

City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

October 2, 2018

5:00 p.m.

No.	Item		Description
1	Call to Order		
2	Moment of Silence		
3	Pledge of Allegiance		
4	% %		A reminder that City Hall exists for, of and by the people of our City and is inclusive of ALL!! Council and staff are here to SERVE YOU and to create a welcoming, inclusive, safe, and thriving environment for ALL to enjoy as you live, work, play, volunteer, visit, learn and participate in decision making in our great City!!
5	Proclamation(s):		
	LA FIESTA DE ROWAN DAY	OCTOBER 10, 2018	
	FIRE PREVENTION WEEK	OCTOBER 7-13, 2018	
	ROWAN COUNTY UNITED WAY MONTH	OCTOBER 2018	
6	Consent Agenda:		
(a)	Minutes.		Adopt Minutes of the Special meeting August 14, 2018 and Regular meeting of September 4, 2018.
(b)	Budget Ordinance Amendment Long-Range Public Transportation Master Plan.	Requestor(s): Transit	Adopt a Budget ORDINANCE Amendment to the FY2018-19 budget in the amount of \$106,500 to appropriate funds for a Long-Range Public Transportation Master Plan.
7	Economic Development Incentive % A	Requestor(s): Rowan Economic Development Commission(EDC) Presenter(s): Scott Shelton	Council to consider a request for an Economic Development Incentive Grant of approximately \$1,714,825 % % A (a) Receive a report (b) Hold a public hearing (c) Approve request for an Economic Development Incentive Grant of approximately \$1,714,825 for Project Care.



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8	Economic Development Incentive Project Arizona	Requestor(s): Rowan Economic Development Commission (EDC)	<p>Council to consider a request an Economic Development Incentive Grant of approximately \$3,857,890 % Arizona.</p> <ul style="list-style-type: none"> (a) Receive a report (b) Hold a public hearing (c) Approve request for an Economic Development Incentive Grant of approximately \$3,857,890 for Project Arizona.
		Presenter(s): Scott Shelton	
9	Adopt an Ordinance: TA-03-2018 Re-write of the Institutional Campus (IC) zoning district and for other minor amendments.	Requestor(s): Community Planning Services	<p>Council to consider Land Development Ordinance Text Amendment TA-03-2018, to amend Chapters 2, 4,5,6,8,10,11, 12, and 18 related to Institutional Campus (IC) zoning provisions.</p> <ul style="list-style-type: none"> (a) Receive a presentation from staff (b) Hold a public hearing (c) Issue a Statement of Consistency and Statement of Reasonableness, and consider adopting an ORDINANCE amending Chapters 2, 4,5,6,8,10,11, 12, and 18 related to a re-write of the Institutional Campus (IC) zoning district and for other minor amendments.
		Presenter(s): Preston Mitchell	
10	Adopt an Ordinance: TA-05-2018 Public Hearing notifications.	Requestor(s): Community Planning Services	<p>Council to consider Land Development Ordinance Text Amendment TA-05-2018 to amend Chapter 15 related to public hearing notifications for rezonings:</p> <ul style="list-style-type: none"> (a) Receive a presentation from staff (b) Hold a public hearing (c) Issue a Statement of Consistency and Statement of Reasonableness, and consider adopting an ORDINANCE amending Chapter 15 related to public notifications for rezonings.
		Presenter(s): Preston Mitchell	
11	Report Salisbury Community Development Corporation (CDC) housing programs.	Requestor(s): Planning and Community Services	<p>Council to receive a report on housing programs offered by Salisbury Community Development Corporation (CDC).</p>
		Presenter(s): Chanaka Yatawara	



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12	Public Comment.		Council to receive public comment. <i>Public comment will be opened at approximately 6:00 p.m. or at the end of the meeting, whichever comes first.</i>
13	A % ,		
14	A %		
15	Announcements.		
(a)			Downtown Salisbury, Inc. will host the 6th annual : Friday, October 5, 2018 from 6:00 p.m. until 8:00 p.m. Talented musicians, artists, and specialty acts will perform on the streets of Downtown Salisbury and winners will be crowned at the end of the night. For more information, please visit www.downtownsalisburync.com or call (704) 637-7814. This event is free and open to the public.
(b)			The Hispanic Coalition, a subcommittee of the Human Relations Council, will host its annual La Fiesta de Rowan Saturday, October 6, 2018 from 12:00 p.m. until 5:00 p.m. in the Bell Tower Green Lot located at Jackson and Church Street. La Fiesta is a celebration of Hispanic/Latino culture through music, food, dance, and much more % % % Education, and Scholarships will be awarded in connection with the event. The fun-filled event brings people of diverse backgrounds together to share the Hispanic/Latino customs and traditions. This is a family event that connects the community at large and provides agencies and businesses an opportunity to share information and resources.



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5:00 p.m.

(c)			Salisbury Parks and Recreation, in partnership with Downtown Salisbury, Inc., will host the annual Halloween Fun Fest Saturday, October 27, 2018 from 3:00 p.m. until 6:00 p.m. in the City Hall parking lot. Activities will include carnival games, live entertainment, trick-or-treating, a hay bale maze, costume contest, pet costume contest, and more. Game tickets are \$5.00 for an unlimited pass.
16	A	% A	
17	Mayor Pro Tem Comments.		
18		% A	
19	Adjourn.		



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, the City of Salisbury is committed to ensuring the safety and security of all those living in and visiting Salisbury; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and the majority of United States fire deaths occur at home each year; and

WHEREAS, residential fires claimed the lives of 2,735 people in the United States in 2016, and fire departments in the United States responded to 352,000 home fires according to the National Fire Protection Association (NFPA); and

WHEREAS, Salisbury residents are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes by installing smoke alarms to reduce the risk of death and should be installed in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Salisbury's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection educational opportunities and with a home fire escape plan that will provide the skill set and know-how to quickly and safely escape a home fire situation; and

WHEREAS, Salisbury residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

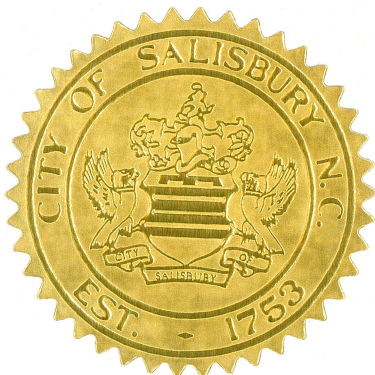
WHEREAS, the 2018 Fire Prevention Week theme, "Look. Listen. Learn. Be aware – fire can happen anywhere" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM October 7 – 13, 2018 as

FIRE PREVENTION WEEK

in Salisbury, encourage all to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Salisbury fire and emergency services during Fire Prevention Week 2018

This the 2nd day of October 2018.



Al Heggins, Mayor

Salisbury, North Carolina
August 14, 2018

SPECIAL MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David B. Post, Council Member Karen Alexander. City Manager W. Lane Bailey, Assistant City Manager Zack Kyle, City Clerk Diane Gilmore and City Attorney J. Graham Corriher.

ABSENT: Council Members William Brian Miller and Tamara Sheffield.

Mayor Heggins and members of City Council met in a Special session in Council Chambers, 217 South Main Street. The meeting began at 10:00 a.m.

DEPARTMENT OF JUSTICE DIAGNOSTIC CENTER ASSESSMENT

United States Department of Justice (DOJ) Diagnostic Center Analyst Alex Nunez, Analyst Karin Thomas, and Senior Diagnostic Specialist Jessica Herbert addressed Council regarding the Office of Justice Programs (OJP) diagnostic analysis for the Salisbury Police Department. Analyst Alex Nunez thanked Police Chief Jerry Stokes and Deputy Chief Shon Barnes for their proactive approach in seeking assistance from the DOJ to improve the Police Department. He explained the OJP is a component of the United States Department of Justice that works with communities across the country to train and assist in various areas relating to criminal justice.

Mr. Nunez explained the Diagnostic Center aims to fulfill a nationwide call from the criminal justice community to improve access to information on what works in preventing and controlling crime, as well as provide guidance on how to implement data-driven programming in the community.

Mr. Nunez noted the Diagnostic Center works with urban, suburban and tribal communities across country.

Mr. Nunez stated the request for assistance from the Salisbury Police Department was one of the best OJP had ever seen. He added the request included a level of detail regarding the (including an increase in homicide, assaults with a dangerous weapon gun, and shooting into occupied dwelling from 2012 through 2016.

Mr. Nunez shared the DOJ worked in the community and with law enforcement to understand the issues related to crime. He stated the center collected data and provided analysis and recommendations. He indicated the center also identified training and technical assistance to support implementation of those recommendations.

Mr. Nunez explained the assessment included interviews with law enforcement agencies that partner with the Police Department, faith-based leaders, neighborhood representatives and business owners.

Mr. Nunez noted after reviewing the request from the Salisbury Police Department the Diagnostic Center focused on three priority areas to improve public safety. He stated the intended outcome was to improve safety and reduce violent crime by identifying and implementing data driven strategies that target factors contributing to violence. He shared the Diagnostic Center will work with the Salisbury Police Department to identify indicators that can be tracked over time to show progress toward intended outcomes.

Mr. Nunez reviewed the (of diagnosing, implementing and (added at the request of the Salisbury Police Department, the Diagnostic Center team collected qualitative and quantitative data to better understand the factors contributing to department reported issues. V (

Mr. Nunez indicated based on the responses from interviews and review of case file samples and police policies, the Diagnostic Center identified four areas and aligned the findings to four phases within an incident response life cycle.

Analyst Karin Thomas discussed patterns of crime in the City. She stated the Diagnostic Center analyzed calls for service and reported crimes to understand place-based patterns and crime problems. She shared information regarding the building on Calls for Service (CFS) analysis. She stated the Diagnostic Center examined the (crimes, historically driven by property crimes, drugs and interpersonal violent crime. She shared information regarding interpersonal violent incidents in the North End cluster near the highway. She also noted interpersonal violent incidents in the West End are concentrated throughout residential and commercial areas.

Senior Diagnostic Specialist Jessica Herbert shared reports that gun violence is concentrated on weekends and late night, which is similar to national trends. She indicated that over the past 10 years, 52% of gun violence calls were received Friday through Sunday between 10:00 p.m. and 1:00 a.m. She stated in most recent years, gun violence calls were most frequent between 8:00 p.m. and 1:00 a.m., and there were significantly higher than average incidents in Salisbury. She added the findings show gun violence incidents are most common in multi-family housing units.

Ms. Herbert shared information regarding firearm related interpersonal violent incidents in the West End community, and she shared the Diagnostic Center identified a number of practices and evidence-based strategies for reducing gun violence.

Mr. Nunez stated the Police Department may consider seeking training to support a comprehensive, coordinated, department-wide response. He reviewed the training and technical assistance plan:

(a) Enhance Data Management and Utilization

Improvements to data management and utilization could help the department make better, evidence-based decisions to more effectively address violent and other major crimes.

- Foundational crime analysis training
- Training on basic data processes and their application to public safety objectives
- Data standards and data quality assurance training
- Management System (RMS) and how to utilize them

(b) Develop Violent Crime Reduction Strategies

A strategic approach to violent crime in Salisbury is necessary to produce a measureable impact on current crime levels. Recommended approaches to violent crime reduction strategies include:

- Task Force (TF) Training an overview of key strategies that are critical to TF operations.
- Development of a problem oriented or place based policing strategy that utilizes data to help determine allocation of resources
- Development of strategy to reduce gun violence
- Development of a Social Media Strategy

(c) Improve Investigation Processes

Larger than normal caseloads have prevented investigators from participating in critical training on investigations. The department would benefit from:

- Additional investigators to help reduce the case load per investigator
- Major Crime Scene Preliminary Investigation to include to include topics such as interviewing, interrogation, report writing and documentation
- Investigation Management Training to include case management systems.

(d) Improve Internal and External Communications

Communication gaps exist both internally and externally, between departmental units and law enforcement partners. The department could benefit from:

- Organizational Communications education on the importance of effective communication and how to achieve it
- Development of communications protocols for internal and external communications in addressing violent crime
- Improving the 911 Call Center Communications

Police Chief Jerry Stokes stated the Diagnostic Analysis is a voluntary program requested by himself, Deputy Police Chief Shon Barnes, and City Manager Lane Bailey to look at how the Police department can improve their response times to calls.

Chief Stokes reviewed two grant submissions: the BJA Technology Innovation for Public Safety and the BJA School Violence Threat Assessment and Technology Reporting to partner with the Rowan-Salisbury School System to focus on crime and security incidents in and around the schools.

Chief Stokes shared the Police Department participated in training at the Department of Justice Crime Analysis Community of Practice Meeting in April and will continue with training the VALOR Survive and Thrive to focus on officer wellness and preparedness to be held in August. He added there will be a training session with the International Homicide Investigators Association (IHIA) soon.

Chief Stokes commented the Project Safe Neighborhood initiative is funded by Council and County Commissioners as a County-wide program. He added the Police Department has contracted with the University of North Carolina at Greensboro to conduct the violent crime incident review for the Project Safe Neighborhood initiative to identify potential victims and offenders.

Chief Stokes noted the Police Department has ongoing partnerships with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Federal Bureau of Investigation (FBI), and other federal agencies to support investigations involving firearms and violent crimes.

Chief Stokes stated the Diagnostic Center will do an organizational assessment to see if officers are being employed at the time violence occurs, and he added the assessment will see if clerical staff is an option for transcribing and putting together case studies rather than the detectives.

Chief Stokes commented Rowan-Salisbury School System Superintendent Dr. Lynn Moody is focused on identifying childhood trauma and how it plays a part in interpersonal violence, and its effects on the School System and the community. He commented the City could work with the School System to address problems and find the cause of interpersonal violence and gun crime issues.

Deputy Chief Barnes stated the Diagnostic Center is great for the Police Department since it is difficult to fix a problem unless it is identified correctly. He thanked the Department of Justice for helping with diagnostic issues, and he added the Police Department is ready to meet the challenge and work together as a community.

Mayor Heggins thanked Mr. Bailey, Chief Stokes, and Deputy Chief Barnes for being proactive in seeking assistance from the United States Department of Justice, and she thanked OJP and the Diagnostic Center for presenting the report to Council.

Mayor Heggins asked what kind of communications protocols are needed for the West End community. Chief Stokes explained the need for criminal intelligence for communication between officers, communication of calls coming from 911 to officers, and community outreach strategy by getting information to those in the West End community.

Mayor Heggins asked what type of technology would help with interpersonal crime in the West End. Chief Stokes advised the grant is intended to provide security cameras and possibly license plate readers.

Mayor Heggins asked who investigates the homicide and violent crime cases. Chief Department, State Bureau of Investigation (SBI), and Bureau of Alcohol, Tobacco, Firearms and Explosives are asked to assist the City, especially with gun crimes.

Mayor Heggins asked the DOJ diagnostic team about interviews from the Salisbury community. Mr. Nunez mentioned there were two separate site visits with interviews of 30 people each time including a few repeats. He added the people interviewed were from the Police Department, the community, United Way, school system, social services, and criminal justice partners. Mr. Nunez explained 15-20 individuals were interviewed from the community.

Mayor Heggins asked for an opportunity for individuals who live in areas impacted by crime to be able to provide feedback. Mr. Nunez agreed that feedback would be helpful and he would like to speak to the community. Mayor Heggins asked that Mr. Nunez be provided with information from the Stop The Violence group, and she added as the Community Action Team (CAT), Stop the Violence and other groups are working to get information to staff to help reduce crime, they should be supported by staff.

Mayor Heggins asked for clarification of the crime generators regarding festivals and sporting events as it pertains to the City. Ms. Herbert pointed out the crime generators are crime theories used for potential strategies and planning for those scenarios.

Councilmember Alexander asked how the Shot Spotter will be implemented and funded. Chief Stokes explained the Shot Spotter is a triangulation technology using microphones that are placed in an area and as a shot is fired, it is broadcast to officers within 10 to 15 minutes and can differentiate between the sound of a gunshot and noise from cars backfiring. He commented the grant opportunity did not cover the costs for the Shot Spotter but will be used to purchase the

security camera system and license plate readers. He added a grant opportunity will be sought into for the Shot Spotter in the future.

Councilmember Alexander asked if the Police Department has reached out to businesses that have shown an interest to help fund the Shot Spotter Program. Chief Stokes commented Deputy Chief Barnes is looking for ways to provide that opportunity to business owners in the future.

Mayor Heggins asked about the plan for improving the 911 call center communications. Chief Stokes explained it will be by improving and developing protocols for specific calls for dispatchers to be able to distribute appropriately to the officers. Deputy Chief Barnes added in 2017, he and Chief Stokes met with Rowan County 911 Communication Director Allen Cress and the Telecommunications Team to review police response priorities including the strategies and missions of the Police Department.

Mayor Pro Tem Post asked what resources the Police Department needs in order to reduce their caseloads. Mr. Bailey stated a few years ago there was a 20% vacancy in the Police Department so there was not an opportunity for travel for training. He stated with a tax increase, the pay was aligned with Charlotte, but it needs to stay competitive. Mr. Bailey added the right size for the department has not been determined entirely and further training is needed due to younger officers.

Chief Stokes commented the Police Department is fully staffed with 81 sworn officers including six new officers who will begin patrol by the end of 2018. He added in order to reduce detectives caseload help could be provided from the () ve staff. ()

Mayor Pro Tem Post asked if there is a concern for officers leaving the City to seek other job opportunities. Chief Stokes shared there is a concern for officers leaving due to so many new hires and the Department is a training ground for other cities that may recruit them. He added Salisbury is equal or ahead of Concord, Mooresville, and Huntersville but has lost officers to Charlotte-Mecklenburg Police Department because of officers residing in the City of Charlotte.

Deputy Chief Barnes commented he receives several praises from business owners and citizens for the work that the Police Department does. He added the Police Department needs to find a way to help the people who s () () () doing such as with groups Stop The Violence, Salisbury Neighborhood Action Group (SNAG) and West End. Deputy Chief Barnes commented there needs to be a way to recognize those organizations, community members, and churches that want to work with the Police Department to reduce crime, and he added how great the impact of community engagement is with everyone working together.

Mayor Heggins shared it would be good for the teams of Stop the Violence, SNAG, and CAT to connect with other teams and work with the Police Department to strengthen and grow the community.

Mayor Heggins asked if there is a formula to help police departments determine the staffing they need due to violent crime. Chief Stokes advised there is no particular formula for determining the need for Police Department staffing.

Councilmember Alexander asked about violent crime in the West End and if it is from repeat offenders. Chief Stokes commented the University of North Carolina at Greensboro will help with the study of identifying victims and offenders and once that information is gathered the Department will be able to better intervene in those areas.

Mr. Michael Stringer asked if assistance was available to help those who are released from jail to merge into society. Ms. Herbert referenced the Place Base Strategy, and she noted the initial analysis did not go in depth of the issues. She indicated when a person is released from prison it would not necessarily mean they would be considered the top offender. She commented the grants would provide additional personnel support to help analyze and determine a response for individuals such as faith-based programs, and criminal justice, or social resources needs.

Chief Stokes commented staff is working on Project Re-entry Programs to help work with offenders transitioning into society and to help prevent relapse offenses.

Mr. Geoffrey Hoy asked if additional reports would be provided to the public, and he asked if OJP information could be provided to the community to make the public aware. Chief Stokes commented the presentation is a public document, and staff would work with the Communications Department to provide a way for the public to review the presentation. He noted there is an additional 1:00 p.m. meeting that afternoon with the Police Department that is limited to law enforcement officers.

Mr. George Benson commented he attended National Night Out, and he was impressed with the diversity of the department (). He asked about costs to the City to request joint investigations. Chief Stokes commented there is no cost when the City requests Mutual Aid Assistance, and he added the City has been asked to provide mutual aid to the County as well.

Ms. Renee MacNutt suggested the City could engage with local universities and companies to brainstorm for ideas on how to () () and utilize () community resources.

Ms. Latasha Wilks asked if there would be high school programs relating to gun violence prevention. Chief Stokes commented there are plans in place by School Resource Officers (SRO) that are implemented County-wide. He added parts of the grant would help analyze security needs for City.

ADJOURN

Motion to adjourn the meeting was made by Councilmember Alexander. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 11:59

a.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk

DRAFT

Salisbury, North Carolina
September 4, 2018

REGULAR MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; City Clerk Diane Gilmore, and City Attorney J. Graham Corriher.

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

CHANGE TO THE AGENDA

Mayor Heggins noted the following change to the Agenda:

Add three announcements regarding the North Carolina Department of Transportation Litter Sweep, rescheduled City Council September 18 meeting, and the Mayor's Playball event Saturday, September 8 at Catawba College.

Add a closed session meeting to consult with an attorney.

PROCLAMATION

Mayor to proclaim the following observance:

FIRST RESPONDER DAY SEPTEMBER 11, 2018

Mayor Heggins read the First Responders Day Proclamation and presented a copy to Police Chief Jerry Stokes and Fire Chief Bob Parnell.

RECOGNITION

Mayor Heggins asked City Engineering Wendy Brindle to help her recognize Engineering staff. Ms. Brindle introduced the Traffic Engineering staff Ms. Arlette Oglesby, Mr. Chauncey Sheppard, Mr. Ellis Robinson, and Ms. Vickie Eddleman. She commented Mr. Sheppard and Mr. Robinson are Signal Field Technicians who are responsible for 88 City traffic signal, over a 100 City street lights and assist with street banners. She commented Ms. Eddleman is the Traffic Engineering Coordinator for the City and works with Ms. Oglesby Engineer Senior Administrator Specialist to respond to citizen complaints and department needs. Mayor Heggins thanked them for their work.

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Special meetings of August 21 and August 23, 2018, and the Regular meeting of August 7, 2018.

(b) Retirement Police K9 Snitch

Approve the retirement of Police Service K9 Snitch and gifting him to his handler Officer Joseph Martinez.

(c) Budget Ordinance Amendment Police Department

Adopt a Budget Ordinance amendment to FY2018-2018 budget in the amount of \$10,933 to appropriate revenue for training and up fitting the crime scene truck in the Police Department.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE NC CONTROLLED SUBSTANCES TAXES

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 127, and is known as Ordinance 2018-43.)

(d) Right-of-Way Encroachment Spirit Communications

Approve a Right-of-Way encroachment along Council and Lee Street and an alley between Lee and Main Street, from Spirit Communications for installation of a directional bored duct within the City Right-of-Way in accordance with Section 11-24 (27) of the City Code.

(e) Budget Ordinance Amendment 904 South Jackson Street

Adopt a Budget Ordinance amendment to FY2018-2019 budget in the amount of \$121,281 to appropriate funds from the sale of a house in FY2017-2018 located at 904 South Jackson Street

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE HOUSING STABILIZATION FUNDS

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 128, and is known as Ordinance 2018-44.)

(f) Residuals Land Application Program

Authorize the City Manager to execute a contract with EMA Resources, Inc. in the amount of \$193,225 for services related to the Residuals Land Application Program.

Thereupon, Councilmember Alexander made a **motion** to adopt the Consent Agenda as presented. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

REMEDIAL ACTION PLAN (RAP)

Code Enforcement Officer Karen Barbee-Ziegler and Housing Advocacy Commission (HAC) board member Ms. Anne Lyles presented Council a report on the Remedial Action Plan (RAP). She commented the RAP began as a partnership between *v* (i b d 7 (v Police Department and Code Enforcement. She indicated Council adopted the RAP program July 11, 2017, and the RAP began November 1, 2017.

Ms. Barbee presented Council a brochure for landlords to register properties and receive HAC information. She commented the HAC has 191 rental properties voluntarily registered. She noted the RAP has a focus to reduce crime relating to rental properties, to provide landlords training and assist with disorderly activities, and she added RAP uses a software called Crime Free Programs.

Ms. Barbee announced a RAP and rental property informational session will be held Wednesday, September 26, 2018 from 6:00 p.m. until 8:00 p.m. at 500 North Main Street and is free to the public. She noted landlords will have an opportunity to speak directly with City Attorney Graham Corriher, a Deputy who processes evictions for Rowan County, and a City Code Enforcement Officer to learn more about the eviction process, the RAP Ordinance, and real estate. She added her office is located at 132 North Main Street and residents can call (704) 638-7586.

Councilmember Miller asked if rental property managers are invited to attend trainings. Ms. Barbee indicated letters are sent to rental property owners and their rental property.

Ms. Anne Lyles commented the HAC has spent many hours training and reviewing plans to help address the community. She commented, at first, landlords were resistant but after time and discussion with property owners, the HAC helped create a plan that was agreeable to all parties.

RESOLUTION UPSET BID PROCESS 200 BLOCK OF WEST HENDERSON STREET

City Engineer Wendy Brindle presented Council with an offer to purchase parcels 011-039-01 and 011-391 located between West Henderson Street and West Lafayette Street. She commented the offer is to purchase both parcels in the amount of \$15,000, and she indicated the properties are approximately 0.80 of an acre with a tax value of \$59,650. She noted both parcels are included in a 100-year floodplain zone. She noted if Council desires to approve the offer it would need to adopt a Resolution to authorize the upset bid process. She commented the City has received the required 5% deposit, and she added staff would advertise for additional offers for 10 days. She commented if no offers are received within the required advertisement period, staff would return to Council to approve or decline the initial offer.

Councilmember Sheffield asked if there are structures on the properties. Ms. Brindle indicated the parcels are vacant.

Councilmember Miller commented the properties would generate tax revenue for the City. He noted it would not be cost effective to build a structure on the property since the properties are located in a floodplain. He stated he supports the upset bid process.

Thereupon, Councilmember Miller made a **motion** to adopt a Resolution supporting upset bid parcels for 011-391 and 011-039-01, located in the 200 block of West Henderson Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION SUPPORTING UPSET BID PROCESS FOR THE SELL OF PARCEL NO. 011-391 and 011-039-01 LOCATED IN THE 200 BLOCK OF WEST HENDERSON STREET

(The above Resolution is recorded in full in Resolution Book No. 15 at Pages No. 41-42, and is known as Resolution 2018-26.)

RESOLUTION UPSET BID PROCESS FOR SALE OF 110 NORTH MAIN STREET PROPERTY

City Engineer Wendy Brindle presented Council with an offer to purchase the property located at 110 North Main Street from Mr. Pete Bogle with Bogle Firm Architecture in the amount of \$150,000. She stated Mr. Bogle has agreed to the condition of sale and would abate mold located in the basement area and perform a final air clearance test. She noted Mr. Bogle indicated he has intentions to apply for City grants if he meets investment thresholds. She noted Mr. Bogle is a tenant at the Plaza and has asked for his lease not to be penalized in the event he is successful with the 110 North Main Street property. She added his lease expires December 2019.

