAY ZONING²

Sec. 4-1. Title.

This article shall be known and may be cited as "The Statesville Regional Airport ~~Height and Overlay Zoning Ordinance~~" created by the City Council of the City of Statesville.

This article shall regulate and restrict the height of structures, objects, and growth of natural vegetation, otherwise regulating the use of property, in the vicinity of the Statesville Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Statesville Regional Airport Height Zoning Map which is incorporated in and made a part of this article; providing for enforcement; establishing a board of adjustment; and imposing penalties.

(Ord. No. 02-21, 2-1-2021)

Sec. 4.2. Reserved

~~**Sec. 4-2. Authority and enactment.**~~

~~The legislature of the State of North Carolina has, in [G.S.] Ch. 63, Art. 4, Model Airport Zoning Act, authorized local governmental units to adopt regulations designed to protect the public health, public safety, and general welfare of their citizenry.~~

~~The city has decided to update existing regulations and overlay districts around Statesville Regional Airport.~~

~~Therefore, it [is] ordained by the City Council of the City of Statesville that this article be enacted into law as the Airport Hazard Overlay District of the City of Statesville's planning jurisdiction.~~

~~(Ord. No. 02-21, 2-1-2021)~~

Sec. 4-3. Statement of purpose and need.

The Statesville Regional Airport is acknowledged as an essential public facility to the State of North Carolina and the local community.

¹State law reference(s)—Aeronautics, G.S. Ch. 63.

²Editor's note(s)—Ord. No. 02-21, adopted Feb. 1, 2021, repealed the former Art. I, §§ 4-1—4-14, and enacted a new Art. I as set out herein. The former Art. I pertained to airport hazard overlay district and derived from Ord. No. 9-04, adopted April 19, 2004; and Ord. No. 67-07, adopted Dec. 17, 2007.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Statesville Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Statesville Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Statesville Regional Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Statesville Regional Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare, and for the promotion of the most appropriate use of land, that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the proper exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(Ord. No. 02-21, 2-1-2021)

Sec. 4-4. Reserved

~~Sec. 4-4. Short title.~~

~~This article shall be known and may be cited as the "Statesville Regional Airport Hazard Overlay District."~~
(Ord. No. 02-21, 2-1-2021)

Sec. 4-5. Definitions.

As used in this article, unless the context otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Airport means the Statesville Regional Airport.

Airport Elevation means the highest point of an airport's usable landing area measured in feet above mean sea level, which is nine hundred sixty-seven and eight tenth (967.8) feet above mean sea level at Statesville Regional Airport.

Airport reference point means the center point of an airport, located at the geometric center of all usable runways. The airport reference point (ARP) is computed as a weighted average of the end of runway coordinates.

Approach surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 4-7 of this article. This surface is based upon the civil airport imaginary surfaces defined in 14 CFR Part 77, Subpart C, § 77.19.

Airport overlay zones (primary, approach, transitional, horizontal, and conical) means a mapped zone that imposes a set of requirements in addition to those of the underlying zoning district. These zones are set forth in section 4-6 of this article.

Board of adjustment means a board appointed by the Statesville City Council.

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet. This surface is based upon the civil airport imaginary surfaces defined in 14 CFR Part 77, Subpart C, § 77.19.

Decision height means the height at which a decision must be made during either a precision instrument approach or an instrument approach with vertical guidance to either continue the approach or to execute a missed approach.

FAA means the Federal Aviation Administration.

Hazard to air navigation means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace as determined by the FAA per 14 CFR Part 77, Subpart D.

Height means the vertical distance from the ground elevation to the highest point of a structure or tree, including any appurtenance thereon. For the purpose of determining the height limits in all zones set forth in this article and shown on the Statesville Regional Airport Height Zoning Map, the reference shall be mean sea level elevation unless otherwise specified.

Horizontal surface means a horizontal plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. This surface is based upon the civil airport imaginary surfaces defined in 14 CFR Part 77, Subpart C, § 77.19.

Larger than utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Minimum descent altitude (MDA) means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of an instrument approach procedure where no vertical guidance is provided.

Minimum en-route altitude (MEA) means the lowest altitude, expressed in feet above mean sea level, in effect between fixes on VOR airways or en-route segments that meets obstacle clearance requirements and ensures acceptable navigational signal coverage for the entire route segment.

