



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

February 21, 2023
6:00 p.m.

The meeting will be held in a hybrid format and the public may attend virtually using this link: <https://bit.ly/3lkBjKX>. The meeting will also be streamed live at [salisburync.gov/webcast](https://www.salisburync.gov/webcast) and on the City's Facebook account.

Anyone who wishes to speak via Zoom during public comment must sign-up by 5:00 p.m. on February 21, 2023 by contacting Connie Snyder at csnyd@salisburync.gov. Citizens who wish to speak in person can sign up in Council Chambers.

1. Call to order.
2. Moment of Silence.
3. Pledge of Allegiance.
4. Adoption of Agenda.
5. Mayor to proclaim the following observances:

HUMAN RELATIONS MONTH
DEE DEE WRIGHT RECOGNITION

February 2023
February 21, 2023

6. Council to consider the CONSENT AGENDA:
 - (a) Approve Minutes of the regular meeting of February 7, 2023.
 - (b) Appoint Ruth Kennerly as the City representative to the Board of Directors for Shelter Ministries of Rowan County.
 - (c) Adopt a revised Resolution regarding City Manager contracting authority.
 - (d) Approve an update to the adopted employee pay grade and classification schedule to allow for reorganization and classification changes.
7. Council to receive public comment. ***Speakers who wish to speak via Zoom must sign-up before 5:00 p.m. by contacting Connie Snyder at csnyd@salisburync.gov.*** Citizens who wish to speak in person can sign-up in Council Chambers. Citizens who are unable to speak during the meeting may submit written comments to the email above and they will be shared with Council.

COUNCIL MEETING AGENDA – PAGE 2 – FEBRUARY 21, 2023

8. Council to consider adopting Forward 2040: Salisbury’s Framework for Growth as the City’s comprehensive plan: *(Presenter – Planning Director Hannah Jacobson)*
 - (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Consider adopting Forward 2040: Salisbury’s Framework for Growth as the City’s comprehensive plan.

9. Council to consider a text amendment of the Land Development Ordinance to amend Chapters 1, 4, 5, 7, 8, 10, 11, and 15 to reference the City’s new comprehensive plan: *(Presenter – Senior Planner Victoria Bailiff)*
 - (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 the Land Development Ordinance.

10. Council to receive an update regarding the property revaluation process. *(Presenters – Finance Director Wade Furches and Rowan County Tax Assessor Chip Main)*

11. Council to consider adopting a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$500,000 to appropriate additional sales tax revenue. *(Presenter – Finance Director Wade Furches)*

12. Council to consider changes to the Human Relations Council Ordinance. *(Presenters – Human Relations Manager Anne Little and Human Relations Council Chair Debra Ellison)*

13. City Attorney’s Report
 - (a) Council to consider approving an agreement with Cube Yadkin Generation LLC to fund up to \$2 million for preliminary engineering, design, and permitting for the Water Supply Resiliency Project for Salisbury-Rowan Utilities Raw Water Pump Station Project.

14. City Manager’s Report.

15. Council’s Comments.

16. Mayor Pro Tem’s Comments.

17. Mayor’s Announcements and Comments.

18. Adjourn.



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, the City of Salisbury believes in the dignity and worth of every individual regardless of race, creed, national origin, sex, age, sexual orientation, physical or mental abilities and

WHEREAS, the City of Salisbury promotes and maintains an atmosphere of goodwill and mutual respect among individuals, ethnicities, races and persons of differing social and economic status and religious beliefs: and

WHEREAS, the citizens of Salisbury work daily to make our diverse community viable and stronger: and

WHEREAS, the City of Salisbury owes its gratitude to all the citizens who have contributed and continue to commit to the growth of mutual understanding, equity, justice and anti-discrimination for all; and

WHEREAS, the City and the citizens of Salisbury have made formidable advancement in human relations since the Good Neighbor Council and its successor, the Human Relations Commission, and anticipate continued breakthrough against the challenges still confronting us; and

WHEREAS, the City of Salisbury and its citizens commend and embrace change and diversity, and dismiss all expressions of racial, sexual, religious and disability-based intolerance, discrimination and hatred.

NOW, THEREFORE, I Karen K. Alexander, Mayor of the City of Salisbury North Carolina, on behalf of the Salisbury City Council DO HEREBY PROCLAIM February 2023, as

HUMAN RELATIONS MONTH

in the City of Salisbury and encourage all citizens to advocate and recognize its observance.

This the 21st day of February 2023.




Karen K. Alexander, Mayor



City of Salisbury

North Carolina

PROCLAMATION HONORING DORRIS “DEE DEE” WRIGHT

WHEREAS, the Salisbury City Council values the tradition of honoring special people, events and milestones and Dee Dee Wright is indeed a special person and a dedicated community leader and activist whose work has touched the lives of countless people; and

WHEREAS, Dee Dee Wright has shown exceptional concern and commitment to the Salisbury community as she served as the first African American female chair of the Salisbury Planning Board and where she has continually sought to improve the community through her work on the Zoning Board of Adjustment, Land Development Ordinance Committee, the Comprehensive Plan Committee, and Co-Chair of the Forward 2040 Comprehensive Plan; and

WHEREAS, Dee Dee Wright’s determination to improve the lives of others is evident through her contributions to the West End Neighborhood Transformation Plan, Historic Preservation Master Plan Committee, Dixonville-Lincoln Memorial Task Force, and through her leadership with the West End Community Organization; and

WHEREAS, Dee Dee Wright has worked tirelessly to bring civil rights issues to light beginning with her participation with the “Greenville Eight” who staged a sit-in in the segregated Greenville Public Library to her role as plaintiff in “Edwards v South Carolina,” which was ultimately heard by the United States Supreme Court and provided greater civil rights protections, to her role as published author of *The (W)right Thing* where she shared her experiences in the civil rights movement; and

WHEREAS, Angela Davis stated, “I am no longer accepting the things I cannot change. I am changing the things I cannot accept,” and Dee Dee Wright continues to create and champion change in order to impact and improve the lives of others, to give a voice to those who are often unheard, and to create a better way of life that transcends today and impacts future generations.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, on behalf of the Salisbury City Council and the citizens of Salisbury, DO HEREBY PROCLAIM OUR DEEPEST GRATITUDE TO

DORRIS “DEE DEE” WRIGHT

in honor of her remarkable life and extraordinary contributions to the City of Salisbury.

This the 21st day of February 2023.




Mayor Karen Alexander

Salisbury, North Carolina
February 7, 2023

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield, Council Members Harry McLaughlin, David Post, and Anthony Smith; City Manager Jim Greene, Jr., City Clerk Connie Snyder; 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 Alexander at 6:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

Mayor Alexander led participants in the Pledge of Allegiance to the United States flag.

ADOPTION OF THE AGENDA

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

RECOGNITION – UNITED WAY CAMPAIGN CHAMPION AWARD

Rowan County United Way Executive Director Jenny Lee recognized Transit Director Rodney Harrison and Communications Specialist Kaisha Brown for receiving the Campaign Champion Award from Rowan County United Way.

Council thanked Mr. Harrison and Ms. Brown for their work with Rowan County United Way.

PROCLAMATIONS

Mayor to proclaim the following observances:

AFRICAN AMERICAN HISTORY MONTH
YEAR OF THE TRAIL

February 2023
2023

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of January 17, 2023

(b) Contract Changer Order – Mainlining America, LLC

Approve a change order to the contract with Mainlining America, LLC in the amount of \$450,000 for water and sewer maintenance services for Salisbury-Rowan Utilities and adopt a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$450,000 to appropriate Fund Balance from the Water and Sewer Fund to cover the request. The Fund Balance appropriation is anticipated to be offset by growth.

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE FOR WATER AND SEWER MAINTENANCE CONTRACT EXTENSION

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 54, and is known as Ordinance 2023-11.)

(c) Voluntary Annexation – The Wilde

Receive the Certificate of Sufficiency for the voluntary annexation of The Wilde, Tax Map 330 Parcels 021 and 040 and adopt a Resolution setting the date of the public hearing for March 7, 2023.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF THE WILDE SUBDIVISION, PARCELS 330 021 AND 330 040 PURSUANT TO G.S. 160A-31.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 1-2, and is known as Resolution 2023-01)

(d) Resolution of Support – RAISE Grant Program

Adopt a Resolution of Support for North Carolina Department of Transportation's *Walk North Carolina: Creating Safer Crossings for North Carolina Communities* application for the United States Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program for FY2023.

RESOLUTION SUPPORTING WALK NORTH CAROLINA: CREATING SAFER CROSSINGS FOR NORTH CAROLINA COMMUNITIES.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 3, and is known as Resolution 2023-02)

(e) Ordinance – Rules of Procedure

Adopt an Ordinance amending Chapter 2, Article II, Division 2, of the Code of the City of Salisbury relating to Rules of Procedure for the Salisbury City Council.

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 2, OF THE CODE OF THE CITY OF SALISBURY RELATING TO RULES OF PROCEDURE FOR THE SALISBURY CITY COUNCIL.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 55, and is known as Ordinance 2023-12.)

Mayor Alexander asked Engineering Services Director Wendy Brindle to elaborate on item (d) regarding the Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program for FY2023. Ms. Brindle stated the mobility division with the North Carolina Department of Transportation requested a letter of support to apply for the RAISE grant. She added the grant is distributed across the state, and Salisbury was selected as one of the communities where improvements would be made to increase safety for pedestrians and bicycles. She commented in addition to the grant, the state of North Carolina just completed a pedestrian safety study for the City and identified areas of concern.

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Mr. Lee Howard yielded his time to Ms. Terri Stevenson.

Ms. Terri Stevenson recognized representatives from nine City and Rowan County National Pan-Hellenic Council organizations (NPHC). She added each NPHC member exemplifies servant leadership in their community. Council thanked NPHC members for their commitment to community.

Mr. Darion Graham thanked Council for its support and contributions to Livingstone College.

Ms. Dee Dee Wright addressed her concern regarding gun violence in Salisbury, and she asked Council to consider bringing in the National Guard.

Dr. Roy Dennis addressed Council and emphasized his concern about violence in the community.

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

POLICE DEPARTMENT UPDATE

Interim Police Chief Brian Stallings, Captain P.J. Smith, and Byrne Criminal Justice Innovation (BCJI) Community Project Coordinator Chanel Nestor provided an update on the Police Department and the Bryne Criminal Justice Innovation Program Grant.

Interim Police Chief Stallings provided an update on staffing. He added the Police Department is at 85% capacity with 70 positions filled out of 82 sworn budgeted positions. He explained currently 12 vacancies need to be filled, and he has had five separations since January. He stated there is a low number of qualified candidates, but recruitment is working hard to identify lateral prospects.

Chief Stallings reviewed current training for officers, including quarterly training to focus on topics such as fair and impartial policing and cultural sensitivity training. He added officers are put into situational use force scenarios to gauge how they would react in real-time.

Chief Stallings recognized current mental health initiatives and resources for officers such as the City offered Employee Assistance Program (EAP), Peer Support Program, Diversity, Equity and Inclusion, and officer wellness initiatives. He added wellness initiatives, include wellness check-in services and an on-site counselor are available.

Chief Stallings reviewed upcoming initiatives for community involvement including bringing back Cultivating Community Conversations and the Chief's Advisory Board which helps govern policies and procedures. He added the Crime Scene Camp will be offered for children in the community to see what it is like to be an officer. He stated the Police Department is currently working with Salisbury-Rowan NAACP on the Cease Fire Initiative and hoping to bring back Salisbury Neighborhood Action Groups.

Captain P.J. Smith introduced BCJI Community Project Coordinator Chanel Nester to Council and stated she has been with the City for three months. He added Ms. Nester is heavily involved with the Brynes Criminal Justice Innovation Grant the City was awarded to focus on community development in the West End.

Ms. Nester presented an update on the West End Salisbury Transformed Neighborhood Development Project, and she invited the public to attend a town hall meeting on February 16, 2023, at the Miller Recreation Center at 6:30 p.m. She noted the City was awarded \$800,000 with the Bryne Criminal Justice Innovation Program, and this is a community-led initiative to help revitalize the West End neighborhood and address its crime concerns. She stated this is a grant collaboration between the Police Department, Parks and Recreation Department, and the Planning Department.

Ms. Nester reviewed project goals, including developing West End community groups to lead community-based responses and completing a neighborhood survey. She added another goal is to enhance recreational and public spaces for community groups while supporting the development and capacity of neighborhood youth programs. She stated there are plans to restore vacant lots and structures and develop a Community Violence Intervention Team.