Mayor Pro Tem Post asked about previous bids on the property. Ms. Brindle commented the property has had one previous offer in the amount of \$135,000. She noted individuals have shown interest in the property, and there could be additional bids submitted during the 10 day upset bid process. She noted the City receives a qualified upset bid, the 10 day period would restart until no other bids are submitted, and staff would present Council with a final offer.

Councilmember Sheffield asked for a review of the current property. Ms. Brindle commented the property is a vacant three-story building with 3,256 square feet and a tax value of \$200,498. She noted the property would need repairs including a roof, heating, ventilation, and air conditioning (HVAC). Councilmember Sheffield asked if Mr. Bogle request for his lease to not be penalized is connected with the offer to purchase the 110 North Main Street property. Ms. Brindle noted at this time Council will only approve or deny the upset bid process.

d (*v* (development vision ((for the building.

Councilmember Miller commented Mr. Bogle s investment could help the vibrancy of downtown with retail use on the first floor and professional services on the second floor. He noted there could be additional interest at the current price point, but he is in favor of proceeding with the upset bid process.

Thereupon, Mayor Pro Tem Post made a **motion** to adopt a Resolution supporting upset bid process for the sale of parcel 010-2-562, located at 110 North Main Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION SUPPORTING UPSET BID PROCESS FOR THE SELL OF PARCEL NO. 010-2-562 LOCATED AT 110 NORTH MAIN STREET

(The above Resolution is recorded in full in Resolution Book No. 15 at Pages No. 43-44, and is known as Resolution 2018-27.)

BOARDS AND COMMISSIONS

Human Relations Council

Upon a motion by Councilmember Miller, seconded by Councilmember Sheffield. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Human Relations Council for a term to begin March 31, 2018:

Mr. Stephen Simpson

Term Expires 3/31/21

Councilmember Sheffield commented the Community Appearance Commission is seeking members with experience in construction or design. Mayor Pro Tem Post commented Mr. Carl Sale might consider reappointment. Councilmember Sheffield commented Mr. Sale did not wish to seek reappointment at that time, but she suggested the committee could check with Mr. Sales.

Councilmember Miller commented the Planning Board is actively seeking Extraterritorial Jurisdiction (ETJ) members.

CITY ATTORNEY REPORT

(a) Animal Control Ordinance Amendment

City Attorney Graham Corriher presented Council with an amendment relating to Rowan County (agreement with the City. (He provided Council a copy of the agreement, and he noted in 2009 the City Council and the Rowan County Board of Commissioners agreed to consolidate animal control ordinances to allow Rowan County animal control to enforce its laws within the City. He referenced a recent complaint regarding a leash restriction issue, and he commended the County for facilitating the adjustments made to leash laws. He noted he met with the City Manager, County Manager, and County Attorney to discuss repealing the d Ordinance and replacing it with the d (b Ordinance. (d

o : (d ((d ((u Ordinance to be in effect in City limits. He suggested Council adopt an Ordinance to repeal the d animal control Ordinance. He stated the Resolution would adopt (d Animals Control Ordinance to (Ordinance relating to Animal Control.

Mayor Heggins asked if the County would be responsible for all animal control enforcement. Mr. Corriher agreed, and he noted the Ordinance describes that the Salisbury Police Department has concurrent jurisdiction and Rowan County Animal Control is listed as the primary point of contact for City animal control needs. Mayor Heggins asked if Citizens should call the County first. Mr. Corriher agreed.

Councilmember Miller asked if there would be opportunities for the City and County to meet periodically to have conversations and determine if both the City and County needs are being met. Mr. Corriher indicated the 2009 agreement would remain in effect, and the two organizations would continue to coordinate with one another regarding any issues moving forward. He added the County has been very responsive and willing to support the agreement. He commented no payments for animal control services are being made to the County.

Mayor Pro Tem Post asked if changes to the County Ordinance would automatically Ordinance as amended from time to time by the Rowan County Commission. He commented if the City becomes unsettled with the agreement at any time the City can create its own animal control.

Councilmember Miller commended City Manager Lane Bailey and County Manager Aaron Church for helping build a relationship with Rowan County.

Thereupon, Mayor Pro Tem Post made a **motion** to adopt a Resolution permitting the Rowan County Animal Control Ordinance to be applicable within the City Limits. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION PERMITTING THE ROWAN COUNTY ANIMAL CONTROL ORDINANCE TO BE APPLICABLE WITHIN THE CITY LIMITS

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 45, and is known as Resolution 2018-28.)

Thereupon, Mayor Pro Tem Post made a **motion** to adopt an Ordinance amending Chapter 5, Section IV of the Code of Ordinances to clarify animal control services. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 5, SECTION IV OF THE CODE OF ORDINANCES TO CLARIFY ANIMAL CONTROL SERVICES

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 129, and is known as Ordinance 2018-45.)

CITY OF SALISBURY

(a) **Fire Prevention and Safety Grant Award**

City Manager Lane Bailey announced the City received a grant from Homeland Security and Fire Prevention and Safety grant in the amount of \$73,363 to assist with the creation of an

Arson Task Force. He noted the City is required to provide a 5% cost match of \$3,493 as a condition of the grant award.

Thereupon, Councilmember Alexander made a **motion** to accept the Fire Prevention and Safety Grand award in the amount of \$73,363. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ANNOUNCEMENTS

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host the first Downtown Salisbury Brew Fest and Crawl on Friday, September 14, 2018 from 5:00 p.m. until 9:00 p.m. and Saturday, September 15, 2018 from 3:00 p.m. until 8:00 p.m. This two day, ticketed event will celebrate the art of craft beer, allowing patrons to experience local and regional craft breweries in a multitude of ways. For detailed information, please visit www.downtownsalisburync.com or call (704) 637-7814.

Communications Director Linda McElroy announced North Carolina Department of Transportation will host Litter Sweep North Carolina September 15-29, 2018. Litter Sweep is a statewide roadside litter removal initiative in which residents throughout North Carolina participate in local efforts to help clean up North Carolina's roadways. Volunteers are provided cleanup supplies from their respective local NCDOT County Maintenance Yard office. To participate in Litter Sweep, please contact local NCDOT Litter Program Coordinator Darlene Bailey at (336) 896-2380.

Communications Director Linda McElroy announced in observance of Yom Kippur, the City Council meeting scheduled for September 18th has been rescheduled to Monday, September 17, 2018 at 5:00 p.m. in Council Chambers.

Communications Director Linda McElroy announced local boys and girls ages 7-15 are invited to a free day of baseball and softball instruction. Saturday, September 8, 2018 at Catawba College Newman Park from 9:00 a.m. until noon. Baseball and softball instructions will be provided by the Catawba College baseball and softball teams. Transportation is provided from Hall Gym and the Civic Center at 8:30 a.m. Pre-registration is recommended by calling (704) 638-5286 or registering online at www.salisburync.gov/playball.

Mayor Heggins invited Parks and Recreation Director Nick Aceves to share more information regarding the Mayors Playball initiative. Mr. Aceves commented the Playball initiative is provided by Major League Baseball (MLB) to get youth interested in playing baseball and softball. He thanked Catawba College for helping support the free initiative for the community youth. He noted transportation is available by calling Halls Gym prior to the event, or participants can arrive before 8:30 a.m.

COUNCIL COMMENTS

Councilmember Sheffield thanked Parks and Recreation and staff for helping with renaming portions of the Greenway, and she commented the ceremony would take place Friday, September 7, 2018.

Mayor Heggins asked City Attorney Graham Corriher if public comment could be opened 15 minutes prior to 6:00 p.m. given Council schedule. Mr. Corriher commented it would be the Mayor prerogative.

Mayor Heggins paid tribute to the late Senator John McCain.

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Mr. Larry Ford shared he served as lead general councilor for the North Carolina League of Municipalities, and he shared everyone should be more supportive of each other. He expressed he understands the need for the Resolution for Reconciliation. He commented the Sheriff is responsible for the protection of the persons in jail and suggested Council to review.

Ms. Renee MacNutt commented she is in favor of relocating the Fame statue and asked Council to consider supporting the Resolution of Reconciliation.

Dr. Gary Freeze expressed he is a local historian and teaches history at Catawba College and provided an easement deed for Council's review. He noted the mother of the Fame statue is called Hope. He read articles from the Historic Commission, and he commented the monument could not be moved because it is located on private property and owned by United Daughters of the Confederacy.

Mr. Ronnie Smith provided Council a letter regarding the placement of the Rowan County Vietnam Veterans Memorial Wall.

Mr. Perry Miller shared his concerns regarding the recent vandalism to the Fame statue.

Ms. Susan Lee commented in regards to the Fame statue and read portions of a speech written by the Former Mayor of New Orleans Mitch Landrieu.

Ms. Whitney Peckman expressed she would like the Fame statue to remain at its current location and suggested removing the plaque.

Mr. Jeffery Sharp expressed he would like for United Daughters of the Confederacy to provide a statement regarding its position to the Fame statue.

Mr. Anthony Smith shared his concerns regarding the location of the Fame statue and suggested the statue should be relocated.

Ms. Melissa Summers asked everyone to keep the future of the children in mind when making decisions.

Mr. Tenkomenin Crowder expressed his opposition in regards to slavery.

Mr. Isaac Heggins shared his concerns with the community (toward each other.

Ms. Jane Steinburg stated she was in support of the Rowan County Veterans Memorial Wall, and she shared some of her personal histories of growing up in Salisbury.

There being no one else to address Council, Mayor Heggins closed the public comment session.

Mayor Heggins asked City Attorney Graham Corriher to review the difference between a deed and an easement. Mr. Corriher commented a deed is the (((. He noted an easement gives the right to use land and is not a transfer of land ownership, and he added easements can be temporary or permanent. He shared he does not have any reason to disagree with the opinions offered in the past that indicate the property in which the Fame monument is located was provided by an easement.

r f t w COMMENTS

Mayor Heggins asked if Council would consider holding its comments due to the time, and she suggested Council move into closed session. Councilmembers agreed.

CLOSED SESSION

Mayor Heggins requested a motion to go into closed session.

Thereupon, Councilmember Miller made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11 (a)(3). Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

By consensus, Council agreed to return to open session.

Mayor Heggins announced no action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller seconded by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:20 p.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk

DRAFT

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: October 2, 2018

Name of Group(s) or Individual(s) Making Request: Transit Department

Name of Presenter(s): Rodney Harrison, Transit Director

Requested Agenda Item: Long-Range Public Transportation Master Plan

Description of Requested Agenda Item: Salisbury Transit is requesting approval to complete a Long-Range Public Transportation Master Plan. The completed plan will provide recommendations for improving service coordination in Rowan County and the region, financial position, operational functionality, and service delivery of Fixed Route and complimentary ADA Paratransit over the next 20 years. The projected completion date is March 2019.

Attachments: Yes No

Fiscal Note: The cost of the proposal selected is \$106,500. Funding for this project is not included in the current budget. NC General Statutes require that the City appropriate revenues so that they can be legally spent. After this fund balance appropriation, the estimated unrestricted fund balance for the Transit fund will be \$163,287 (based on unaudited FY18 financial statements).

Action Requested of Council for Agenda Item: Council to consider authorizing the City Manager to approve funding for a Long-Range Public Transportation Master Plan and adopt a budget ordinance to appropriate fund balance in the transit fund of \$106,500.

Contact Information for Group or Individual: Rodney Harrison, Transit Director
rlhar@salisburync.gov, 704-638-5252

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:


Finance Manager Signature

Department Head Signature


Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Mayor's Office Only

Approved

Declined

Reason:

AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE TRANSIT FUND BALANCE FUNDS

Be it ordained by the City Council of the City of Salisbury, North Carolina, as follows:

Section 1. The City is entering into a contract to complete a long-range public transportation master plan. NC General Statutes require that the City appropriate revenues so that they can be legally spent.

Section 2. That the 2018-2019 Budget Ordinance of the City of Salisbury, adopted on June 19, 2018, is hereby amended as follows:

(a) That the following Transit Fund line items be amended as follows:

- | | | |
|-----|---|-------------------|
| (1) | Increase line item 035-000-000-499900
Appropriate Fund Balance | <u>\$ 106,500</u> |
| (2) | Increase line item 035-653-000-545003
Contracted Services | <u>\$ 106,500</u> |

Section 4. That all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall be effective from and after its passage.



Long-Range Public Transportation Master Plan

Description

The overall goal of this study is to identify current and future unmet needs and opportunities to expand public transit opportunities across the City, while improving regional connectivity. We desire a detailed implementation strategy that will increase the efficiency and delivery of transit service within Salisbury, now and in the future. To accomplish this, the study will assess existing conditions and identify opportunities to realize cost efficiencies, improve quality and frequency of service, connectivity, and accommodate the growth of local and regional multimodal travel demands, including fixed route, complimentary ADA Paratransit, vanpooling and fixed guideway (commuter rail/light rail/bus rapid transit) options, with an emphasis on maintaining and improving customer service.

This study will identify programmatic, administrative, operational, capital, and legislative actions to facilitate the coordination and enhancement of transit service in the City of Salisbury over the next 20 years. This study will include opportunities for collaboration and coordination that may not be currently utilized. This plan is expected to provide recommendations to facilitate the implementation of a systematic plan to invest in, expand, and improve public transit in the study area over the next two decades. The final product will serve as a roadmap to guide its implementation.

As Salisbury and the region continue to develop, transit trips and options need to become more seamless in nature, and transit organizations need to be able to respond effectively to the changing environment. Current and new service, such as microtransit / on-demand transit, regional Express Bus, Vanpool, fixed guideway (commuter rail/light rail/bus rapid transit), needs to be provided effectively and coordinated between the cities, towns, and unincorporated rural areas for the good of the entire community.

Scope of Work

1. Executive Summary
2. An overview and demographic analysis of the region (current and projected out to the 20-year horizon year - 2038); must include a summary comparison of three to five case studies of peer areas that have recently or are currently experiencing similar population growth and how they have successfully dealt with enhancing public transit options to meet that growth
3. Development of a long-term vision, goals and objectives for public transit citywide

4. A robust public participation engagement plan to ensure inclusion and participation of a diverse cross section of our communities to include, but not limited to, current public transit users, non- users, area stakeholders, LEP populations and fixed route and complimentary ADA Paratransit drivers and operations staff. Non-traditional means of engagement, including focus groups, technology, social media and other forms of effective public engagement tools are encouraged to ensure broad community participation and buy in
5. Performance evaluation of existing transit services; staffing needs assessment, recommendations for improved coordination of services
6. Current and future demand estimation and needs assessment, including an inventory of unserved or underserved areas, times and populations/stakeholders and potential new service delivery options and capital and infrastructure needs
7. Recommend a service plan for service within Salisbury city limits which will meet current and future demands. Recommendation should include sample routes, level of service, number and size of buses needed, frequency of routes, type of vehicle (i.e. propane, electric), how the service is offered (i.e. fixed route, on demand, microtransit)
8. Transit alternatives and recommendations including both a full funding and financially constrained 5, 10 and 20-year capital and operating plan.
9. Analysis of current and potential new funding sources and policy change recommendations required to implement the recommendations set forth in the plan options.
10. In reference to the facility at 300 West Franklin Street, conduct an alternative fuel study for vehicles and provide recommendations.
11. Conduct a cost and benefit analysis for contracting out fixed route and ADA Paratransit services to a third party.
12. Cost analysis of providing service to Spencer.
13. Cost analysis of providing service to East Spencer.

Proposed strategies will recommend an approach for improving the overall transit network and investment in transit corridors within a defined funding horizon (2038). Strategies must address appropriate investment in urban, suburban, rural, and small town areas consistent with vision and goals.

Funding Investment Scenarios - The funding investment scenarios should fall into two plans; fiscally unconstrained and fiscally constrained using available cost and revenue information. The scenarios should examine the impact of current and potential future funding sources on when and what investment can be made.



(

September 21, 2018

ROWANEDC

PARTNERSHIP for ECONOMIC DEVELOPMENT
SALISBURY, NC

Be an original.

ECONOMIC
IMPACT
SUMMARY

SUMMARY OF PROPOSED EXPANSION OF PROJECT
CARE IN SALISBURY



Submitted by:
The Rowan EDC

September 21, 2018

The Honorable Al Heggins
City of Salisbury
Post Office Box 479
Salisbury, NC 28145



Re: Summary of Proposed Expansion of Project Care in Salisbury, NC

Dear Mayor Heggins and Council Members:

On behalf of your Economic Development Commission, please allow me to present to you this summary of the proposed expansion of Project Care in Salisbury.

We are optimistic that, with your support, this project will reach a successful conclusion, creating new employment and expanding the nonresidential tax base in Salisbury. This document addresses the primary drivers and impacts of the project, and is designed to provide you the information necessary to consider their request for assistance.

We sincerely hope that you find this document a useful resource as you consider this matter. We have expended substantial efforts to gather as much information as possible regarding the potential impacts this project could have on our City and its citizens. In order to accomplish this, we have relied on a variety of public and private sector partners. At this time, in addition to company representatives from Project Care, we would like to thank:

David Hartigan, President, Hartigan Management, Inc.
Underwood, Regional Industry Manager, Economic Development
Partnership of NC
Chris Corriher, District Engineer, NC Department of Transportation

In the preparation of this document, we have strived to utilize factual data and realistic projections extrapolated from the best information available. It is our intent that this document serve as a resource for you as you deliberate potential actions.

Please do not hesitate to contact our offices with any questions you may have regarding this matter. We look forward to your feedback.

Sincerely,

A handwritten signature in blue ink that reads "Scott Shelton".

Scott Shelton
Vice President of Operations

Contents

1. Project Description
2. Regulatory Approval Process
3. Requested Assistance
4. Other Potential Incentive Request
5. Model of City Revenue 10-Year Horizon
6. Closing
7. Draft Incentive Agreement

1. Project Description

About The Company

The company behind Project Care is an advanced manufacturer that has been a valued employer in Salisbury for years. The company currently employs dozens of people in our community.

Proposed Project

Project Care is considering its facility in Salisbury for a major expansion. Our primary competition for this expansion is one _____ as well as facilities in 3 foreign countries.

If Salisbury were chosen, the company would add 59 new jobs by the end of 2020. These new jobs would pay an average annual salary in excess of \$46,000, with benefits.

The company would also invest approximately \$68 million dollars into the chosen location through improvements to the existing facility and major equipment upgrades. These improvements would be completed by the end of 2019.

2. Regulatory Approval Process

Zoned appropriately for their current use, there does not appear to be any regulatory barriers to this project moving forward. The company will work with the City of Salisbury and the Rowan County Building Inspections Department to navigate the appropriate review and permitting process. There are no components of the proposed project that appear outside the normal scope of operations for these types of facilities.

3. Requested Assistance

adopted Investment Grant Program provides a five-year grant to companies investing in our community. The grant is established by a contract between the company and the City of Salisbury. The company must pay their taxes in full each year based on the actual tax value of the property or investment to be eligible to receive the grant. If the company meets all of the criteria in the contract, a portion of the property tax will be returned as a grant. The amount of the grant is based on a designated percentage level for five consecutive years. Below is a chart that summarizes the categories of grants, including the minimum investment required and the percentage of new taxes paid that would be returned as a grant:

<i>Grant Category</i>	<i>Minimum Taxable Investment Required</i>	<i>Percentage of Paid Taxes Returned as a Grant</i>
Level 1 Grant	\$5 million dollars	75%
Level 2 Grant	\$50 million dollars	80%
Level 3 Grant	\$100 million dollars	85%

The company is requesting assistance under this program for the amount and duration adopted in the policy. In order to illustrate the revenue impact of this potential project on Salisbury, we have projected revenue returns over a 10-year period. These projections are provided below in Section 5.

Approval of this incentive request would be consistent with the City assistance to existing industry. We respectfully request that the City Council consider approving their request based on the potential impact on our community from the project. A copy of the proposed Incentive Agreement is attached.

4. Other Potential Incentive Request

The companies behind Project Care and Project Arizona are located within close proximity of each other. Both have expressed interest in a new, shared access road that would provide better truck flow and driver safety. Options for this new road are currently being discussed by upper management from both companies as well as the NC Department of Transportation. If both companies decide to move forward with the new road, the Rowan EDC will explore a variety of grant options to help fund it. There is also the possibility that the companies may request funding assistance for the road from the City of Salisbury and Rowan County at a later date.

5. Model of City Revenue –10-Year Horizon

Project Care expects that the majority of construction, equipment installation, and infrastructure improvements will be complete by December 31, 2019. The overall investment timeline is based on information provided to the Rowan EDC by the company.

The evolving nature of City tax rates, assessed value of the installed equipment, and construction timelines require certain assumptions in order to develop a functioning model. To establish a baseline, the following constants were applied:

The City tax rate is fixed at the current rate of .7169
\$68 million of new equipment and construction occurs prior to December 31, 2019
The project is complete by December 31, 2019

In application, it is unlikely that all assumptions will hold constant. The model provides general trends of expected revenues and expenditures.

Incorporating the above framework, the following outcomes are projected:

During the five incentivized years, the City of Salisbury would collect \$2,143,531 in revenue and provide incentive grants totaling \$1,714,825. The City would retain \$428,706 of revenue during the incentive term.

Modeled with a 10-year horizon, the City of Salisbury would stand to collect an estimated \$4,580,991, disburse a \$1,714,825 grant and retain an estimated \$2,866,166 of new revenue.

6. Closing

Project Care appears to have a lengthy list of positive attributes and no apparent liabilities. If Salisbury were chosen, the project would create a total of 59 new full time jobs as well as add \$68 million dollars to the City. The project would also generate approximately \$487,000 of annual tax revenue for the City after the incentive period concludes.

On behalf of the staff of your Economic Development Commission, we look forward to providing you any additional information requested, or meeting with you personally to discuss these findings in detail. We hope that you have found this information useful as you consider this matter.

7. Draft Incentive Agreement

NORTH CAROLINA
ROWAN COUNTY

RELOCATION AND EXPANSION ASSISTANCE AGREEMENT

THIS RELOCATION AND EXPANSION ASSISTANCE AGREEMENT (the "Agreement") is made and entered into, 2011 by and between the City of Salisbury, North Carolina, a body politic (hereinafter referred to as the "City") and "Project Caret" and its wholly owned subsidiary, _____, (hereinafter jointly referred to as the "Company")

WITNESSETH

WHEREAS, the Company has explored the possibility of establishing a new or expanding an existing facility in the City (the "Property"), which would increase taxable property in the City and result in the creation of a number of jobs in the City, but would not have a significant detrimental impact to the environment of the City; and

WHEREAS, the Company has determined that the property located at _____, Salisbury, North Carolina (the "Property"), is a suitable location for its expansion and improvement; and

WHEREAS, in order to induce the Company to relocate, expand, or improve on the Property, the City is willing to provide, or cause to be provided, to the Company certain inducements, upon terms and conditions binding upon the City as set forth herein; and

WHEREAS, prior to beginning any relocation, expansion or improvement on the Property, the Company and City met and agreed to enter into this Agreement; and

WHEREAS, in consideration of the undertakings and agreements set forth herein, approximately \$68 million dollars will be invested by or on behalf of the Company in new equipment and other real property improvements on the Property, and to create a certain number of jobs as provided herein and further comply with the covenants and conditions binding upon it as set forth herein, all of which are intended to create a positive economic impact in the City.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Company and the City hereby agree as follows:

ARTICLE I
CITY INDUCEMENTS

The City shall provide financial assistance to the Company through the "Relocation and Expansion Assistance Program", as hereinafter defined, with respect to the Company's development of the Property and other related expenses as follows:

- 1) The "Relocation and Expansion Assistance Grant" (the "Grant") shall be used for the construction, equipment, and other capital improvements in the City. The Grant will specifically apply to the Property and all real property improvements and personal property newly installed and used at the Property ("Facility").
- 2) The amount of the Grant will be computed using the following steps:

a) Real Property Valuation.

- i) For each tax year that the Grant is applicable to a Property (subject to the limitations below), determine the actual assessed tax value of the real property, located at such Property.
- ii) Subtract from the above amount in a) i) the baseline real property value of the Property assessed as of January 1, 2018, and prior to the investments made by the Company in real property at such property. The annual result of this computation shall be defined as the "New Property Value" for the applicable Property.

b) Personal Property Valuation.

- i) For each tax year that the Grant is applicable (subject to the limitations below), determine the actual assessed tax value of all personal property, excluding supplies and rolling stock, located at and used in such Property.
- ii) Subtract from the above amount in b) i) the assessed tax value of personal property, excluding supplies and rolling stock, located at and used on such Property as of January 1, 2018. The annual result of this computation shall be defined as the "New Personal Property Value" for the applicable Property.

c) City Property Tax Determination. The sum of the New Real Property Value and the New Personal Property Value of a Property for each applicable year shall be the "New Property Value" of such Property for each applicable Property by the City tax rate (excluding county tax rates) applicable for the tax year at issue to determine the amount of property taxes applicable to the new property at such Property.

d) Grant Amount Determination. Multiply the property taxes applicable to the New Property Value for each applicable Property by 80% (0.80).

- 3) The Grant will be structured as a reimbursement of a portion of the real and personal property taxes assessed against each applicable Property and the Company. Such payment of the Grant will be made to the Company. Payment may be requested by the Company no sooner than January 1st and no later than June 30th of the fiscal year in which the taxes are due. The Grant will be paid within sixty (60) days of the Company providing certifications as set forth in Article III(3), and receipt of the Company's full payment of all real and personal property taxes due to the City. Payment of the Grant shall be equal to Eighty Percent (80%) of the City property taxes (excluding county taxes) paid on the New Property Value of the Property by the Company according to Paragraph (2) above at the prevailing City tax rate for the tax year of the requested Grant.
- 4) Tax amounts due on property discovered by the City through its customary audit procedures and not listed by the Company shall be excluded from this Agreement, and the City shall not be responsible for reimbursement on these amounts for any tax year.