Minimum obstruction clearance altitude (MOCA) means the lowest published altitude, expressed in feet above mean sea level, in effect between fixes on VOR airways or en-route segments that meets obstacle clearance requirements for the entire route segment.

Nonconforming use means any pre-existing structure, either permanent or temporary, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.

Non-precision instrument runway means a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance for which a straight-in non-precision instrument approach procedure has been approved or planned, or a runway having an existing or planned approach with vertical guidance using area navigation (RNAV) equipment supported by a satellite-based augmentation system (SBAS) for the global positioning system (GPS).

Obstacle means any structure, growth, or other object, including a mobile object, that has been identified as having a potential to be an obstruction.

Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 4-7 of this article.

Person means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Planning director means the administrative office or agency responsible for administering zoning within the City of Statesville.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), a precision approach radar (PAR) or a ground-based augmentation system (GBAS) for the global positioning system (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is set forth in section 4-6 of this article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. This surface is based upon the civil airport imaginary surfaces defined in 14 CFR Part 77, Subpart C, § 77.19.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means an object, either permanent or temporary, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional surfaces means surfaces that extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline. This surface is based upon the civil airport imaginary surfaces defined in 14 CFR Part 77, Subpart C, § 77.19.

Tree means any object of natural growth.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. No. 02-21, 2-1-2021)

Sec. 4-6. Airport zones.

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the primary surface, approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to Statesville Regional Airport in its planned ultimate configuration. Such zones are shown on the Statesville Regional Airport Height Zoning Map consisting of two (2) sheets, prepared by Parrish and Partners, LLC and dated July 23rd, 2020, which is attached to the ordinance from which this article is derived and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) *Primary zone.* The primary zone is the areas beneath the primary surface. This zone extends two hundred (200) feet beyond each physical end of the runway, has a width of one thousand (1,000) feet, and is centered on the runway centerline. The primary surface and the primary zone are based on a planned ultimate runway length of eight thousand (8,000) feet.
- (2) *Non-precision instrument runway with visibility minimums as low as 3/4 mile approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a

horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (3) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (4) *Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.
- (5) *Horizontal zone.* The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (6) *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

(Ord. No. 02-21, 2-1-2021)

~~Sec. 4-7. Height limitations.~~

~~(a) Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone, as depicted on the Statesville Regional Airport Height Zoning Map referred to in section 4-6. Such applicable height limitations are hereby established for each of the zones in question as follows:~~

- ~~(1) *Primary zone.* The elevation of any point in the primary zone is the same as the elevation of the nearest point on the runway centerline.~~
- ~~(2) *Non-precision instrument runway with visibility minimums as low as 3/4 mile approach zone.* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.~~
- ~~(3) *Precision instrument runway approach zone.* Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.~~
- ~~(4) *Transitional zones.* Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred and fifty (150) feet above the airport elevation which is nine hundred sixty-seven and eight tenth (967.8) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.~~

~~(5) — Horizontal zone. Established at one hundred and fifty (150) feet above the airport elevation or at an elevation of one thousand one hundred seventeen and eight tenth (1,117.8) feet above mean sea level.~~

~~(6) — Conical zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred and fifty (350) feet above the airport elevation.~~

~~(b) — The following limitations shall also hereby apply:~~

~~(1) — Structures and/or trees that exceed the height limitations established for each zone in this article are hereby determined to be obstructions. Except for the City of Statesville, the property owner of a tree determined to be an obstruction shall not be responsible for bringing such tree into conformance with this article.~~

~~(2) — In addition to the height limitations defined herein, any structure or tree that would either cause a minimum obstruction clearance altitude, a minimum descent altitude, or a decision height for Statesville Regional Airport to be raised, takeoff minimums to be raised, or a non-standard climb gradient to be increased, is hereby determined to be an obstruction.~~

~~(3) — Notwithstanding any other provision of this article, any structure or tree that exceeds the following height limitations within the jurisdictional limits of the City of Statesville shall be considered an obstruction:~~

~~a. — A height of five hundred (500) feet above ground level at the site of the structure.~~

~~b. — A height that is two hundred (200) feet above ground level, or the established airport elevation, whichever is higher, within three (3) nautical miles of the established airport reference point.~~

~~(Ord. No. 02-21, 2-1-2021)~~

~~Sec. 4-8. Use restrictions.~~

~~Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create interference with the operation of airborne aircraft. The following special requirements shall apply to each permitted use:~~