Ms. Nester stated over 1,800 parcels and block data points have been collected, and community surveys have been developed. She added staff will continue survey distributions through February. She noted so far there have been 17 one-on-one community stakeholder conversations and three community engagement meetings planned in February.

Ms. Nester commented the next steps include West End Town Hall Conversations. She added there will be one in-person meeting Thursday, February 16, between 6:30 p.m. to 8:00 p.m. at the Miller Recreation Teen Center and virtual meetings on Wednesday, February 22, 2023 at 6:30 p.m. and Thursday, February 23, 2023 at 10:00 a.m. She added she hopes to complete the neighborhood survey before March, and she stated she will continue working with planning partners to identify solutions and leverage funding while developing organizational stakeholder meetings. She stated her goal is increase neighborhood youth outreach and engagement and develop an action plan to inform the grantor how funds are being used.

Mayor Alexander thanked the Ms. Nester and the community for its involvement with the Bryne Criminal Justice Innovation Program Grant.

Councilmember Smith thanked Ms. Nester for her passion and work towards cultural development in the West-End Community.

2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT

Finance Director Wade Furches and Auditor Elsa Watts presented the June 30, 2022 Annual Comprehensive Financial Report from Martin Starnes and Associates, CPA. Ms. Watts indicated the firm has issued the City an unmodified opinion which is a clean audit opinion.

Ms. Watts reviewed General Fund revenue and expenditures and pointed out revenue was just over \$4 million, which is an increase of five percent, and expenditures were \$38.8 million, with an increase of one percent. She added the total Fund Balance in the General Fund was \$26.6 million which includes non-spendable items of \$707,573 and items restricted by state statute of \$5.4 million resulting in an available fund balance of \$20.4 million. She added this amount is an increase in available Fund Balance of \$5.3 million with an excess of \$9.8 million from available Fund Balance over Council's Fund Balance policy of 25%.

Ms. Watts described the available Fund Balance as a percent of expenditures and transfers to other funds. She stated the General Fund was at 48.2% and that this increased from FY2021-2022. She added property taxes were at \$23.3 million and increased by one percent. She defined Unrestricted Intergovernmental values as primarily sales taxes, which were at \$14.6 million with sales tax revenue continuing to rise from FY2021-2022 by approximately 13%.

Ms. Watts noted public safety as one of the most significant expense areas at \$17.8 million, a 5% increase from FY2021-2022.

Ms. Watts reviewed the Unrestricted Net Position of major enterprise funds including Water and Sewer. She added the Water and Sewer Fund had an unrestricted net position of \$39.1 million while Broadband Services was negative \$3.1 million. She added stormwater had an unrestricted net position of \$2.6 million and Transit was at \$276,000. She noted change in net position of water and sewer at \$6.6 million, broadband services at \$2.1 million, stormwater at \$679,000 and transit at just over \$94,000.

Ms. Watts stated the quick ratio for water and sewer at 5.71, and she stated the Local Government Commission (LGC) would be concerned if this was less than one. She reviewed the operating income performance for Water and Sewer which is calculated by taking operating income of \$8.2 million and adding the depreciation of \$5 million and removing debt service of \$3.5 million which gives an operating income performance of \$9.7 million.

Ms. Watts noted there were performance indicators of concern identified which included the audit submission did not meet the December 1, 2022 deadline and there was a finding for deficit net position in the Broadband Fund.

City Manager Jim Greene thanked Finance and all City departments for their work that impacted the audit. He added the audit is critical to City operations and shows a strong financial measurement program.

Councilmember Post asked if the Broadband Fund includes how much debt still needs to be paid. Mr. Furches stated the debt balance as of June 30, 2022 was \$17.2 million, and the City pays down \$2 million each year. Mayor Alexander asked about the projected timeframe for paying off the \$17.2 million. Mr. Furches stated the debt should be paid off in 2029.

Mayor Pro Tem Sheffield clarified the Fibrant debt requires the City to provide a letter to the LGC each fiscal year until the Fibrant debt is paid. She asked Ms. Watts to explain the December 1, 2022 audit submission deadline. Mr. Furches stated due to staffing shortages, staff

presented an amended contract to Martin Starnes and Associates, CPAs stating the audit would not meet the December 1, 2022 deadline.

Council thanked Ms. Watts and Mr. Furches for their work on the Annual Comprehensive Financial Report.

UPDATE – FIRE STATION 3

Fire Chief Bob Parnell presented information about the current Fire Station 3 which was built in 1957 and is located at 1604 West Innes Street and about the proposed new Fire Station 3 to be located at 150 Mahaley Avenue. He pointed out the proposed Fire Station 3 will house two fire trucks, have semi-private barrack bunkrooms, individual restrooms, modern amenities, and provide one building for the Fire Marshall's office, Telecommunications radio shop, and provide an increase to operational leadership effectiveness. He added the foyer area will be for fire safety education, and the station will be provide faster responses to northern part of the City.

Mr. Bill Burgin presented a site plan and elevation from Mahaley Avenue, and he explained the sediment pond is large enough for this site and the adjacent site. He pointed out the total square footage of the building is proposed to be 19,400 square feet with 10 beds, three truck bays, and office spaces with an estimated overall cost of \$10 million. He stated the finalized construction documents have been submitted to Rowan County Inspection Department for review and do not have to be reviewed in Raleigh since the proposed plan is less than 20,000 square feet. He noted the plans can be submitted to the North Carolina Department of Environmental Quality (NCDEQ) once they are approved by the County.

Councilmember Post asked about the construction timeline. Mr. Burgin stated the construction timeline would be between 12 to 15 months. Mayor Alexander noted labor and supply issues that may occur. Mr. Burgin agreed.

Mr. David Cheatwood with First Tyron Advisory explained his firm is based in Charlotte and is a full service financial advisor firm to act in the City's best interest to work through funding options for the project.

Mr. Cheatwood indicated the City expects to have all permits and approvals in place by late March early April which could put the City in the position to receive construction bids by late April. He noted once the bids are received, a schedule can be better formalized.

Mr. Cheatwood explained the City has options for a 15 or a 20-year repayment term with a level principal repayment each year.

Mr. Cheatwood pointed out the next steps, if Council moves forward with the project, is for the City to determine funding options, receive construction bids, adopt a preliminary Resolution and hold public hearing and adopt an approving Resolution. He added the LGC meets the first Tuesday of each month and an application for approval is required four weeks prior to the meeting date. He stated once LGC financing is completed then construction can begin.

Mr. Cheatwood explained the City has two primary marketplaces to fund the project with public market or a bank placement. He explained bonds sold in the public market are sold to variety of different investors while the bank placement includes bonds being sold directly to a single bank.

Mayor Alexander asked if interest has to be paid on the loan even when the project is not completed. Mr. Cheatwood agreed, and he added interest has to be paid to the loan but interest can be earned on the money sitting in the bank waiting to be paid out for construction.

Councilmember Post asked if the City has debt that would soon be resolved. Mr. Furches noted the City has debt for two fire trucks that will be paid March 2024, but there are apparatus needs coming soon. He added Telecommunications debt of \$110,000 will be satisfied soon in the General Fund.

Mr. Furches reviewed financing options for Fire Station 3. He noted options include financing the full \$10 million over 15 years or using Fund Balance and/or American Rescue Plan Act (ARPA) funds to reduce the amount financed. He added the Fund Balance is up to 48% with \$9.8 million which is over Council's policy of 25%, and he noted that could be used to pay for Fire Station 3. He suggested there is a need to balance the use of tax dollars between station, apparatus, and other needs in the City. He noted recommendations will be made to Council as the project gets further in the process.

Mr. Furches noted there is a need to move forward with proposed Fire Station 3, and he added Mr. Cheatwood will work to develop a 90-day timeline around construction bids once received.

Thereupon, Councilmember McLaughlin made a **motion** to proceed with the construction of Fire Station 3 and to coordinate with the Local Government Commission for financing approval. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ECONOMIC DEVELOPMENT INCENTIVE – CROW HOLDINGS

Rowan Economic Development Commission Vice President Scott Shelton asked Council to consider approving a Local Level 2 Incentive Grant to Crow Holdings totaling \$1,418,332 over a three year period.

Mr. Shelton stated Crow Holdings is proposing two new class-A speculative buildings on a site located between Peel Road and Pietry Road. He added that the first building would be approximately 713,000 square feet, and the second one would be 500,000 square feet. He commented Council voted to annex the site at its meeting on May 17, 2022, and the project is comprised of seven parcels.

Mr. Shelton added the proposed site currently lacks public water and sewer extensions, and the site will require public road improvements on Peeler and Pietryk Road. He stated Crow Holding estimates the cost of these infrastructure improvements to be \$3.97 million.

Mr. Shelton reported Crow Holdings is requesting an incentive grant that differs from the City's standard policy. He explained under the City's current incentive policy, Crow's project would be eligible for a Level 1 Grant equivalent to 80% of any new real property taxes paid to the City over a five-year period. He asked Council to consider approving a grant to Crow Holdings equivalent to 90% of any new real property taxes to be paid over a three-year period. He commented using the requested grant parameters, the City would receive \$3,151,848 in net revenue over a ten-year period.

Mr. Shelton explained that Crow Holdings incentive request would result in a smaller overall grant payment and a corresponding increase in net revenue to the City of \$682,900 over a ten-year period. He stated if a job-creating tenant occupies the building, Crow would like Council to consider offering an incentive grant to the tenant based on its taxable investments in business personal property.

Mr. Matt Cochrane, Managing Director with Crow Holdings, thanked Council for its consideration and stated this project will add economic vitality and prosperity to the City. He noted major improvements will be made to Peeler Road and I-85.

Councilmember McLaughlin asked if Crow Holdings has any clients interested in the buildings. Mr. Cochrane confirmed there are a few interested tenants at this time, but those will remain confidential at this phase in the project.

Mayor Alexander convened a public hearing after due notice regarding the economic development incentive grant request for Crow Holdings.

There being no one to address Council, Mayor Alexander closed the public hearing.

Thereupon, Councilmember Post made a **motion** to award a local Level 2 Incentive Grant to Crow Holdings totaling approximately \$1,418,332 over a three year period. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE TEXT AMENDMENT – CHAPTER 15 DEVELOPMENT PROCESS

Senior Planner Victoria Bailiff presented information regarding a proposed text amendment of the Land Development Ordinance (LDO) to amend Chapter 15 Development Process. She noted the proposal is for Sections 15.7 through 15.9 regarding certificates of appropriateness and industrial development to be amended.

Ms. Bailiff pointed out the proposed amendments were reviewed at the Technical Review Committee's (TRC) December 15, 2022 meeting with recommended approval with no requested changes. She added the Planning Board recommended approval at its January 10, 2023 meeting.

Mayor Alexander convened a public hearing after due notice regarding the proposed text amendment.

There being no one to address Council, Mayor Alexander closed the public hearing.

Mayor Pro Tem Sheffield stated the City Council hereby finds and determines that adoption of an Ordinance to rezone t 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 goals, objectives and policies of the Vision 2020 Comprehensive Plan. Thereupon, Ms. Sheffield made a **motion** to adopt an Ordinance amending Chapter 15 Development Process of the Land Development Ordinance of the City of Salisbury, North Carolina. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 15 DEVELOPMENT PROCESS OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 56-, and is known as Ordinance 2023-13.)

CONTRACT – BLACK & VEATCH INTERNATIONAL COMPANY

Salisbury-Rowan Utilities (SRU) Director Jim Behmer noted in January 2022, the City received notification it was a finalist for the Building Resilient Infrastructure Communities for a \$3.15 million project with the final award to take place October 2023 or January 2024. He noted in order to proceed with necessary Federal Emergency Management Agency (FEMA) and North Carolina Department of Environment Quality (NCDEQ) review and approval process with the timeline staff presented, there is a need for additional engineering, permitting, historic preservation analysis and environmental planning to meet all state and federal guidelines. He pointed out 60% of the construction drawings must be available by the end of the calendar year. He indicated SRU received two responses and have selected Black and Veatch International Company as the most qualified firm based on the scope of the project. He noted there is an additional request of Council to adopt a Capital Budget Ordinance of \$3.2 million to allow non-local federal match funds to be allocated to the Water Supply Resiliency Project at a later date.

City Attorney Graham Corriher noted there has been a large team involved in this project, and he added Cube Hydro has been a great partner in the process.