ARTICLE II
SCHEDULE OF CORPORATE IMPROVEMENTS

- 1) The Company has determined that the Property is a suitable site for location of its Facility and shall acquire all local permits, zoning approvals, and required state and federal permits, if applicable. The Company expects to have the Facility substantially completed by December 31, 2018.
- 2) The Company shall receive the Grant for five separate tax years (" G which shall begin with property assessed as of January 1, 2019, with the first such reimbursement to be provided to the Company by the City during fiscal year ended June 30, 2020. If the Facility is not complete by January 1, 2019, the Grant shall be based on the percentage complete and assessed for that year.
- 3) Unless an event triggering the Force Majeure provision set forth in Article VII herein shall occur, the initial year shall commence on property assessed as of January 1, 2019.
- 4) Any subsequent qualifying expansion of the Facility by the Company shall be eligible (provided the Relocation and Expansion Assistance Program is still in effect) for consideration as a separate Grant under the Relocation and Expansion Assistance Program, each for a separate Grant Term.

ARTICLE III
EMPLOYMENT

- 1) The Company projects that it will create 59 Full Time Equivalents (" F T E s ") with t h Project. As of December 31, 2020, the Company shall employ 257 FTEs at this Project. A FTE position requires at least 1,600 hours of work per year and is provided standard company benefits.
- 2) In each Fiscal Year (FY) that the company requests the disbursement of grant funds, the Company shall certify that the following employment goals have been met, prior to receiving payment:

<u>City Fiscal Year (FY)</u>	<u>Number of New FTEs (in aggregate)</u>
FY 19-20	0
FY 20-21	24
FY 21-22	59
FY 22-23	59
FY 23-24	59

- 3) The Company shall certify annual progress towards the employment of the required number of FTEs to the City on or before June 30, 2019, and on June 30th following each of the remaining years of the Grant Term. Such certification shall include a copy of the C o m p a n y ~~Employers~~ *Employers Quarterly Tax and Wage Report* " (Form NCU1 101 filed with the NC Employment Security Commission) for the quarter a) ending on or immediately preceding the date of the annual request and b) the number of FTEs as of that same date. If the NCUI 101 is discontinued or modified, a successor form performing a comparable function must be submitted. The Company shall also provide copies of its One NC Grant reporting to the City, if applicable, when they have been submitted to the State.

- 4) Should the Company fail to certify its annual employment numbers by June 30th, the City may allow the Company an extended cure period to file and certify this particular report annually.
- 5) If the Company does not meet the employment goals, the City will reduce the annual Grant payment on a pro-rata basis until such time as the Company once again meets employment goals. Pro-rata reduction shall be computed based on the percentage of the goal not met for the given year.

ARTICLE IV
TERMINATION OF GRANT AGREEMENT AND REQUIRED REPAYMENT OF
GRANT FUNDS UPON ANNOUNCED TERMINATION OF OPERATIONS OR
MAJORITY REDUCTION IN WORKFORCE

- 1) The assistance provided by the City, through the Relocation and Expansion Assistance Program, represents a substantial commitment of public resources. Companies that participate in this program are expected to maintain and continue operations beyond the end of the Grant Term.
- 2) Should the Company cease operations or eliminate the majority of their workforce (51% reduction or more within a twelve (12) month span), the Agreement will be terminated and the Company will be required to repay all grant proceeds provided during the thirty-six (36) months prior to the cessation or reduction.
- 3) Repayment of grant funds shall be required if the Company has received any grant disbursements from the City within the thirty-six (36) months prior to the earlier of (a) Public announcement by the Company of plans to close or eliminate the majority of the workforce, (b) Actual cessation of operations, or elimination of a majority of the workforce.
- 4) The Company shall make payment to the City within one hundred and twenty (120) days of such announcement or event. The City may use any and all legal recourse to pursue restitution from the Company and / or its successors.

ARTICLE V
REPRESENTATIONS, WARRANTIES AND COVENENANTS - COMPANY

The Company represents, warrants and covenants to the City, as applicable, as of the date of this Agreement that:

- 1) *Standing*. The Company is a company duly organized and existing and in good standing under the laws of the State of North Carolina.
- 2) *Authority*. The Company has the corporate power and authority to own its properties and assets, to carry on its business as it is now being conducted and to execute and perform this Agreement.
- 3) *Enforceability*. This Agreement is the legal, valid and binding agreement of the Company enforceable against the Company in accordance with its terms, except as such enforceability may be limited by bankruptcy, insolvency, reorganization,

moratorium or similar state or federal laws, in effect from time to time, which affect the enforcement of creditors' rights generally

- 4) No Violations. This agreement does not violate the charter documents or bylaws of the Company or any provisions of any indenture, agreement or other instrument to which the Company is a party.
- 5) No Conflicts. This agreement does not conflict with, result in a breach of or constitute an event of default under (or an event which, with notice or lapse of time, or both, would constitute an event of default under) any indenture, agreement or other instrument to which the Company is a party.
- 6) Certifications. The Company shall be solely responsible for providing certifications of expenditures and jobs to the appropriate City officer at the time of filing the request for the annual Grant

ARTICLE VI REPRESENTATIONS, WARRANTIES AND COVENENANTS - CITY

The City represents, warrants and covenants to the Company, as applicable, as of the date of this Agreement that:

- 1) The City (a) has full power and authority to enter into this Agreement and to enter into and carry out the transactions contemplated by this Agreement (b) by proper action has duly authorized the execution and delivery of this Agreement; and (c) is not in default under any provisions of this Agreement.
- 2) The City has duly authorized, executed, and delivered this Agreement, and this Agreement constitutes the City's legal obligation, enforceable and binding in accordance with its terms.
- 3) There is no litigation or proceeding pending or threatened against the City or affecting it which would adversely affect the validity of this Agreement.
- 4) The City is not in default under any provision of State law which would affect its existence or its powers as referred to in subsection (1).
- 5) To the best of the City's knowledge, no ~~it has any~~ interest (financial, employment, or other) in the Company or the transactions contemplated by this Agreement.
- 6) With respect to this Agreement, the City has complied fully with all requirements of N.C. General Statute 158-7.1 *et seq.*

ARTICLE VII GENERAL PROVISIONS

- 1) Governing Law. This Agreement shall be governed and construed under the laws of the State of North Carolina, notwithstanding any rules concerning application of the laws of another state or jurisdiction.

To Company: Name and Contact Information

To Company Regarding Payment of Grant, also include:
Contact for the Grants

With Copy (which does not constitute notice to):
If requested by the Company

Notice shall be deemed to have been given with respect to overnight carrier or certified mail, one (1) day after deposit with such carrier and as to facsimile, on date of transmission, provided additional service is made. The addresses may be changed by giving written notice as provided herein: provided, however, that unless and until such written notice is actually received, the last address stated herein shall be deemed to continue in effect for all purposes hereunder.

[Signature page follows]

DRAFT

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in quadruplicate originals, in their respective names, by persons duly authorized by proper authority, and have sealed the same as of the day and year first above written.

(Company Name)

By: _____
Title: _____

[Corporate Seal]

ATTEST:

Name _____ (Seal)

CITY OF SALISBURY, NORTH CAROLINA

Al Heggins
Mayor

[Corporate Seal]

ATTEST:

Diane Gilmore
City Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Shannon Moore
Financial and Business Services Director

APPROVED AS TO FORM AND LEGAL SUFFICENCY:

Graham Corriher
City Attorney

ATTACHMENT I

LEGAL DESCRIPTION OF THE PROPERTY

DRAFT



(

September 21, 2018

ROWANEDC

PARTNERSHIP for ECONOMIC DEVELOPMENT
SALISBURY, NC

Be an original.

ECONOMIC
IMPACT
SUMMARY

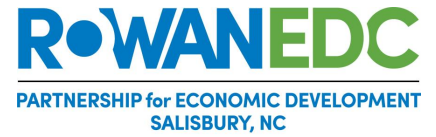
SUMMARY OF PROPOSED EXPANSION OF PROJECT
ARIZONA IN SALISBURY



Submitted by:
The Rowan EDC

September 21, 2018

The Honorable Al Heggins
City of Salisbury
Post Office Box 479
Salisbury, NC 28145



Be an original.

Re: Summary of Proposed Expansion of Project Arizona in Salisbury, NC

Dear Mayor Heggins and Council Members:

On behalf of your Economic Development Commission, please allow me to present to you this summary of the proposed expansion of Project Arizona in Salisbury.

We are optimistic that, with your support, this project will reach a successful conclusion, creating new employment and expanding the nonresidential tax base in Salisbury. This document addresses the primary drivers and impacts of the project, and is designed to provide you the information necessary to consider their request for assistance.

We sincerely hope that you find this document a useful resource as you consider this matter. We have expended substantial efforts to gather as much information as possible regarding the potential impacts this project could have on our City and its citizens. In order to accomplish this, we have relied on a variety of public and private sector partners. At this time, in addition to company representatives from Project Arizona, we would like to thank:

David Hartigan, President, Hartigan Management, Inc.
Underwood, Regional Industry Manager, Economic Development
Partnership of NC
Chris Corriher, District Engineer, NC Department of Transportation

In the preparation of this document, we have strived to utilize factual data and realistic projections extrapolated from the best information available. It is our intent that this document serve as a resource for you as you deliberate potential actions.

Please do not hesitate to contact our offices with any questions you may have regarding this matter. We look forward to your feedback.

Sincerely,

A handwritten signature in blue ink that reads "Scott Shelton".

Scott Shelton
Vice President of Operations

Contents

1. Project Description
2. Regulatory Approval Process
3. Requested Assistance
4. Other Potential Incentive Request
5. Model of City Revenue 10-Year Horizon
6. Closing
7. Draft Incentive Agreement

1. Project Description

About The Company

The company behind Project Arizona is an advanced manufacturer that has been a valued employer in Salisbury for years. The company currently employs dozens of people in our community.

Proposed Project

Project Arizona is considering a major corporate restructuring which will result in new opportunities and investment for certain divisions within the company.

Project Arizona Salisbury is under consideration for this new investment, along with multiple facilities in Europe.

If our community were chosen, the company would add 77 new jobs by the end of 2022. These new jobs would pay an average annual salary in excess of \$59,000, with benefits.

The company would also invest approximately \$188 million dollars in improvements to its chosen location through the construction of an additional facility, placement of new equipment and other improvements as part of the proposed project. This new investment would be spread out over the next five years, with full completion by the end of 2023.

2. Regulatory Approval Process

Zoned appropriately for their current use, there does not appear to be any regulatory barriers to this project moving forward. The company will work with the City of Salisbury and the Rowan County Building Inspections Department to navigate the appropriate review and permitting process. There are no components of the proposed project that appear outside the normal scope of operations for these types of facilities.

3. Requested Assistance

The City adopted Investment Grant Program provides a five-year grant to companies investing in our community. The grant is established by a contract between the company and the City of Salisbury. The company must pay their taxes in full each year based on the actual tax value of the property or investment to be eligible to receive the grant. If the company meets all of the criteria in the contract, a portion of the property tax will be returned as a grant. The amount of the grant is based on a designated percentage level for five consecutive years. Below is a chart that summarizes the categories of grants, including the minimum investment required and the percentage of new taxes paid that would be returned as a grant:

<i>Grant Category</i>	<i>Minimum Taxable Investment Required</i>	<i>Percentage of Paid Taxes Returned as a Grant</i>
Level 1 Grant	\$5 million dollars	75%
Level 2 Grant	\$50 million dollars	80%
Level 3 Grant	\$100 million dollars	85%

The company is requesting assistance under this program for the amount and duration adopted in the policy. In order to illustrate the revenue impact of this potential project on Salisbury, we have projected revenue returns over a 10-year period. These projections are provided below in Section 5.

Approval of this incentive request would be consistent with the City assistance to existing industry. We respectfully request that the City Council consider approving this request based on the potential impact on our community. A copy of the proposed Incentive Agreement is attached.

4. Other Potential Incentive Request

The companies behind Project Arizona and Project Care are located within close proximity of each other. Both have expressed interest in a new, shared access road that would provide better truck flow and driver safety. Options for this new road are currently being discussed by upper management from both companies as well as the NC Department of Transportation. If both companies decide to move forward with the new road, the Rowan EDC will explore a variety of grant options to help fund it. There is also the possibility that the companies may request funding assistance for the road from the City of Salisbury and Rowan County at a later date.

5. Model of City Revenue –10-Year Horizon

Project Arizona expects that the majority of construction, equipment installation, and infrastructure improvements will be complete by December 31, 2023. The overall investment timeline is based on information provided to the Rowan EDC by the company.

The evolving nature of City tax rates, assessed value of the installed equipment, and construction timelines require certain assumptions in order to develop a functioning model. To establish a baseline, the following constants were applied:

The City tax rate is fixed at the current rate of .7169
\$188 million of new equipment and construction occurs prior to December 31, 2023
The project is complete by December 31, 2023

In application, it is unlikely that all assumptions will hold constant. The model provides general trends of expected revenues and expenditures.

Incorporating the above framework, the following outcomes are projected:

During the five incentivized years, the City of Salisbury would collect \$4,538,694 in revenue and provide incentive grants totaling \$3,857,890. The City would retain \$680,804 of revenue during the incentive term.

Modeled with a 10-year horizon, the City of Salisbury would stand to collect an estimated \$11,277,554, disburse a \$3,857,890 grant and retain an estimated \$7,419,664 of new revenue.

6. Closing

This project appears to have a lengthy list of positive attributes and no apparent liabilities. If Salisbury were chosen, Project Arizona would create a total of 77 new full time jobs as well as add \$188 million dollars to the City. The project would also generate approximately \$1.3 million dollars of annual tax revenue for the City after the incentive period concludes.

On behalf of the staff of your Economic Development Commission, we look forward to providing you any additional information requested, or meeting with you personally to discuss these findings in detail. We hope that you have found this information useful as you consider this matter.

7. Draft Incentive Agreement

NORTH CAROLINA
ROWAN COUNTY

RELOCATION AND EXPANSION ASSISTANCE AGREEMENT

THIS RELOCATION AND EXPANSION ASSISTANCE AGREEMENT (the "Agreement") is made and entered, 20 by and between the City of Salisbury, North Carolina, a body politic (hereinafter referred to as the "City" and "Project" and its wholly owned subsidiary, _____, (hereinafter jointly referred to as the "Parties").

WITNESSETH

WHEREAS, the Company has explored the possibility of establishing a new or expanding an existing facility in the City (the "Facility"), which would increase taxable property in the City and result in the creation of a number of jobs in the City, but would not have a significant detrimental impact to the environment of the City; and

WHEREAS, the Company has determined that the property located at _____, Salisbury, North Carolina (the "Property"), is a suitable location for its expansion and improvement; and

WHEREAS, in order to induce the Company to relocate, expand, or improve on the Property, the City is willing to provide, or cause to be provided, to the Company certain inducements, upon terms and conditions binding upon the City as set forth herein; and

WHEREAS, prior to beginning any relocation, expansion or improvement on the Property, the Company and City met and agreed to enter into this Agreement; and

WHEREAS, in consideration of the undertakings and agreements set forth herein, approximately \$188 million dollars will be invested by or on behalf of the Company in new equipment and other real property improvements on the Property, and to create a certain number of jobs as provided herein and further comply with the covenants and conditions binding upon it as set forth herein, all of which are intended to create a positive economic impact in the City.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Company and the City hereby agree as follows:

ARTICLE I
CITY INDUCEMENTS

The City shall provide financial assistance to the Company through the "Relocation and Expansion Assistance Program", as hereinafter defined, with respect to the Company's development of the Property and other related expenses as follows:

- 1) The "Relocation and Expansion Assistance Grant" shall be used for the construction, equipment, and other capital improvements in the City. The Grant will specifically apply to the Property and all real property improvements and personal property newly installed and used at the Property ("Facility").
- 2) The amount of the Grant will be computed using the following steps:

a) Real Property Valuation.

- i) For each tax year that the Grant is applicable to a Property (subject to the limitations below), determine the actual assessed tax value of the real property, located at such Property.
- ii) Subtract from the above amount in a) i) the baseline real property value of the Property assessed as of January 1, 2019, and prior to the investments made by the Company in real property at such property. The annual result of this computation shall be defined as the "Property Value" for the applicable Property.

b) Personal Property Valuation.

- i) For each tax year that the Grant is applicable (subject to the limitations below), determine the actual assessed tax value of all personal property, excluding supplies and rolling stock, located at and used in such Property.
- ii) Subtract from the above amount in b) i) the assessed tax value of personal property, excluding supplies and rolling stock, located at and used on such Property as of January 1, 2019. The annual result of this computation shall be defined as the "Personal Property Value" for the applicable Property.

c) City Property Tax Determination. The sum of the New Real Property Value and the New Personal Property Value of a Property for each applicable year shall be the "New Property Value" of such Property for each applicable Property by the City tax rate (excluding county tax rates) applicable for the tax year at issue to determine the amount of property taxes applicable to the new property at such Property.

d) Grant Amount Determination. Multiply the property taxes applicable to the New Property Value for each applicable Property by 85% (0.85).

- 3) The Grant will be structured as a reimbursement of a portion of the real and personal property taxes assessed against each applicable Property and the Company. Such payment of the Grant will be made to the Company. Payment may be requested by the Company no sooner than January 1st and no later than June 30th of the fiscal year in which the taxes are due. The Grant will be paid within sixty (60) days of the Company providing certifications as set forth in Article III(3), and receipt of the Company's full payment of all real and personal property taxes due to the City. Payment of the Grant shall be equal to Eighty-Five Percent (85%) of the City property taxes (excluding county taxes) paid on the New Property Value of the Property by the Company according to Paragraph (2) above at the prevailing City tax rate for the tax year of the requested Grant.
- 4) Tax amounts due on property discovered by the City through its customary audit procedures and not listed by the Company shall be excluded from this Agreement, and the City shall not be responsible for reimbursement on these amounts for any tax year.

ARTICLE II
SCHEDULE OF CORPORATE IMPROVEMENTS

- 1) The Company has determined that the Property is a suitable site for location of its Facility and shall acquire all local permits, zoning approvals, and required state and federal permits, if applicable. The Company expects to have the Facility substantially completed by December 31, 2019.
- 2) The Company shall receive the Grant for five separate tax years (" G which shall begin with property assessed as of January 1, 2020, with the first such reimbursement to be provided to the Company by the City during fiscal year ended June 30, 2021. If the Facility is not complete by January 1, 2020, the Grant shall be based on the percentage complete and assessed for that year.
- 3) Unless an event triggering the Force Majeure provision set forth in Article VII herein shall occur, the initial year shall commence on property assessed as of January 1, 2020.
- 4) Any subsequent qualifying expansion of the Facility by the Company shall be eligible (provided the Relocation and Expansion Assistance Program is still in effect) for consideration as a separate Grant under the Relocation and Expansion Assistance Program, each for a separate Grant Term.

ARTICLE III
EMPLOYMENT

- 1) The Company projects that it will create 77 Full Time Equivalents (" F T E s ") with t h Project. As of December 31, 2022, the Company shall employ 199 FTEs at this Project. A FTE position requires at least 1,600 hours of work per year and is provided standard company benefits.
- 2) In each Fiscal Year (FY) that the company requests the disbursement of grant funds, the Company shall certify that the following employment goals have been met, prior to receiving payment:

<u>City Fiscal Year (FY)</u>	<u>Number of New FTEs (in aggregate)</u>
FY 20-21	22
FY 21-22	56
FY 22-23	62
FY 23-24	77
FY 24-25	77

- 3) The Company shall certify annual progress towards the employment of the required number of FTEs to the City on or before June 30, 2019, and on June 30th following each of the remaining years of the Grant Term. Such certification shall include a copy of the C o m p a n y ~~Employers~~ *Employers Quarterly Tax and Wage Report* " (Form NCU1 101 filed with the NC Employment Security Commission) for the quarter a) ending on or immediately preceding the date of the annual request and b) the number of FTEs as of that same date. If the NCUI 101 is discontinued or modified, a successor form performing a comparable function must be submitted. The Company shall also provide copies of its One NC Grant reporting to the City, if applicable, when they have been submitted to the State.

- 4) Should the Company fail to certify its annual employment numbers by June 30th, the City may allow the Company an extended cure period to file and certify this particular report annually.
- 5) If the Company does not meet the employment goals, the City will reduce the annual Grant payment on a pro-rata basis until such time as the Company once again meets employment goals. Pro-rata reduction shall be computed based on the percentage of the goal not met for the given year.

ARTICLE IV
TERMINATION OF GRANT AGREEMENT AND REQUIRED REPAYMENT OF
GRANT FUNDS UPON ANNOUNCED TERMINATION OF OPERATIONS OR
MAJORITY REDUCTION IN WORKFORCE

- 1) The assistance provided by the City, through the Relocation and Expansion Assistance Program, represents a substantial commitment of public resources. Companies that participate in this program are expected to maintain and continue operations beyond the end of the Grant Term.
- 2) Should the Company cease operations or eliminate the majority of their workforce (51% reduction or more within a twelve (12) month span), the Agreement will be terminated and the Company will be required to repay all grant proceeds provided during the thirty-six (36) months prior to the cessation or reduction.
- 3) Repayment of grant funds shall be required if the Company has received any grant disbursements from the City within the thirty-six (36) months prior to the earlier of (a) Public announcement by the Company of plans to close or eliminate the majority of the workforce, (b) Actual cessation of operations, or elimination of a majority of the workforce.
- 4) The Company shall make payment to the City within one hundred and twenty (120) days of such announcement or event. The City may use any and all legal recourse to pursue restitution from the Company and / or its successors.

ARTICLE V
REPRESENTATIONS, WARRANTIES AND COVENENANTS - COMPANY

The Company represents, warrants and covenants to the City, as applicable, as of the date of this Agreement that:

- 1) *Standing*. The Company is a company duly organized and existing and in good standing under the laws of the State of North Carolina.
- 2) *Authority*. The Company has the corporate power and authority to own its properties and assets, to carry on its business as it is now being conducted and to execute and perform this Agreement.
- 3) *Enforceability*. This Agreement is the legal, valid and binding agreement of the Company enforceable against the Company in accordance with its terms, except as

such enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium or similar state or federal laws, in effect from time to time, which affect the enforcement of creditors' rights generally

- 4) No Violations. This agreement does not violate the charter documents or bylaws of the Company or any provisions of any indenture, agreement or other instrument to which the Company is a party.
- 5) No Conflicts. This agreement does not conflict with, result in a breach of or constitute an event of default under (or an event which, with notice or lapse of time, or both, would constitute an event of default under) any indenture, agreement or other instrument to which the Company is a party.
- 6) Certifications. The Company shall be solely responsible for providing certifications of expenditures and jobs to the appropriate City officer at the time of filing the request for the annual Grant

ARTICLE VI REPRESENTATIONS, WARRANTIES AND COVENENANTS - CITY

The City represents, warrants and covenants to the Company, as applicable, as of the date of this Agreement that:

- 1) The City (a) has full power and authority to enter into this Agreement and to enter into and carry out the transactions contemplated by this Agreement (b) by proper action has duly authorized the execution and delivery of this Agreement; and (c) is not in default under any provisions of this Agreement.
- 2) The City has duly authorized, executed, and delivered this Agreement, and this Agreement constitutes the City's legal and binding obligation, enforceable in accordance with its terms.
- 3) There is no litigation or proceeding pending or threatened against the City or affecting it which would adversely affect the validity of this Agreement.
- 4) The City is not in default under any provision of State law which would affect its existence or its powers as referred to in subsection (1).
- 5) To the best of the City's knowledge, no party has any direct or indirect interest (financial, employment, or other) in the Company or the transactions contemplated by this Agreement.
- 6) With respect to this Agreement, the City has complied fully with all requirements of N.C. General Statute 158-7.1 *et seq.*

ARTICLE VII GENERAL PROVISIONS

- 1) Governing Law. This Agreement shall be governed and construed under the laws of the State of North Carolina, notwithstanding any rules concerning application of the laws of another state or jurisdiction.

- 2) Assignment. This Agreement shall not be assignable by either party without the prior written consent of the other party, except that Company may assign this Agreement to a parent, subsidiary or affiliate as a part of any corporate restructuring.
- 3) Entire Agreement. This Agreement, and its attachments, constitute the entire agreement of the parties, and may not be contradicted by any prior or contemporaneous communications of any kind. This Agreement may only be modified by a written instrument that is signed by an authorized representative of each party.
- 4) Breach. In the event of a breach of this Agreement, the non-breaching party shall provide written notice of the breach to the breaching party, and the party in breach shall have thirty (30) days from the date of notice of the breach to cure its performance under this Agreement.
- 5) Waiver. Nothing in this Agreement shall constitute a waiver of any rights that the Company may have to appeal or otherwise contest any listing, appraisal or assessment that the City may make relative to the Properties.
- 6) Force Majeure. Any delay in the performance of any duties or obligations of either party hereunder (the "Delayed Party") shall be extended for a period equal to the lesser of (a) the period of such delay or (b) 24 months, provided that such delay has been caused by or is the result of any acts of God; acts of the public enemy; insurrections; riots; embargoes; labor disputes, including strikes, lockouts, job actions, or boycotts; shortages of materials or energy; fires; explosions; floods; changes in laws governing international trades; or other unforeseeable causes beyond the control and without the fault or negligence of the Delayed Party. The Delayed Party shall give prompt notice to the other party of such cause, and shall take whatever reasonable steps are necessary to relieve of such cause as promptly as possible. No such event shall excuse the payment of any sums due and payable hereunder on the due date thereof except any payment due upon the occurrence of any act or event for which delayed performance is excused as provided above.
- 7) Notices. All notices required or allowed by this Agreement shall be delivered in person, by overnight courier service (such as Federal Express), by certified mail, return receipt requested, postage prepaid, secure electronic transfers or by fax with written confirmation of receipt (with a copy sent by one of the other methods specified herein), addressed to the party or person to whom notice is to be given at the following addresses:

To City: Office of the City Manager
132 North Main Street
Salisbury, NC 28144
Phone: (704) 638-5228

With Copy (which does not constitute notice to):
Office of the City Attorney
132 North Main Street
Salisbury, NC 28144
Phone: (704) 638-5228

To Company: Name and Contact Information

To Company Regarding Payment of Grant, also include:
Contact for the Grants

With Copy (which does not constitute notice to):
If requested by the Company

Notice shall be deemed to have been given with respect to overnight carrier or certified mail, one (1) day after deposit with such carrier and as to facsimile, on date of transmission, provided additional service is made. The addresses may be changed by giving written notice as provided herein: provided, however, that unless and until such written notice is actually received, the last address stated herein shall be deemed to continue in effect for all purposes hereunder.

[Signature page follows]

DRAFT

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in quadruplicate originals, in their respective names, by persons duly authorized by proper authority, and have sealed the same as of the day and year first above written.