~~(1) — All lights, lasers or illumination used in conjunction with streets, parking, signs, or use of land, and structures, shall be arranged and operated in such a manner so that it is not misleading or dangerous to aircraft operating from the Airport or in the vicinity thereof. Particularly, it shall not be made difficult for pilots to distinguish between airport lights and others.~~

~~(2) — No operations or use of land of any type shall produce smoke, glare or other visual hazards which impair the visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.~~

~~(3) — No operations or use of land of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.~~

~~(Ord. No. 02-21, 2-1-2021)~~

~~Sec. 4-9. Nonconforming uses.~~

~~(a) — Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance from which this article is derived, or otherwise interfere with the~~

~~continuance of nonconforming use of any structure or tree not conforming to the regulations as of December 3, 2003. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article is derived and is diligently prosecuted.~~

- ~~(b) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of such nonconforming structure or tree in accordance with FAA Advisory Circular AC 70/7460-1L or subsequent revisions.~~

~~(Ord. No. 02-21, 2-1-2021)~~

Sec. 4-10. Permits.

- ~~(a) *Future uses.* Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit in accordance with the provisions of this article has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with section 4-10(d).~~

~~(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than eighty (80) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.~~

~~(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than eighty (80) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.~~

~~(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than eighty (80) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.~~

~~(4) When compliance with the aerial contour height limits as depicted on the Statesville Regional Airport Height Zoning Map cannot be clearly established without further information, the planning director may require that the permit include, but not be limited to, the ground elevation and coordinates of the area in question with certification by a registered land surveyor or professional engineer.~~

~~(5) Each applicant for a permit shall include as an attachment to the application an airspace determination issued by the FAA pursuant to the requirements of 14 CFR Part 77, and a copy of FAA Form 7460.~~

~~Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article.~~

- ~~(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on~~

the effective date of the ordinance from which this article is derived or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

- (c) ~~Nonconforming uses abandoned or destroyed.~~ Whenever the planning director determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (d) ~~Variances.~~ Any person desiring to erect or increase the height of any structure or tree, or use their property not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or undue hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the intent of this article.
- (e) ~~Obstruction marking and lighting.~~ Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary in accordance with FAA Advisory Circular AC 70/7460-1L or subsequent revisions.

(Ord. No. 02-21, 2-1-2021)

~~Sec. 4-11. Administration.~~

It shall be the duty of the planning director to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the planning director upon a form published for that purpose. Applications required by this article to be submitted to the planning director shall be promptly considered and granted or denied by the planning director. The planning director shall not have or exercise any of the powers or duties herein delegated to the board of adjustment.

(Ord. No. 02-21, 2-1-2021)

~~Sec. 4-12. Board of adjustment.~~

- (a) ~~The City of Statesville Board of Adjustment is to have and exercise the following powers:~~
 - (1) ~~To hear and decide appeals from any order, requirement, decision, or determination made by the planning director in the enforcement of this article.~~
 - (2) ~~To hear and decide special exceptions to the terms of this article upon which such Board of Adjustment under such regulations may be required to pass.~~
 - (3) ~~To hear and decide specific variances under section 4-10(d).~~
- (b) ~~The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman or, in the absence of the chairman, the acting chairman may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of adjustment, shall be public record and on due cause shown.~~

-
- ~~(c) Before the board of adjustment considers a variance request or hears an appeal from any order, requirement, decision or determination made under the provisions of this article, the Statesville Regional Airport Commission shall be given an opportunity to make recommendations with respect to the variance or appeal.~~
 - ~~(d) The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.~~
 - ~~(e) The concurring vote of four fifth (4/5) of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the planning director or decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect variation to this article.~~

~~(Ord. No. 02-21, 2-1-2021)~~

~~Sec. 4-13. Appeals.~~

- ~~(a) Any person aggrieved, or any taxpayer, officer, department, board, commission or bureau of the county affected, by any decision of the planning director made in the administration of the ordinance, may appeal to the board of adjustment as provisioned in section 4-12.~~
- ~~(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the planning director a notice of appeal specifying the grounds thereof. The planning director shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.~~
- ~~(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the planning director certifies to the board of adjustment, after the notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the board of adjustment on notice to the planning director and on due cause shown.~~
- ~~(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. All witnesses will be sworn and a record of the proceedings shall be kept.~~
- ~~(e) The board of adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances, and to that end shall have all the powers of the administrative agency from which the appeal is taken.~~

~~(Ord. No. 02-21, 2-1-2021)~~

~~Sec. 4-14. Judicial review.~~

~~Any person, any taxpayer, or any officer, department, board or bureau of the county aggrieved by any decision of the board of adjustment, may petition for a writ of certiorari to the superior court as provided in G.S. § 63-34.~~

~~(Ord. No. 02-21, 2-1-2021)~~

Sec. 4-15. Penalty for violation.