Thereupon, Councilmember Smith made a **motion** to award a contract to Black & Veatch International Company in an amount not to exceed \$2.9 million for the Water Supply Resiliency Project for Salisbury-Rowan Utilities Raw Water Pump Station. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Thereupon, Councilmember McLaughlin made a **motion** to adopt a Capital Project Ordinance in the amount of \$3.2 million for the Water Supply Resiliency Project for Salisbury-

Rowan Utilities Raw Water Pump Station. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE IN THE AMOUNT OF \$3.2 MILLION FOR THE WATER SUPPLY RESILIENCY PROJECT FOR SALISBURY-ROWAN UTILITIES RAW WATER PUMP STATION.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. -, and is known as Ordinance 2023-14.)

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had nothing to report to Council.

CITY MANAGER'S REPORT

City Manager Jim Greene had nothing to report to Council.

COUNCIL COMMENTS

Councilmember Smith commended Interim Police Chief Brian Stallings, the Police Department, and former Police Chief Jerry Stokes for the diligent work completed to create a culture in compassion, engagement, and reassuring the community that they are working hard to bring a leadership culture shift around crime and gun violence. He also suggested the Police Department create a table of stakeholders in the community to help NAACP President Gemale Black and volunteers with the Cease Fire Initiative and to help make impactful transformative actions in this community around violence.

Councilmember McLaughlin noted by living and working in the West End Community he hears about the shootings and the violence that takes place. He added he appreciates the conversation that took place during the meeting to keep issues on the forefront of discussion. He added he is hopeful the West End Project will help to eliminate some of the things taking place and for programs to help those who may not have any hope.

Councilmember Post pointed out the YMCA Scholarship program is available for kids who are not able to pay for the membership. He commented local donors and the YMCA pay for the scholarships.

Councilmember Post commented he would like to see discussion on the KIVA Program on the Agenda soon. He noted Council approved Ms. Stephanie Austin for a Special Use Permit of a 24/7 daycare center, and she has received a great response of enrollment. He added she has applied for a KIVA loan to assist with finding more space to fit the demand of the daycare center. He also suggested donations be made to help her raise the money to do so.

Councilmember Smith encouraged the public to learn this month about the people who are black heroes and their tremendous impact that still exists in the community.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield reminded the community that the West End Town Hall will take place in person Thursday, February 16, 2023 at 6:30 p.m. at the Miller Recreation Center, and the virtual meetings will take place on February 22, 2023 at 6:30 pm and February 23, 2023 at 10:00 a.m.

Mayor Pro Tem Sheffield congratulated Captain Lee Walker on his upcoming retirement this December. She thanked him for all he has done for the community. She also thanked everyone at the meeting and she added she hopes Council Chambers provided a safe space for the public to share and use public comment.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander thanked Ms. Terri Stevenson, the sororities, and the fraternities for attending the Council meeting.

Mayor Alexander thanked NAACP President Gemale Black for his work promoting financial literacy and help with 1MBB along with those from Livingstone College. She noted the program does not cost anything and it holds the hope for One Million Black Businesses by 2030.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Smith. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

The meeting was adjourned at 8:34 p.m.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

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

Name of Presenter(s):

Requested Agenda Item: Council to consider appointing Ruth Kennerly as the City representative to the Board of Directors for Shelter Ministries of Rowan County.

Description of Requested Agenda Item: The City of Salisbury is allocated a seat on the Board of Directors for Shelter Ministries of Rowan County. Historically, City employees have been appointed to serve in this capacity. Craig Powers had served in this capacity since 2014 until leaving service with the City. RHM Director Kyna Grubb has spoken to Human Resources Director Ruth Kennerly about serving in this role and recommends her for appointment.

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: Appoint Ruth Kennerly as the City representative to the Board of Directors for Shelter Ministries of Rowan County. *Please note if item includes an ordinance, resolution or petition*

Contact Information for Group or Individual: Interim Chief Brian Stallings

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) Announcement

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 Clerk's Office Only

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

Name of Group(s) or Individual(s) Making Request: City Attorney

Name of Presenter(s): Graham Corriher

Requested Agenda Item: REVISED Resolution Regarding City Manager Contracting Authority

Description of Requested Agenda Item: Staff recently discovered an inadvertent omission in the Resolution Regarding City Manager Contracting Authority. Specifically, the *Resolution* does not delegate to the city manager the authority to enter into service contracts. While the *Resolution* authorizes the manager to enter into professional service contracts, it does not authorize the manager to enter into contracts for services that include, by way of example only, consultant contracts, janitorial contracts, or contracts related to services provided for special events.

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)*

None

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

Council to adopt a REVISED Resolution Regarding City Manager Contracting Authority

Contact Information for Group or Individual: graham.corriher@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) City Attorney Report

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*****



City of Salisbury

North Carolina

RESOLUTION REGARDING CITY MANAGER CONTRACTING AUTHORITY (REVISED FEBRUARY 21, 2023)

WHEREAS, the City of Salisbury operates under the council-manager form of government where considerable day-to-day executive authority is delegated to the City Manager; and

WHEREAS, G.S. § 160A-148 and Section 5.1 of the City Charter delegate to the City Manager substantial but limited authority to act on behalf of the City;

WHEREAS, consistent with State law, including without limitation G.S. § 143-129(a) and G.S. 143-64.32, the City Council may delegate additional authority to the City Manager to enter into certain contracts and waive certain qualifications-based selection requirements;

WHEREAS, City Council desires to delegate contracting and other authority to the City Manager in excess of that authority delegated by State law and the City Charter; and

WHEREAS, the authority granted to the City Manager by this Resolution shall be exercised in a manner consistent with State law, local policy, and the annual budget ordinance adopted by City Council.

NOW, THEREFORE, BE IT RESOLVED by the Salisbury City Council as follows:

1. **Budgeted items.** Prior to exercising the authority granted by this Resolution, the City Manager is responsible for assuring that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year for the general purpose specified in the contract. The City Manager is also responsible for ensuring compliance with any bidding requirements established by State law or local policy.
2. **Contracts.** The City Council delegates to the City Manager the authority to approve, execute, and terminate the following contracts:
 - a. Construction contracts of up to \$100,000.00;
 - b. Purchase contracts for apparatus, supplies, materials, or equipment of up to \$100,000.00.
 - c. Service contracts up to \$100,000.00;
 - d. Professional services contracts for architectural, engineering, and surveying up to \$100,000.00;
 - e. Other professional services contracts (except as provided in (d) above) consistent with the annual budget ordinance; and
 - f. Maintenance contracts, including software upgrades and maintenance that do not involve the initial purchase of software, consistent with the annual budget ordinance.
3. **Change orders.** The City Council delegates to the City Manager the authority approve and execute change orders of up to \$50,000 to all approved contracts.

4. **Multi-year contracts.** The City Council delegates to the City Manager the authority approve purchase orders or other annual contract documents in any amount for multi-year contracts that have been approved by City Council in a prior budget year and budgeted in the annual budget ordinance.
5. **Qualifications-based selection (QBS) exemption.** In accordance with G.S. § 143-64.32, the City Manager is authorized to exempt any project from the provisions of G.S. § 143, Article 3D, *Procurement of Architectural, Engineering, and Surveying Services* where the estimated professional fee for the specific project do not exceed \$50,000.00.
6. **Surplus Property.** The City Manager is authorized to dispose of surplus property of up to \$30,000.00 in value pursuant to the informal procedures in G.S. § 160A-266(c).
7. **Leases.** The City Council delegates to the City Manager the authority to execute leases of real property of one year or less pursuant to G.S. § 160A-272(b).
8. **Settlement authority for legal claims.** The City Council delegates to the City Manager the authority to take all necessary and appropriate actions to settle legal claims against the City when the amount of settlement does not exceed \$50,000.00, provided that such settlements are reported to City Council quarterly.
9. **Repeal of prior resolutions.** To the extent not previously cancelled or repealed, this Resolution supersedes any and all previous resolutions regarding the same subject matter, but does not affect the validity of any contract previously entered into between the City and any party.

Adopted this the 21st day of February, 2023.

Karen K. Alexander, Mayor

Connie Snyder, City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

Name of Group(s) or Individual(s) Making Request: City Manager, Jim Greene Jr.

Name of Presenter(s): Jim Greene, Jr.

Requested Agenda Item: Council to consider approving an update to the adopted employee pay grade and classification schedule.

Description of Requested Agenda Item: On October 18, 2022, Council adopted the new employee pay grade and classification schedule as recommended by the MAPS Group. Since its adoption a need has been identified to make changes to classifications during the appeals process for employees, as well as some reorganization. The amendments would not add additional employees or create a need to give increases, since the employees are within range. This will establish a classification and pay range to give the City flexibility for future growth and reorganization. Staff has worked with the MAPS Group to identify the appropriate pay grade and classification for the positions listed below.

Position Title	Grade	Min-Max Range
Signs and Marking Technician	7	\$37,178.03 - \$59,485.06
Signs and Marking Crew Leader	10	\$43,038.89 - \$68,862.02
Transit Fleet Supervisor	10	
Police Fiscal Administrator	12	\$47,449.95 - \$75,919.92
Utilities Construction Project Manager	16	\$57,675.63- \$92,280.80
Telecommunications Manager	17	\$60,559.82- \$96,895.31

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)*

Council to consider approving the updates to the adopted employee pay grade and classification schedule as shown.

Contact Information for Group or Individual: Jim Greene, Jr., 704-638-5228

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)

Salisbury City Council Agenda Item Request Form



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 Clerk's Office Only

Approved

Delayed

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

Name of Group(s) or Individual(s) Making Request: Community Planning Services

Name of Presenter(s): Hannah Jacobson, Planning Director

Requested Agenda Item: Council to hold a public hearing and consider adopting Forward 2040: Salisbury's Framework for Growth as the City's comprehensive plan.

Description of Requested Agenda Item:

On February 6th the Forward 2040 Steering Committee voted to recommend approval of the comprehensive plan, and to proceed with holding public hearings at Planning Board and City Council. This recommendation comes after years of work to gather input from the community, study demographic and land use trends, develop an overarching vision for the community's development, and craft policies to guide future decisions related to land use and development.

A draft of Forward 2040 has been available for public review since November 1, 2022. From November through the end of January 2023, Planning staff has led community engagement efforts to gather feedback on the draft. During this period there were numerous opportunities to provide input, including:

- 21 presentations to various groups including City boards and commissions, neighborhood associations, civic groups, and business and non-profit organizations;
- Two public presentations to City Council. The first on November 1, 2022 to announce the draft plan and the second at the City Council Retreat on January 26, 2023.
- Three open house (3) community meetings at various locations across the community and another at the Human Relations Council's Community Resource Fair as part of the Martin Luther King Jr. weekend festivities.
- Office hours – both virtual and in person - intended for one-on-one conversations with the public; and
- Hosted online with a mechanism to collect comments on the policy chapters and Future Land Use Map.

Altogether, staff estimates engagement with over 460 people which generated approximately 300 comments. Comments have been catalogued and incorporated into Appendix D of the plan.

Since the draft plan was presented to Planning Board on November 23rd and December 8th of 2022, several edits have been incorporated. Minor changes were made to fix typos, grammatical errors, and to improve image quality. More substantive changes included adding, deleting, editing, or changing the location of policies or actions. These more substantive changes are included as Attachment A. While there have been some adjustments, the majority of the plan remains unchanged.

An updated draft of the plan that incorporates all changes is posted on the project website: www.salisburync.gov/forward2040.

Salisbury City Council Agenda Item Request Form



Attachments: Yes No

- Attachment A: Tracked Changes

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 Forward 2040: Salisbury's Framework for Growth as the City's comprehensive plan.

Contact Information for Group or Individual: Hannah Jacobson, hannah.jacobson@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 Clerk's Office Only

Approved

Delayed

Declined

Reason:

Attachment A: Forward 2040 Tracked Changes

Cover Pages

- Updated acknowledgements to include past city staff and czbLLC

Introduction

- Added plans adopted by Salisbury and other plans to consider P.1-5
- Added last two appendices P. 1-6
- Added to Public Engagement and Adoption P.1-10

Responsibly, Managed Growth

- Updated Growth Strategies Map – added road labels

Context Based Urban Design

- Updated Future Land Use Map
- Removed Policy 4.3.6: Identify appropriate locations for grocery stores and markets, shopping, and community facilities (redundant with Policy 4.3.10)
- Removed Policy 4.4.3: Encourage the development of compact neighborhoods (may be misused)

Thriving, Livable Neighborhoods

- Added Housing Action 1: Develop a 10-year Housing Strategy to examine current supply and condition of affordable housing and create implementable plan to address housing needs.
- Removed Housing Action 5: Explore a Receivership ordinance and program that would promote reuse of vacant and abandoned existing structures that can be rehabilitated. Put in place programs to negate adverse effects of gentrification on existing residents and homeowners. (No longer exploring)
- Added Pedestrian and Bicyclist Related Crash map

Sustainable, Clean Natural Environment

- Added Sustainable Action 10: Develop and implement an active, City-wide campaign against littering.