(Company Name)

By: _____
Title: _____

[Corporate Seal]

ATTEST:

Name _____ (Seal)

CITY OF SALISBURY, NORTH CAROLINA

Al Heggins
Mayor

[Corporate Seal]

ATTEST:

Diane Gilmore
City Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Shannon Moore
City Financial and Business Services Director

APPROVED AS TO FORM AND LEGAL SUFFICENCY:

Graham Corriher
City Attorney

ATTACHMENT I

LEGAL DESCRIPTION OF THE PROPERTY

DRAFT

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: OCT 2, 2018

Name of Group(s) or Individual(s) Making Request: PRESTON MITCHELL FOR CITY OF SALISBURY

Name of Presenter(s): SAME

Requested Agenda Item: TA-03-2018: CITY OF SALISBURY

Description of Requested Agenda Item: AN ORDINANCE AMENDING CHAPTERS 2, 4, 5, 6, 8, 10, 11, 12, AND 18 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE RELATED TO INSTITUTIONAL ZONING PROVISIONS.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: COUNCIL TO HOLD A PUBLIC HEARING AND CONSIDER ADOPTING AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE.

Contact Information for Group or Individual: #5244 or preston.mitchell@salisburync.gov

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Mayor's Office Only

Approved

Declined



City of Salisbury North Carolina

September 25, 2018

MEMORANDUM TO COUNCIL

FROM: Preston Mitchell, Development & Codes Manager

RE: Re-Write of INSTITUTIONAL CAMPUS (IC) District and other Minor Amendments

Since March of this year, the Salisbury Planning Board has been hard at work drafting changes to the 'IC' zoning district. In essence, these changes achieve several major objectives:

1. Retooling the 'IC' district to now being identified as COMMUNITY & INSTITUTION (CI) district for greater inclusion and a broader definition than just campus-oriented uses.
2. Providing a "home" for community-oriented, typically non-profit and institutional uses that may be located in residential or non-residential areas. This makes 'CI' uses unique because they are anti-Euclidean and can easily conform to both residential and non-residential areas. Therefore, the standards for land use and development should be just as unique.
3. Pertaining to the previous item, this amendment also introduces specific signage permissions, such as Electronic Message Centers (EMCs) into residential areas. This could only be accomplished by adjusting the entire zoning district, rather than legislating specific uses.

At their regular meeting of August 14, 2018, the Planning Board voted unanimously to recommend approval of the final draft of this multi-chapter LDO text amendment.

Please note that not all changes are related to the 'IC' to 'CI' conversion. As with any text amendment, staff looks for other opportunities for improvement or even errors in the current language. When found, we will introduce these side items as other minor amendments and explain the suggested changes. As you look through the various chapters, please note that all changes related to the 'IC' to 'CI' conversion are **HIGHLIGHTED IN YELLOW**. All other changes that are not necessarily related to the conversion are **HIGHLIGHTED IN BLUE**.

AN ORDINANCE AMENDING CHAPTERS 2, 4, 5, 6, 8, 10, 11, 12, AND 18 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, OF THE CITY OF SALISBURY, NORTH CAROLINA, RELATED TO INSTITUTIONAL ZONING PROVISIONS. (PETITION NO. LDOTA-03-2018)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment and on August 14, 2018 voted unanimously to recommend approval as revised; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of October 2, 2018; and

WHEREAS, the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Salisbury, North Carolina:

SECTION 1. That CHAPTER 2 (DISTRICTS), Exhibit A, is amended as underlined or stricken.

SECTION 2. That CHAPTER 4 (SUBDIVISIONS AND INFRASTRUCTURE), Exhibit B, is amended as underlined or stricken.

SECTION 3. That CHAPTER 5 (BUILDING TYPES AND STANDARDS), Exhibit C, is amended as underlined or stricken.

SECTION 4. That CHAPTER 6 (LOT, INFILL AND ACCESSORY PROVISIONS), Exhibit D, is amended as underlined or stricken.

SECTION 5. That CHAPTER 8 (LANDSCAPING), Exhibit E, is amended as underlined or stricken.

SECTION 6. That CHAPTER 10 (PARKING), Exhibit F, is amended as underlined or stricken.

SECTION 7. That CHAPTER 11 (LIGHTING ON PRIVATE PROPERTY), Exhibit G, is amended as underlined or stricken.

SECTION 8. That CHAPTER 12 (SIGNS), Exhibit H, is amended as underlined or stricken.

SECTION 9. That CHAPTER 18 (DEFINITIONS), Exhibit I, is amended as underlined or stricken.

SECTION 10. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 11. That this ordinance shall be effective from and after its passage.

CHAPTER 2: DISTRICTS

2.1 Purpose

To carry out the provisions of this Land Development Ordinance within the jurisdiction of the City of Salisbury, the following districts are hereby established.

These districts are ordered and classified according to a Rural-Urban Transect. The Transect is a method of classifying the

natural and built environments as a continuum of six conditions, ranging from rural to urban. The value of the Transect is that it serves to locate any given place within a context in which all of the parts fit together harmoniously.

For example, a rural street typically has no curbs or sidewalks and its buildings look like farmhouses or barns. An urban street, depending on the intensity of urbanism, may have curbs and gutters, regularly placed street trees, sidewalks, and building forms that include common walls, flat roofs, and cornices. Each Transect zoning category has detailed provisions for each neighborhood, for density, height, street design, the design of parks, the mix of uses, building design, parking, and other aspects of the human environment.

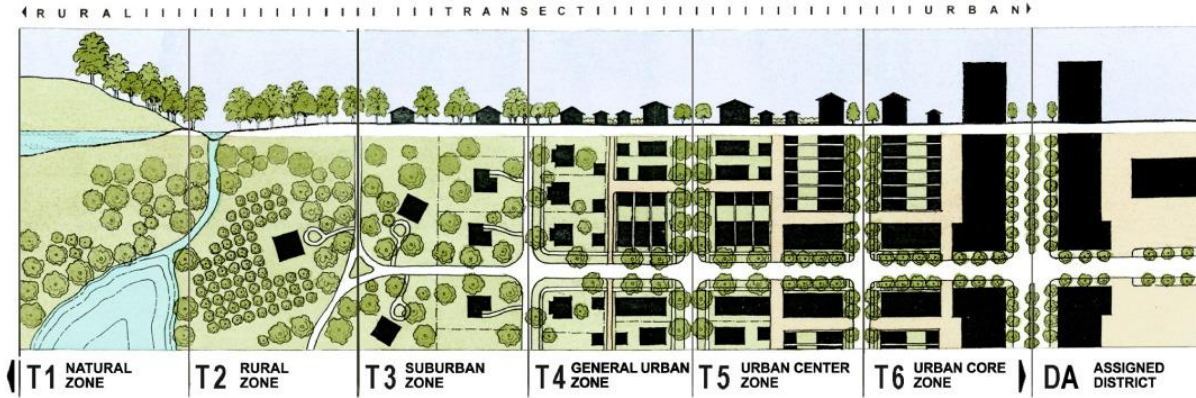
The Transect begins with two zones that are entirely rural in character: Natural Zone (or T-1), which is made up of lands protected in perpetuity; and Rural Zone (T-2), which includes areas of high environmental or scenic quality that are not currently preserved, but perhaps should be.

The transition zone between countryside and town is called the Suburban Zone (T-3), which encompasses the most rural part of the neighborhood, and the countryside just beyond. The T-3 area is primarily single family homes. Although the T-3 area is the most purely residential zone, it can have some mixed-use, such as civic buildings; schools are particularly appropriate for the T-3 area. Next is the General Urban Zone (T-4), typically the largest zone. Urban Residential is primarily residential, but more urban in character, having somewhat higher density with a mix of housing types and a slightly greater mix of uses allowed.

At the more urban end of the spectrum are two zones which are primarily mixed use: Urban Center, or T-5. This can be a small neighborhood center or a larger town center, the latter serving more than one neighborhood. The Urban Core or Downtown (T-6) serves the region, not only adjacent neighborhoods, and is typically understood as the central business district. Additionally, the Special Districts make allowance for auto-dependent activities, such as big box retail, institutional campuses, and industrial zones.

The zoning districts for the City of Salisbury have thus been ordered along this Transect providing an appropriate detailing of development at each end of the continuum (rather than homogenous standardization) as well as a simplified tool for users of this Ordinance to use to facilitate appropriate development. The graphic on this page shows the defining features of various types of developments at either end of the Rural-Urban spectrum.

2.1 Purpose
2.2 Placement of District Provisions
2.3 Base Districts
2.4 Specific Base District Provisions
2.5 Maximum Density by District
2.6 Overlay Districts
2.7 Uses Permitted By District



Graphic by Duany Plater-Zyberk and Company

	← Less Density	More Density →
	← Primarily Residential	Primarily Mixed-Use →
	← Smaller Buildings	Larger Buildings →
	← More Greenspace	More Hardscape →
	← Detached Buildings	Attached Buildings →
	← Rotated Frontages	Aligned Frontages →
	← Yards & Porches	Stoops & Shopfronts →
	← Deep Setbacks	Shallow Setbacks →
	← Articulated Massing	Simple Massing →
	← Wooden Buildings	Masonry Buildings →
	← Generally Pitched Roofs	Generally Flat Roofs →
	← Small Yard Signs	Building Mounted Signage →
	← Livestock	Domestic Animals →
PRIVATE	← Roads & Lanes	Streets & Alleys →
	← Narrow Paths	Wide Sidewalks →
	← High L.O.S. Standards	Low L.O.S. Standards →
	← Opportunistic Parking	Dedicated Parking →
	← Larger Curb Radii	Smaller Curb Radii →
PUBLIC	← Open Swales	Raised Curbs →
	← Starlight	Street Lighting →
	← Mixed Tree Clusters	Aligned Street Trees →
CIVIC	← Local Gathering Places	Regional Institutions →
	← Parks & Greens	Plazas & Squares →

Table by Duany Plater-Zyberk and Company

2.2 Placement of District Provisions

- A.** For specific additional use standards, such as specific requirements for Special Uses or uses with additional standards, see Chapter 3: Additional Use Standards.
- B.** For subdivision platting, infrastructure, and other horizontal requirements, see Chapter 4: Subdivisions & Infrastructure.
- C.** For dimensional regulations and building design requirements, see Chapter 5: Building Types and Standards.
- D.** For Infill Standards, general lot requirements, requirements for additions or modifications, accessory and temporary structures, and outdoor storage, see Chapter 6: Lot, Infill, Additions & Accessory Provisions.
- E.** For the allocation or dedication of recreational open space, see Chapter 7: Recreational Open Space.
- F.** For landscaping requirements, see Chapter 8: Landscaping.
- G.** For Stormwater, watershed protections, and other environmental protection provisions, see Chapter 9: Environmental Protection.
- H.** For parking requirements, see Chapter 10: Parking.
- I.** For lighting on private property requirements, see Chapter 11: Lighting on Private Property.
- J.** For signage requirements, see Chapter 12: Signs.
- K.** For nonconformity requirements and processes, see Chapter 13: Nonconformities.
- L.** For requirements and information related to city boards and commissions, see Chapter 14: Agencies, Boards, and Commissions.
- M.** For the Site Plan or Subdivision approval process, see Chapter 15: Development Process.
- N.** For submittal requirements on all types of plans, see Chapter 16: Development Plan Requirements.
- O.** For civil violations and penalties, see Chapter 17: Violations and Penalties.
- P.** For definitions, see Chapter 18: Definitions.

2.3 Base Districts

In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the City of Salisbury, as indicated on the Land Development District Map, is hereby divided into various districts that set forth uniform regulations for the development of land within each district.

The purpose of these district regulations is to provide a regulating plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

- Open Space Preserve (OSP) *(Old PSP)*
- Rural Residential (RR) *(Old A-1)*
- General Residential (GR3) *(Old R-20 and R-15)*
- General Residential (GR6) *(Old R-8, RD-B, and SFC)*
- Urban Residential (UR8) *(Old R6)*
- Urban Residential (UR12) *(Old R6-A and RD-A)*
- Historic Residential (HR) *(Old SFC & all residential zoning in all Historic Districts)*
- Residential Mixed-Use (RMX) *(Old R6-A, B-1, LOI, PSP, and HD-O)*
- Neighborhood Mixed-Use (NMX) *(Old B-CS and B-RT)*
- Corridor Mixed-Use (CMX) *(Old B-4 and B-6)*
- Downtown Mixed-Use (DMX) *(Old B-5)*
- Highway Business (HB) *(Old B-6 and B-7)*
- Light Industrial (LI) *(Old LLI-1 and M-1)*
- Heavy Industrial (HI) *(Old M-2)*
- Hospital Services (HS) *(Old HS and MED)*
- Institutional Campus (IC) *(Old CU and PSP)*
- Community & Institution (CI)
- Traditional Neighborhood Development (TND)
- Manufactured Home Development (MHD)

A. Natural Preserve

1. OSP: Open Space Preserve *

The Open Space Preserve District is intended to protect areas that are permanently preserved in government ownership or conservation easements as natural and/or environmentally significant lands. Such areas include rural parks, wetlands, and areas placed in a conservation easement.

* *Specific Base District Provisions apply to this district.*

B. Residential

The residential districts are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate detached residential uses, townhomes and apartments at a lower density range that are compatible with the surrounding neighborhoods are also allowed with additional standards.

1. RR: Rural Residential *

The Rural Residential District is intended to accommodate low-density, rural residential and agricultural uses, protect natural vistas, and landscape features that define our rural heritage.

** Specific Base District Provisions apply to this district.*

2. GR: General Residential

The General Residential District is intended to accommodate residential neighborhoods as well as provide for new primarily-residential development in accordance with a suburban pattern. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Comprehensive Plan.

3. HR: Historic Residential *

The Historic Residential District is intended to solidify development patterns and land uses inherent to existing historic neighborhoods currently listed on the National Register of Historic Places or within a local historic district designated by the City of Salisbury.

** Specific Base District Provisions apply to this district.*

4. UR: Urban Residential

The Urban Residential Districts accommodate the in-town neighborhoods of the City and provides for a variety of compatible housing types and a limited mix of uses in a walkable context. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Land-Use Plan.

C. Mixed-Use

The residential and commercial mixed-use districts are intended to accommodate a variety of housing opportunities, office, retail, and service uses, and to ensure that these areas are compatible with the character of existing neighborhoods at intensities compatible with the applicable Transect Zone and scale of development. These districts primarily accommodate townhomes, apartments, upper-story residential, and commercial uses in order to promote live-work and mixed-use opportunities.

1. RMX: Residential Mixed-Use

The Residential Mixed-Use District is intended to provide for areas for accommodate moderately higher density residential and transitional non-residential development in close proximity (within 1/2 - 1/4 mile) to existing and planned commercial centers such as the Corridor Mixed Use District (CMX) and the Downtown Mixed Use District (DMX) nodes and along the boundaries of existing neighborhoods with immediate access to a thoroughfare. The intent is to create permit higher density residential areas density increases in areas that do not harm existing lower-density neighborhoods while complimenting commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

2. NMX: Neighborhood Mixed-Use

The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

3. CMX: Corridor Mixed-Use

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the major thoroughfares. Developments in this district should be traditionally detailed and encourage pedestrian use through connections to adjacent neighborhoods and the construction of vertically mixed-use buildings.

4. DMX: Downtown Mixed-Use

The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.

D. Assigned Districts

The assigned districts are "specialized" specialized uses and districts that do not fit into the prescribed Transect categories, such as airports, college campuses, industrial parks, and regional hospitals. In the City of Salisbury case, this also includes the accommodation of a broad range of high-intensity, automotive-oriented retail and service uses that require high visibility and highly-accessible locations along arterial streets thoroughfares or boulevards and do not cater directly to pedestrians while requiring sufficient off-street parking.

1. HB: Highway Business

The intensity of commercial development in the Highway Business District is established by the traffic of the fronting thoroughfare. The intent of these regulations is to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of excessive signage and parking lots.

2. HS: Hospital Services

The Hospital Mixed-Use District serves as a primary employment center generally concentrated within ¼ mile of a local hospital complex. It permits the continuation and expansion of the hospital complex, as well as supporting uses such as office, lodging, and limited retail uses in close proximity.

3. IC: Institutional Campus CI: Community & Institution *

The Institutional Campus District is coded to allow for the continued and future use, expansion, and development of academic and religious campuses, as well as government and health care facilities, including utilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles. Campuses should accommodate the automobile as well as transit in a manner that does not degrade the pedestrian environment. The Community & Institution District is coded to permit the development and continuation of uses that either serve or are of interest to a community or the general public. The CI district may be located in either residential or non-residential areas; therefore, uses are generally limited to non-profit or institutional.

** Specific Base District Provisions apply to this district.*

4. LI: Light Industrial *

The Light Industrial District is coded to permit the development and operation of light and/or flex space uses that are typically too large in scale to fit within a neighborhood environment and should be buffered from surrounding neighborhood uses. Light Industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal use such as a sales showroom for a warehouse. In the interest of economic development this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

** Specific Base District Provisions apply to this district.*

5. HI: Heavy Industrial *

The Heavy Industrial District is coded to permit the development and operation of heavy industrial uses, including manufacturing, processing, and assembling of parts and products and distribution of products at the wholesale or retail level. The standards established for heavy industrial areas are designed to promote sound, permanent industrial development. Heavy Industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal use such as a sales showroom for a warehouse. In the interest of economic development this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

** Specific Base District Provisions apply to this district.*

6. TND: Traditional Neighborhood Development *

The intent of this District is to allow for the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods that minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation.

Traditional Neighborhood Developments adhere to the following design principles:

** Specific Base District Provisions apply to this district.*

All neighborhoods have identifiable centers and edges

Edge lots are readily accessible to retail by non-vehicular means (a distance not greater than ¼ - ½ mile)

Uses and housing types are mixed and in close proximity to one another

Street networks are interconnected and blocks are small

Civic uses are given prominent sites throughout the neighborhood

All lots are in walking distance of recreational open space

7. MHD: Manufactured Home Development *

Manufactured housing is a recognized form of affordable housing. To provide for this type of housing in an organized manner, this district permits planned development of a neighborhood using any combination of site built and manufactured homes. Manufactured Home Developments shall take the form of Manufactured Home Neighborhoods or Manufactured Home Parks, subject to the requirements below and the approval process for Conditional Districts.

** Specific Base District Provisions apply to this district.*

2.4 Specific Base District Provisions

A. OSP: Open Space Preserve

Minimum lot size of 20 acres when not part of a Conservation Neighborhood as permitted in the OSP district and detailed in Chapter 4 of this Ordinance.

B. RR: Rural Residential

Minimum lot size of 5 acres when not part of a Rural Subdivision as permitted in the RR district and detailed in Chapter 4 of this Ordinance.

C. HR: Historic Residential

Existing historic house types (built prior to 1955) shall not be subdivided beyond that of a single-family use.

D. LI & HI: Light & Heavy Industrial

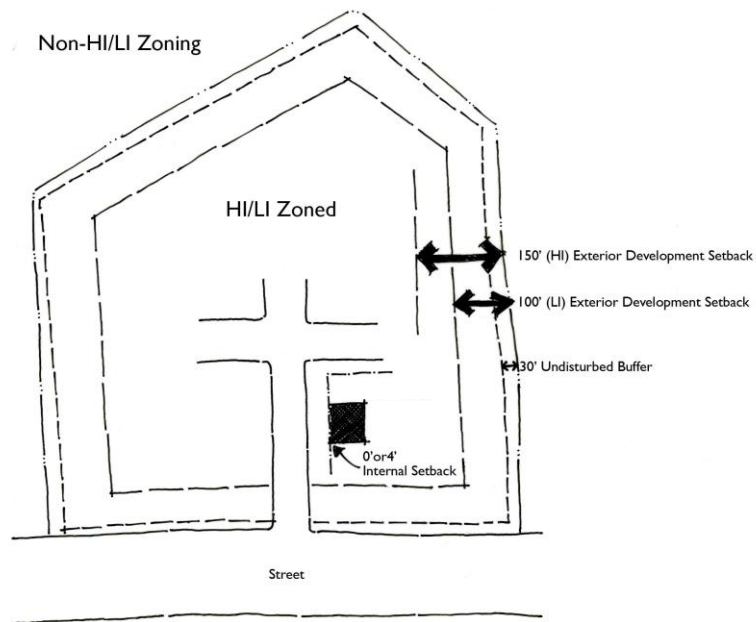
1. Building Design Standards: All portions of buildings within 100 ft. of the street shall be designed in a manner that is pedestrian in scale and massing unless a technological requirement demands a different design. Required building design elements include the following, unless waived by the Administrator based on determination that the requirements would adversely impact the intended use of the building:

a. Building Materials: All building walls visible from a public street shall be brick or decorative concrete masonry unit, or other materials similar in appearance and durability.

b. Building Facades: Avoid long, blank walls by integrating design variety along the façade through wall offsets, change in material patterning, awnings, windows, or doors or other techniques used to avoid wall monotony.

2. Lot, Building, and Accessory Structure Dimensional Requirements:

	LI All Structures	HI All Structures
Exterior District/Development Setback <i>(Minimum)</i>	100 ft.	150 ft.
Undisturbed District/Development Buffer <i>(Minimum)</i>	30 ft.	30 ft.
Internal Setbacks <i>(Minimum)</i>	0 ft. or 4 ft.	0 ft. or 4 ft.



E. **IC: Institutional Campus**

- 1. **Create Internal Public Spaces:** Buildings within the campus should be aligned in a manner that creates formal space such as squares and quadrangles. This gives prominence to important structures and allows for better internal gathering and pedestrian circulation.
- 2. **Parking Areas:** Parking areas shall not encroach into the Campus setback. Parking areas should be conveniently located yet not create great pedestrian distances between buildings on the campus.
- 3. **Dimensional Standards:** Because of the unique nature of campus style development, a general setback is established for the entire campus with internal setbacks being established by the institution according to their specific needs and design aspirations.

	All Structures
Minimum Campus Size	5 acres
Campus Setback (<i>All External Boundaries</i>)	50 ft.
Internal Setbacks (<i>Minimum</i>)	None

F. **TND: Traditional Neighborhood Development**

- 1. **Development Size (Minimum-Maximum):** 40 acres – 200 acres
(Note: Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions)
- 2. The entire land area of the TND shall be divided into blocks, streets, lots and recreational open space areas.
- 3. Similar land use categories shall generally front across streets. Dissimilar use categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- 4. The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
- 5. **Open Space:** No portion of the TND shall be further than ¼-mile from recreational open space as defined in Chapter 7, including recreational open space outside of the TND boundaries. Recreational open space shall be provided in accordance with the requirements of Chapter 7.
- 6. **Building Types, Dimensional Standards, and Net Density:** The building types, dimensional standards, and net density shall be established in accordance with the neighborhood design, but within 200 feet of all adjacent property boundaries (not across streets) the lot widths and depths and building types

shall be generally consistent with the adjacent zoning district(s) of a lower development intensity/density.

- 7. **Use Standards:** The proposed uses shall be consistent with the requirements of subsection F.8, below, and the permitted uses listed in the Use Matrix of Section 2.7. However, within 200 feet of all property boundaries (but not across streets), the allowed uses shall be only those permitted in the adjacent zoning district(s).

8. **Land Allocation By Use**

	Minimum	Maximum
Single-Family Uses	15%	75%
Two-Family and Multi-Family Uses	10%	40%
Lodging/Office/Retail Uses	2%	40%
Civic Uses	2%	none
Open Space	Per Chapter 7	

G. **MHD: Manufactured Home Development**

1. **Manufactured Home Neighborhood**

- a) **General Description:** The Manufactured Home Neighborhood is a subdivision of land that permits double-wide manufactured houses that are aligned on the lots in a manner similar to site built homes with their front doors facing the streets.
- b) Individual homes shall be placed upon separately platted lots.
- c) Design of manufactured homes should be in compliance with the architectural standards in Chapter Section 5.7.C.
- d) Neighborhoods with 30 or more lots shall have at least two (2) entrances.
- e) **Lot and Dimensional Specifications:**

	All Structures
Minimum Development Size	3 acres
Maximum Development Size	40 acres
Maximum Development Density <i>(Units/Acre)</i>	6
External Development Boundary	50 ft.
Internal Setbacks <i>(Minimum)</i>	None

2. **Manufactured Home Parks**

- a) **General Description:** The location of two or more manufactured homes on a parcel of land shall constitute a manufactured home park and shall be subject to the provisions of this sub-section.
- b) **General plan:** Each application for a manufactured home park as a Special Use Permit shall be accompanied by general plans, including contoured site plans (two-foot intervals). The general plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements as may be considered essential by the TRC. The general plan shall also show that all improvements would meet the following minimum standards.
- c) **Lot and Dimensional Specifications:**

	All Structures
Minimum Development Size	5 acres
Maximum Development Size	40 acres
Maximum Development Density <i>(Units/Acre)</i>	6
Exterior Development Setback	50 ft.
Minimum Area for Manufactured Home Space	7,000 sq. ft.
Distance between Units	25 ft.
Internal Setbacks <i>(Minimum)</i>	None

- d) **General Requirements:** The following standards shall be considered the minimum requirements for all new manufactured home parks:
 - i. The area on which the manufactured home rests shall be a level, well-drained area of stabilized material, such as crushed stone, of such composition that it shall securely support the underpinning of the manufactured home.
 - ii. All interior roadways shall be lighted at night by 100-watt, high-pressure sodium or equivalent fixture spaced at intervals of no more than two hundred (200) feet apart. The maintenance of such lighting shall be the responsibility of the park owner.
 - iii. A covered garbage receptacle (rollout) shall be provided for each lot and shall be located in an easily accessible place.

- iv. There shall be a patio of at least four (4) inches thick of concrete or other appropriate surfacing materials located adjacent to the area where the manufactured homes shall rest. Said surface shall be so located as to coincide with the main entrance to the manufactured home. Said area shall be no less than eight (8) feet by fifteen (15) feet.
- v. **Recreational Open Space:** At least ten percent of the total area to be used as a manufactured home park shall be set aside for recreational open space as defined in Chapter 7.

e) Streets and Parking

- i. No manufactured home shall have direct access to a public street. Convenient access to each manufactured home space shall be provided by streets or drives with a minimum of 20 feet graded, drained, and paved with a durable dustless surface, for automobile circulation. Maintenance of such streets shall be provided for by the owner and/or operator of the manufactured home park.
- ii. **Parking Spaces:** A minimum of two automobile parking spaces (paved with a durable, dustless surface) shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.

f) Planting Yard

A densely planted buffer consisting of trees, shrubs, and other planting at least 15 feet in width shall be provided along the rear and/or side property lines of the manufactured home park. The buffer shall include an eight (8) foot tall planted screen giving "visua planting between the manufactured home and adjacent uses. In the event that natural growth exists as a buffer, the degree of planting may be reduced to ten (10) feet by the TRC, but not beyond the point that provides adequate screening both for both height and width.