~~Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall subject the offender to a civil penalty as provided by section 1-7(b) of the city Code. Each day that the violation continues to exist shall be considered a separate offense.~~

~~(Ord. No. 02-21, 2-1-2021)~~

Sec. 4-16. Conflicting regulations.

~~Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.~~

~~(Ord. No. 02-21, 2-1-2021)~~

Secs. 4-7—4-25. Reserved.

ARTICLE II. STATESVILLE REGIONAL AIRPORT

Sec. 4-26. Definition.

The term "person" and "attache" as used in this article shall be construed to mean any person, firm, corporation, association, society, club or partnership, singular and/or plural.

(Code 1959, § 2-105)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 4-27. Area defined.

References in this article to the municipal airport shall be construed to mean the entire area of the municipal airport of the city.

(Code 1959, § 2-101)

Sec. 4-28. Municipal airport commission.

- (a) *Creation.* There is created a commission to be known as the Statesville Regional Airport Commission.
- (b) *Members.* The airport commission shall be composed of seven (7) voting members. Five (5) of the members shall be appointed by the city council. One (1) member of the city council shall be appointed by the mayor. One (1) member of the county commission shall be appointed by the county commissioners. No more than three (3) of the seven (7) appointed members may live out of the city limits. The terms of all members appointed by the council shall be three (3) years, except that in case of a vacancy occurring during the term, the same shall be filled by the council for the unexpired portion of the term. Any member of the commission may be removed at any time with or without cause by two-thirds vote of the council. An airport commission member who misses three (3) unexcused regular meetings in a row is subject to removal.

-
- (c) *Function.* The airport commission shall be responsible for recommending broad policies that affect the care and maintenance of the airport. Rules and regulations for safe and proper operation of the airport via the staff member assigned to the airport. The commission is hereby further invested with specific powers as the city council shall prescribe through this chapter.

(Code 1959, §§ 2-92—2-94; Ord. No. 8-05, 4-4-05; Ord. No. 47-05, 11-7-05)

State law reference(s)—Airport commission authorized, G.S. § 63-53.

Sec. 4-29. Applicability of federal, state, local laws.

All laws of the federal government, the state and all published regulations of any authorized federal or state agency having jurisdiction or authority relating to the municipal airport or its operation shall be applicable in every respect and the provisions of this article shall be in addition to any such laws or regulations. This article shall be in addition to any and all other ordinances of the city relating to the municipal airport.

(Code 1959, § 2-95)

Sec. 4-30. Airport rules and regulations.

The municipal airport is a free airport open to all transient traffic, but all operators who come here will be governed by the rules and regulations as set forth in this article. All persons connected with the municipal airport in any capacity are required to know the rules and regulations of this airport and to cooperate with the authorities in enforcement of the same and to assist in the protection of life and property at all times.

(Code 1959, § 2-96)

Sec. 4-31. Licensed operators only.

Only aircraft and airmen licensed by the government of the United States shall operate on or over the municipal airport; provided, however, that this restriction shall not apply to public aircraft of the federal government, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

(Code 1959, § 2-97)

Sec. 4-32. Operation must conform with article; licensing of instructors.

- (a) No person shall navigate any aircraft over, land upon or fly the same from, or service, maintain or repair any aircraft on the municipal airport, or conduct any aircraft operations on or from the airport, otherwise than in conformity with this article and the requirements of the federal government agency having jurisdiction thereof.
- (b) No person will be allowed to give flying instructions or student training on or from the municipal airport without first obtaining a pilot's license with appropriate rating classification and a flight instructor certificate issued by the federal government.

(Code 1959, § 2-98)

Sec. 4-33. Register of employees, students; management of the public.