Resilient, Diverse Economy

- Removed Economy Action 2: Develop South Main Street Corridor Small Area Plan (redundant with Design Action 6)
- Added Economy Action 5: Work to remediate the 12-acre Kesler Mill Site, comply with EPA standards, and sign into an NC Brownfield Agreement. Facilitate a community process to envision the future of the site.

Heathy, Active Community

- No major changes

Equitable, Inclusive Community

- No major changes

Attachment A: Forward 2040 Tracked Changes

Vibrant Community Atmosphere

- Moved Policy 11.1.8. to Community Action 1: Work with the Public Art Commission and stakeholders to create a Public Art Master Plan.
- Removed Policy 10.3.7: Create district specific design standards to meet the needs and address the challenges of individual districts. (Already have district specific standards)

Unique, Dynamic Downtown

- Added Downtown Action 1: Partner with Downtown Salisbury Inc. to develop and implement a 10-Year Downtown Master Plan.
- Moved Policy 11.1.8. to Community Action 1: Work with the Public Art Commission and stakeholders to create a Public Art Master Plan.
- Added Downtown Action 2: Complete construction documents for streetscape and infrastructure improvements to Main Street through Downtown.
- Removed Policy 11.2.2: Create a pedestrian-friendly downtown through the implementation of the Main Street Plan and the Innes/Long Street Complete Streets Study. (redundant)
- Converted Policy 11.3.1. to Downtown Action 6: Promote Salisbury's downtown as a residential neighborhood with housing that is available at a variety of price points, including workforce, affordable, and market-rate housing. Encourage a mixture of renter and owner-occupied units.
- Removed Downtown Action 4: Assist in the creation of a Downtown Neighborhood Group to support the growing residential community. (Redundant with Downtown Action 6)

Local and Regional Partnerships

- Removed Partnerships Action 1: Work with Rowan County and neighboring jurisdictions to identify future growth boundaries and create annexation policies. (Redundant with Growth Action 1)

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 02/21/2023

Name of Group(s) or Individual(s) Making Request: Community Planning Services

Name of Presenter(s): Victoria Bailiff, Senior Planner

Requested Agenda Item: LDOTA-06-2022 Comprehensive Plan

Description of Requested Agenda Item: An ordinance amending Chapters 1, 4, 5, 7, 8, 10, 11, and 15 of the Land Development Ordinance.

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)*

Council to hold public hearing and consider adopting an ordinance to amend the Land Development Ordinance as requested.

Contact Information for Group or Individual: Victoria Bailiff, victoria.bailiff@salisburync.gov, 704-638-5212

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 Clerk's Office Only

One Stop Development Shop

City of Salisbury Development Services
132 North Main Street | 704.638.5208



MEMORANDUM

TO: City Council

FROM: Victoria Bailiff
Senior Planner

DATE: City Council Meeting – February 21, 2023

RE: Ordinance Amendment – Chapters 1, 4, 5, 7, 8, 10, 11, 15: Comprehensive Plan

The proposed text amendments will be updates to the Land Development Ordinance as a result of the adoption of the new Forward 2040 Comprehensive Plan. The text revisions in Chapters 1, 4, 5, 7, 8, 10, and 11 are simply removing references to the Vision 2020 Comprehensive Plan or replacing them with references to the Forward 2040 Plan. Amendments to Chapter 15 include creating a process for amending the Future Land Use Map as the Vision 2020 Plan did not include this type of map. The Chapter 15 edits also feature changes to section 15.21 (Text Amendments) to allow this process to also apply to text amendments in the Comprehensive Plan.

These amendments were sent to TRC for review on December 15, 2022 where the amendments were approved with no changes requested.

The proposed amendments were reviewed by the Planning Board at their meeting on February 14, 2023; the Board found the amendments to be reasonable and unanimously recommended approval.

Within your packets you will find two versions of the edited pages; the first is the redlined version so that you can easily see edits, and second is the clean edited version for easier reading.

Chapter 1. PURPOSE AND APPLICABILITY

1.1 Official Title and Map

This Ordinance is officially titled as the "Land Development Ordinance of the City of Salisbury, North Carolina", and shall be known as the "LDO". The official map designating the various zoning districts shall be titled the "City of Salisbury Land Development District Map", and shall be known as the "District Map."

- 1.1 Official Title and Map
- 1.2 Purpose
- 1.3 Authority
- 1.4 Applicability
- 1.5 Conformity with this Ordinance
- 1.6 Relation to Other Ordinances
- 1.7 Land Management and Development Map Interpretation
- 1.8 Conformance with Adopted Plans
- 1.9 Fractional Requirement Interpretation
- 1.10 Previously Approved Group Development Plans
- 1.11 Lot of Record
- 1.12 Effective Date

1.2 Purpose

This Ordinance seeks to implement the policy recommendations of the Salisbury

~~Vision 2020~~ Comprehensive Plan as adopted by the Salisbury City Council ~~on March 20, 2001~~. This document establishes the collective vision of how the citizens of Salisbury would like to have their city look and function ~~by the year 2020 in the future~~.

- ~~Small Town Character and Community Identity: We see Salisbury as a distinct urban enclave, bordered in several directions by farms, open fields, and woodlands. As we approach the city limits, we note the dramatic change in character from the rural countryside to the urban streetscape (landscaped central median, overarching street trees, attractive streetlights) of Salisbury. We appreciate the architecture that is unique to historic Salisbury, free of the plastic, fast food franchise architecture prevalent in so many other communities.~~
- ~~Getting Around: We see a community with "full service streets" in which cars and pedestrians, bicyclists and buses are equal at home. We see streets with ample sidewalks, large trees reaching over the street, and attractive pedestrian scaled streetlights. We see well-planned neighborhoods, designed to encourage walking from home to work, from home to the corner store, or from home to the transit stop.~~
- ~~Environmental Quality: We see a community with clean air, made possible by less dependence upon the automobile, and the recruitment of environmental compatible industry. Compared to other communities, we see more people walking, biking, or taking the bus. Our city is designed to cause less traffic congestion and require shorter commutes. We have well controlled storm water runoff with less pollution in our streams due to our smaller, landscaped parking areas and compact two and three story commercial areas.~~
- ~~Community Appearance: We see a community of clean, tree-lined streets, subtle commercial signage, and buildings of architectural distinction nestled amidst properly designed and well maintained landscaping. We see smaller parking areas with cars tucked behind landscaped walls and hedges or parked to the rear of buildings. East Innes Street has been transformed into a grand, landscaped boulevard from the I-85 interchange to the downtown. Jake Alexander Boulevard and Main Street have been developed in similar grand fashion.~~
- ~~Historic Preservation: We see the entire community, from school aged children to senior~~

Formatted: Indent: Left: 0.48", First line: 0", Space Before: 0 pt, Line spacing: Multiple 1.08 li

Formatted: List Paragraph, Indent: Left: 0.34", Hanging: 0.24", Right: 0.17", Line spacing: Multiple 1.08 li, Outline numbered + Level: 3 + Numbering Style: Bullet + Aligned at: 0.34" + Indent at: 0.59", Tab stops: 0.59", Left + 0.59", Left

citizens, with a keen appreciation for Salisbury's rich history. There is constant attention and energy being poured into the preservation and rehabilitation of the city's historic buildings and other natural resources. We see Salisbury as a model for the state and nation, drawing visitors from far and wide to experience a living, growing community immersed in an historic setting.

- **Downtown Salisbury:** *We see a healthy, vibrant downtown with attractive streets and well-maintained sidewalks filled with people and activity. We see a diverse array of shopping, dining, working, and cultural amenities housed in historic buildings. We see a downtown which is the social and cultural center of the community, and the first place where we want to take visitors. At night, we see streets filled with people and activity and the lights on in upper story apartment windows throughout the downtown area.*
- **Neighborhoods:** *We see safe, secure, peaceful neighborhoods in every part of the city, with litter-free streets, manicured lawns and lush gardens. We see freshly-painted homes with neighbors greeting neighbors on sidewalks and front porch swings. We see families pushing baby carriages to nearby parks. We see children riding their bikes to the neighborhood corner store for a loaf of bread or a Saturday afternoon ice cream.*
- **Public Safety:** *We see a community of neighbors and business owners committed to community-based policing. We see police officers on the beat, getting to know the neighborhood kids, and their parents. We see a police department which is committed to supporting the collective will and determination of the people to have a community free of drugs, violence and crime.*
- **Housing:** *We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.*
- **Economic Opportunity:** *We see a community of workers with good paying jobs, and a diverse local economy with employment in services, retail, manufacturing and agriculture, among others. We see workers with pride in their work and the prospect of continual advancement as they go on to develop their skills and earning power.*
- **Fiscal Responsibility and Better Services:** *We see a more compact "town" development pattern resulting in considerable cost savings to the taxpayer when compared to a sprawling development pattern. These savings have been realized through fewer miles in paved streets, shorter water and sewer lines, and more economical trash collection over shorter routes, more efficient fire protection, and more effective community-based policing, etc.*

To this end, this Ordinance embodies the principle of "Sustainable Growth." Very simply, this means that the City seeks to accommodate and maintain population growth and economic expansion using coordinated planning and design. This principle fosters the philosophy that each development decision represents an investment in the long-term viability of the City. Thus, the commitment on the part of the City to improve, extend, and maintain public infrastructure must be coupled with a similar commitment to quality investment in all building and development.

Formatted: Indent: Left: 0.59", Hanging: 0", Space Before: 0.3 pt, Line spacing: Exactly 12.3 pt

Formatted: Indent: Left: 0.34", Line spacing: Exactly 12.35 pt

Formatted: List Paragraph, Indent: Left: 0.34", Hanging: 0.24", Right: 0.07", Space Before: 11.5 pt, Line spacing: Multiple 0.9 li, Outline numbered + Level: 3 + Numbering Style: Bullet + Aligned at: 0.34" + Indent at: 0.59", Tab stops: 0.59", Left + 0.59", Left

1.7 Land Development District Map Interpretation

The official map entitled Land Development District Map of The City of Salisbury, North Carolina, as adopted by the Salisbury City Council and certified by the City Clerk shall establish and reflect the official base zoning districts and all overlay districts.

The following rules shall apply in the interpretation of district boundaries and the location of centers shown on the zoning map:

- A. Boundaries shown approximately following the centerline of streets, highways, streams, creeks, rear lanes, or alleys shall follow such centerlines.
- B. Boundaries shown approximately following lot lines shall follow the actual surveyed lot lines.
- C. Boundaries shown approximately following the Corporate Limits shall follow such Corporate Limits.
- D. Boundaries shown approximately following the Extraterritorial Jurisdiction boundaries of the City of Salisbury shall follow such boundaries.
- E. Boundaries shown parallel to or extensions of features indicated in this Section shall be construed as such. Distances not specifically indicated on the District Map shall be determined by the scale of the map.
- F. Where the actual location of existing physical or natural features vary with those shown on the District Map, or in other circumstances not covered by this Section, the Administrator shall have the authority to interpret the District boundaries.
- G. Centers shown approximately at the intersection of streets shall be at the intersection of the street centerlines.
- H. Centers shown approximately following at parks or other civic spaces shall be at the center of such areas.

1.8 Conformance with Adopted Plans

All development plans shall be in conformance with all comprehensive and small area plans adopted by the Salisbury City Council.

A. **Forward 2040 Comprehensive Vision 2020 Plan**

Adopted on ~~March 20, 2004~~, the ~~Forward 2040 Vision 2020~~ Plan is a strategic growth plan marking the ~~third~~^{second} phase of community planning following the ~~1988 Salisbury Strategic Growth Vision 2020 Comprehensive Plan~~. This plan sets forth a series of visions for the community and outlines related ~~goals, policies, and actions~~^{policies} aimed at attaining these visions for the year ~~2040~~²⁰²⁰.

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.

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

~~In addition, this chapter is guided by and~~

~~intends to fulfill the following policy directives of the Salisbury Vision 2020 Comprehensive Plan:~~

- ~~■ 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 new/developing areas, sidewalks shall be required as an integral part of the community's basic 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 transportation planning. New 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 regular spaced, reasonable frequent intervals.~~

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 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:~~

- ~~■ Appropriate¹ located, designed and scaled stores and services providing basic necessities to residents of the City's older neighborhoods shall be encouraged. Neighborhood serving businesses 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, ¹setback, materials, context, and landscaping.~~
- ~~■ Not¹ 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

- 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.
- Buildings in LI and HI districts are exempt from the provisions of this chapter, except for any applicable dimensional standards.