C. Use Matrix

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
PND	Permitted as new development only	CD	SUP is not required when proposed and adopted as part of a Conditional District

BASE DISTRICT	T1	T2	T3	T4	T5			T6	Assigned Districts				Planned Development			
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IC-CI	MHD	TND
Residential																
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	P	—	—	—	P	P	P
Dwelling-Multifamily 4 units/bldg. or less	—	—	PND	P	PS	P	P	P	P	P	—	—	P	P	P	P
Dwelling-Multifamily more than 4 units/bldg.	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Dwelling-Secondary	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	P	—	—	P	P	—	P
Family Care Home (6 or less residents)	—	P	P	P	P	P	P	P	P	P	—	—	P	P	—	P
Home Occupation	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	PS	PS	PS	PS
Housing Service for the Elderly	—	—	PS	PS	—	P	P	P	P	P	—	—	P	P	—	P
Live-Work Unit	—	—	—	—	—	PS	PS	PS	PS	PS	—	—	PS	—	—	PS
Manufactured Housing	—	PS	—	—	—	—	—	—	—	—	—	—	—	—	PS	—
Lodging																
Bed and Breakfast	—	P	P	P	P	P	P	P	P	P	—	—	P	P	—	P
Hotel/Motel/Inn	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P
Rooming or Boarding House	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	P
Office / Service																
Animal Services	—	PS	—	PS	—	—	P	P	P	P	P	P	P	—	—	P
ATM	—	—	—	—	—	P	P	P	P	P	P	P	P	P	—	P
Banks, Credit Unions, Financial Services	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Business Support Services	—	—	—	—	—	P	P	P	P	P	P	P	P	P	—	P
Child Care Home	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS
Child Care Center in Residence	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS
Commercial Child Care Center	—	—	—	—	—	SUP/CD	PS	PS	PS	PS	—	—	PS	PS	—	PS
Community Service Organization	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Drive Thru Service	—	—	—	—	—	PS	PS	P	SUP/CD	P	—	—	—	—	—	SUP/CD
Equipment Rental	—	—	—	—	—	—	—	P	PS	P	P	P	—	—	—	—
Funeral Home	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	P
Group Care Facility (More than 6 residents)	—	—	—	SUP/CD	—	PS	PS	PS	PS	PS	—	—	PS	PS	—	PS
Government Services	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/C D	SUP/CD	SUP/C D	SUP/CD
Laundry Services	—	—	—	—	—	P	P	P	P	P	—	—	—	—	—	P
Medical Clinic	—	—	—	—	—	P	P	P	P	P	—	—	P	P SUP/CD	—	P

CHAPTER 2: DISTRICTS

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
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BASE DISTRICT	T1	T2	T3	T4	T5			T6		Assigned Districts				Planned Development		
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IC-CI	MHD	TND
Office / Service (cont.)																
Outdoor Kennels	—	P	—	—	—	—	—	P	—	P	—	—	—	—	—	—
Post Office	—	—	—	—	—	P	P	P	P	P	P	—	P	P	—	P
Professional Services	—	—	—	PND	—	P	P	P	P	P	P	P	P	P	—	P
Residential Treatment Facility	—	SUP/CD	—	—	—	SUP/CD	SUP/CD	P	—	P	—	—	—	—	—	SUP/CD
Studio: Art, dance, martial arts, music	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Vehicle Services: Minor Maintenance/Repair	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—
Vehicle Services: Major Repair/Body Work	—	—	—	—	—	—	—	SUP/CD	PS	PS	P	P	—	—	—	—
Retail / Restaurant																
Alcoholic Beverage Sales Store	—	—	—	—	—	—	SUP/CD	P	P	P	—	—	SUP/CD	—	—	P
Auto Parts Sales	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—
Bar/Tavern/Night Club	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	—	P
Drive-Thru Retail/Restaurant	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	P
Gas Station	—	—	—	—	—	—	PS	PS	PS	PS	P	—	—	—	—	PS
General Retail: 3,500 sf or less	—	—	—	—	—	SUP/CD	PS	P	P	P	—	—	P	P	—	P
General Retail: 3,501 sf - 10,000 sf	—	—	—	—	—	SUP/CD	SUP/CD	P	P	P	—	—	P	P	—	P
General Retail: 10,001 sf - 50,000 sf	—	—	—	—	—	—	—	P	P	P	—	—	SUP/CD	—	—	P
General Retail: Greater than 50,000 sf	—	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	—	SUP/CD
Restaurant	—	—	—	—	—	SUP/CD	P	P	P	P	—	—	P	P	—	P
Vehicle or Heavy Equipment Sales	—	—	—	—	—	—	—	P	PS	P	P	P	—	—	—	PS
Entertainment / Recreation																
Adult Establishment	—	—	—	—	—	—	—	—	—	PS	—	—	—	—	—	—
Amusements, Indoor	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—
Amusements, Outdoor	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—
Cultural or Community Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Meeting Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	—	P	—	—	—	P	P	P	P	P	P	P	P	P	—	—
Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Theater, Movie	—	—	—	—	—	—	—	P	P	P	—	—	—	P	—	—
Theater, Live Performance	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	P

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
PND	Permitted as new development only	CD	SUP is not required when proposed and adopted as part of a Conditional District

BASE DISTRICT	T1	T2	T3	T4	T5			T6			Assigned Districts			Planned Development		
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IG-CI	MHD	TND
Manufacturing / Wholesale / Storage																
Agriculture	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Laundry, dry cleaning plant	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	—
Manufacturing, Light	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—
Manufacturing, Neighborhood	—	—	—	—	—	PS	P	P	P	P	P	P	—	P	—	P
Manufacturing, Heavy	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—
Media production	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—
Metal products fabrication, machine or welding shop	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—
Mini-Warehouse	—	—	—	—	—	—	—	P	—	P	P	P	—	—	—	—
Research and development	—	—	—	—	—	—	—	SUP/CD	SUP/CD	P	P	P	P	P	—	P
Storage: Outdoor Storage Yard as a primary use	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—
Storage: Warehouse/Indoor Storage	—	—	—	—	—	—	—	PS	PS	P	P	P	—	—	—	—
Wholesaling and distribution	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—
Civic / Institutional																
Campground	PS	PS	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cemetery	P	PS	—	—	—	PS	PS	P	P	P	P	P	P	P	P	P
College/University	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	P	—	—
Hospital	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	P	P	—	—
Public Safety Station	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	PS	PS	P	P	P	P	P	P	P	P	P
Religious Institution	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School: Elem. & Secondary	—	P	P	P	P	P	P	P	P	—	—	—	—	P	—	P
School: Vocational/Technical	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Transportation / Infrastructure																
Air Transportation	—	SUP/CD	—	—	—	—	—	—	—	—	—	P	P	—	—	—
Parking Lot (primary use)	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Parking Structure (primary use)	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD
Road/Rail Transit - Passenger	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Road/Rail Freight/Courier/Trucking	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—
Utilities-Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities-Class 2	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	P	P	P	P	P	P	SUP/CD
Utilities-Class 3	—	SUP/CD	—	—	—	—	—	SUP/CD	—	SUP/CD	P	P	—	P	—	—
Wireless Telecomm Facility: Stealth	—	—	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecomm Facility:	—	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	PS	PS	SUP/C	SUP/CD	—	—

CHAPTER 2: DISTRICTS

BASE DISTRICT	T1	T2	T3	T4			T5			T6	Assigned Districts			Planned Development		
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IC-CI	MHD	TND
Tower													D			

Chapter 4. SUBDIVISIONS AND INFRASTRUCTURE

4.1 Purpose and Intent

The purpose of this chapter is to establish procedures and standards for the proper subdivision of land within the jurisdiction of the City of Salisbury in order to provide for orderly growth and development; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; to provide for the dedication of rights-of-way or easements for street and utility purposes; and to provide for the distribution of traffic in a manner that will avoid congestion and will create conditions essential to the public health, safety, and general welfare.

In addition, this chapter is guided by and intends to fulfill the following policy directives of the *Salisbury Vision 2020 Comprehensive Plan*:

-
- 4.1 Purpose and Intent
 - 4.2 General Subdivision Platting Provisions
 - 4.3 Specific Subdivision Types by District
 - 4.4 Required Improvements
 - 4.5 Installation of Infrastructure Improvements (Subdv & Site)
 - 4.6 Permanent Reference Points
 - 4.7 Street Design & Layout Provisions
 - 4.8 Street Sections
 - 4.9 Sidewalk Program
 - 4.10 Connectivity & Street Stubs
 - 4.11 Traffic Calming
 - 4.12 Bicycle Accommodations
 - 4.13 Access Management
 - 4.14 Transportation Impact Analysis
-

New neighborhood streets and minor streets shall be no wider than necessary to serve their intended purpose. Street widths shall be designed to fit the intended use of the street, corresponding to the traffic load and the planned development types.

Street designs in new neighborhoods shall give equal priority to the pedestrian and the automobile. In newly developing areas, sidewalks shall be required as an integral part of the community's infrastructure. Except where constrained by unusual physical limitations, a minimum sidewalk width of five feet shall be required. Except where constrained by physical limitations or other obvious reasons, sidewalks shall be required on both sides of the street.

Bikeways shall be planned for as a system-wide component of Salisbury's neighborhoods shall recognize bike routes at the time of development. All future subdivision plats and site plans shall be examined for bicycle compatibility and conformity with the city-wide bikeway plan.

The City shall encourage street patterns that respond to site topography, accentuate focal points and interesting vistas, create interesting public spaces and intersections, and that are coordinated with the placement of significant structures or open spaces.

On-street parking shall be encouraged in compact neighborhoods.

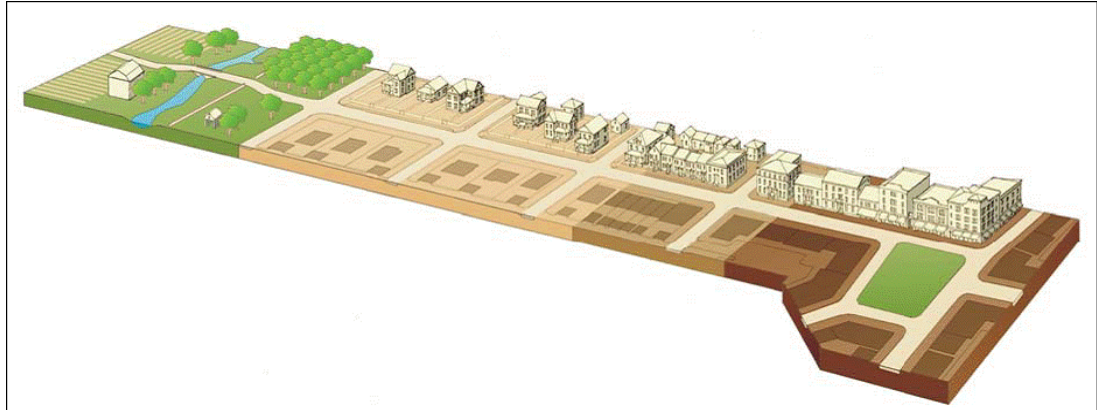
The turning radius of corners at intersections involving minor streets shall be as small as possible while allowing for reasonable truck and emergency vehicle maneuvering.

New neighborhoods shall be connected to other residential, shopping, and work areas within the neighborhood planning area. A fully connected honeycomb of streets shall provide convenient circulation within the neighborhood and provide for multiple, alternative outlets from the area to adjoining neighborhoods and major streets. Care shall be taken that the creation of cut-through traffic routes is avoided.

Access to major streets shall be from intersecting minor streets rather than private driveways, whenever possible. Minor streets should be located so as to intersect with major streets at regularly spaced, reasonably frequent intervals.

4.7 Street Design & Layout Provisions

New streets within the City of Salisbury zoning jurisdiction shall be constructed in accordance with the following provisions. Additional detail of each provision follows the matrix.



	OSP	RR	GR MHD	UR HR RMX TND	NMX CMX	DMX TND	HB LI HI HS IC-CI
Curb Type	n/a	Optional	Rolled, Valley, or Vertical	Vertical	Vertical	Vertical	Vertical
Drainage Type	Swale	Swale or Closed	Closed	Closed	Closed	Closed	Closed
Curb Radius	30'	30' curb 20'/curb	20'	20' unmark 10' mark	20' unmark 10' mark	10'	30'
On-Street Parking	n/a	n/a	Unmarked	Unmarked or Marked	Unmarked or Marked	Marked	Unmarked or Marked
Sidewalk	Optional Path	Optional Path	Sidewalk min.	Sidewalk min.	Sidewalk min.	Sidewalk min.	Sidewalk min. 5'
Street Trees	n/a	n/a	Planting Strip	Planting Strip or Tree Well	Planting Strip or Tree Well	Tree Well	n/a
Street Lighting	n/a	n/a	Vehicular or Pedestrian Scale	Pedestrian Scale	Pedestrian Scale	Pedestrian Scale	Vehicular or Pedestrian Scale*
Block Length	n/a	n/a	1200' 800'	800' 600'	800' 600'	600' 400'	1200' 800'
Cul-de-sac or Close Length	800'	600'	600'	300'	Prohibited	Prohibited	800'

A. Streets and Street Layout

1. All streets designed for inclusion in the NCDOT system are subject to approval by the City and by NCDOT.
2. Streets shall interconnect within a development and with adjoining development. Where future development is anticipated, streets shall stub to adjacent property to provide for future connections per Section 4.8, Connectivity & Street Stubs.
3. No more than 30 single-family or duplex dwelling units shall be accessed from a street system having a single access point unless a street stub or future connection is provided.
4. Where property is adjacent to a designated thoroughfare, existing or proposed, building setbacks or build-to lines shall be measured from the future right-of-way as identified in the adopted thoroughfare plan; however, this provision does not require dedication of land needed to meet the future right-of-way width.
5. Street layout shall conform to the arrangement, width and location of public streets and corridors indicated on the regulating Thoroughfare Plan for the area. Streets not indicated on that plan should be designed and located to:
 - a. Relate to the topography;
 - b. Preserve natural features such as streams and tree growth;
 - c. Provide for adequate public safety and convenience.
6. Private or gated streets are prohibited.
7. Street Markers and Traffic Control Signs:
 - a. All standard street markers and traffic control signs on public streets shall be provided and installed by the City. Custom or decorative markers or signposts proposed by the developer are subject to approval by the Administrator prior to installation. The developer is responsible for all costs associated with the use of custom or decorative materials.
 - b. Installation of "No Parking" signs and (5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100 mph speed limit signs) on streets constructed by private developers shall be the responsibility of the developer. The appropriate locations and materials of such signs shall be subject to the approval of the Administrator.

B. Alleys

1. Alleys shall be within privately owned and maintained easements or common areas. They shall be designated as public access easements and shall be marked as such on all plats.

2. Alleys shall be paved or prepared, depending on use, as defined in Sec. 10.4.C of this Ordinance.
3. Alleys shall be constructed with standard concrete driveway ramps at entrances to streets. Driveway standards shall be as specified in the *Uniform Construction Standards Manual*.

C. Curb and Gutter

1. Curb and gutter shall be constructed in accordance with the City of Salisbury *Uniform Construction Standards Manual*.
2. Where vertical curb and gutter is specified, it shall be a minimum of 1.5 feet wide for residential development and 2.5 feet wide for non-residential or mixed-use development.

D. Sidewalks

1. Mixed use and commercial area sidewalks shall have a minimum width of 8 feet in the DMX and TND districts, unless otherwise specified by a Council-adopted area plan for all other districts.
2. Sidewalks are not required around the "bulb" ended cul-de-sac.
3. All sidewalks shall be paved with broom-finished concrete, paving brick or concrete pavers. Similar materials may be considered on a case-by-case basis.
4. Refer to Section 4.9, Sidewalk Program, for sidewalk alternatives along existing publicly-maintained streets.

E. Street Trees

All street trees shall be installed in accordance with the City of Salisbury *Uniform Construction Standards Manual* and the provisions of Chapter 8, Landscaping.

F. Street Lighting

Street lights shall be selected from the adopted Streetlight Inventory List* and shall be installed on both sides of applicable newly-constructed public streets. The developer is responsible for all costs associated with streetlight installation.

G. Block Length

1. On one-way minor streets where on-street parking is allowed, blocks shall be no longer than 300 feet or they shall provide areas of 40 feet in length where no parking is allowed every 200 feet. These areas are to be used for emergency access staging.
2. **Exceptions:** OSP, RR, IC, LI, and HI districts are exempt from the block length provisions of this subsection.

4.9 Sidewalk Program

A. Sidewalk Requirements

1. **Existing Streets:** As part of a proposed subdivision or new development along an existing publicly-maintained street in the corporate city limits, sidewalks shall be constructed along all applicable street frontages per the standards of Section 4.7 of this chapter.
2. **Infill Lots:** Sidewalk construction may not be required if the new development lot is considered an infill lot pursuant to Section 6.3.I, Infill Provisions, Sidewalk Compatibility Standards.
3. **New Streets:** As part of new street construction, sidewalks shall be constructed along both sides of the new street per the standards of Section 4.7 of this chapter.

B. Sidewalk Alternatives for Existing Streets

When the approving authority determines that the construction of a required sidewalk along an existing publicly-maintained street in the corporate city limits is unfeasible due to special circumstances, including but not limited to: impending road widening, significant street trees, severe roadside conditions, substandard street sections, or unreasonable cost considerations; the approving authority may require either: 1) a payment in lieu of sidewalk construction, 2) construction of an equal linear foot of sidewalk elsewhere within the applicable Planning District, or 3) a combination of the previous. In determining alternate sidewalk locations within the applicable Planning District, the approving authority shall consider elevated Sidewalk Priority Index scores.

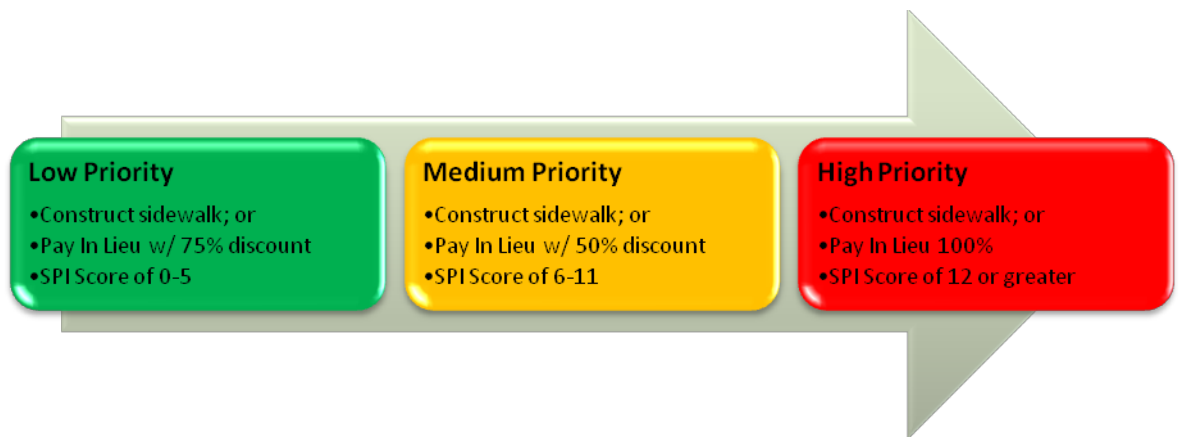
C. Sidewalk Payment In Lieu Program

As authorized under this section, a payment may be made to the City of Salisbury in lieu of sidewalk construction. The value of the payment shall equal the average linear foot sidewalk project cost, as determined on an annual basis by the Engineering & Development Services department of the City of Salisbury. The applicant is informed of the amount to be paid upon issuance of the zoning permit, or adoption of the ordinance for a Conditional District Overlay development, and payment shall be made prior to issuance of the Certificate of Occupancy.

Payments received in lieu of construction shall be assigned to one of nine (9) Planning Districts (as identified on the Sidewalk Priority Index Map (Appendix B of this LDO)) based on the location of the development seeking use of the payment in lieu program. These districts are areas in which payments shall be spent for the safety and convenience of pedestrians utilizing the sidewalk or pedestrian network within that district. Each district best follows census tract boundaries as well as representing, to the extent practical, an area where pedestrian circulation can take place without traversing major barriers, such as interstate freeways, major federal or state highways, railroad corridors, and significant streams or creeks which are, by definition, unsafe or unsuitable for pedestrian crossing.

The amount to be paid is determined by using the Sidewalk Priority Index (SPI) and the aggregate SPI street segment scores. The scores are prioritized Low, Medium, and High as follows:

1. **Low SPI Score = 0-5.** Street segments within this scoring range may either construct the required sidewalk or receive a 75% discount on the pay in lieu fee.
2. **Medium SPI Score = 6-11.** Street segments within this scoring range may either construct the required sidewalk or receive a 50% discount on the pay in lieu fee.
3. **High SPI Score = 12 or greater.** Street segments within this scoring range may either construct the required sidewalk or pay in lieu with no discount.



The Sidewalk Priority Index (SPI) is intended to ensure that sidewalks are first constructed or repaired where existing need is the greatest and where the potential for pedestrian traffic is the greatest. In general, pedestrian activity is directly attributable to factors, or pedestrian-generating characteristics, such as proximity to major destinations, specific zoning districts, and transit routes. By overlapping multiple characteristics, one can easily visualize the concentration of resources in a particular area. The cumulative intensity of all characteristics at a specific location determines the varying levels of prioritization. The SPI effectively adapts this methodology by identifying the specific characteristics that most affect the potential for walking in Salisbury. Those districts and pedestrian generating characteristics have been assigned the following values, and scores are determined for street segments based on aggregating overlapping characteristics:

1. All applicable zoning districts have been assigned a value according to the following table:

OSP RR	GR MHD	UR HR RMX	NMX CMX	CI DMX TND	IG	HS	HB LI HI
SPI n/a	SPI value of 0	SPI value of 1	SPI value of 2	SPI value of 3	SPI value of 2	SPI value of 1	SPI value of 0

2. The following are assigned a value of 3:
 - a. Colleges: Factors contributing to colleges generating heavy pedestrian activity include a young population, businesses that cater to students, and the fact that many students do not own automobiles. In addition, students, faculty, and staff often live nearby. Therefore, all street segments within ¼-mile of all college campuses are assigned a value of 3.
 - b. Greenways & Parks: Greenways and parks attract recreational users of all ages. Greenways, specifically, are part of the pedestrian infrastructure itself and are used for transportation purposes. Additionally, Salisbury is unique in that all parks in the system, except for the Community Park, are accessible by foot and are all adjacent to an existing neighborhood. Therefore, all street segments within ¼-mile of existing Greenways and parks are assigned a value of 3.
 - c. Transit: Almost all bus users begin and end their trips as pedestrians. Accordingly, safe and continuous pedestrian facilities are an integral component of a public transit system. Therefore, all street segments within ¼-mile of a transit route are assigned a value of 3.
3. The following are assigned a value of 2:
 - a. High Schools: Based on the fact that elementary, middle, and high schools can generate many daily walking trips by students, whose ages typically make them among the most vulnerable pedestrians, all street segments within ¼-mile of high schools are assigned a value of 2.
 - b. Historic Overlay: Based on the traditional grid street network, traditional medium-density platting, and the proximity of these district overlays to neighborhood service and support, all street segments within the overlay are assigned a value of 2.
4. The following are assigned a value of 1:
 - a. Civic Facilities: Because Salisbury's civic buildings provide a wide range of users, including children, senior adults, and disabled people, all street segments within a ¼-mile of these facilities have been assigned a value of 1.
 - b. Commercial Nodes: Based on the potential for higher density housing and mixing of uses generally located in pods at significant intersections throughout the city, all street segments within ¼-mile of the nodes are assigned a value of 1.
 - c. East Innes Gateway Overlay: Based on the spirit and intent of this separate overlay ordinance, the importance of the pedestrian and appropriately-scaled development assigns a value of 1 to the street segments within this district.

- d. Elementary & Middle Schools: Based on the fact that elementary, middle, and high schools can generate many daily walking trips by students, whose ages typically make them among the most vulnerable pedestrians, all street segments within ¼-mile of elementary and middle schools are assigned a value of 1.
- e. Groceries & Health Clubs: Due to the current lack of regional commercial development in Salisbury, the majority of all grocery stores are still within the heaviest commercial nodes and adjacent to existing neighborhoods. Our large-scale grocery stores still have the advantage of serving the public in a manner similar to small-scale convenience. Regarding health clubs, Salisbury recognizes the importance of healthful living and becoming a more active community. Accordingly, all street segments within ¼-mile of groceries and health clubs have been assigned a value of 1.
- f. Medical Facilities: Hospitals and smaller medical facilities in Salisbury are large employment centers, and two of which are located adjacent to well-established neighborhoods and transit facilities. This characteristic generates a considerable amount of pedestrian activity and transit use. Accordingly, all street segments within ¼-mile of these facilities have been assigned a value of 1.
- g. Presence of Sidewalk: The presence of existing sidewalk within a scoring roadway segment has been assigned a value of 1. This factor recognizes that completing a sidewalk network and providing continuity of facilities generally has greater value to pedestrians.
- h. Thoroughfares: Thoroughfares are the most significant through-streets in a roadway system and provide direct access to many destinations. In addition, the speed and volume of motor vehicle traffic intensifies pedestrians need for separate facilities. Accordingly, Major and Minor Thoroughfares have been assigned a value of 1.

Scoring is determined along roadway segments – regardless of development or parcel size. This prevents individual major pedestrian-generating projects from coincidentally falling outside of many of the scoring characteristics and avoiding installation. In addition, it ensures continuity of the sidewalk network between other important features. The segment boundaries employed to determine the SPI score that are first encountered, in any combination, shall be as follows:

- 1. Signalized intersections
- 2. Four-way stop intersection
- 3. Two-way stop intersections
- 4. Railroad crossings
- 5. Or a distance of approximately ½-mile to the nearest intersection, crossing, or environmental feature if none of the above occur earlier

4.10 Connectivity & Street Stubs

Improving connectivity and limiting cul-de-sacs result in improved mobility for motorists, pedestrians, and cyclists; decreased response time for emergency services and delivery costs for services such as garbage collection through improved routing options; and, dispersion of motor vehicle traffic.