- (a) The name, address, telephone number and nature of business or occupation of all persons stationed or employed upon the municipal airport property or receiving instruction or operating therefrom shall be registered at the office of the airport manager.
- (b) The airport manager shall at all times have authority to take such action as may be necessary in the handling, conduct and management of the public in attendance at the airport.

(Code 1959, § 2-99)

Sec. 4-34. Closing of landing areas and runways.

Any parts of the landing areas or runways of the municipal airport temporarily unsafe or unavailable will be clearly marked, both day and night, with standard obstruction markers and, when so marked, are not to be used.

(Code 1959, § 2-102)

Sec. 4-35. Accidents; reports.

Attaches of the municipal airport who witness or participate in aircraft accident will be required to render a prompt detailed report to the airport manager's office, together with the names and addresses of all witnesses.

(Code 1959, § 2-103)

Sec. 4-36. Conduct of public; vehicle regulations.

- (a) The conduct of the public visiting the municipal airport and vehicular traffic shall at all times be under the control of the manager and/or his regularly designated assistants.
- (b) Education of the public in the principles of aeronautics will be encouraged by permitting visitors every reasonable freedom, but the airport manager or his representatives may adopt any restrictive measures necessary for safety.
- (c) Automobiles and other vehicles shall stay within the limits designated, with the exception of vehicles regularly employed in the service of the airport.
- (d) In no case shall automobiles, motor trucks, tractors or bicycles be permitted to drive upon any part of the landing area, taxi strips, ramps, aprons or free area, between hangars, except those designated by the lessee, which shall be parked on the property as leased by them.

(Code 1959, § 2-104)

Sec. 4-37. Appeals.

Any dispute that may arise among tenants, vendors and/or airport management shall be heard by the airport commission. They shall render a written decision within fifteen (15) days of the appeal. Parties may appeal the issue to the city council within seven (7) days of the commission's decision.

(Code 1959, § 2-106; Ord. No. 8-05, 4-4-05)

Sec. 4-38. Air traffic control.

All pilots and operators shall obey, follow and conform to any visual or other system which may be established for control of air traffic into and from the municipal airport.

(Code 1959, § 2-107(a))

Sec. 4-39. Disposal of wrecked aircraft.

The aircraft owner, his pilot or agent, shall be responsible for the prompt disposal of wrecked aircraft and the parts thereof to avoid all interference with field operations, unless directed to delay such action pending investigation of the accident.

(Code 1959, § 2-107(b))

Sec. 4-40. Property damage due to carelessness, negligence.

All pilots, lessees and others using any part of the municipal airport will be accountable for any property damage caused by carelessness or negligence on or over the municipal airport.

(Code 1959, § 2-107(c))

Sec. 4-41. Fire regulations.

The following fire regulations will apply at the municipal airport:

- (1) All persons and tenants using any or part of the airport or the facilities of the airport shall exercise the utmost care to guard against fire or injury to persons or property.
- (2) No person shall smoke within fifty (50) feet of any aircraft gasoline truck or fuel pump.
- (3) No aircraft shall be fueled while the engine is running.
- (4) All aircraft shall be positively grounded when being serviced with fuel.
- (5) All operators must provide first-aid and emergency firefighting equipment.

(Code 1959, § 2-108)

Sec. 4-42. Suspension of flying operations.

Except in the case of scheduled operators, the airport manager shall have authority to suspend flying operations on or from the airport when, in his opinion, the condition of the landing area and/or local meteorological conditions might make such operations unsafe.

(Code 1959, § 2-109)

Sec. 4-43. Operational procedures—Ground.

The following ground operational procedures shall apply at the municipal airport:

- (1) The loading apron is not to be used for landing or taking off. This restriction applies to all aprons and taxi strips around the adjoining hangars.

-
- (2) In testing or warming-up motors, the wheel brakes must be locked, or blocks with ropes attached must be placed against the wheels of the undercarriage.
 - (3) It will be the duty of all attaches of this airport to instruct and warn uninitiated persons of the danger of moving propellers and aircraft.
 - (4) After landing, all aircraft are to be taxied to the line or base of operation.
 - (5) When testing motors, pilots will so point their aircraft as not to bring buildings or spectators in the propeller stream.
 - (6) Engines are not to be started and/or run unless a qualified pilot or competent mechanic is in the aircraft attending the controls.
 - (7) Aircraft loitering on landing area is prohibited. All aircraft taxiing out to the takeoff area shall use all available runways and take off immediately. Aircraft testing engines or engaging in student conversation shall be parked facing incoming traffic, well off the landing area or at the edge of the field.
 - (8) Unhoused aircraft must be parked in the space allotted therefor and, when left unattended overnight or during treacherous weather conditions, must be properly secured to the ground by ropes, stakes and/or other adequate devices.