Chapter 7. RECREATIONAL OPEN SPACE

7.1 Purpose and Intent

The intent of this Chapter is to provide for centrally located, unencumbered land as neighborhood recreational open space and not to permit the use of leftover or otherwise unusable land to fulfill the requirements herein. Recreational open space as defined by this Chapter is distinct from those areas that are environmentally significant and must be protected.

7.1 Purpose and Intent
7.2 Applicability
7.3 General Provisions
7.4 Recreational Open Space Ownership
7.5 Recreational Open Space Allocation
7.6 Payment in Lieu of Allocation

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

- ~~■ Mini parks shall be encouraged in existing and proposed neighborhoods to meet the needs of small children and to encourage social interaction and mutual support among area families.~~
- ~~■ Neighborhoods and mini parks should be located with exposure to residential and/or non-residential activities, where informal observation and oversight can take place.~~
- ~~■ New residential development should provide for adequate open space and recreation areas in proportion to the demand created by the development.~~

7.2 Applicability

All residential and mixed-use residential developments greater than 12 total dwelling units shall be required to allocate recreational open space. Recreational open space shall be allocated at the Preliminary Plat (or Final Plat for Minor Subdivisions) phase for the GR, UR, HR, and RMX districts; and it shall be allocated at the Master Plan phase for a Conditional District (CD) and a Traditional Neighborhood Development (fND). Allocation shall not be required until determination of use for the NMX and CMX districts. Residential development in the Downtown Mixed-Use (DMX) district shall be exempt from these provisions.

7.3 General Provisions

- A.** Recreational open space is defined as all areas not covered by building lots or parking lots, dry detention structures, planting yards, streets, or required setbacks.
- B.** Recreational open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following enhancements: landscaping, walls, fences, walks, statues, park benches, utilities, irrigation, fountains, ball fields, tennis courts, swimming pools, and/or playground equipment.
- C.** Playground equipment should be located toward the interior of squares and parks away from the public right-of-way to provide for adequate safety of the user.
- D.** Recreational open space should provide focal points for the neighborhood and City.

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 travel corridors shall provide for landscaping that enhances the city's overall image.~~
- ~~■ Landscaping, and where possible, street trees should be planted in central median and plaza for 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, unlandscaped 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

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:** Where on-street parking is permitted, the on-street spaces adjoining the development site may count toward the minimum parking requirement. This provision does not apply for single-family dwellings.
- 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 Reductions for Housing for the Elderly & Disabled:** The Administrator may authorize a reduction in off-street parking requirements for multifamily dwellings (including duplexes and multifamily buildings of 4 or more units) to no less than three (3) off-street parking spaces for each four (4) dwelling units or fraction thereof provided that:

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 on!J 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:**
- Single-family and duplex development.
 - 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.
 - Circus, fair, carnival, or other City Council recognized civic or community event.

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.*

- 15.1 Purpose and Intent
- 15.2 General Applicability
- 15.3 Public Notification for Public or Evidentiary 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 Legislative Procedures-General Provisions
- 15.20 Local Historic Overlay District (LHO) and Historic Landmark Overlay (HLO) District Establishment
- 15.21 Text Amendments
- 15.22 Map Amendments (rezonings)
- 15.23 Conditional Districts
- 15.24 ~~Vested Rights~~Future Land Use Map Amendment
- 15.25 ~~Transportation Impact Analysis~~Vested Rights

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.

15.2 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. Development approvals made pursuant to this Ordinance attach to and run with the land.

Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the one of these persons. An easement holder may also apply for development approval for such development as is authorized by the easement.

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, [Future Land Use Map Amendments](#) and Vested Rights. Public notification for Text Amendments shall be made in the manner as described below in subsection A. Public notifications 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.

owner(s) of the affected property(ies) by the petitioner of the [Map Amendment 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 reside outside of the City's jurisdiction or 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. 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.

15.4 Administrative Permit Procedures - General Provisions

Upon receipt of a complete application, the Administrator shall approve, approve with conditions, or deny the application. Applications that are denied shall have the reasons for denial, in writing, attached to the application.

- A. Permit Not Required:** Notwithstanding any other provisions of this Ordinance, a zoning permit is not required for the following uses:
1. Street construction or repair by NCDOT or the City of Salisbury.
 2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way in accordance with all applicable municipal franchise agreements.
 3. Specific signs exempted in Chapter 12.
 4. ~~Mailboxes, newspaper boxes, fences, flag poles, pump covers and any other structure less than 144 square feet in area.~~

15.19 Legislative Procedures – General Provisions

- A. **Purpose:** The purpose of this Section is to establish uniform procedures for processing matters requiring a legislative approval process. Specifically, these legislative procedures are applied to Text Amendments, Map Amendments (rezonings), Conditional Districts, Future Land Use Map Amendments and Vested Rights.
- B. **Amendments and Regulations pertaining to a Watershed District:** Under no circumstances shall the City Council adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. Any amendment to the boundaries of a Water Supply Watershed District or to the text of this Ordinance related to Watershed Protection shall be referred to the North Carolina Division of Water Quality for their review prior to adoption.
- C. **Required Community Meeting:** The petitioner and/or property owner of parcel(s) to be considered for either a map amendment per Section 15.22 or conditional district zoning per Section 15.23 must notify neighbor and hold a community meeting prior to submitting the petition to rezone the subject parcel(s). First-class mailed notifications shall be made in the manner specified in Section 15.3 for legislative hearings. A copy of the notification, the mailing list, a sign-in sheet, copy of all materials distributed with a report on the communication shall be submitted as a requirement of the petition. Community meetings shall be held no more than three (3) months in advance of submittal to the City.
- D. **Required Compliance with Adopted Plans:** Zoning regulations and amendments should be considered in conjunction with the comprehensive plan and any other applicable officially-adopted plans. Prior to adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted plan and explaining why the Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. The adopted consistency statement and reasonableness statement may be combined into a single statement by City Council.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan and any other applicable officially-adopted plans. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

If a zoning map amendment is approved and the action was deemed inconsistent with the adopted comprehensive plan, the zoning map amendment shall have the effect of automatically amending the future land use map in the comprehensive plan and no additional request or application for a plan amendment shall be required. A Future Land Use Map amendment and a zoning map amendment may be considered concurrently.

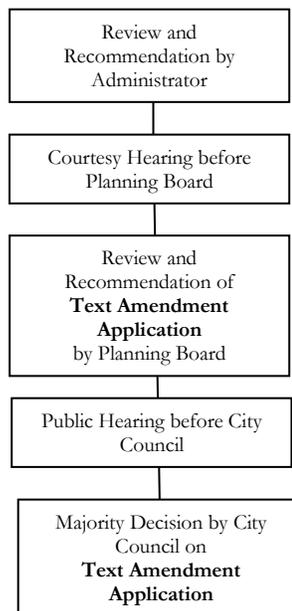
5. Upon adoption of the Local Historic Landmark Overlay Designation ordinance, the following provisions shall apply:
 - a. The owners and occupants of each designated Historic Landmark Overlay shall be given written notification of such designation by Commission staff within a reasonable time. The Department of Natural and Cultural Resources shall also be notified of the decision.
 - b. One copy of the ordinance and each amendment thereto shall be kept on file in the office of the Rowan County and City of Salisbury's Clerk's office, and made available for public inspection at any reasonable time.
 - c. The fact that a building, structure, site, or object has been designated as a Local Historic Landmark shall be clearly indicated on all tax maps maintained by Rowan County and the City of Salisbury for such period as the designation remains in effect.
 - d. The Commission shall give notice of the adoption of a designation ordinance and any amendment thereof to the Rowan County Tax office. The designation and any recorded restriction upon the property limiting its use for preservation purposes shall be considered by the Tax office in appraising the property for tax purposes.

15.21 Text Amendments

- A. **Purpose:** The purpose of this Section is to establish uniform procedures for amending the text of the Ordinance or Comprehensive Plan.
- B. **Application Required:** An amendment to the text of this Ordinance or the Comprehensive Plan may be initiated by the City Council, the Planning Board, the Administrator, or any private citizen by filing an application with the Administrator.

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Text Amendment	Technical Review Committee (TRC)	Review submittal procedures and requirements Review for completeness Issue Staff Report and recommendation	n/a
	Planning Board	Courtesy hearing	n/a
	Planning Board	Review and recommendation of Text Amendment application	n/a
	City Council	Public hearing	n/a
	City Council	Text Amendment Adoption – or – Denial and Request for Rehearing	Superior Court



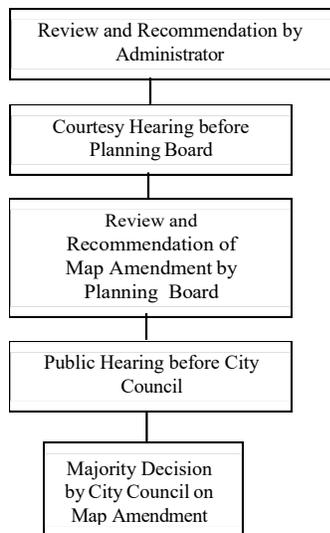
15.24 Future Land Use Map Amendments

A. Purpose: The purpose of this Section is to establish uniform procedures for amending the Place Type classification of land as shown on the Future Land Use Map of the Comprehensive Plan.

B. Petition Required: An amendment to the Official Future Land Use Map may be initiated by the City Council, the Planning Board, the Administrator, or any private citizen by filing a petition with the Administrator.

C. Procedure:

<u>APPLICATION</u>	<u>REVIEWING AUTHORITY</u>	<u>ACTION TO BE TAKEN</u>	<u>APPEAL PROCESS</u>
<u>Future Land Use Map Amendments</u>	<u>Administrator</u>	<u>Review submittal procedures and requirements</u> <u>Review for completeness.</u> <u>Issue Staff Report and recommendation</u>	<u>n/ a</u>
	<u>Planning Board</u>	<u>Courtesy hearing</u>	<u>n/ a</u>
	<u>Planning Board</u>	<u>Review and recommendation of application</u>	<u>n/ a</u>
	<u>City Council</u>	<u>Public hearing</u>	<u>n/ a</u>
	<u>City Council</u>	<u>Grant Map Amendment - or - Denial and Request for Rehearing</u>	<u>Superior Court</u>



15.2415.25 Vested Rights

- A. **General Procedures:** Pursuant to G.S. 160D-108 and notwithstanding any other provision or amendment, a landowner may apply for approval of a Site-Specific Vesting Plan as defined in the statute that shall entitle said landowner to develop property in accordance with the previously approved plan.

All requests for Vested Rights shall be accompanied by a copy of the approved Site-Specific Vesting Plan (Master Plan), as defined by the NC General Statutes, in accordance with the provisions of this Chapter. A request to extend Vested Rights to a previously approved Site-Specific Vesting Plan shall be reviewed and approved by the City Council after notice and public hearing.

- B. **City Council Action:** The City Council shall determine whether or not to grant or establish a vested right. The City Council may not require the landowner to waive his vested right as a condition of development approval. The City Council may approve the vested rights for a period greater than two (2) years where it is found that due to (i) the sizing and phasing of the development; (ii) the level of investment; (iii) the need for the development; (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two years, provided the total period does not exceed five (5) years from the date of plan approval of the site.

- C. **Effect of Approval of Vesting:** The effect of the City Council approving a vested plan shall be to vest such site plan for a period of two (2) years to five (5) years as approved by the City Council from the date of approval.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the previously granted or established vested right.

A vested right, once established, shall preclude any zoning action by the City which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property in accordance with the approved Site-Specific Vesting Plan except under the following conditions where such rights are terminated and revoked:

1. The affected landowner provides written consent to the City of his desire to terminate the vested right; or,
2. The City determines after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the plan; or,

15.2515.26 **Transportation Impact Analysis**

- A. Transportation impact analyses shall be required for a rezoning, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments with an estimated trip generation of 3000 vehicles per day or greater as defined in Section 9.8.A.

- B. **Procedures:**
 - 1. The applicant shall consult with the City Traffic Engineer to determine if a transportation analysis is necessary and its associated parameters.
 - 2. The report shall be submitted to the City Traffic Engineer for distribution to staff and related roadway jurisdictions. The City Engineer shall notify the applicant if additional studies or analysis are necessary.
 - 3. Once a report is determined to be complete, a finding shall be made by the Administrator on the transportation impact analysis. Proceedings on any application that were stayed pending completion of traffic analysis may resume.