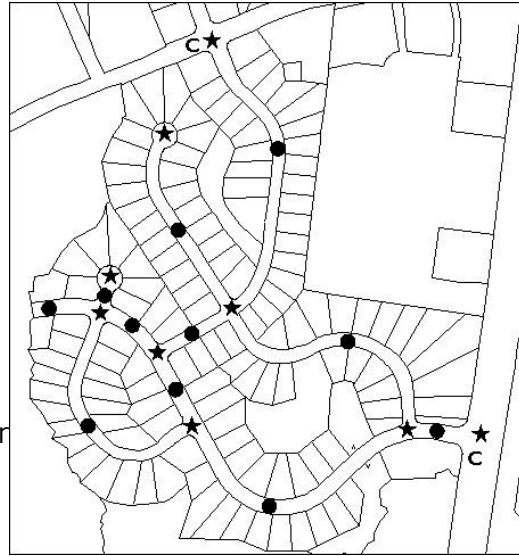
A Connectivity Index shall be used to determine the adequacy of street connectivity in new developments. The index is calculated as the ratio of the number of street links in a particular street layout (road sections between intersections or stubs to adjacent property) plus connections to existing streets divided by the number of street nodes (intersections and cul-de-sac heads).

$$\text{Connectivity Index} = \frac{(\text{L} + \text{C})}{\text{N}}$$

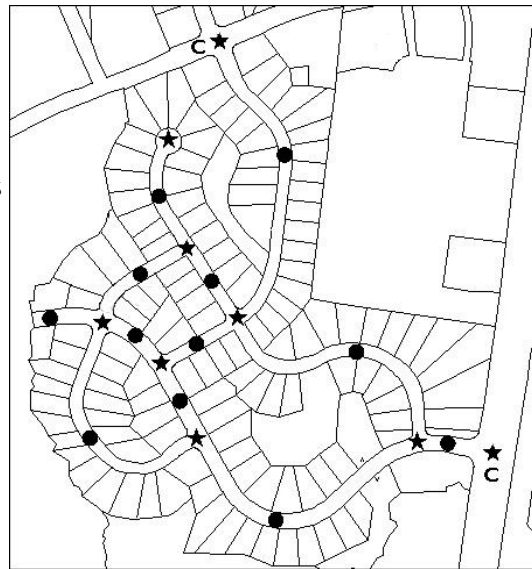
The illustration above illustrates a connectivity index of 1.44 (links are shown as circles, nodes are shown as stars, and connections to existing streets are shown as stars). The illustration has 11 links, 2 connections, and 9 nodes for an index of $(11+2) / 9 = 1.44$. In the illustration below, one cul-de-sac is converted to a full intersection. This gives the development one additional link for a connectivity index of 1.55 $([12 \text{ links} + 2 \text{ connections}] / 9 \text{ nodes})$. The same number of lots is shown in both illustrations.

A. Connectivity Index Requirement

Any development shall be required to achieve a connectivity index as shown in the following table.



A street layout showing a connectivity index of 1.44 $([11 \text{ links} + 2 \text{ connections}] / 9 \text{ nodes})$. Links are shown as circles and nodes are shown as stars and connections to existing streets are shown as stars.



A street layout showing a connectivity index of 1.55 $([12 \text{ links} + 2 \text{ connections}] / 9 \text{ nodes})$. Note that one cul-de-sac from the original layout has been converted to a full intersection. The same numbers of lots are shown.

	RR LI HI	GR	UR, HR, RMX, TND, NMX, CMX, GEI-O, DMX	HS HB HC-CI
Connectivity Index <i>(Minimum)</i>	n/a	1.3	1.4	1.5

Chapter 5. BUILDING TYPES AND STANDARDS

5.1 Purpose and Intent

The standards in this Chapter are intended to attach the same or greater level of importance to building design as is placed on the use contained within. The established architectural vernacular of the City of Salisbury exhibits a wide-variety of common building types and this Ordinance has established regulations specific to these typologies. The rich architectural history and vocabulary of the City presents a wide variety of development options for using traditional forms while avoiding any perception of monotony. Buildings are expected to be added to the City of Salisbury as long-term additions to the architectural vibrancy of the community.

5.1 Purpose and Intent
5.2 Applicability
5.3 Exceptions
5.4 Introduction to Building Types
5.5 Permitted Building Types by District
5.6 General Provisions for All Building Types
5.7 Specific Provisions for Manufactured Housing
5.8 Specific HOUSE Provisions
5.9 Specific TOWNHOUSE Provisions
5.10 Specific APARTMENT Provisions
5.11 General Provisions for MU & Comm- Nonresidential Types
5.12 Specific MIXED-USE Provisions
5.13 Specific COMMERCIAL Provisions
5.14 Specific INSTITUTIONAL Provisions
5.15 Specific PUBLIC LANDMARK Provisions
5.16 Dimensional Standards (Res Types)
5.17 Dimensional Standards (MU & Non-Res Types)

In addition, this chapter is guided by and intends to fulfill the following policy directives of the *Salisbury Vision 2020 Comprehensive Plan*:

Appropriately located, designed and scaled stores and services providing basic necessities to residents of the City's older neighborhoods shall be designed at a residential scale and character.

New development in or adjoining an older commercial area should be compatible with existing desirable development within its vicinity. Compatibility criteria shall include size, scale, massing, fenestration, rhythm, setback, materials, context, and landscaping.

Noteworthy buildings, important outdoor spaces, objects of historic merit, important monuments, and significant works of art shall be placed in positions of visibility and prominence.

5.2 Applicability

The following provisions apply throughout the jurisdiction of this Ordinance. While the General Provisions (Sec. 5.6) apply to all principle buildings, each building type shall also comply with its own general, dimensional, and design element provisions according to building type and zoning district.

5.3 Exceptions

- A. Innovative planning or design ideas for development in any district where the proposed building types and dimensional standards are different than those allowed by the base district requirements may be approved subject to the approval of a Conditional District.
- B. Buildings in LI and HI districts are exempt from the provisions of this chapter, except for any applicable dimensional standards.

- C. Minor additions or modifications to any principle building existing upon the effective date of this Ordinance are exempt from the provisions of this chapter, except for the applicable dimensional bulk standards and those requirements in Section 5.6.D, Encroachments. Minor addition shall mean any addition to the principle building that is less than 25% of the gross floor area. Minor modification shall mean any work requiring a Zoning Permit that is valued less than 25% of the Rowan County assessed valuation.
- D. Except where specific provisions and dimensional standards in this chapter apply, accessory and temporary buildings shall follow the general lot and structure (Ch. 6) provisions of this Ordinance.
- E. Where specific architectural elements are required as part of an adopted plan or associated with local historic guidelines, those guidelines shall supersede any conflicting design requirements of this chapter.

5.4 Introduction to Building Types

- A. **Residential Building Types:** The general residential buildings types are as follows: House, Townhouse, and Apartment, including manufactured housing. Adjacent buildings should relate in similarity of scale, roof pitch, height, architectural elements, and/or lot configuration.



- 1. **House:** A House is a detached building located on one (1) parcel or lot that is flexible in use, accommodating single-family residences, multi-family residences up to four units, home occupations, professional offices, and limited retail uses based on the zoning district in which it is located. The two basic House building types – Street-Access House and Alley-Access House – are a function of how the lot is accessed by automobile.



- 2. **Townhouse:** A Townhouse is one of a row of attached houses, or live-work units, joined by common sidewalls and where each house/unit is located on an individual parcel or lot. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the district in which it is located. The Townhouse typically has 1 yard (rear) though variations include a small front setback to provide some landscaping.



- 3. **Apartment:** A multiple-unit building containing more than four (4) dwelling units vertically arranged (generally). The ground floor may be available for commercial uses. The uses permitted within the building are determined by the district in which the building is located. The Apartment building typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping.

B. Mixed-Use, Commercial, Institutional, and Public Landmark Building

Types: The mixed-use, commercial, institutional, and public landmark building types may vary; however, adjacent buildings should relate in similarity of scale, roof pitch, height, architectural elements, and/or lot configuration.



1. **Mixed-Use:** A mixed-use building is generally a multi-story, small-scale structure that can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial service, such as a neighborhood store, in close proximity to homes. The uses permitted within the building are determined by the district in which it is located. The Mixed-Use building typically has 1 yard (Rear) though variations include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where parking is handled in a manner other than on-site surface parking.



2. **Commercial:** This building type provides convenient pedestrian and vehicular access from the fronting street, while minimizing the negative impacts of parking lots on an active pedestrian realm. The uses permitted within the building are determined by the district in which it is located. The Commercial building typically has 1 yard (Rear) though variations include a small front plaza or courtyard to provide public space for outdoor seating.



3. **Institutional:** Institutional buildings often serve as landmarks and public gathering places. However, because most institutional uses serve specialized populations (i.e. children, elderly, college students, or the infirmed) they have unique characteristics that require design control. Institutional buildings should be constructed as permanent additions to the long-term vibrancy of the City and should serve to exemplify the very best architectural designs and building practices.



4. **Public Landmark:** The public landmark building is the most important building type in the City. It serves equally as a landmark and a public gathering place. Such buildings should be constructed as permanent additions to the long-term vibrancy of the City and should serve to exemplify the very best architectural designs and building practices.

5.5 Permitted Building Types By District

	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IC CI	MHD	TND
HOUSE			(1)	(1)			×	×	×	×	×	×				
TOWNHOUSE	×	×	(1)	(1)	×				×(2)	×	×	×		×		
APARTMENT	×	×	×	×	×						×	×		×	×	
MIXED-USE	×	×	×	×	×					×	×	×	×	×	×	
COMMERCIAL	×	×	×	×	×									×	×	
INSTITUTIONAL											×	×				
PUBLIC LANDMARK	(3)	(3)	×	×	(3)	×	×	×	(3)	×	×	×	×	(3)	×	(3)

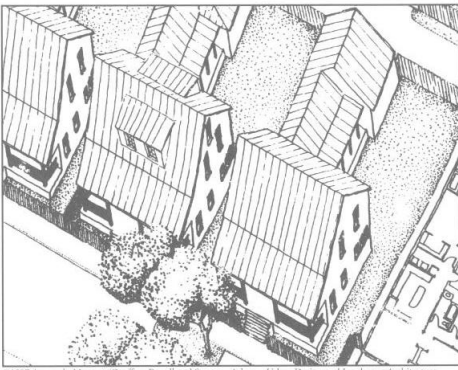
= Building type permitted in district

× = Building type prohibited in district as new construction. Nonconforming building types shall refer to Nonconforming Principal Structures and Building Types, Sec. 13.4.

(1) No more than 4 units per building per Use Matrix (Ch. 2)

(2) New construction permitted subject to approval of a Conditional District Overlay

(3) Public Landmark building type requires City Council approval via Conditional District zoning



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5.6 General Provisions for All Building Types

Unless otherwise noted, all buildings shall comply with the following provisions:

A. Building Placement and Orientation

1. **Fronting a Street or Public Space:** All The principal buildings, except for buildings in the LI, HI and IC districts, shall front a street or recreational open space and shall include a principal building entrance and architectural front. With the provision of alley access, the principal buildings may front recreational open space with public street access and shall be of sufficient design to allow for the provision of emergency services.



A building and its primary entrance façade shall be oriented toward the street. (5.6.A)

In all other districts, and in districts that permit multiple buildings per lot, accessory and secondary buildings, as defined, may vary orientation; however, the rear façade, or service side of any building, shall not front a street or recreational open space. When there is no clear or definable principal building, such as in the case of a shopping center, development is considered a Campus-Style Development and shall follow the Conditional District development process. In the case of campus-style development, as defined below, building orientation may vary from fronting upon the street or open space only when developed as a Conditional District.



Important street vistas should terminate in a focal point. (5.6.A)

2. **Building Entrances:** All buildings facing a public space shall have provide a primary entrance along the fronting façade, or at the building corner, and shall be designed for the pedestrian and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.

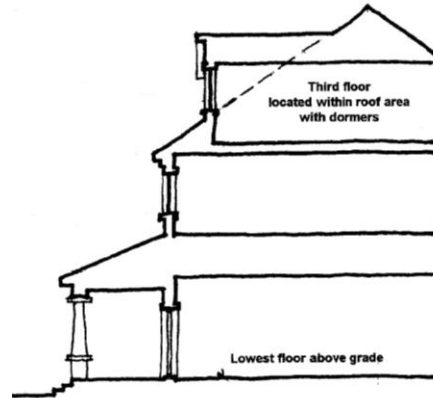
(Unless located within a national or local historic district, not applicable to one or two-family dwellings per N.C.S.L. 2015-86)

3. **Termination of Vistas:** Important street vistas identified in any adopted plan should terminate in a focal point, such as a building or other architectural or natural feature.
4. **Campus-Style Development** is typically characterized by the clustering of uses within inwardly-oriented buildings that address one another, a public common space, or parking area, and where there is generally greater open space and buffering from surrounding lesser intensive uses. This type of development typically includes:
 - a) A unified system of sidewalks, paths, streets, and drives;

- b) A unified design of common themes represented in building design, material, signage, and lighting; and
- c) A master utility plan.

B. Construction Methods:

1. **Underground wiring:** To reduce the visual impact of overhead wiring, utility services shall be located underground.
2. **Type of Construction:**
 Manufactured, mobile, and metal units shall be prohibited, except as may be allowed in Section 4.4 for a temporary office or classroom, site management, or storage uses during construction projects, and except as permitted in the RR zoning district or Manufactured Home Development (MHD) in a Conditional District.

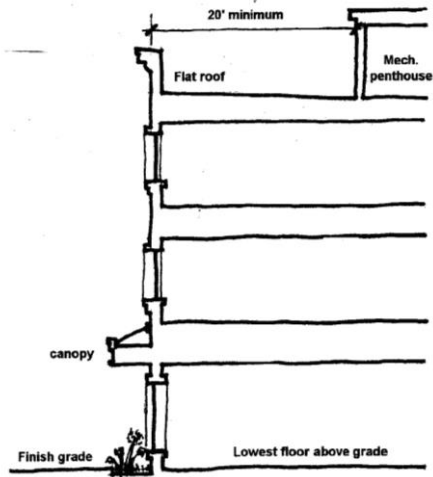


C. Building Height

Building heights are specified in each building type sections. They shall be determined according to the provisions below.

1. **Story:** That part of a building above ground level between a floor and the floor or roof next above shall be considered a story. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area under the roof. The under-roof area with dormers does not count as a story.

2. **Feet:** Some building types regulate height by feet instead of by story. In those instances, feet shall be measured from the finish grade to the midpoint of a pitched roof or to the top of a flat roof, not including any parapet wall.



3. **Items Not Included in Calculation:**
 The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses, (provided they are set back 20 feet from the front elevation) observation towers, transmission and telecom towers, chimneys, smokestacks, conveyors,

flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or building will not interfere with any airport zones or flight patterns. As noted above, the portion of a residential building that is located within a roof area (including dormers) shall not be counted towards the maximum story requirement.

D. Encroachments

Certain architectural features are permitted to encroach into the setback. The encroachment standards are as follows:

1. **Arcades:** Arcades, if provided, shall avoid the swing of car doors parked parallel to the arcade. In addition the sidewalk within the arcade shall be sufficient to accommodate the intended uses (i.e. outdoor seating) while also providing the required clearances according to the American with Disabilities Act Accessibilities Guidelines (ADAAG).
2. **Awnings:** All awnings, if provided, shall be supported by a frame attached directly to the building receiving beneficial use of the awning. Awnings shall not be supported by a frame attached to the sidewalk or other public right-of-way.
3. **Bay Windows and Overhanging Eaves:** Bay windows and overhanging eaves shall not exceed a maximum projection of two (2) feet from the primary wall. In addition, bay windows shall not contain habitable floor space, but may provide seating as an integral element.
4. **Balconies, Porches, and Stoops:** Roofed or non-roofed balconies, porches, and stoops are permitted as encroachments. To the extent possible, these features are to remain visually permeable so that the front door can be easily seen from the street or sidewalk.
5. **Handicapped Ramps:** A handicap ramp may encroach into any required setback.
6. **Rear Yard Encroachments:** Open decks, porches, patios, and other similar structures not exceeding an average finished height above grade of 30 inches may encroach into the side and rear setback to within five feet of the property line. Enclosure of these areas with walls or screening is considered a room and shall not be permitted as an encroachment.
7. **Encroachments over the Public Right of Way:** With approval of the City or NCDOT (whichever has authority over a street), upper story balconies or bay windows may encroach into the right of way, but shall be a minimum of 3 feet behind the curb.
8. **Public Art:** Public art, such as statues, fountains, and other works of art are encouraged and may be placed in any required setback area.

E. Alternate Method of Compliance: Select provisions of this chapter may be reviewed and accepted as an alternate method of compliance by the Alternate Methods of Design Commission (AMDC). The specific provisions eligible for alternate methods of compliance are as follows:

1. **Sec 5.6.A:** Building Placement and Orientation, except that Campus-Style Development requires consideration through the Conditional District development process.

~~2. **Sec. 5.7.A-B:** Residential Cladding and Construction Methods~~

3. **Sec. 5.8.D, 5.9.C, 5.10.B, 5.12.B, 5.13.B:** Design Element Provisions for House, Townhouse, Apartment, Mixed-Use, and Commercial types

~~4. **Sec. 5.11.A-B:** Mixed-Use, Commercial, Institutional, and Public Landmark Cladding and General Non-Residential Street Wall provisions~~

The AMDC shall use the general findings criteria for alternate methods of compliance outlined in chapter 15 of this Ordinance as well as the following specific criteria when considering alternatives. Findings shall be produced by the commission supporting their decision to approve or deny the alternative method. The commission may suggest a different alternative than requested; however, suggested changes must be approved by the applicant. Specific findings criteria are as follows:

1. The relationship of the scale and massing of the proposed structure with the alternative cladding or building material to surrounding buildings (either side and across any streets).
2. The variation of building form and roofline, including variations in height, setback, roof shape, size and rhythm of fenestration, as well as trim and architectural detailing.

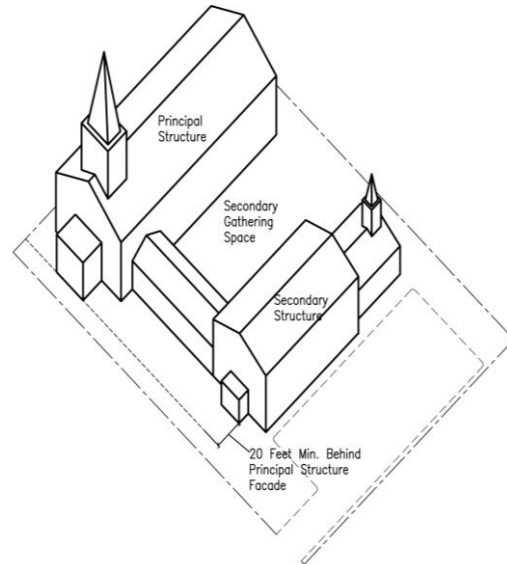
5.11 **General Provisions for Mixed-Use, Commercial, and Institutional Non-Residential Building Types**

- A. **Street Walls:** The following provisions shall apply to the first floor street-facing elevations of mixed-use building types in the NMX, CMX, DMX and TND districts and all commercial building types in the NMX, DMX, and TND districts when used for mercantile purposes:
1. **Windows and Doors:** The first floor street-facing elevations shall include transparent windows and doors arranged so that the uses inside are visible from and accessible to the street on at least 40% of the length of the first floor building elevation along the first floor street frontage.
 2. **Blank Walls:** Expanses of blank walls may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)
 4. **Ventilation Grates and Exit Doors:** All ventilation grates and doors located at the first floor level oriented to any public street shall be flush with the building wall.
 5. **Security Bars and Roll downs:** Security bars or roll down doors shall be installed on the interior when facing a public street.

5.14 Specific Provisions for INSTITUTIONAL Building Type

A. Applicability and Building Type Provisions

1. **Applicability:** Uses appropriate for the Institutional building type shall typically include governmental offices-facilities, schools, hospitals, and long-term continuum of care facilities, post offices, churches, synagogues, religious institutions, and non-profit or charitable clubs and organizations.
2. **When proposed through the Conditional District development process,** Institutional buildings should must be of sufficient designed to create a visual anchors or termination of a vista for the community.
3. **Accessory and Secondary Buildings:** Building(s) incidental to the principal structure shall be behind line setback a minimum of 20 feet behind the fronting facade of the principal structure building, and if more than one, shall be arranged to create secondary gathering spaces within the lot.
4. **Roofs:** Flat roofs are allowed, but principal buildings adjacent to residential structures shall have similar architectural features such as pitched roofs to ensure compatibility.



5.15 Specific Provisions for PUBLIC LANDMARK Building Type

A. Applicability and Building Type Provisions

1. **Applicability:** The Public Landmark building type may only be used for public buildings such as city or county halls, libraries, courthouses, and transportation terminals; and semi-public buildings such as civic/convention centers, museums, performing arts centers, and observatories.
2. Public Landmark buildings shall be considered and approved by City Council via Conditional District zoning. The community importance of this building type grants City Council the authority to ensure that the following conditions are met:
 - a) Does the building terminate an important vista?
 - b) Does the building create a visual anchor for surrounding community?
 - c) Does the building fulfill adopted plan goals or policies?
3. ~~They should be built so that they terminate a street vista whenever possible.~~
4. ~~They should be designed to create visual anchors for the community.~~
5. They shall be clad in glass or masonry using brick, stone, applied stucco, or architectural CMU.

5.16 Dimensional Standards by Zoning District for Residential Building Types

(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	HC-CI
Lot Width: <i>Minimum</i>														
House	100	100	55	30	30	30	30	30	-	-	-	-	30	30
Townhouse	-	-	40	-	20	20	20	20	-	-	-	-	20	20
Apartment	-	-	-	-	-	0	0	0	30	32	-	-	0	0
Lot Depth: <i>Minimum</i>														
House	100	100	100	100	100	100	100	100	0	-	-	-	100	100
Townhouse	-	-	0	-	0	0	0	0	-	-	-	-	0	0
Apartment	-	-	-	-	-	0	0	0	0	0	-	-	0	0
Front Setback: <i>Minimum (a)</i>														
House	30	40	10	10	10	10	10	10	-	-	-	-	10	(+) 0 or 10
Townhouse	-	-	0 or 10	-	0 or 10	0 or 10	0 or 10	0 or 10	-	-	-	-	0 or 10	(+)
Apartment	-	-	-	-	-	0 or 10	0 or 10	0 or 10	0	10	-	-	0 or 10	(+)
Front Setback: <i>Maximum</i>														
House	nm	nm	nm	nm	nm	nm	nm	nm	-	-	-	-	nm	(+) nm
Townhouse	-	-	nm	-	nm	25	25	25	-	-	-	-	25	(+)
Apartment	-	-	-	-	-	nm	nm	nm	25	nm	-	-	nm	(+)
Front Yard Encroachment (b)														
House	-	8	8	8	8	8	8	8	-	-	-	-	8	8
Townhouse	-	-	5	-	5	5	5	5	-	-	-	-	5	5
Apartment	-	-	-	-	-	8	8	8	8	-	-	-	8	8
Side Setback: <i>Minimum</i>														
House	10	10	20%*	20%*	20%*	20%*	20%*	20%*	-	-	-	-	20%*	(+) 5
Townhouse	-	-	10**	-	10**	10**	10**	10**	-	-	-	-	10**	(+)
Apartment	-	-	-	-	-	10**	10**	10**	0 or 6**	0 or 4	-	-	10**	(+)

(a) For corner lots, the building shall use the front setback for both streets

(b) Upper story balconies may encroach into sidewalk ROW with city approval

(c) Two (2) stories or 20 feet

* 20% of the lot width

** Feet between buildings

^ Measured from centerline of alley

[] 0' in development, otherwise

+ Hospital to 150' with SUP

(+) See Sec. 2.4.E

(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IG-CI
Rear Setback: Minimum														
House	20	30	25	25	25	25	25	25	-	-	-	-	25	(f) 25
Townhouse	-	-	0	-	-	0	0	0	-	-	-	-	0	(f)
Apartment	-	-	-	-	-	0	0	0	0	0 or 4	-	-	0	(f)
Rear Setback from Alley: Minimum														
House	-	-	15^	15^	15^	15^	15^	15^	-	-	-	-	15^	(f) 15^
Townhouse	-	-	15^	-	15^	15^	15^	15^	-	-	-	-	15^	(f)
Apartment	-	-	-	-	-	15^	15^	15^	15^	0	-	-	15^	(f)
Accessory Structure/Dwelling Unit Side/Rear Setback: Minimum														
House	5	5	5 (10 over 200 sf)	5	5	5	5	5	-	-	-	-	5	(f) 10
Townhouse	-	-	5	-	-	5	5	5	-	-	-	-	5	(f)
Apartment	-	-	-	-	-	5	5	5	0	0 or 4	-	-	5	(f)
Minimum Height														
House	0	0	0	0	0	0	0	0	-	-	-	-	0	0
Townhouse	-	-	0	-	0	(e)	(e)	(e)	-	-	-	-	(e)	(e)
Apartment	-	-	-	-	-	(e)	(e)	(e)	(e)	0	-	-	(e)	(e)
Maximum Height														
House	50	50	50	35	35	35	35	35	-	-	-	-	35	35
Townhouse	-	-	3 story	-	3 story	3 story	3 story	3 story	-	-	-	-	3 story	3 story
Apartment	-	-	-	-	-	3 story	4 story	4 story	nm	3 story	-	-	5 story	5 story