(Code 1959, § 2-110)

Sec. 4-44. Same—Flying.

- (a) All aircraft traveling in or around the municipal airport shall operate same in accordance with state law and the rules and regulations of the Federal Aviation Administration.
- (b) Experimental and test flying will be permitted, but only upon previous arrangement and with the approval of the airport commission and in compliance with applicable published Federal Aviation Administration regulations.
- (c) Acrobatic flying will be permitted, but only upon previous arrangement and with the approval of the airport commission and in compliance with applicable published Federal Aviation Administration regulations.
- (d) Experimental and exhibition parachute jumping will be permitted only on previous arrangement and with the approval of the airport commission and in compliance with applicable published Federal Aviation Administration regulations.
- (e) The operation or flying of model aircraft on the municipal airport property is expressly prohibited without the permission of the airport manager. The airport manager may designate areas, hours of operation, or other requirements for the operation of flying model aircraft and may authorize such under conditions where the safety of persons and property will not be jeopardized.

(Code 1959, § 2-111)

Sec. 4-45. Airport fees.

Upon the recommendation of the airport commission the city council shall set a schedule of fees for airport facilities.

(Code 1959, § 2-112; Ord. No. 8-05, 4-4-05)

Sec. 4-46. Penalties.

- (a) The police officials of the city, or any other duly authorized law enforcement officers, shall have authority to enforce all rules and regulations contained in this article. Any person violating these rules or refusing to comply therewith will be subject to the penalties provided by law.
- (b) Any person found guilty of violating any federal or state law or rule or regulation promulgated thereunder, and in particular G.S. Ch. 63, arts. 2 and 3 shall be punished as provided for by such law.
- (c) Any person violating the provisions of this article shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with the provisions of G.S. § 14-4.

(Code 1959, § 2-113)

Sec. 4-47. Lease and sale of airport property.

The airport commission may recommend to the city council that certain marketing surveys and appraisals of real estate in and around the airport be conducted from time to time in order that the airport be valued on a current market basis. They may also recommend new and renewable leases for corporate facilities recommended to them by the airport staff member.

(Ord. No. 8-05, 4-4-05; Ord. No. 47-05, 11-7-05)

Sec. 4-48. Leases to be approved by city council.

Leases of hanger space and property including the terms of such leases, hanger size, fuel farms, etc. Shall be subject to the approval of the city council.

(Ord. No. 8-05, 4-4-05)

Sec. 4-49. Statesville Regional Airport.

Any reference to the Statesville Municipal Airport or Municipal Airport is hereby changed to Statesville Regional Airport.

(Ord. No. 47-05, 11-7-05)

KEY: ~~Removed Text~~ Added Text Carryover Text

Section 5.04: Primary Uses and Structures

MMM. Airports/Helipads

1. Height limitations.

- (a) Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone, as depicted on the Statesville Regional Airport Height Zoning Map referred to in section 4-6 of the City Code. Such applicable height limitations are hereby established for each of the zones in question as follows:
- (1) *Primary zone.* The elevation of any point in the primary zone is the same as the elevation of the nearest point on the runway centerline.
 - (2) *Non-precision instrument runway with visibility minimums as low as 3/4 mile approach zone.* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
 - (3) *Precision instrument runway approach zone.* Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
 - (4) *Transitional zones.* Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred and fifty (150) feet above the airport elevation which is nine hundred sixty-seven and eight tenth (967.8) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
 - (5) *Horizontal zone.* Established at one hundred and fifty (150) feet above the airport elevation or at an elevation of one thousand one hundred seventeen and eight tenth (1,117.8) feet above mean sea level.
 - (6) *Conical zone.* Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred and fifty (350) feet above the airport elevation.
- (b) The following limitations shall also hereby apply:
- (1) Structures and/or trees that exceed the height limitations established for each zone in this article are hereby determined to be obstructions. Except for the City of Statesville, the property owner of a tree

determined to be an obstruction shall not be responsible for bringing such tree into conformance with this article.