- C. **Report Findings:** If a proposed development does not meet the applicable service level standards, one or more of the following actions may be necessary:
 - 1. Reduce the size, scale, scope, or density of the development to decrease traffic generation.
 - 2. Divide the project into phases, and identify specific infrastructure that shall be completed as a prerequisite to specific phases.
 - 3. Dedicate right-of-way for street improvements;
 - 4. Construct new streets;
 - 5. Expand the capacity of existing streets;
 - 6. Redesign ingress and egress to the project to reduce traffic conflicts;
 - 7. Alter the use and type of development to reduce peak hour traffic;
 - 8. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
 - 9. Integrate transit and non-motorized mode (i.e. pedestrian and bicycle) design improvements to reduce trip generation;
 - 10. Recommend denial of the application for which the TIA is submitted.

15.2615.27 Stormwater Permit

- A. **Storm Water Permit Required:** A storm water permit is required for all development and redevelopment unless exempt pursuant to the Phase II Stormwater Ordinance, Section 9.7. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

Chapter 1. PURPOSE AND APPLICABILITY

1.1 Official Title and Map

This Ordinance is officially titled as the "Land Development Ordinance of the City of Salisbury, North Carolina", and shall be known as the "LDO". The official map designating the various zoning districts shall be titled the "City of Salisbury Land Development District Map", and shall be known as the "District Map."

1.1	Official Title and Map
1.2	Purpose
1.3	Authority
1.4	Applicability
1.5	Conformity with this Ordinance
1.6	Relation to Other Ordinances
1.7	Land Management and Development Map Interpretation
1.8	Conformance with Adopted Plans
1.9	Fractional Requirement Interpretation
1.10	Previously Approved Group Development Plans
1.11	Lot of Record
1.12	Effective Date

1.2 Purpose

This Ordinance seeks to implement the policy recommendations of the Salisbury

Comprehensive Plan as adopted by the Salisbury City Council. This document establishes the collective vision of how the citizens of Salisbury would like to have their city look and function in the future.

To this end, this Ordinance embodies the principle of "Sustainable Growth." Very simply, this means that the City seeks to accommodate and maintain population growth and economic expansion using coordinated planning and design. This principle fosters the philosophy that each development decision represents an investment in the long-term viability of the City. Thus, the commitment on the part of the City to improve, extend, and maintain public infrastructure must be coupled with a similar commitment to quality investment in all building and development.

1.3 Authority

These zoning provisions are enacted herein are under the authority of G.S. §160D, Articles 1-7, 9, 10, 13, and 14, which extends to cities the authority to enact regulations which promote the health, safety, and the general welfare of the community. It further authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each use class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

These subdivision provisions enacted herein are under the authority of G.S. §160D, Article 82 which provide for the coordination of streets within proposed subdivisions with existing or planned street and with other public facilities, the dedication or reservation or recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

- H. Centers shown approximately following at parks or other civic spaces shall be at the center of such areas.

1.8 Conformance with Adopted Plans

All development plans shall be in conformance with all comprehensive and small area plans adopted by the Salisbury City Council.

A. Forward 2040 Comprehensive Plan

Adopted on February 21, 2023, the Forward 2040 Plan is a strategic growth plan marking the third phase of community planning, following the Vision 2020 Comprehensive Plan. This plan sets forth a series of visions for the community and outlines related goals, policies, and actions aimed at attaining these visions for the year 2040.

B. Adopted Small Area Plans

All development plans shall be consistent with any adopted small area plan. Small area plans may contain any of the following elements:

- Multi-Modal Circulation Network (pedestrian, bicycle, automobile, and public transit networks)
- Green Infrastructure Network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces)
- Location of sites reserved for Civic & Institutional buildings and uses
- General Massing and Development Intensity Pattern
- Specific Design Guidelines (in addition to those contained in this Ordinance)

C. City Street and Thoroughfare Plans

1. **Transportation Corridors to be Preserved:** Where a development proposal includes any part of a City street or thoroughfare which has been designated as such on the official comprehensive plan map adopted by the City, the North Carolina Department of Transportation, or Rowan Metropolitan Planning Organization (MPO) or as part of any Transportation Plan adopted by the City of Salisbury, a right-of-way shall be platted in the location shown on the plan at the width specified in this Ordinance.
2. **Bicycle and Pedestrian Facilities:** All plans shall incorporate bicycle and pedestrian facilities, which are designed to connect with similar planned or existing local or regional facilities as shown on official plans and maps of the City of Salisbury, or neighboring municipalities.

D. Variations to Adopted Plans

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer by the Administrator provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

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.

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

4.2 General Subdivision Platting Provisions

These provisions shall apply to the subdivision of property by means of an Exception Plat, Minor Subdivision, or Major Subdivision.

- A. All Lots to Front on Street or Public Space:** All lots shall front upon a public street, or with the provision of alley access, lots may front upon recreational open space as defined by this Ordinance.
- B. Side Lot Lines:** Side lot lines shall be substantially at right angles or radial to street lines.
- C. Flag Lots:** Flag (or "pipestem") lots are prohibited in all zoning districts except the OSP and the RR districts, where they shall be allowed if the width of the stem is at least sixty (60) feet.
- D. Double Frontage Lots:** Double frontage lots should be avoided. However, on lots having frontage on two streets and not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the street frontages. The minimum front yard on the remaining frontage may be reduced in accordance with the street side yard requirements of the district. When a double frontage lot has frontage along a Thoroughfare, access to the lot shall be via the non-thoroughfare frontage.
- E. Residential Buffer Strips:** In residential developments in residential districts (RR, GR, UR, HR) a buffer strip of at least fifty (50) feet in depth in addition to the normal lot depth shall be provided adjacent to all railroads and limited access highways. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owners; the building of structures hereon is prohibited."

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 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)

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.

Chapter 7. RECREATIONAL OPEN SPACE

7.1 Purpose and Intent

The intent of this Chapter is to provide for centrally located, unencumbered land as neighborhood recreational open space and not to permit the use of leftover or otherwise unusable land to fulfill the requirements herein. Recreational open space as defined by this Chapter is distinct from those areas that are environmentally significant and must be protected.

7.1 Purpose and Intent
7.2 Applicability
7.3 General Provisions
7.4 Recreational Open Space Ownership
7.5 Recreational Open Space Allocation
7.6 Payment in Lieu of Allocation

7.2 Applicability

All residential and mixed-use residential developments greater than 12 total dwelling units shall be required to allocate recreational open space. Recreational open space shall be allocated at the Preliminary Plat (or Final Plat for Minor Subdivisions) phase for the GR, UR, HR, and RMX districts; and it shall be allocated at the Master Plan phase for a Conditional District (CD) and a Traditional Neighborhood Development (TND). Allocation shall not be required until determination of use for the NMX and CMX districts. Residential development in the Downtown Mixed-Use (DMX) district shall be exempt from these provisions.

7.3 General Provisions

- A. Recreational open space is defined as all areas not covered by building lots or parking lots, dry detention structures, planting yards, streets, or required setbacks.
- B. Recreational open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following enhancements: landscaping, walls, fences, walks, statues, park benches, utilities, irrigation, fountains, ball fields, tennis courts, swimming pools, and/or playground equipment.
- C. Playground equipment should be located toward the interior of squares and parks away from the public right-of-way to provide for adequate safety of the user.
- D. Recreational open space should provide focal points for the neighborhood and City.
- E. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the subdivision plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives shall also be permitted.

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.

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

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.

B. Does Not Apply:

1. Development of an existing platted lot of record with that of a single-family, duplex, triplex, or quadruplex House building type is entirely exempt from the provisions of this chapter.
2. Exception plat and Minor Subdivisions are entirely exempt from the provisions of this chapter.
3. Valid and permitted forestry or harvesting activities are entirely exempt from the provisions of this chapter.
4. Existing development (sites developed prior to the effective date of the Land Development Ordinance) is entirely exempt from the provisions of this chapter, except that:
 - a. All applicable provisions of this chapter shall apply when an existing parking lot is expanded or improved to add 12 or more spaces.

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

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:** Where on-street parking is permitted, the on-street spaces adjoining the development site may count toward the minimum parking requirement. This provision does not apply for single-family dwellings.
- 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 Reductions for Housing for the Elderly & Disabled:** The Administrator may authorize a reduction in off-street parking requirements for multifamily dwellings (including duplexes and multifamily buildings of 4 or more units) to no less than three (3) off-street parking spaces for each four (4) dwelling units or fraction thereof provided that:
1. The design for off-street parking shall indicate compliance with the requirements for residential uses; however, only that amount of space need be developed as required by the Administrator as provided by this section.
 2. All the dwelling units in a specific development shall include those features accommodating occupancy by the elderly. For example, the dwelling units and access to them shall include, but not be exclusively limited to, such structural features as ramps, low-rise steps, grab bar, and handrails.

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

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.

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
- 15.4 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 Legislative Procedures-General Provisions
- 15.20 Local Historic Overlay District (LHO) and Historic Landmark Overlay (HLO) District Establishment
- 15.21 Text Amendments
- 15.22 Map Amendments (rezonings)
- 15.23 Conditional Districts
- 15.24 Future Land Use Map Amendment
- 15.25 Vested Rights
- 15.26 Transportation Impact Analysis
- 15.27 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. Development approvals made pursuant to this Ordinance attach to and run with the land.

Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the one of these persons. An easement holder may also apply for development approval for such development as is authorized by the easement.

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, Future Land Use Map Amendments and Vested Rights. Public notification for Text Amendments shall be made in the manner as described below in subsection A. Public notifications 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.

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 Map Amendment.

- 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 reside outside of the City's jurisdiction or 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. 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.

15.4 Administrative Permit Procedures - General Provisions

Upon receipt of a complete application, the Administrator shall approve, approve with conditions, or deny the application. Applications that are denied shall have the reasons for denial, in writing, attached to the application.

- A. Permit Not Required:** Notwithstanding any other provisions of this Ordinance, a zoning permit is not required for the following uses:
1. Street construction or repair by NCDOT or the City of Salisbury.
 2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way in accordance with all applicable municipal franchise agreements.
 3. Specific signs exempted in Chapter 12.
 4. Mailboxes, newspaper boxes, fences, flag poles, pump covers and any other structure less than 144 square feet in area.

15.19 Legislative Procedures – General Provisions

- A. **Purpose:** The purpose of this Section is to establish uniform procedures for processing matters requiring a legislative approval process. Specifically, these legislative procedures are applied to Text Amendments, Map Amendments (rezonings), Conditional Districts, Future Land Use Map Amendments and Vested Rights.
- B. **Amendments and Regulations pertaining to a Watershed District:** Under no circumstances shall the City Council adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. Any amendment to the boundaries of a Water Supply Watershed District or to the text of this Ordinance related to Watershed Protection shall be referred to the North Carolina Division of Water Quality for their review prior to adoption.
- C. **Required Community Meeting:** The petitioner and/or property owner of parcel(s) to be considered for either a map amendment per Section 15.22 or conditional district zoning per Section 15.23 must notify neighbor and hold a community meeting prior to submitting the petition to rezone the subject parcel(s). First-class mailed notifications shall be made in the manner specified in Section 15.3 for legislative hearings. A copy of the notification, the mailing list, a sign-in sheet, copy of all materials distributed with a report on the communication shall be submitted as a requirement of the petition. Community meetings shall be held no more than three (3) months in advance of submittal to the City.
- D. **Required Compliance with Adopted Plans:** Zoning regulations and amendments should be considered in conjunction with the comprehensive plan and any other applicable officially-adopted plans. Prior to adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted plan and explaining why the Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. The adopted consistency statement and reasonableness statement may be combined into a single statement by City Council.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan and any other applicable officially-adopted plans. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

If a zoning map amendment is approved and the action was deemed inconsistent with the adopted comprehensive plan, the zoning map amendment shall have the effect of automatically amending the future land use map in the comprehensive plan and no additional request or application for a plan amendment shall be required. A Future Land Use Map amendment and a zoning map amendment may be considered concurrently.

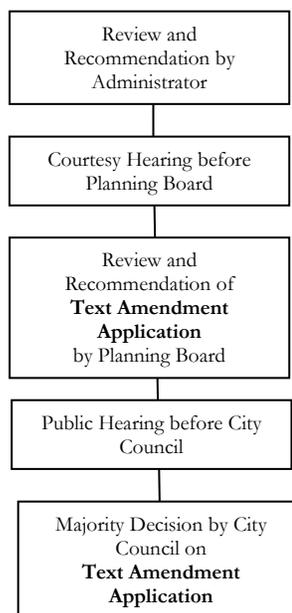
5. Upon adoption of the Local Historic Landmark Overlay Designation ordinance, the following provisions shall apply:
 - a. The owners and occupants of each designated Historic Landmark Overlay shall be given written notification of such designation by Commission staff within a reasonable time. The Department of Natural and Cultural Resources shall also be notified of the decision.
 - b. One copy of the ordinance and each amendment thereto shall be kept on file in the office of the Rowan County and City of Salisbury's Clerk's office, and made available for public inspection at any reasonable time.
 - c. The fact that a building, structure, site, or object has been designated as a Local Historic Landmark shall be clearly indicated on all tax maps maintained by Rowan County and the City of Salisbury for such period as the designation remains in effect.
 - d. The Commission shall give notice of the adoption of a designation ordinance and any amendment thereof to the Rowan County Tax office. The designation and any recorded restriction upon the property limiting its use for preservation purposes shall be considered by the Tax office in appraising the property for tax purposes.

15.21 Text Amendments

- A. **Purpose:** The purpose of this Section is to establish uniform procedures for amending the text of the Ordinance or Comprehensive Plan.
- B. **Application Required:** An amendment to the text of this Ordinance or the Comprehensive Plan may be initiated by the City Council, the Planning Board, the Administrator, or any private citizen by filing an application with the Administrator.

C. Procedure:

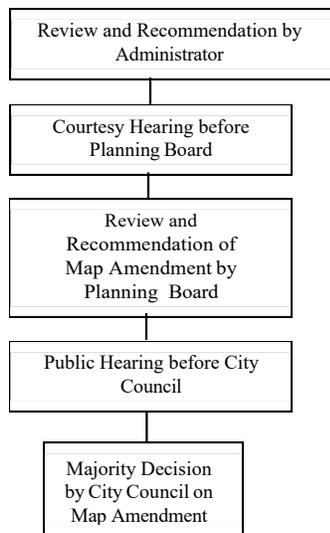
APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Text Amendment	Technical Review Committee (TRC)	Review submittal procedures and requirements Review for completeness Issue Staff Report and recommendation	n/a
	Planning Board	Courtesy hearing	n/a
	Planning Board	Review and recommendation of Text Amendment application	n/a
	City Council	Public hearing	n/a
	City Council	Text Amendment Adoption – or – Denial and Request for Rehearing	Superior Court



15.24 Future Land Use Map Amendments

- A. Purpose:** The purpose of this Section is to establish uniform procedures for amending the Place Type classification of land as shown on the Future Land Use Map of the Comprehensive Plan.
- B. Petition Required:** An amendment to the Official Future Land Use Map may be initiated by the City Council, the Planning Board, the Administrator, or any private citizen by filing a petition with the Administrator.
- C. Procedure:**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APEAL PROCESS
Future Land Use Map Amendments	Administrator	Review submittal procedures and requirements Review for completeness. Issue Staff Report and recommendation	n/ a
	Planning Board	Courtesy hearing	n/ a
	Planning Board	Review and recommendation of application	n/ a
	City Council	Public hearing	n/ a
	City Council	Grant Map Amendment - or - Denial and Request for Rehearing	Superior Court



15.25 Vested Rights

- A. General Procedures:** Pursuant to G.S. 160D-108 and notwithstanding any other provision or amendment, a landowner may apply for approval of a Site-Specific Vesting Plan as defined in the statute that shall entitle said landowner to develop property in accordance with the previously approved plan.

All requests for Vested Rights shall be accompanied by a copy of the approved Site-Specific Vesting Plan (Master Plan), as defined by the NC General Statutes, in accordance with the provisions of this Chapter. A request to extend Vested Rights to a previously approved Site-Specific Vesting Plan shall be reviewed and approved by the City Council after notice and public hearing.

- B. City Council Action:** The City Council shall determine whether or not to grant or establish a vested right. The City Council may not require the landowner to waive his vested right as a condition of development approval. The City Council may approve the vested rights for a period greater than two (2) years where it is found that due to (i) the sizing and phasing of the development; (ii) the level of investment; (iii) the need for the development; (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two years, provided the total period does not exceed five (5) years from the date of plan approval of the site.

- C. Effect of Approval of Vesting:** The effect of the City Council approving a vested plan shall be to vest such site plan for a period of two (2) years to five (5) years as approved by the City Council from the date of approval.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the previously granted or established vested right.

A vested right, once established, shall preclude any zoning action by the City which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property in accordance with the approved Site-Specific Vesting Plan except under the following conditions where such rights are terminated and revoked:

1. The affected landowner provides written consent to the City of his desire to terminate the vested right; or,
2. The City determines after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the plan; or,

15.26 Transportation Impact Analysis

- A. Transportation impact analyses shall be required for a rezoning, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments with an estimated trip generation of 3000 vehicles per day or greater as defined in Section 9.8.A.

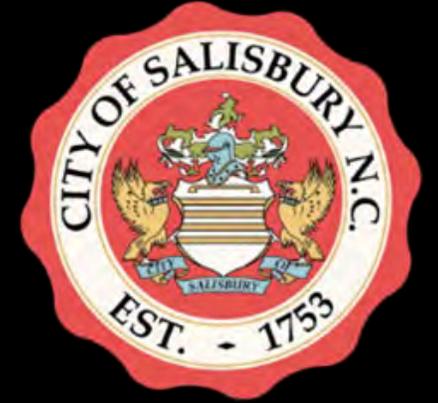
- B. **Procedures:**
 - 1. The applicant shall consult with the City Traffic Engineer to determine if a transportation analysis is necessary and its associated parameters.
 - 2. The report shall be submitted to the City Traffic Engineer for distribution to staff and related roadway jurisdictions. The City Engineer shall notify the applicant if additional studies or analysis are necessary.
 - 3. Once a report is determined to be complete, a finding shall be made by the Administrator on the transportation impact analysis. Proceedings on any application that were stayed pending completion of traffic analysis may resume.

- C. **Report Findings:** If a proposed development does not meet the applicable service level standards, one or more of the following actions may be necessary:
 - 1. Reduce the size, scale, scope, or density of the development to decrease traffic generation.
 - 2. Divide the project into phases, and identify specific infrastructure that shall be completed as a prerequisite to specific phases.
 - 3. Dedicate right-of-way for street improvements;
 - 4. Construct new streets;
 - 5. Expand the capacity of existing streets;
 - 6. Redesign ingress and egress to the project to reduce traffic conflicts;
 - 7. Alter the use and type of development to reduce peak hour traffic;
 - 8. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
 - 9. Integrate transit and non-motorized mode (i.e. pedestrian and bicycle) design improvements to reduce trip generation;
 - 10. Recommend denial of the application for which the TIA is submitted.

15.27 Stormwater Permit

- A. **Storm Water Permit Required:** A storm water permit is required for all development and redevelopment unless exempt pursuant to the Phase II Stormwater Ordinance, Section 9.7. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

LDOTA-06-2022 COMPREHENSIVE PLAN



PETITION TO AMEND: LAND DEVELOPMENT ORDINANCE

- CHAPTERS 1, 4, 5, 7, 8, 10, 11, & 15

1.8 Conformance with Adopted Plans

All development plans shall be in conformance with all comprehensive and small area plans adopted by the Salisbury City Council.

A. Forward 2040 Comprehensive~~Vision 2020~~ Plan

Adopted on ~~March 20, 2004?~~, the Forward 2040~~Vision 2020~~ Plan is a strategic growth plan marking the ~~third~~second phase of community planning following the ~~1988 Salisbury Strategic Growth~~Vision 2020 Comprehensive Plan. This plan sets forth a series of visions for the community and outlines related goals, policies, and actions~~policies~~ aimed at attaining these visions for the year ~~2042~~0.

15.21 Text Amendments

- A. **Purpose:** The purpose of this Section is to establish uniform procedures for amending the text of the Ordinance or Comprehensive Plan.
- B. **Application Required:** An amendment to the text of this Ordinance or the Comprehensive Plan may be initiated by the City Council, the Planning Board, the Administrator, or any private citizen by filing an application with the Administrator.

15.24 Future Land Use Map Amendments

- A. Purpose: The purpose of this Section is to establish uniform procedures for amending the Place Type classification of land as shown on the Future Land Use Map of the Comprehensive Plan.
- B. Petition Required: An amendment to the Official Future Land Use Map may be initiated by the City Council, the Planning Board, the Administrator, or any private citizen by filing a petition with the Administrator.
- C. Procedure:

<u>APPLICATION</u>	<u>REVIEWING AUTHORITY</u>	<u>ACTION TO BE TAKEN</u>	<u>APPEAL PROCESS</u>
<u>Future Land Use Map Amendments</u>	<u>Administrator</u>	<u>Review submittal procedures and requirements</u> <u>Review for completeness.</u> <u>Issue Staff Report and recommendation</u>	<u>n/ a</u>
	<u>Planning Board</u>	<u>Courtesy hearing</u>	<u>n/ a</u>
	<u>Planning Board</u>	<u>Review and recommendation of application</u>	<u>n/ a</u>
	<u>City Council</u>	<u>Public hearing</u>	<u>n/ a</u>
	<u>City Council</u>	<u>Grant Map Amendment - or - Denial and Request for Rehearing</u>	<u>Superior Court</u>



The City of Salisbury Planning Board recommended approval of the aforementioned amendment of the Land Development Ordinance at the February 14, 2023 Planning Board Meeting as being consistent with the Vision 2020 Comprehensive Plan.

CONSISTENCY STATEMENT:

The proposed amendments to the Land Development Ordinance as underlined or stricken herein are reasonable, in the public interest, and consistent with the Forward 2040 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.

AN ORDINANCE AMENDING CHAPTER 1 (PURPOSE AND APPLICABILITY), CHAPTER 4 (SUBDIVISIONS AND INFRASTRUCTURE), CHAPTER 5 (BUILDING TYPES AND STANDARDS), CHAPTER 7 (RECREATIONAL OPEN SPACE), CHAPTER 8 (LANDSCAPING), CHAPTER 10 (PARKING), CHAPTER 11 (LIGHTING ON PRIVATE PROPERTY), AND CHAPTER 15 (DEVELOPMENT PROCESS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-06-2022)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment on February 14, 2023 and hereby recommends its approval; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of February 21, 2023; 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 is consistent with the Forward 2040 Comprehensive Plan.

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

SECTION 1. That CHAPTER 1 (PURPOSE AND APPLICABILITY), CHAPTER 4 (SUBDIVISIONS AND INFRASTRUCTURE), CHAPTER 5 (BUILDING TYPES AND STANDARDS), CHAPTER 7 (RECREATIONAL OPEN SPACE), CHAPTER 8 (LANDSCAPING), CHAPTER 10 (PARKING), CHAPTER 11 (LIGHTING ON PRIVATE PROPERTY), AND CHAPTER 15 (DEVELOPMENT PROCESS) 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.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

Name of Group(s) or Individual(s) Making Request: Finance Director Wade Furches

Name of Presenter(s): Finance Director Wade Furches, and Rowan County Tax Assessor Chip Main

Requested Agenda Item: Council to receive an update on the property revaluation process.

Description of Requested Agenda Item: Rowan County conducts a property revaluation every four years for use with property taxation by the County and its municipalities. Rowan County Tax Assessor, Chip Main, will overview the revaluation process and present the projected property values for the City as of January 1, 2023, that will be used in the FY24 budget.

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: None.

Contact Information for Group or Individual: Wade Furches, 704-638-5302

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

S. Wade Furches

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 Clerk's Office Only

Approved

Delayed

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

Name of Group(s) or Individual(s) Making Request: Finance Director Wade Furches

Name of Presenter(s): Finance Director Wade Furches

Requested Agenda Item: Council consider adopting a Budget ORDINANCE Amendment to the FY2022-2023 budget to appropriate additional sales tax revenues in the amount of \$500,000.

Description of Requested Agenda Item: During the FY23 budget process, City Council approved delaying expenditures on certain items/projects until we see if sales tax revenues will continue to be strong. As part of this presentation, Council will hear that sales taxes continue to trend upward. Therefore, staff is recommending to proceed with funding approximately one-half to the total expenditures on the sales tax bucket list.

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)

The City Finance Department has monitored sales tax revenue trends for the past several month. As there has yet to be a decline in revenues, staff believes the above recommendation is a sound financial decision.

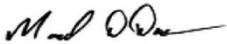
Action Requested of Council for Agenda Item: Adopt Budget ORDINANCE Amendment to appropriate additional sales tax revenue in the amount of \$500,000.

Contact Information for Group or Individual: Wade Furches, 704-638-5302

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

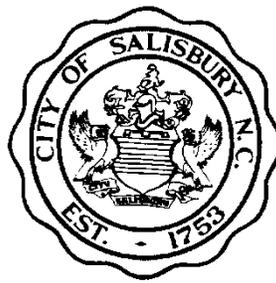


Department Head Signature



Budget Manager Signature

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



February 15, 2023

MEMORANDUM

MEMO TO: City Council
FROM: S. Wade Furches, Finance Director
SUBJECT: Sales Tax Appropriation

As part of the FY23 budget process, Interim City Manager and I set aside some budget requests that were not funded in the original budget, but could be funded if Sales Tax revenue continues to be sufficient. Previously, Council had appropriated an additional \$504,460 in additional sales tax revenues. We believe that Sales Tax revenues will be sufficient and are requesting that you appropriate additional sales tax revenues for the following projects:

Compost site study and permitting	\$ 100,000
Concrete pad for Downtown dumpster	60,000
Install an auxiliary generator connection at SCSC to power the headend in the event of a stationary generator failure and to allow for testing of the switch with out the need of renting an auxiliary cooling system	92,000
Convert Crime Center console to workstation	17,000
2 Battery operated ventilation fans - Fire	10,000
Ballistic Vests - Fire	9,840
New Plotter	21,200
Four video arcade game cabinets for game room	15,000
Benchmark Network Solutions Contract - Remote IT support. This would provide us with a new ticketing system to replace SARA, it would provide security monitoring of our network and servers, and provide planning and development hours for IT. It would also give us limited access to people with high level skill sets without having to hire FTEs.	150,000
Additional Part-time positions	<u>24,960</u>
	<u>\$ 500,000</u>

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE ADDITIONAL SALES TAX REVENUES

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

Section 1. The City Finance Department anticipates that it will received sales tax revenues in excess of the original budget. This additional revenues need to be property appropriated.

Section 2. That the 2022-2023 Budget Ordinance of the City of Salisbury, adopted on June 21, 2022, is hereby amended as follows:

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

(1)	Increase line item 010-000-000-4122.39 Special Projects	<u>\$ 500,000</u>
(2)	Increase in line item 010-581-000-5450.00 Sanitation Special Projects	\$ 160,000
	Increase line item 010-551-000-5450.00 Facilities Special Projects	92,000
	Increase line item 010-511-305-5450.00 PD Services Special Projects	17,000
	Increase line item 010-531-000-5450.00 Fire Special Projects	19,840
	Increase line item 010-555-000-5450.00 Engineering Special Projects	21,200
	Increase line item 010-621-222-5450.00 Miller Center Special Projects	15,000
	Increase line item 010-442-151-5450.03 Informational Technologies Contract Services	150,000
	Increase line item 010-621-000-501301 Parks and Recreation Part-Time Salaries	<u>24,960</u>
		<u>\$ 500,000</u>

Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 21, 2023

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

Name of Presenter(s): Debra Ellison, Chair and Anne Little, Diversity, Equity and Inclusion Director

Requested Agenda Item:

The Human Relations Council is requesting City Council's approval of changes to the current ordinance as outlined in the attached document.

Description of Requested Agenda Item:

Chair Debra Ellison, assisted by Anne Little, will present the proposed changes and rationale.

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)*

Approve changes to the Human Relations Council Ordinance

Contact Information for Group or Individual:

Anne Little at 704-638-5218 or anne.little@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 Clerk's Office Only

Approved

Delayed

Declined

Reason:

PART 8. ~~SALISBURY~~ HUMAN RELATIONS COMMISSION

- **Sec. 1.01. - [Purpose.]**

In the City of Salisbury ~~and the County of Rowan,~~ we ~~seek to~~ strive for a community in which the dignity and worth of each individual is respected on his/her own merits, a community in which genuine equality of opportunity for all persons is a recognizable fact. ~~A Council is hereby created to identify concerns in the area of human relations, make recommendations regarding these issues and engage in activities which shall effectively:~~ The Human Relations Commission will lead and engage community efforts in the area of human relations and engage in activities that promote equity in all areas of the community for all citizens without regard to race, creed, national origin, sex, age, sexual orientation, or physical-/mental abilities.

The Human Relations Commission is hereby created to serve in the area of human relations, make recommendations regarding issues and engage in activities which shall effective:

~~a). Promote equality in such areas as economic, educational, governmental and cultural life of the community for all citizens without regard to race, creed, national origin, sex, age, sexual orientation or disability, and work to eliminate discrimination on any of these bases;~~

a) Encourage understanding and goodwill among all citizens, regardless of discrimination based on race, color, national origin, ethnicity, religion, creed, age, disability, sex, sexual orientation, gender identity or expression, pregnancy, marital or familial status, National Guard or veteran status, or any other status protected by federal, state, or local law, or local law and thus promote the general welfare of the community; (i.e. fair housing practices, city services, policies, programs and communications).

~~b) Encourage fair treatment and mutual understanding and respect among all citizens;~~

b) Promote equity in such areas as economic, educational, governmental and cultural life of the community for all citizens without regard to discrimination based on race, color, national origin, ethnicity, religion, creed, age, disability, sex, sexual orientation, gender identity or expression, pregnancy, marital status or familial status, National Guard or veteran status, or any other status protected by federal, state, or local law and work to eliminate discrimination on any of these bases;

~~c) Discover and seek to counter practices and customs which create animosity and unrest; and~~

- c) Encourage fair treatment and mutual understanding and respect among all citizens;
- d) Make recommendations to the appointing authority for action it deems necessary for harmonious relationships among the citizens
- d) Discover and seek to counter practices and customs which create animosity and unrest; and
- e) Make recommendations to City Council for action it deems necessary for fair and harmonious relationships among the citizens. .

(Ord. No. 2014-16, §§ 1, 2, 5-6-14)

●—**Sec. 1.02. - [Creation; membership; terms.]**

•

There is hereby created a Human Relations Council-Commission for the City of Salisbury, ~~and the County of Rowan.~~ It shall consist of ~~eighteen (18)~~ twelve (12) members, appointed by the Salisbury City Council serving without compensation. ~~Six (6) shall to be appointed by the City Council of Salisbury, six (6) to be appointed by the Rowan County Commissioners, and six (6) to be appointed by the Human Relations Council. Ten (10) members of said Council. The other six (6) shall be appointed~~ 60% of Seven (7) members of said Commission shall constitute a quorum for the transaction of business. ~~Of the eighteen members first appointed, six shall be appointed for one year, six for two years, and six for three years. Thereafter, all~~ All appointments to the Council-Commission shall be for a term of three years. ~~Terms shall be staggered.~~ Any member may be removed by the Council-Commission for failure to attend meetings or inattention to duties. If two meetings are missed consecutively the Chair will contact the member to discuss the reason for absence. In the event of the death, resignation or removal of any member, ~~his/her~~ a successor shall be appointed by ~~the appropriate governing body~~ the City Council to serve for the unexpired period of the term. ~~for which such member had been appointed, provided however, that all members shall continue in office until their successors shall have been appointed.~~

(Ord. No. 2014-16, §§ 1, 2, 5-6-14)

- **Sec. 1.03. - [Election of officers; terms; duties]**

The Council-Commission at its organizational meeting and each annual meeting thereafter shall elect from its membership: a chairman, ~~a chairman-elect (preferably of different races), a vice chairman, and a~~ secretary ~~and a treasurer~~, each for a term of one year. These officers shall have and perform such duties as are commonly associated with their respective titles and shall be and constitute the executive committee of the Council-Commission which shall exercise such powers of the Council-Commission between its regular meetings as may be authorized by the ~~Council Commission~~. The Council-Commission shall be further authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties.

(Ord. No. 2014-16, §§ 1, 2, 5-6-14)

- **Sec. 1.04. - ~~[Meetings.] [Meetings and Functions]~~**

The Human Relations Council-Commission shall meet at least once each month at such time and place as shall be fixed by the Council-Commission by its standing rules. Special called meetings shall be filed with the secretary at least 48 hours before the time of the special meeting. ~~An emergency meeting may be called by the Chair because of generally unexpected circumstances that require immediate consideration by the Human Relations Council.~~

- **Sec. 1.05. - ~~[Functions.]~~**

The functions of the Council Commission shall ~~read be~~ as follows:

~~a) Study and recommend strategies for the prevention of potential human relations problems and crises and the promotion of good relations.~~

a) Listen to community concerns and make recommendations to City Council for action it deems necessary for equitable treatment and harmonious relationships among citizens;:-

~~b) Identify, study, and document areas of human need (housing, employment, education, transportation, etc.) in the city/county and recommend strategies for meeting those needs.~~

b) Further the cause of equitable access in areas of human need (e.g., housing, employment, education, transportation, etc.) in the city and ;:-recommend strategies for meeting those needs;:-

~~c) Endeavor to make the Human Relations Council, itself, a model of good human relations at work.~~

e) Serve as a conciliatory body for resolving tension and conflict in emergency and crisis situations should they arise;:-

~~d) Serve as conciliatory body for resolving tension and conflict in emergency and crisis situations should they rise.~~

d) Submit at least annually a report to the City Council;:-

~~e) Submit at least annually a report to the City Council and County Commissioners.~~

e) Cooperate with State, Federal and local governmental agencies;:-

~~f) Cooperate with State, Federal and local governmental agencies.~~

f) Communicate regularly the work, observations, and recommendations of the Human Relations Commission to the Mayor and City Council;:-

g) Advise the City Council of recommended actions to aid and carry out the purposes of this ordinance;:-

h) Promote peace, understanding, respect, goodwill and harmony among all citizens of Salisbury;:-

The Human Relations Commission shall meet at least once each month at such time and place as shall be fixed by the Commission by its standing rules. ~~Special called meetings shall be filed with the secretary at least 48 hours before the time of the special meeting~~ Any other meetings may be called by the Chair and Vice-Chair and noticed in accordance with the North Carolina Open Meetings Law.

(Ord. No. 2014-16, §§ 1, 2, 5-6-14)

- **Sec ~~1.06.~~ 1.05. [Powers and duties.]**

The powers and duties of the ~~Council Commission~~ shall ~~read-be~~ as follows:

a) Carry out directives of the Human Relations ~~Council Commission~~;

b) Promote and provide training/workshops for community advancement;:-

~~e) Promote equal employment opportunity.~~

~~d) c)~~ Perform duties assigned by ~~appointing authority~~ City Council;:-

~~e) d)~~ Recommend to the City Council ~~and County Commissioners official~~ actions to aid in carrying out the purposes of this ordinance;:-

~~f) e)~~ Submit at least annually, a report to the City Council ~~and County Commissioners~~;:-

- f) Provide channels of communication among the community;
 - g) Provide information and referrals related to Human Relations issues;
- (Ord. No. 2014-16, §§ 1, 2, 5-6-14)

ARTICLE III. - REPORTS, COMMITTEES, SERVICES AND FUNDS

- **Sec. 3.01. - Annual report.**

In compliance with the format and time frame requested by city council, the commission shall report on its activities, expenditures-to-date for the current fiscal year, and its requested budget for the next fiscal year. The staff liaison shall prepare the annual report under the direction of the commission chair and vice-chair. All accounts and funds of the commission shall be administered ~~substantially~~ in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

(Ord. No. 2022-15, § 1, 2-15-22)

- **Sec. 3.02. - Special committees.**

The commission may establish special committees when, in the commission's judgment, they will assist with the performance of its duties. However, the commission shall not delegate to such special committee any of its official powers or duties. Specifically, the commission may, from its own membership, establish any temporary or permanent committees needed to assist it in the study of specific questions and problems, or in the study and/or implementation of under consideration or previously approved by the commission. The commission may also include members from the community at large, as needed, to assist in designated tasks of special committees. Such non-commission members may comprise the majority in attendance. However, recommendations or vote results from such a special committee are non-binding and shall be sent to the full commission for review, vote and approval before any action is implemented.

(Ord. No. 2022-15, § 1, 2-15-22)

- **Sec. 3.03. - Receipt and expenditure of funds.**

The commission may receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source in addition to any sums appropriated for its use by the city council. It may accept and disburse these funds for any purpose within the scope of its authority and as herein specified.

The commission funds will be deposited, accounted for and disbursed by the appropriate city department in accordance with commission project time frame needs that may span more than one (1) fiscal year. Funding shall not be diverted to other departments or general city fund.

(Ord. No. 2022-15, § 1, 2-15-22)

- **Sec 1.08- 1.06. [Severability.] no changes**

If any section of this ordinance be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of this ordinance; said section to be completely severable from the remaining provisions of this ordinance and the remaining provisions of this ordinance shall remain in full force and effect.

(Ord. No. 2014-16, §§ 1, 2, 5-6-14)