See footnotes above

5.17 Dimensional Standards by Zoning District for Commercial, Mixed-Use, Institutional, & Public Landmark Building Types

(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX	CMX	DMX	HB	HI	HI	HS	IC-CL
Lot Width: <i>Minimum</i>														
Mixed-Use	-	-	-	-	-	32	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	32	32	32	16	32	-	-	32	32
Institutional/Pub Lmrk	100	100	100	50	50	50	50	50	50	32	-	-	50	50
Lot Depth: <i>Minimum</i>														
Mixed-Use	-	-	-	-	-	0	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0	-	-	0	0
Institutional/Pub Lmrk	0	0	0	0	0	0	0	0	0	0	-	-	0	0
Front Setback: <i>Minimum (a)</i>														
Mixed-Use	-	-	-	-	-	0	0	0 or 10	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0 or 10	0	10	-	-	0	(f)
Institutional/Pub Lmrk	30	40	10	10	10	10	0	0	0	10	-	-	0	(f) 0
Front Setback: <i>Maximum</i>														
Mixed-Use	-	-	-	-	-	nm	10	nm	10	-	-	-	-	-
Commercial	-	-	-	-	-	10	10	75	10	nm	-	-	nm	(f)
Institutional/Pub Lmrk	nm	nm	nm	nm	nm	nm	nm-25	nm	25	nm	-	-	nm	(f) nm
Front Yard Encroachment (b)														
Mixed-Use	-	-	-	-	-	8	8	8	8	-	-	-	-	-
Commercial	-	-	-	-	-	8	8	8	8	-	-	-	-	-
Institutional/Pub Lmrk	-	8	10	10	10	10	10	10	25	-	-	-	-	-
Side Setback: <i>Minimum</i>														
Mixed-Use	-	-	-	-	-	[0 or 12]	[0 or 5]	[0 or 5]	0 or 4	-	-	-	-	-
Commercial	-	-	-	-	-	[0 or 5]	[0 or 5]	[0 or 5]	0 or 4	0 or 4	-	-	0 or 4	(f)
Institutional/Pub Lmrk	10	10	15	10**	10**	10**	10**	10**	0 or 4	0 or 4	-	-	5	(f) [10]**

See footnotes above

Dimensional standards for Public Landmark are proposed by the developer and established by City Council

(All Numbers In Feet)

	OSP	RR	GR	HR	UR	RMX	NMX	CMX	DMX	HB	HH	HH	HS	IC-CI
Rear Setback: Minimum														
Mixed-Use	-	-	-	-	-	10	0	0	0 or 4	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0 or 4	0 or 4	-	-	0	(f)
Institutional/Pub Lmrk	20	30	30	30	30	30	30	30	0 or 4	0 or 4	-	-	30	(f) 30
Rear Setback from Alley: Minimum														
Mixed-Use	-	-	-	-	-	5	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0	-	-	0	(f)
Institutional/Pub Lmrk	0	0	0	0	0	0	0	0	0	0	-	-	0	(f) 0
Accessory Structure/Dwelling Unit Side/Rear Setback: Minimum														
Mixed-Use	-	-	-	-	-	0	0	0	0	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0 or 4	-	-	0	(f)
Institutional/Pub Lmrk	5	5	5	5	5	5	5	5	0	0 or 4	-	-	5	(f) 10
Minimum Height														
Mixed-Use	-	-	-	-	-	2 story	2 story	2 story	2 story	-	-	-	-	-
Commercial	-	-	-	-	-	0	0	0	2 story	0	-	-	0	0
Institutional/Pub Lmrk	0	0	0	0	0	0	0	0	(e)	0	-	-	0	0
Maximum Height														
Mixed-Use	-	-	-	-	-	3 story	4 story	4 story	nm	-	-	-	-	-
Commercial	-	-	-	-	-	2 story	4 story	4 story	nm	3 story	-	-	5 story+	5 story+
Institutional/Pub Lmrk	50	50	3 story	3 story	3 story	3 story	4 story	4 story	nm	3 story	-	-	5 story+	5 story+

See footnotes above

Dimensional standards for Public Landmark are proposed by the developer and established by City Council

Chapter 6. LOT, INFILL, ADDITION, AND ACCESSORY PROVISIONS

6.1 Applicability

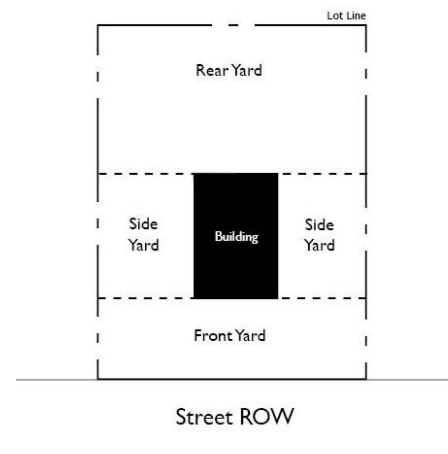
The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying zoning district provisions.

6.2 General Lot Provisions

A. Location of Required Yards:

1. **Front Yard:** A space extending the full width of the lot between the architectural front of the principle building façade (the front setback) and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping.

-
- 6.1 Applicability
 - 6.2 General Lot Requirements
 - 6.3 Infill Standards
 - 6.4 Additions to Existing Development
 - 6.5 Accessory Structures
 - 6.6 Temporary Buildings and Uses
 - 6.7 Containment Area for Trash and Recyclables
 - 6.8 Mechanical Equipment Screening
 - 6.9 Outdoor Storage
-



2. **Side Yard:** A space extending from the front yard to the rear yard between the principal building façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building façade. Side yards extend from the sides of a building to a street **right-of-way (ROW)** or property line.
3. **Rear Yard:** A space extending across the full width of the lot between the architectural rear of the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Rear yards extend from the back of a building to a property line.

B. Setbacks along Thoroughfares: Setbacks along thoroughfares shall be measured from the future right-of-way as determined by the locally adopted Thoroughfare Plan and/or Long Range Transportation Plan for roadway widening.

C. Reserve Strips: The creation of reserve strips, whether by deed or plat, in such a manner as to deny access from adjacent property, is prohibited.

- D. May Not Reduce/Create Lot(s) Below Minimum Requirements:** No yard or lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the district. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land or parcels for public utilities, substations, street right-of-way, or similar purposes.
- E. Rights-of-Way Not Considered in Yard Requirements:** Rights-of-way or easements for streets and roads shall not be considered a part of a lot or open space, or front, side, or rear yards for the purpose of meeting yard requirements.
- F. Irregular Lots:**
 - 1. Irregular Setbacks:** The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this Ordinance to achieve an appropriate spacing and location of buildings and buildings on individual lots. Where questions arise as to appropriateness, the subdivider may be requested to provide additional design information.
 - 2. Irregular Lot Width:** Irregularly-shaped lots, such as pie-shaped cul-de-sac lots, shall use the midpoint of the lot depth to determine minimum lot width. However, irregularly-shaped lots with a lot depth greater than 200 feet shall determine minimum lot width at a depth of 100 feet from the front yard right-of-way line.
- G. Dimensional Standards for Lots not Served by Public Water and/or Sewer:** For all lots (residential and non-residential) not served by public water and/or sewer service, the following minimum dimensional standards shall supersede the minimum lot requirements in this chapter.

	Public Water Only	No Public Water or Sewer
Minimum Area	15,000 sq. ft.	20,000 sq. ft.
Minimum Width	75 ft.	100 ft.
Minimum Depth	150 ft.	150 ft.

- H. One Principal Buildings per Lot:** Only one principal building and its' customary accessory building(s) shall be located on any a buildable lot in the OSP, GR, UR, HR, or MHD-Neighborhood districts, ~~except in the Buildable lots in the RR, RMX, NMX, CMX, DMX, HB, LI, HI, HS, IC CI, MHD-Park, and TND districts that permit a lot to may contain residential and/or non-residential uses in one or more principal, secondary, or accessory buildings, or within the same building.~~
- I. Corner lots:** Any building on any corner lot shall comply with the minimum front setback for each street which the corner lot abuts.

Chapter 8. LANDSCAPING

8.1 Purpose and Intent

This chapter is intended to establish minimum standards for the preservation and enhancement of tree canopy, as well as the design of landscapes so as to improve the City aesthetically, economically and environmentally.

This chapter improves the appearance of the City's environment through the provision of trees and landscaping in order to better control soil erosion; reduce the hazards of flooding; stabilize the ground water tables; absorb carbon dioxide; supply oxygen; provide shade for cooling; screen noise and incompatible uses, dust, glare; and preserve, protect and enhance the natural environment.

In addition, this chapter is guided by and intends to fulfill the following policy directives of the *Salisbury Vision 2020 Comprehensive Plan*:

Large trees, ponds, creeks or other natural features of the landscape should be saved when locating new streets, buildings, parking lots, etc.

In planning for new mixed use development, large-scale uses shall be buffered from adjacent residential areas by smaller scale buildings or by buffer strips. Industries adjoining existing residential uses shall provide and maintain for adequate screening and buffering.

Industries located along the City's major streets shall be landscaped to enhance the city's overall image.

Landscaping, and where possible, street trees should be planted in central median and plaza [or planting] strips of major streets.

Consistent street tree species shall occur along predetermined sections of streets. The planting or preservation of street trees of appropriate size shall be required as part of the upfront costs of new development.

The City shall encourage appropriate landscaping and reconfiguration of large, un-landscaped parking areas.

8.2 Applicability

A. Applies:

1. Applicable provisions of this chapter shall apply to expansion of existing development and new development requiring Master Plan consideration.
2. Applicable provisions of this chapter shall apply to a Major Subdivision involving street construction and where the adjacent zoning district is of a greater intensity than that of the subdivision site.

8.1 Purpose and Intent
8.2 Applicability
8.3 General Provisions
8.4 Landscape Plan
8.5 Tree Protection & Preservation
8.6 Tree Replacement
8.7 Planting Yards
8.8 Street Yards
8.9 Street Trees
8.10 Landscape Standards for Parking Lots
8.11 Landscape Standards and Specifications
8.12 Alternate Methods of Compliance
8.13 Plant Substitution

		Adjacent District							
		OSP RR	GR	HR UR MHD	RMX IC CI	HS NMX TND CMX	DMX	HB LI	HI
District of Proposed Development	OSP RR	A ₁	A ₁	A ₁	A ₁	A ₁	A ₁	A ₁	A ₁
	GR	C	A ₁	A ₁	A ₁	A ₁	A ₁	A ₁	A ₁
	HR UR MHD	C	B	A ₁	A ₁	A ₁	A ₁	A ₁	A ₁
	RMX IC CI	D ₂	C	B	A ₁	A ₁	A ₁	A ₁	A ₁
	HS TND NMX CMX	E ₂	D ₃	C	B	A ₁	A ₁	A ₁	A ₁
	DMX	C ₄	B ₄	A _{1,4}	A _{1,4}	A _{1,4}	A _{1,4}	A _{1,4}	A _{1,4}
	HB LI	F ₂	F ₂	C	B	B	A	A	A ₁
	HI	F ₂	F ₂	D ₂	C	C	B	B	A ₁

Yard	Perimeter or Flexible Planting Yard Required	Yard	Perimeter Planting Yard Required
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NOTES:

1. Flexible Planting Yard as specified in 8.6.A.2.
2. Complete visual separation required through the use of densely planted vegetation that would provide complete visual separation within three (3) years of planting or a six-foot fence (constructed of masonry or pressure treated lumber). In either case, the requirements of the table above shall be met for the corresponding planting yard. Visual separation is not required where connectivity (for motor vehicles and/or non-motorized modes) between land uses is planned or provided.
3. Planting yard required for the non-residential and/or multi-family portion of mixed use developments only.
4. In the DMX district, a maximum of 15% of the total lot area shall be required to meet the Planting Yard provisions.

8.9 Street Trees

Street trees shall be planted in the street right-of-way as specified in the table below and Section 4.7, Street Design and Layout Provisions. Spacing of trees should allow for a clear view of buildings and land uses.

Transect Zone	T-1	T-2	T-3	T-4	T-5	T-6	Assigned Districts
Zoning Districts	OSP	RR	GR MHD	UR HR RMX	NMX CMX TND	DMX	HB, HS, IC-CI LI, HI
Street Tree Requirement	No	No	Yes	Yes, in UR & HR	Yes, in TND	No	No
Street Tree Location (required or voluntary)	n/a	n/a	Planting strip	Dependent on Street Section	Dependent on Street Section	Tree well	n/a

- A. **Applicability:** Street trees shall apply to newly constructed and reconstructed streets.
- B. Planting strips shall have a minimum width of seven (7) feet.
- C. Shade trees shall be installed at an average distance of 40 feet on-center. Where overhead utilities exist prior to development, ornamental trees shall be substituted at an average distance of 25 feet on-center.
- D. Street trees shall be placed at least eight (8) feet from light poles and ten feet from electrical transformers in order to allow these utilities to be safely serviced.
- E. Along state maintained streets, such plantings shall comply with NCDOT standards.

2. Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
3. Trees located within the Planting Yards or Street Yards cannot be credited toward the parking lot requirements.
4. Planting Areas within the parking lots shall provide a minimum of 81 square feet with a minimum inside dimension of nine (9) feet and a minimum prepared depth of 18 inches (see image on preceding page).
5. Any parking lot containing 20 or more parking spaces may reduce the number of required parking spaces by as much as 10% if 50% of the reduced area is used for parking lot landscaping, with no landscaped area less than the minimum required parking lot planting area (see example in image above). This bonus landscaping shall apply to non-residential uses in RMX, NMX, CMX, DMX, HB, LI, HI, HS, and **IC CI** districts only.

8.11 Landscape Standards and Specifications

- A. The developer shall furnish and install all plant materials listed on the plan schedule.
- B. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
- C. Plant materials shall be from an approved species list or approved by the Administrator or his designee.
- D. Shade Trees shall be minimum 2-inch caliper or larger at the time of planting. Ornamental Trees shall be a minimum of 6' in height at the time of planting (i.e., six feet from top of root ball to top of tree).
- E. No tree may be planted in the Sight Triangle (see Section 4.7.I, Intersections) without the prior approval of the Administrator.
- F. Do not use staking materials unless it is absolutely necessary. If staking is necessary, then the developer/property owner shall remove the staking materials after one growing season.
- G. The Administrator or his designee may be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized. A temporary Certificate of Occupancy may be issued when extremes in weather or soil conditions are not favorable to landscaping.

Chapter 10. PARKING

10.1 Purpose and Intent

In order to provide adequate service for the parking of motor vehicles and bicycles, the City has enacted the following standards to regulate the construction, expansion, and renovation of parking lots and similar facilities.

10.1 Purpose and Intent
10.2 General Parking Provisions
10.3 Required Vehicle & Bicycle Parking
10.4 Off-Street Parking Area Design Provisions
10.5 Bicycle Parking Provisions
10.6 Parking Lot Connections

In addition, this chapter is guided by and intends to fulfill the following policy directives of the *Salisbury Vision 2020 Comprehensive Plan*:

On-street parking shall be encouraged in compact neighborhoods.

Neighborhood-serving businesses shall employ on-street parking in coordination with a limited number of off-street parking spaces.

New, large-scale, commercial development shall connect adjacent parking lots.

The provision of secure bike storage shall be encouraged at shopping and work places.

10.2 General Parking Provisions

- A. District Exceptions:** All uses located within the DMX, LI, and HI districts are exempt from Sec. 10.3 (Required Vehicle & Bicycle Parking). However, if vehicle parking is voluntarily provided in the DMX district, then the corresponding number of bicycle spaces shall be provided and all other applicable provisions shall apply.
- B. On-Street Parking:** [REDACTED]
- C. Multi-Tenant Development:** A development with multiple tenants shall provide the aggregate number of parking spaces required for each separate use. When the site is developed as a planned integrated development with non-reserved shared parking that is calculated based on off-set peak hours of operation, the applicable approval authority may consider such a proposal. The shared parking calculations shall be detailed in the site data table of the applicable Master, Major, or Minor Site Plan.
- D. Accessibility:** Parking for the disabled shall be provided in accordance with the North Carolina State Accessibility Code.
- E. Parking for RVs, Trailers, Commercial Vehicles, and Boats:** Parking for Recreational Vehicles, Trailers, Oversized Commercial Vehicles and Boats shall be restricted to the rear yards in the GR, UR, HR, and TND districts.

6. Bicycle racks shall be placed a minimum of four (4) feet from existing street furniture (i.e. mailboxes, lightpoles, benches) and be no closer than twelve (12) feet from the edge of fire hydrants.
7. Racks should be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by people within the building and/or people entering the building.
8. If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main entrance indicating the location of the parking.
9. Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.

10.6 Parking Lot Connections

Required parking lot connections shall apply to new development and major revisions additions to existing development (see Sec. 6.4 of this Ordinance) of one (1) acre or more in size. Where a connection stub has been provided by an adjoining development, connection shall be made with that existing stub. Reserve strips are expressly prohibited per Sec. 6.2 of this Ordinance, and no other provision of this Ordinance shall prevent a required connection from being provided.

- A. Where a connection is required, a minimum of two (2) connection stubs shall be provided to adjoining property; however, if the subject site accesses two (2) or more streets, only one (1) interlot connection stub shall be provided to adjoining property.
- B. Where a connection is required and an alley abuts the subject site, a minimum of one (1) connection to the alley shall be provided and no other interlot connection stubs shall be required.
- C. Where a connection is required or provided, the connection shall be made in the rear if rear parking is provided.

D. Table of Required (R) & Optional (O) Parking Lot Connections

	RMX-Res	RMX-NonRes	NMX	CMX	DMX	HB	LI/HI	HS/IC/CI	TND
RMX-Res	R	R	R	O	R	O	O	O	O
RMX-NonRes	R	R	R	R	R	O	O	O	O
NMX	R	R	R	R	R	O	O	O	O
CMX	O	R	R	R	R	R	O	R-O	O
DMX	R	R	R	R	O	O	O	O	O
HB	O	O	O	R	O	R	O	O	O
LI/HI	O	O	O	O	O	O	O	O	O
HS/IC/CI	O	O	O	R	O	O	O	R	O
TND	O	O	O	O	O	O	O	O	R

Chapter 11. LIGHTING ON PRIVATE PROPERTY

11.1 Purpose and Intent

The purpose of this Chapter is to control light spillage and glare so as not to adversely affect motorists, pedestrians, and uses of adjacent properties. Lighting intensities should be controlled to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists. Levels of illumination to achieve a certain function or desired effect should also reduce or eliminate the hazardous aspects and nuisance of glare and light spillage.

11.1 Purpose and Intent
11.2 Administration
11.3 Outdoor Lighting Provisions
11.4 Non-Residential Lighting Design Provisions

In addition, this chapter is guided by and intends to fulfill the following policy directives of the *Salisbury Vision 2020 Comprehensive Plan*:

Neighborhood serving businesses shall be permitted to have only residential scale signage and lighting.

11.2 Administration

- A. Applicability:** The provisions of this chapter shall apply to exterior lighting on private property for commercial and multi-family development. All exterior lighting that is used around buildings, recreation areas, parking lots, and signs shall be designed to protect against the spillage of light to adjacent properties.
- B. Lighting Plan:** Any person submitting a site plan or applying for a zoning or sign permit to install outdoor lighting fixtures shall submit a lighting plan showing evidence that the proposed work will comply with this chapter. The Lighting Plan shall comply with the requirements of Section 16.11, Lighting Plan Requirements.
- C. Measurement:** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground and pointing upward. Lighting levels are to be measured in foot-candles with a direct reading, portable light meter.
- D. Exemptions:**
 - 1. Single-family and duplex development.
 - 2. Lighting of the United States of America or State of North Carolina flags and other non-commercial flags expressing constitutionally protected speech. Current official flags of the United States of America, State of North Carolina, County of Rowan, and City of Salisbury are permitted by right. Whenever these flags are used, they should follow the Federal Flag Code whenever possible. The Federal Flag Code was established by Congress on July 7, 1976 – Public Law 94-344, 94th Congress, S. J. Res 49.
 - 3. Circus, fair, carnival, or other City Council recognized civic or community event.

J. Gas Station/Convenience Store Aprons and Canopies:

1. The lighting fixtures and bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.
2. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
3. Lights shall not be mounted on the top or sides (fascia) of the canopy and the sides of the canopy shall not be externally illuminated.
4. The under canopy lighting for new facilities shall not exceed the average horizontal illumination of 50 foot-candles at grade level.

11.4 Non-Residential Lighting Design Provisions

The following design provisions shall apply to the RMX and NMX districts. When developing in the CMX, DMX, HB, HS, **HC CI**, LI, or HI districts these design provisions shall apply only along those property lines that adjoin the following districts: OPS, RR, GR, UR, RMX, and NMX. The following chart is based on standards for various activities as prescribed by the Illuminating Engineering Society (IESNA).

USE	Illumination (in Foot-Candles)	
	Maximum (Glare)	Minimum (Safety)
UTILITY LIGHTING		
Minimum Visibility	-	0.5
Driving	1	0.5
Pedestrian Ways	1	0.5
General landscaped areas	2	1
AREA LIGHTING		
Gas Station & Convenience Store Canopies	10	1
Parking Lots	4	1
BUILDING EXTERIORS		
Entrances (frequent use)	6	2
Entrances (infrequent use)	1	0.5
Vital Locations or Structures	6	2
Building Surroundings	2	1

1. The quantity of fixtures to be provided shall be based upon the desired level of uniform illumination as established by the current standards of the IESNA.
2. Fixture locations should be chosen to minimize the hazards of glare.
3. The level of illumination shall be based upon the primary activity in each area to be lighted.
4. Foot-candle designations represent measurements for the average intensity at grade.

Chapter 12. SIGNS

12.1 General Purpose

These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication, and advertising. The provisions for signs have the following specific objectives:

To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;

To allow and promote positive conditions for sign communication;

To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;

To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway, and

To ensure that the constitutionally guaranteed right of free expression is protected.

The provisions of this chapter shall apply to the construction, erection, alteration, use, type, number, location, size, height, and maintenance of all signs.

12.2 Applicability

The provisions of this Ordinance apply to all signs, sign structures, and other types of sign devices located within the City of Salisbury zoning jurisdiction, except when specifically stated elsewhere in this Ordinance.

These provisions allow adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. These provisions must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this Ordinance, which can be given effect without the invalid provision.

12.1	General Purpose
12.2	Applicability
12.3	General Provisions
12.4	Sign Definitions
12.5	Sign Exemptions
12.6	Sign Prohibitions
12.7	On-Premise Sign Types
12.8	Sign Area
12.9	Sign Height
12.10	Sign Illumination
12.11	Electronic Message Centers
12.12	Gen. Res. Sign Provisions
12.13	Gen. Non-Res. or Mixed-Use Sign Provisions
12.14	A d d t ' l S i g n I I P Road & Development Type
12.15	Signs in LHO Districts and Historic Signs
12.16	Special Sign Permits
12.17	Special Sign Overlay Districts
12.18	Installation and Construction
12.19	Maintenance
12.20	Freestanding Sign Provisions

12.3 General Provisions

- A. Except when specifically stated elsewhere in this Ordinance, all signs are subject to review, applicable fees, and the issuance of a Sign Permit.
- B. Where there is a conflict between provisions, unless expressly stated elsewhere otherwise, the more restrictive provision(s) applies.
- C. Where the Ordinance is silent, or where the provisions of this Ordinance do not provide a basis for concluding that a sign is allowed, that sign is presumed prohibited.
- D. Unless stated otherwise, all sign references in this Ordinance are presumed to be on-premise signs.
- E. Roadway designations used in this Ordinance, such as boulevard or minor thoroughfare, carry the most current definitions as established by the Rowan-Cabarrus Metropolitan Planning Organization (MPO).
- F. **Residential:** For the purpose of determining sign provisions, the following zoning districts are considered Residential: OSP, RR, MHD, GR, HR, UR, RMX, NMX, and TND
Non-Residential: For the purpose of determining sign provisions, the following zoning district are considered Non-Residential: CMX, HB, LI, HI, HS, and ~~HC-CI~~
- G. Following adoption of this Ordinance, nonconforming temporary signs shall be removed and are subject to re-permitting procedures. Nonconforming permanent signs shall comply with the provisions of Chapter 13 (Nonconformities).
- H. **Sign Materials & Construction:** Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in accordance with all applicable local zoning and North Carolina building codes; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
- I. These provisions do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Salisbury. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

12.5 Sign Exemptions

The following signs are exempt from the provisions of this Ordinance, but may be subject to other City of Salisbury ordinances where applicable:

- A. Temporary or permanent signs erected, maintained, or posted by federal, state or the local government authorities. Traffic control devices on public or private property shall be erected and maintained in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the state of North Carolina or Federal Highway Administration (FHA)
- B. Signs inside a building
- C. Signs carved into a building or raised in integral relief on a building. Under this exemption, signs or letters in relief must be part of the physical construction of the building
- D. Architectural projections designed as a structural component of the building; however, this exemption shall not extend to include attached architectural projections, such as a canopy or marquee
- E. Building signs for the duration of a permitted temporary use, which shall not exceed six (6) square feet in area.
- F. Flags and individual pennants (not on a string) that have been adopted by the federal government, the state of North Carolina, or the City of Salisbury may be displayed as provided under the law that adopts or regulates its use
- G. Temporary banners in residential districts
- H. Painted and/or applied wall accents and decorations
- I. Illuminated building accents and decorations
- J. Public art, including wall murals
- K. Occupancy signs at each building entryway
- L. Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment
- M. On-premise incidental signs are limited to two (2) per driveway entrance, not exceeding two (2) square feet in area

- N. Security and Warning Signs: On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and one (1) sign two (2) square feet in area in residential districts and one (1) sign five (5) square feet in area in commercial and industrial districts. These limitations shall not apply to the posting of conventional "no law
- O. Scoreboard signs or other signage placed on the interior of a recreational field
- P. Seasonal holiday decorations
- Q. Signs not otherwise subject to permit issuance that may be found on the interior of a campus within the Institutional Campus (IC) Community & Institution (CI) district. These interior campus signs shall not front upon face onto a public street.
- R. Specific Temporary and Portable signs, subject to the provisions of Section 12.14 of this Ordinance

12.6 Sign Prohibitions

Unless specifically permitted elsewhere in this Ordinance, the following signs are prohibited:

- A. Signs containing strobe lights or mirrors
- B. Abandoned sign structures, as defined by this Ordinance
- C. Signs placed on or painted on a motor vehicle or trailer that is parked, where the primary purpose of the vehicle is to advertise a product, service, or other activity
- D. Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal
- E. Mechanically Moving Signs: An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights
- F. Flashing Signs – see Definitions. For the purposes of this Ordinance, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within this prohibition
- G. Signs and other objects that are inflated, including, but not limited to, balloons. Balloons may be used in temporary non-commercial situations, including but not limited to special occasions at a residence
- H. Roof Signs, which are not to be misconstrued with fascia signs on roof-like projections

- I. Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way
- J. Wheeled portable signs except as described under Temporary Signs below
- K. Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape
- L. Signs that emit smoke, visible vapors, particles, sound, or odor. Open flames or high-intensity spot lights used to attract public attention may be permitted subject to issuance of a Special Sign Permit by the AMDC
- M. Neon tubing, except when used inside the building

12.7 On-Premise Sign Types

A. Freestanding Signs



Pylon/Monolith with Directional



Pole with Cladding



Pole



Pole with EMC



Monument with Interior Illumination



Monument with Exterior Illumination

B. Building Signs



Wall with Interior Illumination (cabinet)



Wall with Exterior Illumination



Awning



Canopy



Permanent Banner



Projecting

12.9 Sign Height

- A. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 150 feet from a public street, height shall be measured to the mean grade at the base of the sign.
- B. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

12.10 Sign Illumination

Freestanding, building, or directional signs may be illuminated consistent with the following provisions:

A. Permitted Illumination by Road and Development Type:

E: External C: Cabinet H: Halo or Channel	RESIDENTIAL	NON-RESIDENTIAL	LOCAL HISTORIC DISTRICT
BOULEVARD	E, C, H	E, C, H	See Section 12.4415
MAJOR THOROUGHFARE	E, H	E, C, H	
MINOR THOROUGHFARE	E, H	E, H	
LOCAL ROAD	E	E, H	

Note: The method of lighting the preferred form of illumination ("the bulb")

- B. Signs with external illumination, notwithstanding the location of the light mounting, shall have fully shielded lighting fixtures or luminaires.
- C. Unless expressly stated in this Ordinance, signs do not constitute a form of private outdoor lighting at night; therefore, illuminated signs are exempt from any provision of Chapter 11 (Lighting on Private Property) of the Land Development Ordinance.