(2) In addition to the height limitations defined herein, any structure or tree that would either cause a minimum obstruction clearance altitude, a minimum descent altitude, or a decision height for Statesville Regional Airport to be raised, takeoff minimums to be raised, or a non-standard climb gradient to be increased, is hereby determined to be an obstruction.

(3) Notwithstanding any other provision of this article, any structure or tree that exceeds the following height limitations within the jurisdictional limits of the City of Statesville shall be considered an obstruction:

a. A height of five hundred (500) feet above ground level at the site of the structure.

b. A height that is two hundred (200) feet above ground level, or the established airport elevation, whichever is higher, within three (3) nautical miles of the established airport reference point.

2. Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create interference with the operation of airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights, lasers or illumination used in conjunction with streets, parking, signs, or use of land, and structures, shall be arranged and operated in such a manner so that it is not misleading or dangerous to aircraft operating from the Airport or in the vicinity thereof. Particularly, it shall not be made difficult for pilots to distinguish between airport lights and others.

(2) No operations or use of land of any type shall produce smoke, glare or other visual hazards which impair the visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(3) No operations or use of land of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

In addition to the airfield, airport uses may include airport terminals, control towers, hangers, aircraft storage (indoor/outdoor), parking and vehicle services, onsite retail/rental services, fuel facilities, maintenance operations, flight instruction (including schools), administrative offices, passenger facilities, special events, restaurants, and other customary airport related activities.

3. Nonconforming uses.

- (a) *Regulations not retroactive.* The regulations prescribed by this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance from which this article is derived, or otherwise interfere with the continuance of nonconforming use of any structure or tree not conforming to the regulations as of December 3, 2003. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article is derived and is diligently prosecuted.
- (b) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of such nonconforming structure or tree in accordance with FAA Advisory Circular AC 70/7460-1L or subsequent revisions.

4. Permits.

- (a) *Future uses.* Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit in accordance with the provisions of this article has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved. ~~in accordance with section 4-10(d).~~
- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than eighty (80) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than eighty (80) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than eighty (80) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- (4) When compliance with the aerial contour height limits as depicted on the Statesville Regional Airport Height Zoning Map cannot be clearly established without further information, the planning director may require that the permit include, but not be limited to, the ground elevation and coordinates of the area in question with certification by a registered land surveyor or professional engineer.
- (5) Each applicant for a permit shall include as an attachment to the application an airspace determination issued by the FAA pursuant to the requirements of 14 CFR Part 77, and a copy of FAA Form 7460.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article.

- (b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance from which this article is derived or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) *Nonconforming uses abandoned or destroyed.* Whenever the planning director determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (d) *Variances.* Any person desiring to erect or increase the height of any structure or tree, or use their property not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or undue hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the intent of this article.
- (e) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary in accordance with FAA Advisory Circular AC 70/7460-1L or subsequent revisions.

(Ord. No. 02-21, 2-1-2021)

Section 9.02: Definitions

Airport/Heliport: A facility used for the takeoff, landing, and servicing of aircraft, including any associated navigational aids, fueling facilities, and accessory buildings, whether operated as a public-use airport, private airstrip, or helicopter landing facility (heliport), subject to Federal Aviation Administration and state aeronautics requirements.



To: Planning Board

From: Joseph Campbell, Planner II

Date: August 18, 2026

Subject: Text Amendment: Airports/Helipads

Case: TA26-05

☐ **Option 1: Approve as Presented (Staff and Planning Board Recommendation)**

The proposed text amendment is **recommended for approval** as presented and is consistent with the 2045 Comprehensive Plan, particularly the Airport/I-40 Area recommendations. The Plan supports maximizing the economic development potential of the Statesville Regional Airport and encourages aviation-supportive, industrial, logistics, manufacturing, and commercial uses in the surrounding area. Furthermore, the text amendments are reasonable and in the public interest because establishing appropriate standards for airports and helipads supports these goals while providing for compatibility with nearby development.

☐ **Option 2: Denied as Presented**

The proposed text amendment is **recommended for denial** and not consistent with the 2045 Comprehensive Plan, as the Plan does not specifically contemplate airports or helipads as land uses within the broader Airport/I-40 Area.

Date: _____
Alisha Cordle, Chair

Date: _____
Joseph Campbell, Planner II