12.11 Electronic Message Centers (EMC)

- A. Electronic Message Centers (EMCs) are permitted in accordance with the sign areas noted in Sec. 12.8 of this Ordinance.
- B. Electronic Message Centers (EMCs) are permitted only as an accessory to any on-premise, freestanding sign within the CI district and along Non-Residential Boulevards. Electronic Message Centers (EMCs) are permitted, subject to the issuance of a Special Sign Permit, only as an accessory to any on-premise, freestanding sign along Non-Residential Major Thoroughfares.

C. General EMC Regulations

- 1) **Ratio of EMC to Sign:** A maximum of 50% of the The measureable portion of a freestanding sign that may be used for an electronic message center (EMC) shall not exceed the following percentages (if conflict or same occurrence, least restrictive applies):
 - a. **Non-Residential Boulevard or Non-Residential Major Thoroughfare:** 50%
 - b. **Community & Institution (CI) district along a Boulevard or Major Thoroughfare:** 50%
 - c. **Community & Institution (CI) district along a Minor Thoroughfare or Local Road:** 75%
- 2) EMCs shall be non-animated, including any primary or secondary effects, and must dwell (remain fixed) for a minimum of 30 seconds per message.
- 3) **Luminosity Standards:** Self-luminous EMCs shall be subject to the following luminosity standards:
 - a. Maximum nits:
 - i. Day: max. 5,000 nits
 - ii. Night: max. 150 nits
 - b. EMCs shall utilize automatic dimming controls, either by photocell (hardwired) or via software settings.
 - c. EMCs using LED technology shall provide a minimum LED density of 19x19 mm (bulb cluster spacing on center).
 - d. An application for a Sign Permit with an EMC shall include surface luminosity measurements (day and night) using a calibrated luminosity meter and shot from the fronting roadway at the closest practical position.
 - e. Light trespass (spill) shall not exceed 0.1-footcandle at any adjacent property line with a residential use.

12.20 Freestanding Sign Provisions for Single or Multi-Tenant Development

	RESIDENTIAL (A)			NON-RESIDENTIAL (B)		
	# Signs per Street Frontage	Max. Total Area	Max. Height (FT.)	# Signs per Street Frontage	Max. Total Area	Max. Height (FT.)
BOULEVARD						
Monument	1	32	6	1	80	10
Pole	1	32	10	1	80	15
Pylon	1	32	10	1	80	15
MAJOR THOROUGHFARE						
Monument	1	32	6	1	60	10
Pole	1	32	10	1	60	15
Pylon	1	32	10	1	60	15
MINOR THOROUGHFARE						
Monument	1	16	5	1	32	5
Pole	X	X	X	1	32	12
Pylon	X	X	X	1	32	12
LOCAL ROAD						
Monument	1	16	5	1	32	5
Pole	X	X	X	X	X	X
Pylon	X	X	X	X	X	X

A. **Residential:** For the purpose of determining sign provisions, the following zoning districts are considered Residential: OSP, RR, MHD, GR, HR, UR, RMX, NMX, TND

B. **Non-Residential:** For the purpose of determining sign provisions, the following zoning district are considered Non-Residential: CMX, HB, LI, HI, HS, ~~IC-CI~~

Chapter 18: DEFINITIONS

18.1 Intent

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

18.2 Interpretation

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or
- F. The word "shall" is always mandatory and not merely directory.
- G. The word "structure" shall include the word "building."
- H. Definitions followed by the word *stormwater* are specific to the provisions of Section 6.7, Phase II Stormwater Ordinance.

Accessory Facility or Structure: An accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Alley or Alleyway: A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Amortization: The process by which nonconforming uses and structures shall be discontinued or made to conform to requirements of the Ordinance at the end of a specified period of time.

Animal unit: A unit of measurement developed by the U. S. Environmental Protection Agency that is used to compare different types of animal operations.

Antenna: A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.

Bay Window: A window assembly whose maximum horizontal projection is not more than two feet from the plane of an exterior wall and is elevated above the floor level of the home.

Berm: A mound of material, the purpose of which is to divert the flow of runoff water and/or to act as a visual and sound buffer to nearby properties.

Best Management Practices (BMP): A structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

BMP, Structural: A physical device designed to trap, settle out, or filter pollutants from

stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural" is synonymous with "structural stormwater control facility", "stormwater control practice", "stormwater management practice", "stormwater control measure", "stormwater treatment system" terms used in this Ordinance.

Brownfields: Vacant or underused industrial or commercial properties where contamination, or at least the threat of contamination, has hindered development.

Buffer: An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building height: The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building, accessory: A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, secondary: A separate, detached building upon the same lot as the principal building within which a use may be related or unrelated to the principal use of the lot.

Built-upon area: That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts, basketball courts, wooden slatted deck, and a built-upon area " does not include the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. (*Stormwater*)

Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and twelve inches above the ground for larger sizes.

Campus-style Development: A development that includes a group of related and architecturally compatible buildings with ancillary parking, open spaces, buffers and other site features that, for purposes of cohesive site design and efficient use of land, may assume a variety of building forms, styles and arrangements. Campus-style developments shall generally be planned developed and managed as an operating unit related in its location, size and land use functions.

Certificate of Occupancy: A certificate issued by the Administrator or his designated representative certifying that all structures,

their land uses, and land restrictions conform to all the requirements of the Salisbury Land Management and Development Code. This certificate is issued prior to occupying any structure or use for which a zoning permit is issued. See Section 15.04.

City: The City of Salisbury, North Carolina.

City Council: City Council of the City of Salisbury, North Carolina.

Co-location: The use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless services by two or more persons or entities.

Comprehensive Plan: A document or series of documents setting forth policies for the future of a community. It is normally the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. When adopted by a public body, it serves as a guide for many public decisions, especially land use changes.

Concentrated flow: Drainage concentrated in ditches or pipes, as opposed to spread out.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

Critical root zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

Cul-de-sac: See *Street, cul-de-sac*

"National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (LBCS S1150)

Manufactured Home Neighborhood: A subdivision of land that permits double-wide manufactured houses that are aligned on the lots in a manner similar to site built homes with their front doors facing the streets.

Manufactured Home Park: The location of two or more manufactured homes on a parcel of land shall constitute a manufactured home park.

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation."

LODGING

Bed and Breakfast Inn: Establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in a room rate. (LBCS F1310)

Hotels/Motels/Inns: Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services.

Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. (LBCS F1300 and F1330)

Rooming or Boarding House: Short or long-term accommodations that serve a specific groups or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services. (LBCS F1320, S 1320, and S1340)

OFFICE/SERVICE

Animal Services: Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. (LBCS F2418 and F2720)

Automated Teller Machines (ATM): Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Banks, Credit Unions, Financial Services: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies. (LBCS F2200 and F2210)

involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories. (*LBCS F9000 and S8000*)

Laundry, Dry Cleaning Plant: A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

Manufacturing, Light: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or may involve the use or storage of any hazardous materials or substances, or that is used for the purpose of manufacturing, assembling, finishing, cleaning, or developing warehousing, wholesaling, or distributing any product or commodity. Except for the routine outdoor storage of related equipment and materials, facilities are typically designed to look and generate impacts like a typical office building completely enclosed, but may rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. (*LBCS S2613*)

Manufacturing, Neighborhood: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated indistinguishable from an a residential or non-residential office building. This includes medical and testing laboratories but shall not include uses that

require frequent deliveries by truck with more than two axles. (*LBCS S2610*)

Manufacturing, Heavy: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community which have complex operations, some of which may be conducted not in an enclosed building and may have continuous (24 hours a day/ 7 days per week) operations. (*LBCS S2620*)

Media Production: Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Back lots/outdoor facilities:
2. Indoor support facilities:
3. Soundstages: Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Metal Products Fabrication, Machine or Welding Shop: An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include:

1. Blacksmith and welding shops
2. Plating, stripping, and coating shops
3. Sheet metal shops
4. Machine shops and boiler shops

Mini-Warehouses: A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Research and Development (R&D): A facility for scientific research, and the design,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

TA-03-2018: INSTITUTIONAL ZONING, Request to amend the LDO provisions by retooling the 'Institutional Campus' district into a ne

STAFF PRESENTATION

Staff previously covered all the changes made to each chapter in the Land Development Ordinance relating to Institutional Zoning. The Community Interest & Institution District is coded to permit the development and continuation of uses that either serve or are of interest to a community or the general public. Community Interest uses are generally institutional in nature, but that limitation is not a prerequisite. However, since Community Interest districts may be located in both residential and non-residential areas; therefore uses are generally limited to no-profit or institutional. Staff agreed with the board to change Community Interest & Institution to Community &

Electronic Messaging was the number one reason for this complete zoning change to CI. The current code allows for EMC along non-residential boulevards. The new code will allow EMC in residential districts zoned as CI. The sign provisions for these signs in this zoning will be a strict 75%.

CMX zoning does not currently allow house building types in CMX. Staff wants to add that construction type to Chapter 5 permitting home construction in CMX zoning. CMX is along original and older corridors such as Mahaley Avenue, Main St, and Innes St. where numerous home-type businesses remain. Staff proposed to remove commercial building type from the NMX district. The NMX is intended for very small compact areas within the center of or on the edges of existing neighborhoods intended to be walkable. Because of the older corridors with possible adaptive reuse properties, it would benefit Salisbury to not allow new single family construction. Staff indicated that existing house types can be adaptively reused, but no new house types would be permitted. Staff will add a subscript to the code to identify this change.

Staff recommends approval of changes made to all chapters of the Land Development Ordinance. This includes changes to the definition of Community & Institution and the added footnote under CMX to allow existing house types to occur. Staff recommends this is consistent with the Vision 2020 plan.

BOARD DISCUSSION

The board asked for clarification and the availability of the definitions for institution and also community interest. The board recommended changing Community interest & Institution to Community & Institution s t r i k i n g Mr. Wagoner added that the first couple blocks of Statesville Blvd. utilize house building type for commercial use. The Statesville Blvd location is located in RMX and could withstand house type.

MOTION

John Shaffer moves to approve all changes made to all the chapters of the Land Development Ordinance. This includes changes to the definition of Community & Institution and the added footnote under CMX to allow existing house types to occur. The Planning Board agrees this motion is consistent with the Vision 2020 plan. Motion seconded by Cress Goodnight. All voting aye.

OTHER BOARD BUSINESS

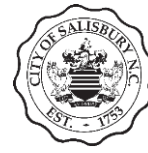
ADJOURN 5:14 p.m.

There being no further business to come before the Planning Board the meeting was adjourned.

Bill Wagoner, Chair

Jessica Harper, Secretary

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: OCT 2, 2018

Name of Group(s) or Individual(s) Making Request: PRESTON MITCHELL FOR CITY OF SALISBURY

Name of Presenter(s): SAME

Requested Agenda Item: TA-05-2018: CITY OF SALISBURY

Description of Requested Agenda Item: AN ORDINANCE AMENDING CHAPTER 15 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE RELATED TO REZONING PUBLIC HEARING NOTIFICATIONS.

Attachments: Yes No

Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

Action Requested of Council for Agenda Item: COUNCIL TO HOLD A PUBLIC HEARING AND CONSIDER ADOPTING AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE.

Contact Information for Group or Individual: #5244 or preston.mitchell@salisburync.gov

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Mayor's Office Only

Approved

Declined

Reason:

AN ORDINANCE AMENDING CHAPTER 15 (DEVELOPMENT PROCESS) OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, OF THE CITY OF SALISBURY, NORTH CAROLINA, RELATED TO REZONING PUBLIC HEARING NOTIFICATIONS. (PETITION NO. LDOTA-05-2018)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment and on August 14, 2018 voted unanimously to recommend approval as revised; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of October 2, 2018; and

WHEREAS, the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and not inconsistent with the Vision 2020 Comprehensive Plan because there are no specific objections or continuance of adopted goals or policies.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Salisbury, North Carolina:

SECTION 1. That CHAPTER 15 (DEVELOPMENT PROCESS), Exhibit A, is amended as underlined or stricken.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. That this ordinance shall be effective from and after its passage.

Chapter 15. DEVELOPMENT PROCESS

15.1 Purpose and Intent

In order to establish an orderly process to develop land within the jurisdiction of the City of Salisbury consistent with standard development practices and terminology it is the purpose of this Chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, City staff and related agencies, Boards and Commissions, and the City Council. The intent of this Chapter is as follows:

To ensure that land, parcels, and lots are appropriately subdivided so that their use and development complies with all applicable requirements of this Ordinance; To ensure that development is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public; and

To provide for the adequate and efficient provision of facilities and/or infrastructure, and the dedication of land, rights-of-way, and easements, so as not to burden the fiscal resources of the City. This includes the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces, and other provisions required for the public good of the City of Salisbury.

The Salisbury City Council shall adopt from time to time, a schedule of fees and review schedule for application and processing as specified in this Ordinance.

15.1 Purpose and Intent
15.2 General Applicability
15.3 Public Notification for Public or Evidentiary Hearings
15.3.1 Public Notice for Planning Board Courtesy Hearings
15.4 Administrative Permit Procedures-General Provisions
15.5 Predevelopment Site Grading Permit
15.6 Zoning Permits
15.7 Certificate of Appropriateness
15.8 Minor Site Plans
15.9 Major Site Plans
15.10 Subdivision Procedures-General Provisions
15.11 Exception Plat Subdivision
15.12 Minor Subdivision
15.13 Major Subdivision
15.14 Quasi-Judicial Procedures-General Provisions
15.15 Administrative Appeals
15.16 Variances
15.17 Alternate Methods of Compliance
15.18 Special Use Permits
15.19 Special Sign Permits
15.20 Legislative Procedures-General Provisions
15.21 Text Amendments
15.22 Map Amendments (rezonings)
15.23 Conditional Districts
15.24 Vested Rights
15.25 Transportation Impact Analysis
15.26 Stormwater Permit

15.2 General Applicability

The provisions of this Chapter shall be applicable to all development activity under the jurisdiction of the City of Salisbury. No building, sign or other structure (except as otherwise provided for in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall the use conducted within the building change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced until the Administrator has issued an applicable permit for such work. The issuance of a permit is subject to the required development review process as applicable for the development petition. No grading or infrastructure work may commence prior to the issuance of a Zoning or Development Permit.

15.3 Public Notification for Public or Evidentiary Hearings

Public notification is statutorily required for legislative public hearings and quasi-judicial evidentiary hearings.

Public notification for quasi-judicial evidentiary hearings shall be made in the manner as described below in subsections B and C. Legislative public hearings are divided into two (2) categories: 1) Text Amendments and 2) Map Amendments (rezoning), which includes Conditional Districts and Vested Rights. Public notification for Text Amendments shall be made in the manner as described below in subsection A. Public notification for Map Amendments shall be made in the manner as described below in subsections A, B, C, and D, if applicable. The notification procedures for E may replace those of C when the Map Amendment directly affects more than 50 properties owned by at least 50 different property owners.

- A. **Newspaper Notice:** A notice of the proposed action shall be published in a newspaper having general circulation in the City once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the hearing (the date of publication shall not be included in this calculation, but the day of the hearing shall).
- B. **Sign to be Posted:** A prominent sign shall be posted on the subject property(ies) or adjacent street right-of-way. When a Map Amendment (rezoning) involves large acreage or multiple properties, signs shall be placed at prominent locations or major intersections near the site(s), but are not required for individual properties or parcels. The sign shall remain until after the decision-making authority has rendered its final decision.
- C. **First-Class Mail Notification:** A notice of the proposed action shall be sent first-class mail by the Administrator at least ten (10) but not more than 25 days prior to the hearing to the following: the person(s) or entity initiating the hearing, the owner(s) of the affected property(ies), the owners of all abutting properties, and owners of all property within 400 500 feet of the affected property(ies).

- D. Registered or Certified Mail Notification:** If a petition for a Map Amendment (rezoning) is not requested by the owner(s) of the affected property(ies) or by the City of Salisbury, actual notice of the hearing shall be sent registered or certified mail to the owner(s) of the affected property(ies) by the petitioner of the rezoning.
- E. Alternate Notification for Rezoning more than 50 Properties:** First-class mailed notification shall not be required when the zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners. In this case, the City shall publish once a week for two successive calendar weeks in a newspaper having general circulation in the area with a map showing the boundaries of the area affected by the proposed Ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice shall only be effective for property owners who reside in the area of general circulation of the newspaper, which publishes the notice. Property owners who outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to this section. The person or persons mailing the notices shall certify to the City Council that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, the City shall post one or more prominent signs on or immediately adjacent to the subject property area reasonably calculated to give public notice of the proposed rezoning.

15.3.1 Public Notice for Planning Board Courtesy Hearings

As the Planning Board provides recommendations to City Council on all legislative matters, courtesy hearings, although not required by law, are an important opportunity for the affected and general public to express their opinions and concerns on the proposed petition.

As such, public notice for Planning Board courtesy hearings shall be made in the manner as described above in subsections B, C, and D and C. However, first-class mailed notice shall include the person(s) or entity initiating the hearing, the owner(s) of the affected property(ies), and the owners of all abutting properties. When the Map Amendment (rezoning) involves more than 50 different property owners (as noted above in subsection E), mailed notices are not required.

There being no one else to address Council, Mayor Heggins closed the public comment session.

RECESS

Mayor Heggins made a **motion** to take a six minute recess. All Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 7:17 p.m.

LAND DEVELOPMENT ORDINANCE AND DISTRICT MAP AMENDMENT CD-02-2018 – REZONE MARGIN OF EARNHARDT ROAD

Planning and Community Development Manager Preston Mitchell addressed Council regarding Land Development District Map Amendment CD-01-2018. He noted Council held a public hearing at its June 5, 2018 meeting. He commented the developer and citizens met Wednesday, June 13, 2018, at Rowan-Cabarrus Community College to address issues and concerns, and made revisions to the development plan. He noted the request to rezone to General Residential (GR) is a down-zone. He indicated Drummond Village Phase 2 will now be named Earnhardt Road Subdivision. He noted a gate would be erected to prohibit construction traffic until Phase 1 plats are recorded.

Mayor Pro Tem Post suggested public notices be expanded into neighborhoods. Mr. Mitchell commented public notice perimeters could be extended from 100-feet to 500-feet but would require an Ordinance to approve extensions. He indicated three forms of notifications are provided with sign placement, newspaper ads, and distributing certified letters.

Councilmember Sheffield thanked Truehomes, LLC and the residents of Drummond Village for working together to create a solution that satisfied both parties.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein from UR-12 to GR-6 district and establishing a Conditional District (CD) Overlay is reasonable and in the public interest as the proposal defines and confirms a previously-authorized land use and development type while creating a more consistent zoning pattern, and is fundamentally consistent with the Vision 2020 Comprehensive Plan's primary growth, infrastructure, open space, and future neighborhood policies guiding how and where new neighborhoods should be considered, while partially inconsistent with the Residential Architecture & Site Design policies addressing house and access design. Therefore, Councilmember Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning one parcel, approximately 31 acres, in the 300 block of Earnhardt Road from Urban Residential to General Residential District and establishing a Conditional District Overlay to permit the development of a 150-lot subdivision. Councilmember seconded



The Salisbury Planning Board held its regular meeting Tuesday, August 14, 2018, in the Multi-Purpose Room, 1 Water Street, at 4:00 p.m. with the following being present and absent:

PRESENT: Bill Wagoner, John Schaffer, Dennis Lunsford, Cress Goodnight John Struzick, Patricia Ricks, Jon Post, and Randy Reamer

ABSENT: Josh Canup, Dennis Rogers, Bill Burgin, Thomasina Paige,

STAFF: Preston Mitchell and Jessica Harper

WELCOME GUESTS AND VISITORS

Bill Wagoner, Chair, called the Planning Board meeting to order.

APPROVAL OF MINUTES

Planning Board Minutes of July 10, 2018 approved by Bill Wagoner.

NEW BUSINESS

- **TA-05-2018: REZONINGS, Pre-Application & Notice Requirements**

STAFF PRESENTATION

Staff relayed the council's red. The current notification process is to notify all parcels touching the parcel. The current notification radius is, and has been 100 ft. City Council suggested public notices be expanded to 500 feet. Staff explained that Salisbury has fallen behind the curve as it relates to notification range. Staff used a table to compare what surrounding cities currently use for notification distances. Staff chose a good mix of surrounding cities that vary in population for comparison. Staff added that most cities have increased the notification range to 500 feet.

Some communities are requiring pre-application meetings and pre-hearing neighborhood meetings. Staff explained that pre-application meetings are currently required more for environmentally sensitive land such as coastal areas. Staff added that less environmentally sensitive and lower density areas have stronger property rights. Pre-application meetings is something we already do. It is not mandated, but is highly recommended for all development types. The pre-application meeting is a meeting between the developer and staff members of various departments identifying hurdles. Developers enjoy pre-application meetings because when it comes time to submit, the process is quicker due to pre addressed development issues from the pre-application meeting.

Staff recommends TA-05-2018 and finds it is not-inconsistent with the Vision 2020 plan.

BOARD DISCUSSION

Mr. Shaffer did share some concern regarding the added costs of the radius expansion. The board had questions regarding if the distance would cause a higher level of error. Staff rebutted saying the level of

error will no increase due to increasing notification area. Mrs. Ricks did add that other forms of notifications are utilized.

The board discussed if the pre-application process should be mandated. The board agreed it should not be required and preferred a more flexible approach. Pre-hearing neighborhood meetings are a good thing but will take up people's time. Pre-hearing meetings would be a good idea for certain areas but for not recommended for Salisbury at this time. mandata

MOTION

John Schaffer moves that TA-05-2018 is not-inconsistent with the Vision 2020 plan and approves to increase the notification range from 100 feet to 500 feet, but will not mandate pre-application or pre-hearing neighborhood meetings. Dennis Lunsford seconded the motion. All voting aye.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: October 2, 2018

Name of Group(s) or Individual(s) Making Request: Janet Gapen, Planning & Comm. Dev. Director

Name of Presenter(s):

Chanaka Yatawara, Executive Director, Salisbury Community Development Corp.

Requested Agenda Item:

Council to receive a report from Salisbury Community Development Corp. about the programs and services they offer.

Description of Requested Agenda Item:

Chanaka Yatawara will report on the housing programs offered by Salisbury CDC, including past accomplishments, trends and an update on current programs.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: For informational purposes only.

Contact Information for Group or Individual: Janet Gapen jgape@salisburync.gov 704.638.5230

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Mayor's Office Only

Approved

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: October 2, 2018

Name of Group(s) or Individual(s) Making Request: Downtown Salisbury, Inc.

Name of Presenter(s): Announcement

Requested Agenda Item: Downtown Salisbury Busker's Bask

Description of Requested Agenda Item: Downtown Salisbury, Inc. will host the 6th annual Busker's Bash on Friday, October 5, 2018 from 6:00-8:00 pm. Talented musicians, artists, and specialty acts will perform on the streets of Downtown Salisbury for your vote and winners will be crowned at the end of the night. For detailed information, please visit www.downtownsalisburync.com or call (704) 637-7814. This event is free and open to the public.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*

Contact Information for Group or Individual:

Larissa Harper
704-638-5239

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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For Use in DRUIEFO

Approved

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: October 2, 2018

Name of Group(s) or Individual(s) Making Request: Anne Little, Human Relations Council

Name of Presenter(s):

Requested Agenda Item: Announcement's

Description of Requested Agenda Item:

Attachments: Yes No

Fiscal Note:

Action Requested of Council for Agenda Item: The Hispanic Coalition, a subcommittee of the Human Relations Council, will host the annual La Fiesta de Rowan on Saturday, October 6, 2018 from 12 p.m. to 5 p.m. in the Bell Tower Green lot at Jackson and Church Streets, Downtown Salisbury.

La Fiesta is a celebration of Hispanic/Latino culture through music, food, dance and much more. It is a family event that connects the community at large. This event also provides an opportunity for agencies and businesses to share their information and resources. La Fiesta is fun filled and packed with activities that bring people of diverse backgrounds together to share the Hispanic/Latino customs and traditions. This year's theme is Education and scholarships will be awarded in connection the event. *(Please note if item includes an ordinance, resolution or petition)*

Contact Information for Group or Individual:

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in DRUIIEO

Approved

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: October 2, 2018

Name of Group(s) or Individual(s) Making Request: Salisbury Parks and Recreation Department

Name of Presenter(s): Announcement

Requested Agenda Item: Halloween Fun Fest

Description of Requested Agenda Item: The Salisbury Parks and Recreation Department in partnership with Downtown Salisbury Inc. will host the annual Halloween Fun Fest in the City Hall parking lot on Saturday, October 27, 2018 from 3:00-6:00 p.m. Activities will include carnival games, live entertainment, face painting, trick or treating, hay rides and haunted trolley rides, a hay bale maze, costume contest for all ages, pet costume contest and much more. Game and activity tickets are just \$5.00 for an unlimited pass. This family event is open to the public.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*

Contact Information for Group or Individual:

Vivian Koontz
704-638-5294

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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For Use in DRUIEFO

Approved

Declined

Reason: