<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call to Order</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Moment of Silence</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Pledge of Allegiance</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Welcome to the People’s House!</td>
<td>A reminder that City Hall exists for, of and by the people of our City and is inclusive of ALL!! Council and staff are here to SERVE YOU and to create a welcoming, inclusive, safe, and thriving environment for ALL to enjoy as you live, work, play, volunteer, visit, learn and participate in decision making in our great City!!</td>
</tr>
<tr>
<td>5</td>
<td>Adopt Agenda</td>
<td>Adopt Agenda for April 16, 2019.</td>
</tr>
<tr>
<td>6</td>
<td>Proclamation:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>KITE FESTIVAL DAY</td>
<td>April 19, 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flying a kite is family friendly, non-polluting, healthy, educational, outdoor oriented, and fun; and the month of April has been declared National Kite Month.</td>
</tr>
<tr>
<td>7</td>
<td>Consent Agenda:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Minutes.</td>
<td>Adopt Minutes of the Special Meeting of April 2, 2019 and the Regular Meeting of April 2, 2019.</td>
</tr>
<tr>
<td></td>
<td>(b) Right-of-Way Approval.</td>
<td>Requestor(s): Engineering</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approve a request from AT&amp;T to install fiber cable along Nesbitt, Sunset, and Cottage Drives, and Raymond Avenue in accordance with Section 11-24 (27) of the City Code. Proposed lashing 3165’ over existing strand and directionally boring of 143’ along Nesbitt Drive.</td>
</tr>
<tr>
<td></td>
<td>(c) Amend Section 13-338 – Parking Restrictions.</td>
<td>Requestor(s): Engineering</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adopt an ORDINANCE amending Chapter 13, Article X, Section 13-338 relating to Parking Restrictions, of the City Code.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(d)</td>
<td>Right-of-Way Use Permit Approval – Adjacent to 204 South Main Street.</td>
<td>Requestor(s): TALK Enterprises, LLC-Mr. Tim Klaus</td>
</tr>
<tr>
<td>8</td>
<td>Public Comment.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Adopt an Ordinance: TA-02-2019 Internet/Electronic Gaming Establishments.</td>
<td>Requestor(s): Brian Hiatt, Interim Planning Director</td>
</tr>
</tbody>
</table>
|   |   | Presenter(s): Teresa Barringer | (a) Receive a presentation from staff  
(b) Hold a public hearing  
(c) Issue a Statement of Consistency and Statement of Reasonableness, and consider adopting an ORDINANCE amending Chapters 2, 3, and 18 of the Land Development Ordinance. |
| 10 | Landmark Designation – Salisbury Southern Railway Passenger Depot. | Requestor(s): Catherine Garner Clifton | Council to hold a public hearing and consider adopting an ORDINANCE designating the “Salisbury Southern Railway Passenger Depot” located at 215 Depot Street, as a local historic landmark: |
|   |   | Presenter(s): Catherine Garner Clifton | (a) Receive a presentation from staff  
(b) Hold a public hearing  
(c) Consider adopting the Ordinance. |
| 11 | Special Use Permit-02-2019 – 111 West Bank Street, Grievous Gallery – Continued. | Requestor(s): Brian Hiatt, Interim Planning Director | Council to continue to consider issuance of a Special Use Permit for SUP-02-2019 to permit on-site alcohol consumption at Grievous Gallery located at 111 West Bank street. |
|   |   | Presenter(s): Catherine Garner Clifton and Elysia A. Demers | (c) Continue Deliberations  
(d) Findings of Fact  
(e) Decision – Council to consider issuing a Special Use Permit to allow on-site alcohol consumption at a bar located at 111 West Bank Street. |
<table>
<thead>
<tr>
<th></th>
<th>Appointments to Boards and Commissions.</th>
<th>Council to consider making appointments to various boards and commissions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>City Attorney’s Report.</td>
<td>Council to consider revisions to Chapter 22, Article V of the Salisbury Code of Ordinances, addressing Public Demonstrations. The revisions were recommended by a Council Committee.</td>
</tr>
<tr>
<td></td>
<td>(a) Ordinance Revisions – Chapter 22, Article V-Demonstrations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Ordinance Revisions – Chapter 14, Article III-Noise</td>
<td>Council to consider revisions to Chapter 14, Article III of the Salisbury Code of Ordinances, addressing Noise.</td>
</tr>
<tr>
<td>13</td>
<td>City Manager’s Report.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Announcements.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) The City will host the Summer Youth Employment Program for six weeks this summer. This is an excellent chance for students to gain work experience and learn more about local government. Participants must be a full time student (high school or college), live within City limits, meet income guidelines as specified by HUD, provide proof of family income, and be at least 16 years of age. Participants are able to commute to work via the City bus for free with their City Identification Card. Apply online today at <a href="http://www.salisburync.gov">www.salisburync.gov</a>.</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>The Public Services Department would like to advise citizens of the upcoming Spring Spruce Up Week, April 22-26, 2019. This week is designated for residents who have City of Salisbury garbage services. This service is for residents only, no businesses. Items must be placed at the curb no later than 7:00 a.m. of your regular garbage collection day. Acceptable items include: extra bags and boxes of trash and household items, furniture, mattresses and box springs, appliances, and tires without rims (limit 5 per address). We are unable to collect TVs, computers, or electronics. You may contact the Rowan County Recycling Center to inquire about disposal of these items. We are unable to collect building materials of any kind including carpet, padding, sheetrock, lumber, shingles, sinks, or toilets. Inquiries regarding disposal of these items may be directed to the Rowan County Landfill. For additional information, you may refer to the City website at <a href="http://www.salisburync.gov">www.salisburync.gov</a> click on Government, Public Services, and Waste Collection or call 704-638-5260.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td>Parks and Recreation will host its annual Middle School Prom Saturday, May 11, 2019 from 6:00 p.m. until 9:00 p.m. at the Civic Center. All middle school students in Rowan County are welcome to enjoy an evening of dancing, photos and a good time with friends. Refreshment will be served and photo packages will be available for purchase. Tickets are limited and must be purchased in advance. For more information or to purchase tickets please call 704-216-PLAY.</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>The City of Salisbury and Cheerwine are teaming up to host the 2019 Cheerwin Festival. The free event will take place on Saturday, May 18, 2019, in downtown Salisbury from 12:00 noon until 10:00 p.m. Cheerwine fans will enjoy cold Cheerwine, live music, great Southern food, shopping for Cheerwine merchandise, family-friendly activities, a beer garden and local craft vendors. For more information, please call (704) 216-PLAY.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Council’s Comments.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Mayor Pro Tem Comments.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Mayor’s Comments.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adjourn.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SALISBURY CITY COUNCIL

April 2, 2019

SPECIAL MEETING

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

ABSENT: Council Member Tamara Sheffield.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:04 p.m.

BOARDS AND COMMISSIONS PRESENTATIONS

(a) Human Relations Council

Human Relations Council (HRC) Chair Dennis Rivers presented the 2018 highlights and 2019 goals for the HRC. He reviewed the HRC’s Vision and Mission statements.

Mr. Rivers pointed out the Hispanic Coalition has been a committee for 10 years and continues to reach out to other communities in Rowan County to ensure Latinos and Hispanics are aware of services, insurance and educational opportunities. He added the goal is to promote immigration and celebrate the contributions of Latino and Hispanic residents and other community members.

Mr. Rivers noted at this year’s Dr. Martin Luther King, Jr. post-parade celebration information was made available to the public regarding medical insurance, fair housing, Charter and K-12 schools, and higher education information from Rowan-Cabarrus Community College (RCCC), Livingstone College, Catawba College, Pfeiffer College and Hood Theological Seminary.
Mr. Rivers commented the 2019 Elizabeth Duncan-Koontz Humanitarian Award recipients were North Rowan High School Principal Meredith Williams, Community Activist Ola Nwafor and RCCC Early College Student Myles Simon. He added Mr. Simon previously reached out to Council regarding an idea for a skateboard park, and he commented this was the first year a principal was nominated for the award.

Mr. Rivers noted HRC members completed a Fair Housing Workshop.

Mr. Rivers stated operational changes took place within the HRC and the changes will ensure the HRC is doing all it can to serve the community. He explained the HRC realized its bylaws and manual were inconsistent and changes to the bylaw structure will be presented to Council for its approval. Mr. Rivers pointed out the restructuring and changes in operations will improve communication, ensure concerns are being addressed and make sure the HRC’s work is not redundant with other community events.

Mr. Rivers noted the City provides support to the HRC through funding and volunteers. He presented HRC financial information including sponsorships and expenses.

Mr. Rivers reviewed current HRC membership and demographics within the council. He noted the HRC has a vacant position it hopes to fill as soon as possible.

Mr. Rivers explained the 2019 goals are to fulfill the HRC mission within the community, make changes to the bylaw structure, and continue education and training.

Mr. Rivers thanked Council for its continued support of the HRC. Mayor Heggins thanked Mr. Rivers and the HRC for all it does for the City.

Mayor Heggins asked if membership demographics are based on race and gender. Mr. Rivers agreed, and he commented HRC membership was predominately female because there were no male applicants. He reviewed the HRC’s current membership demographics, and he pointed out the HRC is looking for new members to include diversity in its membership. Mayor Heggins asked if the diversity includes religious preference. Mr. Rivers agreed.

Mayor Heggins pointed out the HRC has done great work, and the City is proud of its accomplishments. She stated Human Relations Manager Anne Little is the HRC staff liaison and has provided positive changes to the HRC.

Councilmember Alexander noted the HRC has done great work in the community.

(b) Historic Preservation Commission

Planner Kyle Harris provided an overview of the Historic Preservation Commission (HPC), and he reviewed the current membership. He pointed out the 2018 highlights and 2019 goals. He noted the HPC is required to submit documentation to the state annually to be re-certified and show compliance with various statutes and program regulations. He commented the City has remained compliant.
Mr. Harris noted the HPC reviewed 151 total cases and only denied five cases. He pointed out cases are reviewed by staff and project concerns are addressed so issues can be worked out before the project is presented to the HPC.

Mr. Harris pointed out FY2018-2018 highlights and accomplishments:

- Salisbury Historic Landmarks Program designated the Empire Hotel, the block around the hotel and the Edgar S. Temple House as historic landmarks
- Salisbury Historic Landmarks Program is considering the Salisbury Train Depot for historic landmark designation
- Blockwork 2018
- Civil War Prison Site archaeological investigation with Historic Salisbury Foundation (HSF)
- Efforts to preserve threatened property in Fulton Heights
- North Main Street Restoration Project through HSF
- Photographic inventory

Mr. Harris noted out significant projects that were reviewed during FY2018-2019:

- Bell Tower Green
- Bankett Station, 201 East Innes Street
- Demolition, 403 North Main Street
- New construction, 403 North Main Street
- 132 Flats
- Mean Mug

Development Services Specialist Catherine Clifton stated the goals for FY2019-2020 are to promote and identify historic resources and to improve procedures. She noted the Historic Preservation Incentive Grant is for owner occupied residences in the local historic district. She added the HPC is requesting $40,000 for the Historic Preservation Incentive Grant Program. She commented in 2018 the HPC was awarded $20,000 and provided nine grants to property owners to maintain and preserve historic homes. She added to attract lower income home owners to apply for the grant programs, the HPC hopes to work with the Finance Department to provide funds to lower income home owners.

Mayor Heggins thanked the HPC for its work to make the City beautiful and preserve historic buildings.

Councilmember Alexander asked if grant programs are available to seniors who own historic homes. Mr. Harris commented he is not aware of any grants targeted to seniors. Ms. Clifton stated seniors have used Historic Preservation Incentive Grants in the past, and she added there has been an increase in the number of projects coming from the Community Development Corporation (CDC). Councilmember Alexander added she hopes the program continues because projects may not be completed without the grant assistance.
Mr. Harris noted some property owners do not apply for the grants because it is a reimbursement program and they do not want to pay for the cost up front. He added the HPC is looking for ways to accommodate low to moderate income level property owners.

Councilmember Miller thanked the HPC for all it does for the City.

(c) **Tree Board**

City Arborist Mark Martin and Tree Board Chair Carolyn Brown presented the Tree Board’s 2018 highlights and 2019 goals.

Ms. Brown noted the mission statement of the Tree Board is to preserve, protect, and plant trees on City owned property and along public right-of-ways within the City limits.

Ms. Brown reviewed 2018 highlights:

- Received a $5,000 grant from the North Carolina Forest Service to protect 20 ash trees from emerald ash borer
- Earth Day on the Greenway included 200 participants and volunteers
- Arbor Day at Hurley Park with 150 attendees for a tree replenishment activity
- Partnered with North Carolina Urban Forest Council by attaching benefit tags to downtown trees to include each name of the tree and what the tree gives back to the community
- Tree Board Awards Program
- 12 tree information articles were included in the Home and Garden section of the *Salisbury Post*
- Began a new tree inventory project
- Tree City USA standards continuously met for 33 years, $4.31 per Capita spent in 2018
- Supported “We Dig Salisbury” event

Ms. Brown shared 2019 goals:

- Educate the public regarding the invasive pest, emerald ash borer that kills any untreated ash tree
- Engage volunteers to continue with the tree inventory
- Continue to provide funding for neighborhood tree planting projects and dead tree replacement along right-of-ways
- Support “We Dig Salisbury” event in 2020
- Sponsor a fall conference on the economic benefits of urban forestry in partnership with local and state organizations and seek private funding
- Provide handouts in water bills
- Utilize Access Channel 16 and other social networking sites
- Continue to participate in Arbor Day and Tree City USA Programs
- Continue to seek grants and alternative funding for urban forestry programming
Mayor Heggins pointed out the importance of protecting the trees and the work the Tree Board does for the City.

Councilmember Miller asked if Mr. Martin is involved in the Bell Tower Green designs. Mr. Martin agreed, and he pointed out a survey was conducted to find out if existing trees could be saved. Councilmember Miller thanked Mr. Martin for his expertise and experience he provides to the City and the Tree Board.

Councilmember Alexander asked if there are any regulations regarding planting trees in City right-of-ways. Mr. Martin commented some right-of-ways are maintained by the state. He noted some areas are restricted due to what is placed under or above ground including concrete or asphalt.

Councilmember Alexander thanked the Tree Board for the work they do for the City.

Mayor Pro Tem Post pointed out trees were removed on East and West Innes Streets due to rooting problems, and he asked if an alternative method could be used to avoid removing trees in the future. Mr. Martin noted selecting tree species that are not as large as what was previously planted would help. He added linear tree pits are being installed with special material to help keep the trees from reaching businesses.

Mayor Pro Tem Post asked about a survey regarding the City’s tree canopy. Mr. Martin noted the Forest Service completed a survey in 2012 showing the City’s tree canopy at 35%, and he added he requested current results from the Forest Service, but has not received the information.

Mayor Pro Tem Post asked if an ordinance is in place regarding property owners removing trees and replacing them with small trees. Mr. Martin commented the Land Development Ordinance (LDO) requires trees to be replanted.

Mayor Heggins thanked the Boards and Commissions for their presentations and for all they do for the City.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:57 p.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category: □ Public  □ Council  □ Manager  X Staff

Requested Council Meeting Date: April 16, 2019

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

Name of Presenter(s): Wendy Brindle

Requested Agenda Item: AT&T requests encroachment into City Right-of-Ways

Description of Requested Agenda Item: AT&T requests approval of the installation of fiber cable along Nesbitt Dr., Sunset Dr., Cottage Dr., and Raymond Ave. Proposed lashing 3165' over existing strand and directionally boring of 143' along Nesbitt Dr.

Attachments: X 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)

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item: City Council to approve encroachment by AT&T (Section 11-24 (27)).

Contact Information for Group or Individual: wbrin@salisburync.gov

X 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:
March 8, 2019

Ms. Deborah Young  
Engineering Dept  
City of Salisbury  
PO Box 479  
132 North Main St  
Salisbury, NC 28144

Reference: AT&T NORTH CAROLINA REFERENCE #: 92CS2561N

Dear Ms. Deborah Young:

Please reference the attached plan drawings to encroach on the Town of Salisbury rights-of-ways.

**What type of work will be performed?**  
Aerially lashing 3165' of proposed fiber cable and directionally boring 143' of proposed fiber cable

**When?**  
Between 3/22/2019 and 7/30/2019

**Where is the work being performed?**  
Across 1st St; Sunset Dr; Cottage St; Raymond Ave; Nesbitt Dr

**Why is this work required?**  
To provide fiber service to future growth

- Please notify Ashley Northup, Right of Way Specialist at (336) 379-5938 if you have any questions or concerns regarding this request or via email at: att.nc.public.row@att.com

- The approval or other correspondence should be addressed to the following:

  Kevin Hodge  
  AT&T NORTH CAROLINA  
  Room 212  
  100 South Eugene Street  
  Greensboro, North Carolina 27401

NOTE: AT&T NORTH CAROLINA WILL ACCEPT A SCANNED COPY OF THE APPROVAL SENT TO THE FOLLOWING EMAIL ADDRESS: ATT.NC.PUBLIC.ROW@ATT.COM

AN ORIGINAL BY MAIL IS NOT NECESSARY.

Sincerely,

Kevin Hodge
Manager – Right of Way
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  ☐ Public  ☐ Council  ☐ Manager  ☑ Staff

Requested Council Meeting Date:  04/16/2019

Name of Group(s) or Individual(s) Making Request:  Vickie Eddleman, Traffic Signal Coordinator

Name of Presenter(s):  Vickie Eddleman

Requested Agenda Item:  The consideration to amend Chapter 13, Article X of the City Code of Ordinances as it relates to parking restrictions.

Description of Requested Agenda Item:  Emergency services have shared concerns they have regarding parking along Crestview Avenue, after hearing from residents of this street. The Fire Department, especially, feels access is significantly hindered in the evening/late night hours due to parking on both sides of the street. All properties on this street have driveways. The roadway is 24 feet wide, but cars are being parked on both sides without a staggered pattern. During such situations, only a passenger vehicle would be able to navigate through this street in one direction. Since this is a public safety issue, a petition was not obtained but property owners and renters were notified of the request for change. In this letter staff asked for feedback. Staff has not received any feedback opposing the request. Of comments received, one resident was neutral in her concerns. Two other residents are in favor of the changes. All three comments came from property owners. Upon receiving no negative feedback, and not seeing how this change would negatively impact this community, the Engineering Department is recommending the changes to Section 13-338 (Parking prohibited at all times) for the north side of Crestview Avenue.

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)

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
City Council to adopt the attached Ordinance amending Section 13-338 Parking Prohibited at all Times.

Contact Information for Group or Individual:  Vickie Eddleman – 704-638-5213

☒ 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
AN ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING

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

SECTION 1. That Section 13-338, Article X, Chapter 13 of the Code of the City of Salisbury be amended to add the underlined or to delete the stricken language as follows:

Sec. 13-338. Parking prohibited at all times

<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crestview Ave.</td>
<td>North</td>
<td>From N. Shaver St. to Beard St.</td>
</tr>
</tbody>
</table>

SECTION 2. That all ordinances, or the 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 upon adoption by the City of Salisbury from and after is passage.
March 29, 2019

Re: Restrict parking to only one side of Crestview Avenue between North Shaver Street and Beard Street.

Dear Property Owner/Renter:

In response to a concern from other residents the Salisbury City Emergency Services has evaluated parking on Crestview Avenue. The width of Crestview Avenue is twenty-four (24) feet wide. Per the City’s Land Development Ordinance and Emergency Services standards, the minimum width to allow parking on both sides of the street is twenty-two (22) feet. However, the intent of this was for parking to be staggered in such a manner to allow passage of a vehicle and a parked car, even if on-coming traffic must wait before proceeding. This study found parking on both sides of the street to a degree which will either greatly hinder or not allow the passage of emergency vehicles.

Because this has been identified as a public safety hazard, Engineering will be asking City Council to make the north side of the street a no parking anytime zone. We would like to hear your concerns and comments prior to taking any recommendation before City Council on April 16, 2019. Please provide us with any concerns no later than April 12, 2019. Attached is a map to show you where the proposed restriction will be added.

If you have any questions, comments or concerns, please call me at (704) 638-5213.

Sincerely,

Vickie Eddleman
Traffic Engineering Coordinator

Enclosures

CITY OF SALISBURY
P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479
Potential Parking Changes to Crestview Ave
Redline indicates side recommended to make a "No Parking Anytime" zone.
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  □ Staff

Requested Council Meeting Date:  April 16, 2019

Name of Group(s) or Individual(s) Making Request:  TALK Enterprises, LLC (Mr. Tim Klaus)

Name of Presenter(s):  Vickie Eddleman, Traffic Engineering Coordinator

Requested Agenda Item:  Council to Consider Approval of Right-of-Way Use Permit for the use of two parking spaces adjacent to 204 South Main Street.

Description of Requested Agenda Item:
Engineering has received a request from the contractor, overseeing the interior renovations of 204 South Main Street, for the need to use the two parking spaces primarily for a dump truck. The spaces may be used for electricians, plumbers, etc. as allowed by the code. Per the requester, they may need an additional month to complete this project. This estimated completion date is May 15, 2019. Since the request for use of right-of-way has already exceeded 14 calendar days, Section 22-50 of the City Code of Ordinances requires Council approval for the use of the space to continue.

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)

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Recommend that City Council, per Section 22-50 of the City Code of Ordinances, approve Right-of-Way Use Permit as stated for the work being performed at 204 South Main Street.

Contact Information for Group or Individual:
Vickie Eddleman, City of Salisbury, 704-638-5213
Mr. Tim Klaus, TALK Enterprises, LLC, 704-202-9294

☒ 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***
Right-of-Way Use Permit Application

LOCATION OF WORK: 204 S Main St

NAME OF APPLICANT: Mr. Tim Klaus with TALK Enterprises, LLC

ADDRESS: 105 Oakview Dr, Salisbury, NC 28146

PHONE: 704-202-9294

START DATE: 04/17/2019 END DATE: 05/15/2019

PROPOSED USE: Interior renovations & clean-up

Note: Applications must be approved by the City Traffic Engineer or authorized representative prior to placement of materials or equipment on site.

REQUIREMENTS:

1. Maximum permit period of 14 calendar days.
2. Applicant is responsible for repair of damage to public property.
3. Permit subject to all requirements as specified in the City of Salisbury Code of Ordinances, Section 22-50, Right-of-Way Use for Construction and Maintenance (copy provided with application).
4. By accepting and utilizing this permit, the applicant will indemnify and hold the City of Salisbury and its officials, officers, employees and agents harmless from and against any liability and damages resulting from any negligent acts or omissions in the use of this public right-of-way.
5. A copy of the approved permit must be posted at the site (permit issued upon application approval).

OFFICE USE ONLY

APPROVED: Vickie Eddleman, Traffic Engineering Coordinator

City Traffic Engineer or Authorized Representative:

# Parking Spaces Approved: 2  Width of Sidewalk Approved for Use: None

Minimum 5' Wide Pedestrian Access Required: N/A

Description of approved uses: Contractor is clean-up and performing renovations to the interior of the building. He will need the spaces for a dump truck to park by which workers can place discarded materials & trash.

DISTRIBUTION: POLICE  FIRE  DEVELOPMENT SRVCS.  PUBLIC WORKS  NCDOT (if applicable)

CITY OF SALISBURY

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category: □ Public □ Council □ Manager □ Staff

Requested Council Meeting Date: APRIL 16, 2019

Name of Group(s) or Individual(s) Making Request: BRIAN HIATT, INTERIM PLANNING DIRECTOR

Name of Presenter(s): TERESA BARRINGER FOR CITY OF SALISBURY

Requested Agenda Item: TA-02-2019: CITY OF SALISBURY

Description of Requested Agenda Item: AN ORDINANCE AMENDING CHAPTERS 2, 3, AND 18 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE RELATED TO INTERNET/ELECTRONIC GAMING ESTABLISHMENTS.

Attachments: □ Yes □ No

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

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

Contact Information for Group or Individual: #5210 or tbarr@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________                     __________________________________
Finance Manager Signature                     Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

□ Approved □ Declined

Reason:
LDOTA-02-2019
PETITION(S) TO AMEND
LAND DEVELOPMENT ORDINANCE
## LDO CHAPTER 2.7.C – USE MATRIX:

<table>
<thead>
<tr>
<th>BASE DISTRICT</th>
<th>OSP</th>
<th>RR</th>
<th>GR</th>
<th>UR</th>
<th>HR</th>
<th>RMX</th>
<th>NMX</th>
<th>CMX</th>
<th>DMX</th>
<th>Assigned District</th>
<th>Planned Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office / Service (cont.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Kitchens</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Treatment Facility</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio: Art, dance, martial arts,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-raising</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Services: Minor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance, Repair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Services: Major</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair/Body Work</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Retail / Restaurant</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Sales Store</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto Parts Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar, Tavern, Night Club</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-Thru Retail/Restaurant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 2,500 sf or less</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 3,001 sf – 5,000 sf</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 5,001 sf – 10,000 sf</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 10,001 sf – 50,000 sf</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 50,001 sf + or Conventional Use</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Sales: Heavy Equipment</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Entertainment / Recreation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Entertainment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement, Arcade</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dancing, Night Club</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural or Community Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet/Interactive Gaming</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Facilities, Indoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Facilities, Outdoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, Movie</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, Live Performance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
T. Internet / Electronic Gaming – For HB only

1. Internet/electronic gaming shall not be located within 500 feet in any direction from any religious institution, public or private child care center/facility, public or private school, or municipal government facilities, including but not limited to municipal public parks.

2. During hours of operation, internet/electronic gaming operations shall be open for direct, unobstructed access by police, fire, and emergency response personnel. All entrance doors shall remain unlocked while the premises are being occupied by patrons. All internet/electronic gaming terminals/computers/tables/machines/gaming stations shall be open and visible from the exterior front of the establishment.

3. No person or entity engaged in internet/electronic gaming operations shall allow, permit, or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in the gaming operations.

4. All rules of the internet/electronic gaming shall be displayed in a visible prominent place within the establishment.
DEFINITIONS:

ENTERTAINMENT/RECREATION

Amusements, Indoor: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades (coin or token operated with no monetary or winnings of value), movie theaters, skating rinks, roller rinks, and bowling alleys. (LBCS F5320, F5380, F5390 and S3200)

Internet/Electronic Gaming: Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games, including, but not limited to, those characterized as sweepstakes, product promotions, lotteries, games, and games using skill or dexterity, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, and whether or not the outcome may be "pre-revealed." The term includes, but is not limited to, enterprises identifying as Internet sweepstakes, video sweepstakes, or cybercafes. This definition is intended to cover, among others that meet the above definition, all business enterprises commonly or formally known as "sweepstakes" and shall apply regardless of any superficial changes to the system or method of electronic gaming or of any subterfuge or pretense on the part of the business owners or electronic gaming manufacturers. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill which are coin-or token-operated and which offer no monetary winnings. This definition is solely for the use of the City of Salisbury in regulating business entities in this jurisdiction and the City makes no determination of the legality of any such business under the North Carolina Criminal statutes, by the issuance of any type of permit or by the collection of business taxes.
S MAIN ST / JABS

S ARLINGTON ST / BENDIX DR / FAITH RD
CONISISTENCY STATEMENT:

The proposed amendment to the Land Development Ordinance as underlined or stricken herein is reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests.
The City of Salisbury Planning Board recommended approval of the aforementioned amendment of the Land Development Ordinance with a vote of 7 – 2 at the April 9, 2019 Planning Board Meeting.
Google Maps
CHAPTER 2: DISTRICTS

2.1 Purpose

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

These districts are ordered and classified according to a Rural-Urban Transect. The Transect is a method of classifying the natural and built environments as a continuum of six conditions, ranging from rural to urban. The value of the Transect is that it serves to locate any given place within a context in which all of the parts fit together harmoniously.

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

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

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

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

The zoning districts for the City of Salisbury have thus been ordered along this Transect providing an appropriate detailing of development at each end of the continuum (rather than homogenous standardization) as well as a simplified tool for users of this Ordinance to use to facilitate appropriate development. The graphic on this page shows the defining features of various types of developments at either end of the Rural-Urban spectrum.
CHAPTER 2: DISTRICTS

SALISBURY, NC LAND DEVELOPMENT ORDINANCE
ADOPTED DECEMBER 18, 2007; EFFECTIVE JANUARY 1, 2008
2.2 Placement of District Provisions

A. For specific additional use standards, such as specific requirements for Special Uses or uses with additional standards, see Chapter 3: Additional Use Standards.

B. For subdivision platting, infrastructure, and other horizontal requirements, see Chapter 4: Subdivisions & Infrastructure.

C. For dimensional regulations and building design requirements, see Chapter 5: Building Types and Standards.

D. For Infill Standards, general lot requirements, requirements for additions or modifications, accessory and temporary structures, and outdoor storage, see Chapter 6: Lot, Infill, Additions & Accessory Provisions.

E. For the allocation or dedication of recreational open space, see Chapter 7: Recreational Open Space.

F. For landscaping requirements, see Chapter 8: Landscaping.

G. For Stormwater, watershed protections, and other environmental protection provisions, see Chapter 9: Environmental Protection.

H. For parking requirements, see Chapter 10: Parking.

I. For lighting on private property requirements, see Chapter 11: Lighting on Private Property.

J. For signage requirements, see Chapter 12: Signs.

K. For nonconformity requirements and processes, see Chapter 13: Nonconformities.

L. For requirements and information related to city boards and commissions, see Chapter 14: Agencies, Boards, and Commissions.

M. For the Site Plan or Subdivision approval process, see Chapter 15: Development Process.

N. For submittal requirements on all types of plans, see Chapter 16: Development Plan Requirements.

O. For civil violations and penalties, see Chapter 17: Violations and Penalties.

P. For definitions, see Chapter 18: Definitions.
2.3 Base Districts

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

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

- Open Space Preserve (OSP)
- Rural Residential (RR)
- General Residential (GR)
- Urban Residential (UR)
- Historic Residential (HR)
- Residential Mixed-Use (RMX)
- Neighborhood Mixed-Use (NMX)
- Corridor Mixed-Use (CMX)
- Downtown Mixed-Use (DMX)
- Highway Business (HB)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Hospital Services (HS)
- Community & Institution (CI)
- Traditional Neighborhood Development (TND)
- Manufactured Home Development (MHD)

A. Natural Preserve

1. OSP: Open Space Preserve *

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

* Specific Base District Provisions apply to this district.

B. Residential

The residential districts are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate detached residential uses, townhomes and apartments at a lower density range that are compatible with the surrounding neighborhoods are also allowed with additional standards.
1. **RR: Rural Residential** *
   The Rural Residential District is intended to accommodate low-density, rural residential and agricultural uses, protect natural vistas, and landscape features that define our rural heritage.
   *Specific Base District Provisions apply to this district.*

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

3. **HR: Historic Residential** *
   The Historic Residential District is intended to solidify development patterns and land uses inherent to existing historic neighborhoods currently listed on the National Register of Historic Places or within a local historic district designated by the City of Salisbury.
   *Specific Base District Provisions apply to this district.*

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

C. **Mixed-Use**

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

1. **RMX: Residential Mixed-Use**
   The Residential Mixed-Use District is intended to accommodate moderately higher density residential and transitional non-residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial nodes and along the boundaries of existing neighborhoods with immediate access to a thoroughfare. The intent is to permit density increases in areas that do not harm existing lower-density neighborhoods while complimenting commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.
2. **NMX: Neighborhood Mixed-Use**
The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

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

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

D. **Assigned Districts**

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

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

2. **HS: Hospital Services**
The Hospital Mixed-Use District serves as a primary employment center generally concentrated within ¼ mile of a local hospital complex. It permits the continuation and expansion of the hospital complex, as well as supporting uses such as office, lodging, and limited retail uses in close proximity.
3. **CI: Community & Institution**
   The Community & Institution District is coded to permit the development and continuation of uses that either serve or are of interest to a community or the general public. The CI district may be located in either residential or non-residential areas; therefore, uses are generally limited to non-profit or institutional.

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

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

6. **TND: Traditional Neighborhood Development**
   The intent of this District is to allow for the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods that minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. Traditional Neighborhood Developments adhere to the following design principles:
   *Specific Base District Provisions apply to this district.*
   - All neighborhoods have identifiable centers and edges
   - Edge lots are readily accessible to retail by non-vehicular means (a distance not greater than ¼ - ½ mile)
   - Uses and housing types are mixed and in close proximity to one another
   - Street networks are interconnected and blocks are small
   - Civic uses are given prominent sites throughout the neighborhood
   - All lots are in walking distance of recreational open space
7. **MHD: Manufactured Home Development** *
   Manufactured housing is a recognized form of affordable housing. To provide for this type of housing in an organized manner, this district permits planned development of a neighborhood using any combination of site built and manufactured homes. Manufactured Home Developments shall take the form of Manufactured Home Neighborhoods or Manufactured Home Parks, subject to the requirements below and the approval process for Conditional Districts.
   * Specific Base District Provisions apply to this district.

2.4 **Specific Base District Provisions**

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

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

   **C. HR: Historic Residential**
   Existing historic house types (built prior to 1955) shall not be subdivided beyond that of a single-family use.

   **D. LI & HI: Light & Heavy Industrial**

   1. **Building Design Standards:** All portions of buildings within 100 ft. of the street shall be designed in a manner that is pedestrian in scale and massing unless a technological requirement demands a different design. Required building design elements include the following, unless waived by the Administrator based on determination that the requirements would adversely impact the intended use of the building:
      
      a. **Building Materials:** All building walls visible from a public street shall be brick or decorative concrete masonry unit, or other materials similar in appearance and durability.
      
      b. **Building Facades:** Avoid long, blank walls by integrating design variety along the façade through wall offsets, change in material patterning, awnings, windows, or doors or other techniques used to avoid wall monotony.
2. Lot, Building, and Accessory Structure Dimensional Requirements:

<table>
<thead>
<tr>
<th></th>
<th>LI All Structures</th>
<th>HI All Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior District/Development Setback (Minimum)</td>
<td>100 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Undisturbed District/Development Buffer (Minimum)</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Internal Setbacks (Minimum)</td>
<td>0 ft. or 4 ft.</td>
<td>0 ft. or 4 ft.</td>
</tr>
</tbody>
</table>
E. TND: Traditional Neighborhood Development

   (Note: Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions)

2. The entire land area of the TND shall be divided into blocks, streets, lots and recreational open space areas.

3. Similar land use categories shall generally front across streets. Dissimilar use categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.

4. The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

5. Open Space: No portion of the TND shall be further than ¼-mile from recreational open space as defined in Chapter 7, including recreational open space outside of the TND boundaries. Recreational open space shall be provided in accordance with the requirements of Chapter 7.

6. Building Types, Dimensional Standards, and Net Density: The building types, dimensional standards, and net density shall be established in accordance with the neighborhood design, but within 200 feet of all adjacent property boundaries (not across streets) the lot widths and depths and building types shall be generally consistent with the adjacent zoning district(s) of a lower development intensity/density.

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

8. Land Allocation By Use

<table>
<thead>
<tr>
<th></th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Uses</td>
<td>15%</td>
<td>75%</td>
</tr>
<tr>
<td>Two-Family and Multi-Family Uses</td>
<td>10%</td>
<td>40%</td>
</tr>
<tr>
<td>Lodging/Office/Retail Uses</td>
<td>2%</td>
<td>40%</td>
</tr>
<tr>
<td>Civic Uses</td>
<td>2%</td>
<td>none</td>
</tr>
<tr>
<td>Open Space</td>
<td>Per Chapter 7</td>
<td></td>
</tr>
</tbody>
</table>
F. MHD: Manufactured Home Development

1. Manufactured Home Neighborhood

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

   b) Individual homes shall be placed upon separately platted lots.

   c) Design of manufactured homes should be in compliance with the architectural standards in Chapter Section 5.7.C.

   d) Neighborhoods with 30 or more lots shall have at least two (2) entrances.

   e) **Lot and Dimensional Specifications:**

<table>
<thead>
<tr>
<th></th>
<th>All Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Development Size</td>
<td>3 acres</td>
</tr>
<tr>
<td>Maximum Development Size</td>
<td>40 acres</td>
</tr>
<tr>
<td>Maximum Development Density</td>
<td>6</td>
</tr>
<tr>
<td>External Development Boundary</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Internal Setbacks (Minimum)</td>
<td>None</td>
</tr>
</tbody>
</table>
2. Manufactured Home Parks

a) General Description: The location of two or more manufactured homes on a parcel of land shall constitute a manufactured home park and shall be subject to the provisions of this sub-section.

b) General plan: Each application for a manufactured home park as a Special Use Permit shall be accompanied by general plans, including contoured site plans (two-foot intervals). The general plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements as may be considered essential by the TRC. The general plan shall also show that all improvements would meet the following minimum standards.

c) Lot and Dimensional Specifications:

<table>
<thead>
<tr>
<th>Minimum Development Size</th>
<th>5 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Development Size</td>
<td>40 acres</td>
</tr>
<tr>
<td>Maximum Development Density (Units/Anr)</td>
<td>6</td>
</tr>
<tr>
<td>Exterior Development Setback</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minimum Area for Manufactured Home Space</td>
<td>7,000 sq. ft.</td>
</tr>
<tr>
<td>Distance between Units</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Internal Setbacks (Minimum)</td>
<td>None</td>
</tr>
</tbody>
</table>

d) General Requirements: The following standards shall be considered the minimum requirements for all new manufactured home parks:

i. The area on which the manufactured home rests shall be a level, well-drained area of stabilized material, such as crushed stone, of such composition that it shall securely support the underpinning of the manufactured home.

ii. All interior roadways shall be lighted at night by 100-watt, high-pressure sodium or equivalent fixture spaced at intervals of no more than two hundred (200) feet apart. The maintenance of such lighting shall be the responsibility of the park owner.

iii. A covered garbage receptacle (rollout) shall be provided for each lot and shall be located in an easily accessible place.
iv. There shall be a patio of at least four (4) inches thick of concrete or other appropriate surfacing materials located adjacent to the area where the manufactured homes shall rest. Said surface shall be so located as to coincide with the main entrance to the manufactured home. Said area shall be no less than eight (8) feet by fifteen (15) feet.

v. **Recreational Open Space:** At least ten percent of the total area to be used as a manufactured home park shall be set aside for recreational open space as defined in Chapter 7.

e) **Streets and Parking**

i. No manufactured home shall have direct access to a public street. Convenient access to each manufactured home space shall be provided by streets or drives with a minimum of 20 feet graded, drained, and paved with a durable dustless surface, for automobile circulation. Maintenance of such streets shall be provided for by the owner and/or operator of the manufactured home park.

ii. **Parking Spaces:** A minimum of two automobile parking spaces (paved with a durable, dustless surface) shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.

f) **Planting Yard**

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

Density is the number of housing units per unit of land and is usually expressed as “units per acre”. For the purpose of this Ordinance, density shall be calculated on a project by project basis in terms of gross density, which includes the area necessary for streets, open space, and other public facilities. Following are the density maximums for each district:

- Open Space Preserve (OSP) 1 unit per 20 acres
- Rural Residential (RR) 1 unit per 5 acres
- General Residential (GR3) 3 units per acre
- General Residential (GR6) 6 units per acre
- Urban Residential (UR8) 8 units per acre
- Historic Residential (HR) 8 units per acre
- Urban Residential (UR12) 12 units per acre
- Residential Mixed-Use (RMX) 18 units per acre
- Neighborhood Mixed-Use (NMX) No Maximum
- Corridor Mixed-Use (CMX) No Maximum
- Downtown Mixed-Use (DMX) No Maximum
- Highway Business (HB) No Maximum
- Light Industrial (LI) Not Applicable
- Heavy Industrial (HI) Not Applicable
- Hospital Services (HS) No Maximum
- Institutional Campus (IC) No Maximum
- Traditional Neighborhood Development (TND) No Maximum
- Manufactured Home Development (MHD) 6 units per acre
2.6 Overlay Districts

Pursuant to North Carolina General Statute 160A-382, the following overlay districts are established. There are two types of overlay districts within this Ordinance: Fixed Overlay Districts and Floating Overlay Districts.

Fixed Overlay Districts

A. G-EIO: Gateway – East Innes Street Overlay

Appendix A of this LDO. These specific overlay provisions were adopted under Ordinance 2003-57 on September 2, 2003 and remain in full force and effect.

B. AZO: Airport Zoning Overlay

Appendix D of this LDO. These specific overlay provisions were adopted under Ordinance 2005-06 on February 1, 2005 and remain in full force and effect.

C. LHO: Local Historic Overlay

1. Purpose and Intent: The historical heritage of Salisbury is one of our most valued and important assets. The Local Historic Overlay (LHO) District is created to encourage the restoration, preservation, rehabilitation, and conservation of districts, buildings, sites, and objects with historical and/or architectural significance and to prevent the decline, decay, and/or demolition of such districts, buildings, sites, and objects.

2. Uses Permitted: All uses permitted in the underlying zoning district shall be permitted in the LHO. Regulations of this Section shall not be interpreted to further regulate the use of the structures in the underlying zoning districts.

3. Regulation of Exterior Features: No exterior feature of any building or other structure, landscape or natural feature, above-ground utility structure or any type of on-premise sign shall be erected, altered, restored, moved or demolished within an LHO until an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission. Exterior features include the architectural style, general design, color and general arrangement of the exterior of the building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features refer to the style, material, size, color, and location of all such signs.

4. Features Not Considered: The Historic Preservation Commission shall not consider interior arrangement nor take any action to restrict interior changes except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs in the LHO which would be incompatible with its historic aspects.
5. **Standards and Design Guidelines**: All buildings, structures, features, sites, objects, or surroundings in an LHO District shall be subject to the design guidelines adopted by the Historic Preservation Commission. These guidelines shall be based upon the United States Secretary of the Interior’s Standards for Rehabilitation as follows:

   a) A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   d) Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

   e) Distinctive features, finishes, and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.

   f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   i) New additions, exterior alterations, or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, and architectural features to protect the historic integrity of the property and its environment.

   j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
6. Land use, interior arrangement, maintenance, emergency repairs not considered

a) Nothing herein shall be construed to prevent a property owner from making any use of his or her property not prohibited by other statutes, Ordinances or regulations.

b) The commission may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without express consent of the owner or occupant thereof.

c) Except as provided in paragraph (4) below, the commission shall have no jurisdiction over interior arrangement and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of a landmark or of the district.

d) Notwithstanding paragraph (3) above, the jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned designated landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of any owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds and indexed accordingly to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

e) The ordinary maintenance or repair of any exterior architectural feature of a landmark, or in the Historic District ‘A’ which does not involve a change in design, material, color or outer appearance thereof, shall not be prevented by the requirements pertaining to the designated landmark or historic district.

f) Nothing in this article shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the commission.

g) The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the city code inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition, shall not be prevented by the requirements pertaining to the landmark, or the historic district.
D. WPO: Watershed Protection Overlay

1. Purpose and Intent: The purpose and intent of this Section is to regulate the development and land-use density in certain watershed areas in order to limit water supply watershed exposure to non-point source discharge and pollution. The non-point source discharge can contribute biological contamination, turbidity from soil erosion and sedimentation, nutrient enhancement, and heavy metal pollution; all of which endanger the water supplies that provide drinking water to the City.

As required by the Water Supply Watershed Protection Act of 1989 (G.S. § 143-214.5), the State of North Carolina has classified each of North Carolina’s drinking water supply watersheds to an appropriate classification. The designated watershed within the Salisbury planning and zoning jurisdiction is classified as “WS-IV” and is a protected water supply that is moderately to highly developed.

The existing built-upon surface area is not counted toward the allocated built upon area. For the purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

2. Watershed IV Protected Area:

Only new development activities that require an erosion/sedimentation control plan under North Carolina law are required to meet the provisions of this Ordinance when located in a WS-IV-PA watershed.

A natural vegetative buffer of 50-100 feet shall be provided on all lands contiguous to each side of all perennial streams and watercourses in this Watershed.

a) Allowed Uses

   i. Agriculture subject to the provisions of the Food Security Act of 1985, the Food, Agriculture, Conservation, and Trade Act of 1990, and 15A NCAC 2H.0217 are permitted. (Note: The Soil and Water Conservation Commission is the designated management agency responsible for implementing the provisions of this Chapter relating to agricultural activities.)

   ii. Silviculture, subject to the provisions of the Forest Practices Guidelines related to water quality (15 NCAC 11.6101-.0209).

   iii. Residential development.

   iv. Non-residential development.
b) Density and Maximum Built-Upon Limits

i. Single Family Residential Uses (Low Impervious Cover Option): Development shall not exceed two (2) dwelling units per acre on a project by project basis. Cluster developments are also allowed in accordance with sub-section D below. Required natural vegetative buffer: 50 feet.

ii. All Other Permitted Residential and Non-Residential (Low Impervious Cover Option): Development under the low density option shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. Required natural vegetative buffer: 50 feet.

iii. High Density Cover Option: Where new development is proposed to exceed either two (2) dwelling units per acre or 24% built-upon area, engineered stormwater controls (BMPs) shall be used to control runoff from the first inch of rainfall. In no instance may development exceed seventy (70%) built-upon area on a project by project basis. All BMPs shall meet the standards of Section C below. Required natural vegetative buffer: 100 feet.

3. Best Management Practices (BMPs)

One or more of the following best management practices (BMPs) are required to achieve an efficiency of 85% Total Suspended Solids (TSS) Removal:

<table>
<thead>
<tr>
<th>Practice</th>
<th>Assumed TSS Removal Efficiencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wet detention ponds</td>
<td>85%</td>
</tr>
<tr>
<td>Extended detention wetlands</td>
<td>85%</td>
</tr>
<tr>
<td>Pocket wetlands</td>
<td>35%</td>
</tr>
<tr>
<td>Bioretention/biofiltration areas</td>
<td>85%</td>
</tr>
<tr>
<td>Sand filters</td>
<td>85%</td>
</tr>
<tr>
<td>Grassed swales</td>
<td>35%</td>
</tr>
<tr>
<td>Filter strips</td>
<td>35%</td>
</tr>
<tr>
<td>Extended dry detention</td>
<td>50%</td>
</tr>
<tr>
<td>Infiltration practices</td>
<td>85%</td>
</tr>
</tbody>
</table>

4. Cluster Development

Cluster development is allowed in the Watershed Area under the following conditions:

a) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in the underlying zoning districts. Density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.
b) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

c) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; to a conservation organization for preservation in a permanent easement; or it may be privately held, as long as a permanent conservation easement is placed on the land. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Floating Overlay Districts

A. CD: Conditional District

1. **Purpose and Intent:** The Conditional District (CD) is a floating overlay zoning district that exempts specific Ordinance provisions so as to encourage innovative design. Although not measured against all provisions of this Ordinance, the City will review CD development in light of all applicable, adopted plans and policies in order to provide greater certainty as to the resulting project.

For the developer, the Conditional District has the highest level of flexibility for the design of the development. The CD is not subject to *all* of the traditional Ordinance standards. Instead, design elements are determined *for the specific development* and are written into the rezoning Ordinance, which becomes law. For City Council and the community, since the urban design elements are expressly stated in the rezoning Ordinance and become law, there is a greater degree of certainty as to the final product. The City Council can negotiate with the developer to add conditions, requirements or limitations.

2. **Minimum Area:** There shall be no minimum land area required for a Conditional District except when developed as an MHD-CD, where the minimum land area shall be 3 acres.

3. **District Provisions:** The Conditional District is an alternative zoning process that may permit a mixture of land uses and alternative development standards as may be required to address the unique characteristics of an individual property through a Master Plan. The plan shall be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively yield a context sensitive development. The CD is not intended to relieve hardships that would otherwise be handled using a variance procedure; rather, the CD is intended as a means of accommodating design innovation and market expectations.
When designing a CD Master Plan, the following chapter and/or section provisions are not applicable. The Master Plan may identify any alternatives to those provisions, but when a plan is not providing an alternative, those provisions shall remain applicable.

a) Section 2.4.D of Districts
b) Sections 5.5 through 5.17 of Building Types and Standards
c) Sections 4.8, 4.10 of Subdivisions and Infrastructure
d) Chapter 10: Parking
e) Chapter 11: Lighting

B. GD-A: General Development-A District

1. Purpose and Intent: The general development-A district is intended as an area where any use authorized in the base (underlying) zoning district shall be permitted only when it is developed and maintained in accordance with a site plan approved by the City Council.

2. Applicability: The general development-A district shall be recognized as an additional floating overlay district that existed under the previous Ordinance and may remain in existence where adopted by City Council; however, no new or expansion of the boundaries of existing GD-A districts shall be authorized under this Ordinance. Within a general development-A district (GD-A) any commercial or industrial use permitted in the base zoning district shall be permitted only when developed and maintained in accordance with a City Council-approved site plan. City Council review and consideration shall be according to the procedure and standards set out for Major Site Plan review as outlined in Section 15.9 of this Ordinance.
CHAPTER 2: DISTRICTS

2.7 Uses Permitted By District

A. All uses permitted in this Ordinance have been divided into nine (9) general categories as detailed in Chapter 18 and are generally defined as follows:

1. **Residential:** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month’s duration.

2. **Lodging:** Premises available for short-term human habitation, including daily and weekly rental.

3. **Office/Service:** Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.

4. **Retail/Restaurants:** Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.

5. **Entertainment/Recreation:** Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.

6. **Manufacturing/Wholesale/Storage:** Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.

7. **Civic/Institutional:** Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.

8. **Infrastructure:** Uses and structures dedicated to transportation, communication, information, and utilities.

B. Interpretation of Use Matrix

1. Uses not listed as a permitted (P), permitted with additional standards (PS) or requiring a special use permit (SUP) are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator’s decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this Chapter may be amended to establish a specific listing for the use in question.
2. The Administrator may determine that a use is materially similar if:

   a) The use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association [Reference: http://www.planning.org/lbs/index.html]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection b below.

   b) The proposed use shall not generate average daily trips exceeding other similar uses proposed in the zoning district by more than ten percent (10%), as determined by the Institute of Transportation Engineers, Trip Generation (7th ed., 2003) (the "ITE Manual"), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, then the use shall be considered materially similar to the use that most closely approximates the proposed use. The Administrator may also refer to similar local traffic studies.

3. In order to assist in interpretation of the Use Matrix, the LBCS numbers where applicable are enumerated in Chapter 18, Definitions. In interpreting the Use Matrix, the following rules of construction shall apply:

   a) If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications get more specific.

   b) Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.
## CHAPTER 2: DISTRICTS

### C. Use Matrix

<table>
<thead>
<tr>
<th>BASE DISTRICT</th>
<th>OSP</th>
<th>RR</th>
<th>GR</th>
<th>UR</th>
<th>HR</th>
<th>RMX</th>
<th>NMX</th>
<th>CMX</th>
<th>DMX</th>
<th>HB</th>
<th>LI</th>
<th>HI</th>
<th>HS</th>
<th>CI</th>
<th>MHD</th>
<th>TND</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling: Multifamily 4 units/bldg. or less</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Family Care Home</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Live-Work Unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufactured Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rooming or Boarding House</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Office / Service</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banks, Credit Unions, Financial Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Child Care Home</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Child Care Center in Residence</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Drive Thru Service</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Care Facility (More than 6 residents)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laundry Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

---

**SALISBURY, NC LAND DEVELOPMENT ORDINANCE**  
ADOPTED DECEMBER 18, 2007; EFFECTIVE JANUARY 1, 2008

<table>
<thead>
<tr>
<th>Office/Service District</th>
<th>T1</th>
<th>T2</th>
<th>T3</th>
<th>T4</th>
<th>T5</th>
<th>T6</th>
<th>Assigned Districts</th>
<th>Planned Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Kennels</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Treatment Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio, Art, dance, martial arts, music</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Services: Minor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Services: Major Repair/Body Work</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail/Restaurant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Sales Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto Parts Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar/Tavern/Night Club</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-Thru Retail/Restaurant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 3,500 sf or less</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 3,501 sf - 10,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: 10,001 sf - 50,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail: Greater than 50,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle or Heavy Equipment Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment/Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Establishment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusements, Indoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusements, Outdoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural or Community Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet/Electronic Gaming</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Facilities, Indoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Facilities, Outdoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater, Movie</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater, Live Performance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Salisbury, NC Land Development Ordinance**

Adopted December 18, 2007; Effective January 1, 2008

### Chapter 2: Districts

<table>
<thead>
<tr>
<th>BASE DISTRICT</th>
<th>T1</th>
<th>T2</th>
<th>T3</th>
<th>T4</th>
<th>T5</th>
<th>T6</th>
<th>Assigned Districts</th>
<th>Planned Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacturing / Wholesale / Storage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry, dry cleaning plant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, Light</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, Neighborhood</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Media production</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metal products fabrication, machine or welding shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-Warehouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage: Outdoor Storage Yard as a primary use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage: Warehouse/Indoor Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesaling and distribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Civic / Institutional</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campground</td>
<td>PS</td>
<td>PS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>P</td>
<td>PS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College/University</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Institution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School: Elem. &amp; Secondary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School: Vocational/Technical</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transportation / Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot (primary use)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structure (primary use)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road/Rail Transit - Passenger</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road/Rail Freight/Courier/Trucking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities-Class 1</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Utilities-Class 2</td>
<td>SUP/CD</td>
<td>SUP/CD</td>
<td>SUP/CD</td>
<td>SUP/CD</td>
<td>SUP/CD</td>
<td>SUP/CD</td>
<td>SUP/CD</td>
<td></td>
</tr>
<tr>
<td>Utilities-Class 3</td>
<td>SUP/CD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Telecomm Facility: Stealth</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Telecomm Facility: Tower</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**BASE DISTRICT:**
- **OSP** = Base District
- **RR** = Base District
- **GR** = Base District
- **UR** = Base District
- **HR** = Base District
- **RMX** = Base District
- **NMX** = Base District
- **CMX** = Base District
- **DMX** = Base District
- **HB** = Base District
- **LI** = Base District
- **HI** = Base District
- **HS** = Base District
- **CI** = Base District
- **MHD** = Base District
- **TND** = Base District

**Assignments:**
- **SUP** = Special Use Permit required and subject to Additional Standards in Chapter 3
- **SUP** = Permitted subject to Additional Standards in Chapter 3
- **SUP** = Not Permitted
- **SUP** = Permitted as new development only
- **SUP** = SUP is not required when proposed and adopted as part of a Conditional District
Chapter 3. ADDITIONAL USE STANDARDS

3.1 Purpose and Intent

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among building types so that different uses may by located in proximity to one another without adverse effects to either. This Chapter specifies those requirements that shall be met by all the uses listed in the Uses Permitted with Additional Standards and Special Uses sections for each District in Chapter 2.

Each use shall be permitted upon compliance with all conditions listed for the use in this chapter. Certain uses are classified as Special Uses and require a Special Use Permit and City Council approval in accordance with Section 15.17.

3.2 Applicability

The regulations contained in this Chapter shall be applicable in those districts within which such uses are permitted.

3.3 Additional Standards by Use

A. Adult Establishments – For HB only

The purpose of this special exception shall be to permit the location of adult establishments within a commercial or industrial district of the city provided the proposed business adheres to the guidelines established herein.

Because of their very nature, adult establishments are recognized as having serious objectionable operational characteristics, particularly when they are located near a residential zoning district or certain existing land uses. Special regulation of these establishments is necessary to insure that these adverse effects will not contribute to a downgrading or blighting of surrounding residential districts or neighborhoods, unless otherwise determined by this Section.

1. Location Standards: No portion of a lot for an adult establishment may be located within a 1000-foot radius (determined by a straight line and not street distance) of any place of worship, school (public or private), specialty school, day care facility, public park, college or university, nursing home, hospital or any residential zoning district. No portion of the lot on which the adult establishment is located shall be situated within 1000 feet of another adult establishment.
2. General Standards:

a. The owner/operator of the adult establishment must have a current, valid business license. Owner/operator and employees must make disclosure of criminal record and consent to a criminal records check. Persons with a record of sex offenses will be denied a business license or employment.

b. The owner/operator shall be in full compliance with Article II, Chapter 42, of the Salisbury City Code.

c. All patrons and their employees shall be at least 21 years of age.

d. There shall be no more than one adult establishment business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment business.

e. The structure in which the adult establishment is located shall contain no sleeping quarters.

f. The adult establishment shall not be open for business between the hours of 12:00 midnight and 12:00 noon. The establishment shall be closed on Sundays.

g. If dancers are employed as a feature of the adult establishment, the performing areas for such dancers shall be separated from patrons by at least ten feet.

h. If viewing booths are provided, such are to be designed so as to allow the person of occupants to be completely visible from a portion of the premises open and available to the public.

i. The applicant shall propose and implement a site-lighting plan adequate to ensure public safety.

j. An adult establishment may be advertised by one (1) sign on the premises, which shall be sized and illuminated in compliance with Chapter 12. Printed material, video, photograph, written text, live show, or other visual presentation format shall not be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

3. Board of Adjustment Actions

a. Variance: The Board of Adjustment may vary the radius requirements as stated in Subsection 3.3.A.1. above when it finds that:

- Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements; and
- The proposed use will not be injurious to property or improvements in the affected area; and

Salisbury, NC Land Development Ordinance
Adopted December 18, 2007; Effective January 1, 2008
Amended 10/19/10, Ord.2010-42; 1/18/11, Ord.2011-03; 3/15/11, Ord.2011-13;
2/21/12, Ord.2012-06; 3/17/15, Ord.2015-07; 8/18/15, Ord.2015-27; 3/7/17,
Ord.2017-17; 4/3/18, Ord.2018-15
- The proposed use will not enlarge or encourage the development of a blighted condition within an area; and
- The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement, or revitalization; and that all of the conditions in Section 15.16.C have been met.

b. **Revocation of Zoning Permits:** The Board of Adjustment may revoke the Zoning Permit, after notice and hearing upon one or more of the following grounds:

- Failure to comply with the aforementioned standards.
- Employment of any person under the age of 21 years of age.
- Operating an establishment disruptive of peace and good order as evidence by lack of sufficient on-premises security and specifically by a conviction of a criminal offense, a material element of which occurred on the premises of the adult establishment.
- Admittance of patrons younger than 21 years of age.
- Excessive criminal activity on or near the premises if the Board of Adjustment finds that the operation of the adult establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

B. **Alcohol Beverage Sales Store** – *For NMX & HS only*

1. Such uses shall not be located within a minimum of 500 feet of lots in use with schools, churches, hospital, and day care centers.

C. **Animal Services** – *For RR & UR only*

1. No outdoor kennel shall be located within five hundred (500) feet of any residence.

2. All open exercise, boarding, training or similar areas shall be designed to effectively buffer noise audible to surrounding properties and enclosed by a fence or wall no less than six (6) feet in height and screened from any residence or off-site view from a public street by a Type A planting yard with a minimum width of 10 feet.

3. Hours of operation for the outdoor exercise facility are limited from 7:00 a.m. to 9:00 p.m.

4. No more than 30% of the gross floor area of the principal structure is permitted for use of boarding animals.
CHAPTER 3: ADDITIONAL USE STANDARDS

D. Bar/Tavern/Night Club – For NMX, CMX, DMX, & CM only
   1. No such facility shall be located within five hundred (500) feet of any lot containing a school.

E. Campground – For All Districts
   1. Size: Minimum of three (3) acres; maximum of 10 acres
   2. Density: Maximum of 10 campsites per acre
   3. Minimum space requirements:
      a. Each space shall consist of at least 2,000 square feet
      b. Each space shall be designated on the ground by permanent markers
   4. Minimum setbacks for campsites and accessory structures:
      a. 100 feet from any adjoining property line
      b. 50 feet from any public street right-of-way
   5. Minimum setbacks for recreational vehicles (or travel trailers): Setbacks shall be at least 10 feet from each other or from accessory structures, such as attached awnings or carports, or individual storage facilities.
   6. Access to the site: Access shall be provided by a Major or Minor Thoroughfare
   7. Interior drives:
      a. Each campsite shall abut an interior drive
      b. A minimum of 18 feet in width for two-way travel; a minimum of 12 feet in width for one-way travel
      c. Paved or consist of a minimum of six-inch compacted gravel
      d. No parking on either side
   8. Parking: An all-weather surface area, such as pavement or gravel, with sufficient dimensions to accommodate at least one automobile and camping vehicle shall be constructed within each site
   9. Walkways: Sidewalks and other walkways within the campground area shall be at least four feet in width with an all-weather surface, such as pavement or gravel. Nature trails are not required to have all-weather surfaces
   10. Unpaved Areas: All unpaved areas within the campground shall have vegetative ground cover adequate to prevent erosion and dust
11. **Trees:** At least one tree shall be provided for each two camping spaces.

12. **Recreation area:**
   
a. In all campgrounds, there shall be at least one recreation area that shall be easily accessible to all spaces

   b. The size of such area shall not be less than eight percent (8%) of the gross site area

13. **Planting yards:**
   
a. Adjoining residentially zoned properties: Type-C planting yard, with Complete Visual Separation

   b. Adjoining non-residentially zoned properties: Type-B planting yard

14. **Trash collection areas:** All trash collection areas shall be completely screened from view at any public right-of-way or property line.

15. **Utilities:**
   
a. All utilities shall be located underground

   b. The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform to all applicable codes

   c. Each park shall obtain water from a municipal water supply when available and, when unavailable, from a source approved by the county health department. The water supply and pressure shall be adequate for the park requirements

16. **Signage:** Signage shall be in accordance with the Residential Sign Table in Section 12.6.

17. **Maximum length of stay:**
   
a. 30 consecutive days

   b. 90 days per calendar year

18. **Employee(s):** Each campground shall provide at least one full-time attendant.

19. **Manufactured dwellings:** It shall be unlawful for a person to park or store a manufactured dwelling in a campground, except that one manufactured dwelling may be located within the park for exclusive use by the park manager or operator. This manufactured dwelling shall be located in an area designated on the site plan and approved by reviewing boards.
20. **Accessory uses:**
   
a. The park may contain laundry facilities, a retail sales counter and/or coin-operated machines, provided they are enclosed within a structure and there is no exterior advertising

**F. Cemetery** – *For RR, RMX, & NMX only*

1. Embalming or cremation facilities (principal or accessory use) are prohibited except where permitted by right
2. Setbacks from all street rights-of-way and adjacent properties to a grave shall be a minimum of 10 feet

**G. Child Care Home** – *For OSP, RR, GR, UR, HR, RMX, NMX, CMX, DMX, HB, HS, IC, MHD, and TND*

1. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services

**H. Child Care Center in Residence** – *For OSP, RR, GR, UR, HR, RMX, NMX, CMX, DMX, HB, HS, IC, MHD, and TND*

1. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services
2. A minimum of 100-square feet per child of gross heated area shall be provided per facility

**I. Commercial Child Care Center** – *For RMX, NMX, CMX, DMX, HB, HS, IC, and TND*

1. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services

**J. Drive-Thru Service** – *For RMX, NMX, DMX, & TND only*

1. Drive-through windows and services shall be located and accessed at the rear or interior side of the building
2. Vehicle storage for drive-through uses shall be located outside of and physically separated from the right-of-way of any street
3. Drive-through facilities shall be screened from off-site view or from a street right of way by a Type-A planting yard with a minimum width of 10 ft.

**K. Dwelling – Multifamily 4 units/bldg. or less** – *For HR only*

1. Up to four (4) units per building, or less, are permitted only when the structure was originally constructed to contain such multiple units
L. Dwelling – Secondary – *For RR, GR, UR, HR, & RMX only*

Secondary dwelling units within single-family houses or on single-family lots shall be encouraged and designed to meet housing needs.

1. The accessory dwelling unit shall be subordinate to the primary living quarters.

2. Not more than one (1) secondary dwelling unit is permitted per lot.

3. Any secondary dwelling unit shall be located in the rear yard of a single-family use lot subject to the requirements of this Section.

4. Secondary dwelling units may be created as a second story within detached garages provided that the height of the secondary dwelling unit and/or garage does not exceed the height of the principal structure on the lot. There shall be a two (2)-story height maximum.

5. The secondary dwelling unit may not be larger than fifty (50) percent of the gross floor area of the principal structure with a minimum habitable area of not less than 300 square feet. Maximum building footprint for a secondary dwelling unit shall be 750 square feet.

6. No additional parking spaces are required for the secondary dwelling unit provided the number of spaces for the principal structure (per Chapter 10) is satisfied.

7. Secondary dwelling units shall be architecturally compatible to the principal building (e.g. pitch of roof, wall or trim materials, architecture style, window details).

8. The property owner(s) on which the accessory dwelling unit is to be located shall occupy at least one (1) of the dwelling units on the premises (GR, UR, & HR only).

M. Equipment Rental – *For DMX only*

1. Outside storage of rental equipment is prohibited.

N. Gas Station – *For All Applicable Districts*

1. Fuel Pump and Canopy Siting: Notwithstanding district location, excessively large or tall canopies are prohibited. All canopies shall be sized to accommodate general coverage from the elements and tall enough to accommodate a 14-foot commercial motor vehicle.

   a. DMX, TND: Fuel pumps and canopies are prohibited in the front and side yards and are limited to the rear yard
b. NMX, CMX: A maximum of two (2) pumps (allowing up to four (4) fueling spots), including canopies, may be located in the front yard. Any additional pumps and canopies shall be located in the side or rear yards, except that pumps and canopies are prohibited in a side yard that is adjacent to the OSP, RMX, or any Residential district.

c. HB, IJ: Fuel pumps and canopies may be located in any yard

2. Required Vehicle and Bicycle Parking provisions of Chapter 10, Parking, Section 10.3, shall apply to the associated convenience store or staffed pay station and are not applicable for the fuel pump areas or unmanned stations.

3. Lighting provided by canopies shall be per the specifications of Chapter 11, Lighting on Private Property

O. General Retail – 3,500 square feet or less – For RMX & NMX only

1. Alcohol sales shall require a Special Use Permit

P. General Retail - Greater than 50,000 square feet – For All Districts

1. Traffic Study Required: Development greater than 50,000-sf in gross floor area shall require the submission of a Traffic Impact Analysis in accordance with Section 16.13. The improvements recommended by the study shall be constructed by the applicant as a condition of approval.

Q. Group Care Facility (More than 6 residents) – For All Districts

1. Any structure used for such facility in the UR or RMX district shall maintain an appearance of a residence, which is compatible with the surrounding neighborhood.

2. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services.

R. Home Occupation – For OSP, RR, GR, UR, HR, RMX, HS, IC, MHD & TND

Unless expressly and separately regulated elsewhere in this Ordinance, a home occupation is permitted as an accessory to a dwelling unit in accordance with the following provisions:

1. Home occupations shall be limited to the following uses in the following districts:

   a. OSP, RR:
      (1) Domesticated or farm-related animal husbandry, including kennels (domesticated: min. 1 acre; farm-related: min. 3 acres)

      (2) Financial and professional services

      (3) Studio, such as arts, martial arts, yoga
(4) Vehicle services: minor maintenance and repair (min. 1 acre)

(5) Indoor/outdoor recreation facility (min. 3 acres)

(6) Fabrication, machine, or welding shop (min. 3 acres)

(7) Neighborhood manufacturing

b. GR, MHD, RMX:
   (1) Domesticated animal husbandry (min. 1 acre)

   (2) Financial and professional services

   (3) Studio, such as arts, martial arts, yoga

   (4) Neighborhood manufacturing

c. UR, HR, HS, IC, TND:
   (1) Financial and professional services

   (2) Studio, such as arts, martial arts, yoga

   (3) Neighborhood manufacturing

2. Except in the OSP and RR districts, the home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

3. For all districts other than OSP or RR, a maximum of one (1) non-resident employee, contracted or otherwise employed, is permitted at the home during allowed operating hours. Other non-resident employees, contracted or otherwise employed, are prohibited from parking personal vehicles on-site and prohibited from congregating on the subject property during allowed operating hours. In the OSP and RR districts, a maximum of five (5) non-resident employees, contracted or otherwise employed, are permitted at the home during allowed operating hours. Other non-resident employees, contracted or otherwise employed, are prohibited from parking personal vehicles on-site and prohibited from congregating on the subject property during allowed operating hours.

4. The use shall not be open to the public, or any customer, before 8:00 a.m. or after 6:00 p.m.

5. Pursuant to the American National Standards Institute (ANSI) definition of “gross living area,” a single home occupation conducted within the dwelling (excluding a finished or unfinished basement or accessory structures) shall occupy no more than 300 square feet of gross living area, while more than one home occupation shall occupy no more than 30 percent or more than 500 square feet (whichever is less) of gross living area of the dwelling.
CHAPTER 3: ADDITIONAL USE STANDARDS

6. Except for equipment or materials of a type and quantity that could reasonably be associated with the principal residential use, outdoor open storage of home occupation elements (including but not limited to tools, products, machinery, materials, and waste) in the GR, UR, HR, HS, or TND districts shall be prohibited in any yard. Except for equipment or materials of a type and quantity that could reasonably be associated with the principal residential use, outdoor open storage of home occupation elements (including but not limited to tools, products, machinery, materials, and waste) in the RMX, IC, or MHD districts may be provided in the rear yard subject to providing Complete Visual Separation, as defined in the Landscaping chapter of this Ordinance, from any street or adjacent residential property. Except for equipment or materials of a type and quantity that could reasonably be associated with the principal residential use, outdoor open storage of home occupation elements (including but not limited to tools, products, machinery, materials, and waste) in the OSP and RR districts may be provided in any yard subject to providing Complete Visual Separation, as defined in the Landscaping chapter of this Ordinance, from any public street or adjacent residential property.

7. Excluding a finished or unfinished basement, or accessory structure, display of stock, goods, or products (for the purpose of sale) shall not be visible from any street or adjacent residential property.

8. Except in the OSP and RR districts, operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.

9. Except in the OSP and RR districts, oversized commercial vehicles and utility trailers, as defined by the municipal ordinance, shall not be permitted in connection with a home occupation.

10. Except in the OSP and RR districts, the number of vehicles used by clients, employees (contracted or otherwise employed), or business-related visitors to the home shall be limited to two (2) vehicles at any time.

11. The home occupation shall not utilize mechanical, electrical, or other equipment, which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home.

12. One non-illuminated wall sign is permitted not to exceed three (3) square feet in size.

S. Housing Service for the Elderly – For GR & UR only

1. The total number of dependent or independent units shall not exceed the applicable district’s density maximum.

T. Internet / Electronic Gaming – For HB only

1. Internet/electronic gaming shall not be located within 500 feet in any direction from any religious institution, public or private child care center/facility, public or private school, or municipal government facilities, including but not limited to municipal public parks.
CHAPTER 3: ADDITIONAL USE STANDARDS

2. During hours of operation, internet/electronic gaming operations shall be open for direct, unobstructed access by police, fire, and emergency response personnel. All entrance doors shall remain unlocked while the premises are being occupied by patrons. All internet/electronic gaming terminals/computers/tables/machines/gaming stations shall be open and visible from the exterior front of the establishment.

3. No person or entity engaged in internet/electronic gaming operations shall allow, permit, or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in the gaming operations.

4. All rules of the internet/electronic gaming shall be displayed in a visible prominent place within the establishment.

U. Live Work Units – For All Applicable Districts
   1. Shall not exceed 3,000 gross square feet and three (3) stories in height.
   2. The same occupant shall inhabit the work area and living area.

V. Manufactured Housing – For All Districts
   1. The manufactured home shall meet the architectural standards of Section 5.7.C.
   2. A minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least forty (40) feet. In general terms, this only permits “doublewide” manufactured housing.
   3. A manufactured home shall not be used for a non-residential purpose.

W. Manufacturing – Neighborhood – For RMX only
   1. Outdoor storage is prohibited.
   2. The use shall be limited to 10 employees.

X. Public Safety Station – For RR, GR, UR, HR, RMX & NMX only
   1. Incarceration facilities shall not be incorporated into the station.

Y. Residential Treatment Facility – For RR, RMX, NMX & TND only
   1. One-half mile distance requirement between facilities.
   2. Only licensable facilities, within the meaning of N.C.G.S. 122C-3, having secured licensure from the Division of Health Service Regulation, may operate in these districts.
CHAPTER 3: ADDITIONAL USE STANDARDS

Z. **Restaurant** – *For RMX only*

1. Shall not exceed 3,500 gross square feet

AA. **Storage – Warehouse / Indoor Storage** – *For CMX & DMX only*

1. When operated as adaptive re-use only

BB. **Vehicle/Heavy Equipment Sales** – *For DMX & TND only*

1. **Equipment Display/Storage:** No product for sale or rent/lease may be displayed in any front yard, and such displays are prohibited from encroaching on any required landscaping areas or planting yards.

2. **Outdoor PA Systems:** Outdoor public address system shall be prohibited.

CC. **Vehicle Services – Major Repair / Body Work** – *For DMX & HB only*

1. All work shall be conducted indoors within an enclosed building.
DD. Wireless Telecommunication Facility – *For All Districts*

The purpose and intent of this section is to provide regulations regarding and affecting the location and characteristics of commercial (i.e., non-governmental or emergency use) wireless telecommunications facilities in the City of Salisbury’s zoning jurisdiction.

In recognition of the Telecommunications Act of 1996, it is the intent of the City of Salisbury to allow Wireless Telecommunication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Salisbury. Wireless Telecommunication Facilities may be considered undesirable with other types of uses, most notably residential, therefore, special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

1. **Location of Wireless Telecommunication Facilities**

   a. Applicants for wireless telecommunications facilities shall demonstrate to the city its efforts to locate, site and erect said wireless telecommunications facilities in accordance with the following preferences, one (1) being the highest preference and four (4) being the lowest preference.

      (1) On existing telecommunications towers or other tall structures;

      (2) Co-location on a site with existing wireless telecommunications facilities or structures;

      (3) On municipally owned properties;

      (4) On other property in the city.

   b. If the proposed site is not the highest preference listed above, then a detailed written explanation must be provided as to why a site of a higher preference was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

   c. An applicant may not by-pass sites of higher preference solely because the site presented is the only site leased or selected. An application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of commercial impracticability or hardship.

   d. Notwithstanding the above, the council may approve any site located within an area in the above list of preferences, provided that the council finds that the proposed site is in the best interest of the health, safety, and welfare of the city and its inhabitants.
e. The applicant shall submit a written report demonstrating the applicant's review of alternative sites considered in light of the preferences, demonstrating the technological reason for the site selection. If the site selected is not the highest preference, then a detailed written explanation as to why sites of a higher preference were not selected shall be included with the application.

f. The applicant shall, in writing, identify and disclose the number and locations of any additional sites that the applicant has been, is, or will be considering, reviewing or planning for wireless telecommunications facilities in the city, and all municipalities adjoining the city, for a two-year period following the date of the application.

g. Notwithstanding that a potential site may be situated in an area of highest preference or highest available preference, the council may disapprove an application for any of the following reasons:

   (1) Conflict with safety and safety-related codes and requirements;

   (2) Conflict with traffic needs or traffic ordinances, or definitive plans for changes in traffic flow or traffic ordinances;

   (3) Conflict with the historic nature of a neighborhood or historical district;

   (4) The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;

   (5) The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the city, or employees of the service provider or other service providers;

   (6) Conflicts with the provisions of this article.

2. Lot Size and Setbacks for Wireless Telecommunication Facilities

a. All proposed wireless telecommunications facilities shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on-site icefall or debris from a tower or tower failure, and to preserve the privacy and sanctity of any adjoining properties. The minimum setback for a tower shall be the height of the tower plus ten (10) feet.

b. All proposed wireless telecommunications facilities shall be located with a minimum setback from any property line a distance equal to the height of the wireless telecommunications facility or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any accessory structure shall be located so as to comply with the
applicable minimum setback requirements for the property on which it is situated.

c. The setback and fall zone requirements of this article shall apply to extensions of existing facilities to accommodate the co-location of additional equipment on the existing site. If the tower on which an extension is proposed is designed to collapse upon itself in the event of catastrophic failure, then any extension of the tower shall likewise be designed to collapse upon itself. If the existing tower is not designed to collapse upon itself, then any extension of the tower shall comply with the setback requirements set forth in subsection (a) hereof unless the council waives such requirement.

3. **Stealth** – *For all districts except OSP & RR*

a. All facilities shall be mounted in a manner such that the personal wireless service facilities do not extend beyond the top of the building or structure on which they are being mounted.

b. Such facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.

4. **Co-Location**

a. Shared use of existing wireless telecommunications facilities shall be preferred by the city, as opposed to the proposed construction of a new telecommunications tower. Where such shared use is unavailable, location of antennas on other pre-existing structures shall be considered and preferred. The applicant shall submit a comprehensive report inventorying existing towers and other structures identified by the city at the pre-application meeting or, if no such meeting is conducted, within ten (10) business days of receipt of the application, within a two-mile radius of any proposed new tower site, unless the applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.

b. An applicant intending to share use of an existing telecommunications tower or other structure shall be required to document the intent of the existing owner to share use.

c. Such shared use shall consist only of the minimum antenna array technologically required to provide service within the city, to the extent practicable, unless good cause is shown.
5. **Antenna and Tower Standards**

   a. **Antenna standards**

      (1) Antennas shall not interfere with the usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the Federal Communications Commission.

      (2) All antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide the city each year with a copy of any FCC and FAA license issued.

      (3) Antennas shall be restricted to the minimum standards of lighting required by the FAA. All antennas that require flashing lights by the FAA shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.

      (4) All antennas and related mechanical equipment placed on structures other than towers shall be concealed antennas. Antennas located on top of buildings or other structures shall not exceed 30% of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet.

      (5) The antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

      (6) Antennas erected solely for a residential, noncommercial individual use, such as residential television antennas, satellite dishes, or ham radio antennas are exempt from these requirements.

   b. **Tower standards for LI and HI Districts**

      Provided that the proposed wireless telecommunications facility satisfies all performance standards below, wireless telecommunications facilities shall be permitted by right in the LI (Light Industrial) and HI (Heavy Industrial) districts.

      (1) New telecommunications towers shall be located at least 500 feet from any existing, legal residential uses in the LI and HI districts.

      (2) No new telecommunications tower shall be permitted in, or within 200 feet of, any officially recognized Federal, State or local historic district or site.

      (3) No new, guyed telecommunication towers are allowed.
(4) No telecommunications tower (including all appurtenant structures such as, but not limited to, lights, lightning rods, and antennae) may exceed 200 feet in height.

(5) The base of any telecommunications tower shall be set back from the nearest property line a distance at least equal to the height of the proposed facility (including the telecommunications tower, and any appurtenances thereto such as, but not limited to, lights, lightning rods and antennae).

(6) The telecommunications tower shall be designed to accommodate the weight and bulk of antennae and equipment for at least two other telecommunications service providers.

(7) A new tower may not be located within 1,500 feet of another, existing tower (such distance to be measured in a straight line from base of tower to base of tower).

(8) Lighting, if any, shall not exceed the minimum lighting required by the Federal Aviation Administration (FAA). The applicant shall demonstrate by written documentation that any lighting proposed is the minimum lighting required by the FAA, and shall specifically demonstrate that marking, rather than lighting, has been deemed unacceptable at the site by the FAA.

(9) The base of each tower shall be enclosed by a fence or wall at least eight (8) feet.

(10) The base station equipment and tower base, and the fence surrounding it, shall be screened from view from surrounding properties by a landscaping barrier at least eight (8) feet in depth and at least six (6) feet in height.

(11) The application for a tower shall include the following information:

   i) The identity of the owner and intended user(s) of the tower;

   ii) Written documentation signed and sealed by a qualified, licensed engineer indicating that the tower and its base station area have sufficient structural integrity to accommodate antennae and accessory equipment of at least three (3) users;

   iii) A map indicating the location of applicant’s nearest, other antennae locations (360°), and a statement of the applicant’s need for the facility for which approval is sought;

   iv) Written documentation that there are no suitable, existing facilities available to the applicant within its coverage area to allow co-location of the applicant’s equipment. Such documentation shall include a map of the applicant’s desired coverage area and a list of 9 candidate sites considered, if any,
and a description of applicant’s efforts to gain permission to use each identified candidate site.

v) A written statement of the applicant's intent to allow shared use of the tower by at least the minimum number of additional users required by this Ordinance;

vi) A photograph or other pictorial representation of the appearance of the proposed antenna array to be mounted at the top of the tower.

vii) The applicant shall guarantee in writing, and provide financial security by cash deposit, letter of credit, bond, or other means approved by the Administrator, to ensure that the tower will be removed within six (6) months of cessation of use and that sufficient funds are available to pay all costs associated with such removal. The amount and form of security shall be reviewed at least every two years, and the amount thereof increased, if necessary, to equal the amount of the then-established cost of removal.

c. Special Use Permit Standards for Towers

New wireless telecommunication towers where permitted in the CMX, DMX, HB, HS, and IC districts are subject to the issuance of a Special Use Permit.

(1) In addition to making the findings required by the City of Salisbury Zoning Ordinance for the approval of a special use permit generally, the City Council shall also find the following before approving an application for a special use permit to construct or locate a wireless telecommunications facility:

i) That no other existing wireless telecommunications facility or tower can provide adequate service in the area which the applicant seeks to cover from the proposed location, without increasing the height of the existing facility or tower;

ii) That the height of the proposed wireless telecommunications tower is no greater than the minimum necessary to provide adequate service to the applicant’s proposed coverage area and in no instance shall the height exceed 200 feet. In this regard, the applicant shall specifically describe both the service area and the level of service (both in terms of signal strength and type of coverage – in building, in-vehicle, or both) desired in the service area;
iii) That a qualified, licensed engineer has certified that the electromagnetic field expected to be generated by the proposed telecommunications facility (assuming the maximum number of antennae simultaneously operating at the maximum expected power) are within threshold levels deemed safe by the Federal Communications Commission;

iv) That a qualified, licensed engineer has certified that the proposed telecommunications facility will not cause interference with existing telecommunications devices, nor with the operations of radios, televisions, cell telephones, computers, and other electronic equipment, on adjoining and nearby properties;

v) That propagation studies of the proposed site and the applicant’s proposed existing wireless telecommunications facilities immediately surrounding the proposed site, demonstrate that the proposed facility will, in fact, satisfy the applicant’s service goals in the area to be covered by the proposed wireless telecommunications facility;

vi) That the visual impact to the area surrounding the proposed site due to the height or bulk, or other visual characteristic, of the proposed facility is limited to a level acceptable to the City Council. The City Council may require the applicant to provide photographic simulations or other evidence to demonstrate what the proposed facility would look like if constructed as proposed at the site;

vii) That the applicant has demonstrated sufficient financial responsibility to ensure the removal of the proposed telecommunications facility upon its cessation of use. Applicants may satisfy this requirement by providing security in a form and amount deemed sufficient by counsel and by a qualified engineer to cover the cost of removal of the facility. The amount and form of security shall be reviewed at least every two years, and the amount thereof increased, if necessary, to equal the amount of the then-established cost of removal.

viii) That in order to better inform the public, in the case of a new telecommunication tower, the applicant shall prior to the evidentiary hearing on the application, hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot diameter, a brightly colored balloon at the maximum height of the proposed new tower. The balloon shall be flown for at least eight (8) consecutive hours sometime between 7:00 a.m. and 4:00 p.m. of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday. The dates, (including a
CHAPTER 3: ADDITIONAL USE STANDARDS

second date, in case of poor visibility on the initial date) times
and location of this balloon test shall be advertised according
to Salisbury City Clerk standards, by the applicant, not less
than 10 days nor more than 25 days in advance of the first test
date in a newspaper with general circulation in the city. Prior to
the evidentiary hearing, the applicant shall provide a photo
simulation of the proposed tower and attest to the fact that the
test was properly advertised on a certain date and the test was
conducted on a certain date, time, and location.

d. Replacement of existing towers: Towers existing at the time of this
Ordinance may be replaced with a taller tower and reviewed for approval
by the Administrator in lieu of the Board of Adjustment, provided the
tower shall conform to the standards detailed in Subsection b above, as
well as with the following standards:

(1) The height of the replacement tower may not exceed the height of
the original tower by more than 50 feet, and the addition of up to
50 feet may occur only once.

(2) The replacement tower shall be located in as close proximity to the
base of the original tower as reasonably possible, but in no event
more than 50 feet from the base of the original tower.

(3) The replacement tower shall utilize monopole construction and
shall be designed and equipped with the technological and structural
capability to accommodate at least one other wireless
communication carrier or provider.

(4) The owner of the replacement tower shall provide the planning
director with an affidavit stating that at least one other wireless
communications carrier needs a wireless communications facility
within 1,250 feet of the subject site and that such carrier has agreed
to co-locate on the replacement tower.

(5) The fall and debris radius requirement and setback requirement in
Subsection b above may be exempted provided certified drawings
from an engineer are given attesting that the proposed replacement
tower and debris would fall within the boundary lines on which the
tower is located.

(6) The base of the replacement tower shall be screened to the extent
practical on a case-by-case basis upon review and approval of the
planning director. A combination or option of solid screen (fencing)
or vegetative screens shall be utilized based upon Chapter 8,
Landscaping.
This page intentionally left blank
Chapter 18: DEFINITIONS

18.1 Intent

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

18.2 Interpretation

A. Words used in the present tense include the future tense.

B. Words used in the singular number include the plural, and words used in the plural number include the singular.

C. Any word denoting gender includes the female and the male.

D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

E. The word "lot" includes the word "plot" or "parcel" or "tract".

F. The word "shall" is always mandatory and not merely directory.

G. The word "structure" shall include the word "building."

H. Definitions followed by the word stormwater are specific to the provisions of Section 6.7, Phase II Stormwater Ordinance.
**Accessory Facility or Structure:** An accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

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

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

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

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

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

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

**BMP, Structural:** A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. “Structural BMP” is synonymous with “structural practice,” “stormwater control facility,” “stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “stormwater control measures,” “structural stormwater treatment systems,” and similar terms used in this Ordinance.

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

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

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

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

**Building, accessory:** A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.
**Building, principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

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

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

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

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

**Certificate of Occupancy:** A certificate issued by the Administrator or his designated representative certifying that all structures, their land uses, and land restrictions conform to all the requirements of the Salisbury Land Management and Development Code. This certificate is issued prior to occupying any structure or use for which a zoning permit is issued. See Section 15.04.

**City:** The City of Salisbury, North Carolina.

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

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

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

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

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

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

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

**Cutoff Fixture:** A fixture light distribution where no more than 2.5% of a lamp’s light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten percent
(10%) of the lamp’s light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

**DBH**: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

**Deciduous**: Those plants that annually lose their leaves.

**Density**: The number of housing units per unit of land. Usually density is expressed “per acre”. Gross density includes the area necessary for streets, open space, and other public facilities. Net density does not include land area for dedications or public facilities.

**Design Manual**: The stormwater design manual approved for use in Phase II jurisdictions by The North Carolina Department of Environment and Natural Resources (NCDENR) developed by the City of Salisbury and certified by this jurisdiction and approved by The Division of Water Quality of NCDENR as at least as stringent as the stormwater design manual approved for use in Phase II jurisdictions by NCDENR for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Design Manual are to the latest published edition or revision. *(Stormwater)*

**Development**: Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, other than rebuilding activity that does not qualify as redevelopment. *(Stormwater)*

**Direct Light**: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Directional Fixture**: An assembly that holds the lamp along with any globe, shade, or other covering surrounding the lamp that may be adjusted to concentrate or throw light in a specific direction.

**Discharging Landfill**: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on-site and discharged to a receiving stream.

**Double Frontage Lot**: Also referred to as a "through lot", means a lot having frontage on two roads and having the right of access to both roads, but excluding corner lots.

**Drip Line**: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**Drive-through window**: A window or other fenestration or other device for the delivery of goods or products from a principal or accessory structure to a vehicle or pedestrian and through which compensation for such may be exchanged, including the making of change, and the order for such goods is made from a remote on-site station rather than at a window or other fenestration of other device. *(This definition includes the term "drive-in window.")*

**Dwelling**: A building designed, arranged, or used for permanent living quarters for one (1) or more persons.

**Dwelling unit**: A building, or portion thereof, providing complete living quarters for one (1) or more persons.

**Easement**: A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purpose.

**Easement, access**: An easement which grants the right to cross property.

**Easement, conservation**: A restriction placed on a piece of property to protect the resources (natural or man-made) associated
with the parcel. The easement is either voluntarily sold or donated by the landowner, and constitutes a legally binding agreement that prohibits certain types of development (residential or commercial) from taking place on the land.

**Easement, drainage:** An easement which recognizes and documents the presence of a drainageway, guarantees the passage of stormwater runoff, and may grant the right to maintain, relocate, or in such other manner utilize the easement for the improvement of drainage and stormwater flow.

**Easement, utility:** An easement which grants to the city council or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.

**Engineering drawings:** Plans, profiles, and associated documentation of all proposed street, drainage, water and sewer improvements, prepared in accordance with the Uniform Construction Standards Manual.

**Erosion:** The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**Evergreen:** Those plants that retain foliage throughout the year.

**Evergreen Screen:** A plant growing to over 20' in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

**Existing development:** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

(a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

(b) Having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or

(c) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

**Extraterritorial Jurisdiction:** That land lying beyond the municipal limits of the City of Salisbury and within the extraterritorial jurisdiction boundary as delineated on the official zoning map of the City of Salisbury in accordance with G.S. 160A-360. The authority is granted to a locality to exercise zoning powers for a specified distance outside its boundaries. It is intended to protect activities on the edge of communities from being encroached on by incompatible adjacent activities.

**Family:** An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single household unit; or A group of not more than six (6) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

**Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**Flag Lot:** *See “Lot, pipestem”*

**Flood fringe:** The land area located between the floodway and maximum elevation subject to inundation by the base flood.
Flood, base: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
**Flood Lamp:** A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

**Flood or Spot Light:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Floodplain:** The relatively flat area or low land adjacent to the channel of a federally designated watercourse which has been or may be covered by floodwater during a base flood event.

**Floodway:** The channel of a federally designated watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Foot-candle (FC):** A unit of luminance amounting to one lumen per square foot.

**Foot-candle Grid:** A graphical representation of points placed onto a grid or layout where each point identifies the amount of luminance (light) in foot-candles or lux (one-tenth of a foot-candle). The spacing between points can vary depending on the size of the area to be lighted. For many typical outdoor layouts, a 10' x 10' spacing grid layout is used. Larger areas may utilize a 15' or 20' grid spacing. This type layout can also indicate luminance or reflected light instead of luminance.

**Free Standing Tower:** A Tower that is not supported by guy wires and ground anchors or other means of attached or external support.

**Frontage:** All the property abutting on one (1) side of a street between two (2) intersecting streets measured along the street line. "Frontage along a public street" requires means of direct access by the public.

**Frontage Road:** A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

**Fueling Station:** Pumps and associated storage tanks and/or mechanical equipment where fuels, oils for motor vehicles are dispensed, sold, or offered for sale.

**Full Cutoff Fixture:** A fixture for light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten percent (10%) of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

**Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.

**Greenway:** Public open space featuring paths and trails of various kinds, based on natural corridors usually along rivers and streams and ridgelines as well as canals, abandoned railbeds or other public rights-of-ways, which are owned and maintained by the city and have been designated on an officially adopted greenway or open space plan.

**Ground cover:** A prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground Covers are used as an alternative to grasses. On slopes, Ground Covers control erosion while eliminating the maintenance of mowing on hillsides. Many Ground Covers survive in poor soils, shade and other adverse conditions.

**Handicapped person:** As used in family care definition, a person with a temporary or permanent physical, emotional, or mental
disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

**Hazardous material:** Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

**High-density project:** Any project that exceeds the low density threshold for dwelling units per acre and built-upon area. *(Stormwater)*

**IESNA:** Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

**Impervious surface:** Improvements including street pavement, driveways, gravel areas, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**Isolux Lighting Plan:** A demonstration or topographic of light distribution over a given area.

**Lamp:** The component of a luminaire that produces the actual light (bulb).

**Land disturbing activity:** Any use of the land by any person(s) in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

**Landfill:** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

**Landscaping:** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping requirements are included in Ordinances for a number of reasons. They preserve natural features of a site for ecological and environmental reasons. They make land more attractive for residential and other uses. They can screen from view unattractive uses such as junk yards, parking lots, or gravel pits. Lastly, they can act as buffers, visually separating different types of uses.

**Larger common plan of development or sale:** Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot. *(Stormwater)*

**Light Spillage:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located and desired as measured at the border.
Lot: A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot" or "parcel."

(a) Double-frontage lot: A lot of the same depth as the width of a block containing two (2) tiers of lots and which is accessible from both of the streets upon which it fronts.

(b) Single-tier lot: A lot which backs upon limited access highway, a railroad, a physical barrier, or a nonresidential use and to which access from the rear is usually prohibited.

(c) Corner lot: A lot which has continuous frontage at two (2) intersecting streets.

(d) Pipestem lot (also known as flag lot or panhandle lot): A lot which contains a relatively narrow strip that provides street access.

Lot of record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Rowan County or a lot described by metes and bounds, the description of which has been so recorded.

Lot width: The distance between side lot lines measured at the building line.

Low-density project: A project that has no more than two dwelling units per acre or twenty-four percent built-upon area (BUA) for all residential and non-residential development. (Stormwater)

Lumen: A unit of luminous flux. The total quantity of light emitted from a light source. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the Initial lumen output ratings of a lamp.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Maintained foot-candle: Luminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Map for recordation: A plat that depicts existing property where the act of subdivision is not involved.

Marquee: A structure which is constructed and framed in steel or other durable material, extended permanently over the ground, sidewalk, or walkway, and of sufficient strength and design to carry superimposed sign structures.

Mechanical Equipment: HVAC, utility cabinets, or other equipment related to the mechanical operation of a building.

Multi-use Path: A pathway usually intended for the use of bicycles, pedestrians and other non-motorized means of conveyance. Usually 10-12 feet (for two-way travel) of a paved surface or a surface graded with a material suitable for the types of users.

Nonconforming: A lot, structure, sign, or use of land or structure, which is now prohibited under the terms of this Ordinance but was lawful at the date on which it was established or became lawful at some later date.

Nonconforming Lot: A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
Nonconforming Structure: A structure that does not conform to dimensional, elevation, location, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Use: A use which was once a permitted use on a parcel of land or within a structure but which is now not a permitted use of that parcel or structure according to Article VIII of this Ordinance. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.

Non-Cutoff Fixture: A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.

Non-Residential: All uses which are neither single-family, two-family nor multi-family. For the purposes of watershed or flood protection: All development other than residential development, agriculture and silviculture.

Official maps or plans: Any maps or plans officially adopted by the city council as a guide for the development of the city and surrounding area.

One (1)-year, 24-hour storm: The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and within a duration of 24 hours. (Stormwater)

Outdoor Advertising Signs: A free-standing sign located outdoors that directs attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered either on the same premises as the sign or at a different location.

Outdoor Display Area: Commercial establishments that rely on outdoor sales and display areas including but not limited to heavy equipment sales, recreational vehicle sales, automobile sales, manufactured home displays, and sales of building materials.

Outdoor Lighting: The nighttime illumination of an outdoor area or object by any man-made device located outdoors that produces light by any means.

Outparcel: A parcel of land designated on an approved commercial development site plan or determined as such by the Administrator. An outparcel shall be secondary in nature to the primary commercial development. It shall contain a single building and be independent of the total development in that its parking requirement for the use meets the standard set forth in Chapter 10, Parking, and its driveways, walkways, landscaping, and lighting are also unique to the building on the site.

Overlay district: A set of zoning requirements that is described in the Ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay district must conform to the requirements of both zones or the more restrictive of the two.

Oversized Commercial Vehicle: Oversized commercial vehicles shall include any vehicle (except pick-up trucks) or trailer that bears a commercial license plate; and,

1. Has more than 2 axles or 4 tires; or
2. Is designed to carry more than 15 passengers, including the driver; or
3. Weighs more than 10,000 pounds with or without load; or
4. Requires hazardous materials placards; or
5. Is more than 9 feet in height; or
6. Is more than 22 feet in length

This definition includes, but is not limited to semi-trailers, tow trucks, buses, limousines, tractors, construction equipment, delivery vans, or similar vehicles.
Owner: The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

Parcel: A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Permanent Banner: A double-sided sign constructed of exterior-grade canvas or similar grade material that is erected vertically upon the face of a building and is held taut by top and bottom brackets that are mounted perpendicular to the fronting right-of-way.

Permitted as New Development: Any land use activity or land disturbing activity that occurs as part of a ‘larger common plan of development’, as defined above, and shall not include a new use activity or new land disturbing activity on an infill parcel or lot as defined in Chapter 6 of this Ordinance.


Planning board: The City of Salisbury Planning Board.

Planting Area: The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Portico: A roofed stoop or small porch, often supported by a colonnade, at the primary entrance into a building usually elevated above the fronting sidewalk or yard area by a staircase that is not partially or fully enclosed by a balustrade, lattice, vented louvers, or other forms of enclosure.

Preliminary plat: A draft plat of a proposed subdivision, used to determine if the proposed development is in general conformance with city standards and Ordinances.

Protected area: The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first).

Recreational Vehicle: A vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and ravel use. A recreational vehicle shall not be considered as a dwelling unit.

Redevelopment: Any rebuilding activity other than a rebuilding activity that results in no net increase in built upon area and provides equal or greater stormwater control than the previous development. (Stormwater)

Required yard area: That space between the required yard setback lines and the lot lines from which the required yard setbacks are measured.

Reserve Strip: A narrow parcel of ground, created by deed or plat, having inadequate building area for the purpose of separating a street, parking lot, proposed street, or...
proposed parking lot from other adjacent properties.

**Residential development:** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**Rezoning:** An amendment to or a change in the zoning Ordinance. Rezonings can take three forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels. Rezonings, like enactment of the original Ordinance, are legislative acts that cannot be delegated to administrative officials. According to state law, planning boards make recommendations and city councils approve or deny rezonings.

**Right-of-way:** See “Street right-of-way”

**Sediment:** Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**Sedimentation:** The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural water course.

**Semi-Cutoff Fixture:** A fixture light distribution where no more than five percent (5%) of a lamp’s light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than twenty percent (20%) of the lamp’s light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

**Setback line:** A line parallel to the property line in front of which no structure shall be erected.

**Shopping center:** A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. Generally is a building that contains three (3) or more separate businesses with two (2) or more dividing walls located on a parcel of land; or a group of buildings either connected or freestanding under one (1) ownership or multiple ownerships of land parcel that is designed with common parking, pedestrian movement, common entrances and exits, and used or intended to be used for the retail of goods and services to the public.

**Shrub, Large:** An upright plant growing 10’ to 20’ in height at maturity that is planted for ornamental or screening purposes.

**Shrub, Medium:** A plant growing 5’ to 10’ in height at maturity that is planted for ornamental or screening purposes.

**Shrub, Small:** A plant growing to less than 5’ in height at maturity that is planted for ornamental purposes.

**Sight Triangle:** A triangular area formed by the intersection of the projected street lines (right-of-way lines) and a straight line connecting points on said street lines each of which is 25 feet distant from the point of intersection.
Sign: Any form of publicity or advertising, which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. [Note: For the purpose of this Ordinance, wall murals, mosaics, and other works of art shall not be considered as signs.]

Sign, Advertising: Any off-premises, off-site, poster panel, billboard, or non-point-of-sale sign.

Sign, Canopy: A sign which is suspended from, attached to, supported from, applied to, or forms part of a canopy. Also known as a canopy-suspended sign.

Sign, Changeable copy: A sign on which message copy is changed manually, or electronically, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels. A changeable copy sign shall be counted as a sign face.

Sign, Conforming: A sign which is in compliance with all the provisions of this Ordinance.

Sign, Construction: A single sign giving the name or names of building owners, architects, engineers, and/or lending institutions and principal contractors responsible for construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign, Directional: A sign containing only the name and address of a facility and information pertaining to the direction of the facility.

Sign, Directory: A sign listing the names and/or uses, or locations of more than one (1) business, activity, or professional office conducted within a building, group of buildings, or shopping center. Such a sign contains no other identifying/advertising message than that listed above.

Sign, Ground: A sign supported by a sign structure placed in the ground and which is entirely independent of any building, fence, or object other than the sign structure (which includes uprights, braces, etc.) for support. A ground sign is also known as a freestanding sign or pole sign.

Sign, Identification: A sign on the premises bearing the name of a subdivision, group housing project, or a school, college, building, park, church, or other public or quasi-public facility, but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illuminated: A sign that is illuminated by electric or other devices, mainly for clear visibility at night.

Sign, Direct (or internal) illumination: A light source which is enclosed within the sign and viewed through a translucent panel. Luminous tubing (neon lights) is one kind of direct illumination.

Sign, Indirect (or external) illumination: A light source which is placed outside of or away from the sign in a manner to illuminate the sign.

Sign, Incidental: A sign which carries no advertising message, and is clearly incidental to other major signs on site, and which is used to do one or more of the following:

(a) Direct certain activities to certain areas; e.g., handicapped parking.

(b) Prohibit the parking of unauthorized vehicles.

(c) Provide other incidental information.
**Sign, Information:** Any on-premise sign containing no other message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic direction.

**Sign, Marquee:** A business sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, and/or service or entertainment offered on the premises where such sign is displayed.

**Sign, Menu board:** A sign intending to serve customers already on the premises through identification of products or services available. Said sign is not intended to attract attention from off the premises and its contents should not be discernible from a public street.

**Sign, Monument:** Any monolithic sign in which the bottom of the sign is flush with the ground.

**Sign, Nonconforming:** A sign erected before the effective date of this Ordinance which is not in compliance with one or more of the provisions contained herein.

**Sign, Off-premise:** Any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed.

**Sign, On-premise:** Any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed.

**Sign, Painted wall:** A sign, as defined in this section, which is painted on a wall.

**Sign, Parapet sign:** A sign erected, constructed, placed, or maintained on a building's parapet wall.

**Sign, Portable sign:** A sign designed or intended to be relocated from time to time, whether or not it is permanently attached to a building or structure, or is located on the ground. The term includes signs on wheels or on portable structures, such as tent signs, A-frame, or T-shaped signs and similar devices, and airborne signs.

**Sign, Product sign:** Any sign directly attached to a vending machine, gasoline pump, or similar apparatus which directs attention to products dispensed from that vending machine, gasoline pump, or similar apparatus.

**Sign, Projection sign:** A sign, other than a wall sign, which extends outward for more than twelve (12) inches from the facade of any building and is rigidly affixed to the building.

**Sign, Pylon sign:** An interstate, high-rise business sign used to identify an on-premise business for the interstate traveler. Such sign, which is taller and sometimes larger than the average sign, may identify a business by name or identifiable logo.

**Sign, Real estate sign:** A sign located on the premises and offering the premises for sale, rent, lease or development.

**Sign, Roof sign:** A sign erected, constructed, placed, or maintained upon the roof of any building.
Sign, Special event: A sign of a business or organization which is not part of its normal activities. Such a sign shall be limited to a business "grand opening" or "going-out-of-business sale," as well as fund-raising membership drives or events of civic, philanthropic, educational, or religious organizations.

Sign, Temporary sign: A sign which is permitted for a limited period of time.

Sign, Wall sign: A sign erected parallel to and extending not more than twelve (12) inches from the facade of any building to which it is attached, and supported throughout its entire length by the building face. It may not extend above the roof line. This type is also known as a flat sign or flat wall sign.

Sign face: The part of the sign that is or can be used to identify, advertise, or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop, surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Specimen Tree: Any healthy, existing tree over 18 inches in caliper measured at DBH, excluding Sweet Gum, Catalpa, Wild Cherry, Wild Elm, Princess, Hackberry, and Tree-of-Heaven trees found in a field or open grown condition, or along the edge of a forest stand or tree stand and displaying the root zone, canopy, and structure characteristic of the particular species.

Stoop: small uncovered platform at the entryway into a building usually elevated above the fronting sidewalk or yard area by a staircase that is typically no wider than the overall entryway into a building.

Storm drainage facilities: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater Runoff: The direct runoff of water resulting from precipitation in any form.

Stream: A watercourse that collects surface runoff.

Street: A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street, cul-de-sac: A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Street, local: A street whose primary function is to provide access to abutting properties.

Street, private: A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street and providing the principal means of access to abutting properties or buildings.

Street, public: A dedicated and accepted public right-of-way for vehicular traffic. In the city limits, a public street shall be maintained by the City of Salisbury or the state Department of Transportation. In the city’s extraterritorial jurisdiction, a public street shall be designed and constructed to the state Department of Transportation’s standards, and may, or may not, have been accepted for state maintenance. Alleys are specifically excluded.
Street frontage: The length of property of a single lot abutting a public right-of-way or private street.

Street right-of-way: A strip of land whose legal title has been offered for public access and is occupied or intended to be occupied by a travelway and is also available, with the consent of the appropriate governmental agency, for installation and maintenance of traffic control devices, regulatory and information signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Street Tree: A tree planted along the street, usually in a planting strip or tree well.

Street Yard: A Planting Area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Structural BMP: See BMP, structural.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

Structure, accessory: A detached, subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same lot as the principal structure.

Structure, historic: Any structure that is: (1) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places; (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Structure, principal: A structure in which is conducted the principal use(s) of the lot on which it is located.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: A "subdivision" shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets.

Substantial progress (Stormwater): For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial expenditures” used for determining vested rights pursuant to applicable law.

(a) Campground or Recreational Vehicle Park: Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents,
recreational vehicles, or travel trailers which are used for recreation or vacation purposes. A ‘mobile home park’ shall not be deemed a campground or recreational vehicle park.

(b) **Campsite:** Any plot of ground within a campground intended for exclusive occupancy by a cabin, recreational vehicle, or tent.

(c) **Recreational Vehicle:** A vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and travel use. A recreational vehicle shall not be considered as a dwelling unit.

**Telecommunications:** The transmission and reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

**Telecommunications Structure:** A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities.

**Telecommunications Tower.** *See definition for Wireless Telecommunications Facilities in Use Definitions.*

**Thoroughfare plan:** A plan adopted by the city council for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.

**Thoroughfare:** Thoroughfares are those streets which generally serve through-traffic and are designated on the current edition of the officially adopted Salisbury Area Thoroughfare Plan. Thoroughfares may be further defined as major thoroughfares or minor thoroughfares.

**Thoroughfare street, major:** Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

**Thoroughfare street, minor:** Minor thoroughfares collect traffic from local and other non-thoroughfare streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

**Toxic Substance:** Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

**Townhouse dwelling:** A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common area.

**Travel trailer (camping trailer):** A vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and being of any length or width, provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight, provided its overall length does not exceed twenty-nine (29) feet.

**Uniform Construction Standards:** The construction standards which are contained in...
CHAPTER 18: DEFINITIONS

the current edition of the manual which has been officially adopted by the City Council as a written document of city construction standards.

Use, Special: A use permitted only upon approval of the Salisbury Zoning Board of adjustment. Such a use shall be permitted only in the district in which it is listed and shall not be accumulative to any other district. If property exists such that an existing use which was previously allowed by right would be allowed only as a conditional use, that use shall become nonconforming unless and until a conditional use permit is issued.

Use, permitted: A use permitted in a given district as a permitted use and so authorized by being listed, or referenced as a permitted use, by district, in article VIII, Use Requirements by District.

Use, residential: Any type dwelling unit including single-family dwelling, two-family dwelling, multifamily dwelling, rooming or boarding house, accessory buildings and structures thereof and customary home occupations.

Variance: A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

Vested rights: The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard: A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: An open, unoccupied space on the same lot with a principal building, extended the full width of the lot, and situated between the street and that front line of the building, projected to the side lines of the lot.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Zero lot line: A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Virtually all zoning Ordinances retain yard requirements; where zero lot line developments have been permitted, they have been handled through group development procedures, or other devised which allow for site plan review. The few Ordinances which specifically authorize the zero lot line approach do so as an exception to prevailing regulations and under clearly defined circumstances.

Zoning: A police power measure, enacted primarily by general purpose units of local government, in which the community is
divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district. The zoning Ordinance consists of two parts: a text and a map. For the most part, this conventional definition of zoning still applies, but recent innovations in special (or conditional) use districts and overlay districts have begun to blur some of the Ordinance’s neatness and clarity.

**Zoning districts**: A section of a city designated in the zoning Ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

**Zoning map**: The map delineating the boundaries of districts which, along with the zoning text, comprises the zoning Ordinance.
Use Definitions

RESIDENTIAL

Dwelling-Single Family: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974. (LBCS F1100 and S1100)

Dwelling-Duplex: Generally a two-unit building that is divided horizontally, and each unit has a separate entrance from the outside or through a common vestibule. Buildings are typically under one ownership. (LBCS F 1100 and S1121)

Dwelling-Multifamily (less than 4 units/bldg): A dwelling unit that is part of a structure containing more than one but less than four units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and tripexes (buildings under one ownership with two or three dwelling units in the same structure), as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (LBCS S1121 and S1140)

Dwelling-Multifamily (more than 4 units/building): A dwelling unit that is part of a structure containing more than four units. Each unit has a separate entrance from the outside or through a common vestibule. These structure may include fourplexes (buildings under one ownership with four dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and, townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (LBCS S1121 and S1140)

Dwelling-Secondary: A dwelling unit either detached or non-detached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 750 square feet of gross floorspace and located on a lot with an existing single-family dwelling. Said units shall not exceed one per lot.

Home Occupation: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and generally having only one or two employees.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons. (NCGS 168-21)

Housing Services for the Elderly: Establishments that offer a wide range of housing services for those who cannot care for themselves, such as the elderly such as retirement housing, congregate living services, assisted living services, continuing care retirement centers, and skilled nursing services. (LBCS F1200)

Live-Work Unit: An attached residential building type with small commercial enterprises on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

Manufactured Housing: A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in...
length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (LBCS S1150)

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

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

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

LODGING

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

Hotels/Motels/Inns: Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. (LBCS F1300 and F1330)

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

OFFICE/SERVICE

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

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

Business Support Services: These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides
printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales. \textit{(LBCS 2424)}

\textbf{Child Care:} A program or arrangement where three (3) or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

\textbf{Child Care Home:} Supervision or care provided on a regular basis within a principal residential dwelling unit by a resident of the dwelling, where, at any one time, more than two (2) children, but less than nine (9) children receive childcare.

\textbf{Child Care Center in Residence:} Supervision or care provided on a regular basis within a principal residential dwelling unit by a resident of the dwelling, where, at any one time, more than two (2) but no more than 15 children receive childcare.

\textbf{Commercial Child Care Center:} An individual, agency, or organization providing supervision or care, in a non-residential environment, where, at any one time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving child care.

\textbf{Community Service Organization:} A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged such as counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment, but does not include any services providing on-site residential or accommodation services. \textit{(LBCS F6560)}

\textbf{Drive Thru Service:} A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

\textbf{Equipment Rental:} Establishments renting or leasing heavy equipment without operators used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc. or, agricultural equipment without operators. \textit{(LBCS F2334)}

\textbf{Funeral Homes and Services:} Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). \textit{(LBCS F6700-6702)}

\textbf{Group Care Facilities:} A facility that provides resident services to more than 6 individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes. \textit{(LBCS F6520)}

\textbf{Government Services:} Includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority. \textit{(LBCS F6200)}

\textbf{Laundry Services:} Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.
Medical Clinic: Facilities that provide ambulatory or outpatient health care such as physician offices and dentists; emergency medical clinics; outpatient family planning services; and blood and organ banks. (LBCS F6510, F6512, and F6514)

Outdoor Kennels: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (LBCS F2700)

Post Office: Establishments conducting operations of the National Postal Service. (LBCS F4170).

Professional Services: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician’s and dentist’s offices. (LBCS F2230, F2240, F2300, F2410-2417, and F6511)

Residential Support Facility: A building or group of buildings owned or operated by a non-profit organization intended to be used solely for temporary occupancy by patients or family members of patients being treated at a local hospital.

Residential Treatment Facility: A facility that primarily provides 24-hour supervision and Level I, II, or III therapeutic treatment as licensed by the North Carolina Department of Health and Human Services for adults or children with behavioral disorders, or juveniles adjudicated in a court of law as delinquent. Residential treatment facilities are limited to no more than 6 clients.

Studio-Art, Dance, Martial Arts, Music, etc.: Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include: individual and group instruction and training in the arts; production rehearsal photography; and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Vehicle Services – Major Repair/Body Work: The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes Major Repair and Body work which encompasses towing, collision repair, other body work and painting services, engine and other mechanical overhaul, and tire recapping.

Vehicle Services-Minor Maintenance & Repair: The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).
CHAPTER 18: DEFINITIONS

RETAIL

Alcoholic Beverage Sales Store: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

Auto Parts Sales: Establishments selling new, used, or rebuilt automotive parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops. (LBCS F2115)

Bar/Tavern/Nightclub: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilties. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Drive-Thru Retail/Restaurants: A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include: fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

Gas Station: Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included. (LBCS F2116 and S2270)

General Retail-3,500 sf – 50,000 sf: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Ranging in size between 10,001 square feet and 50,000 square feet. (LBCS F2100)

General Retail-Greater than 50,000 sf: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Greater than 50,000 square feet.

Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). (LBCS F2510, F2520, and F2530)

Shopping-Neighborhood Center: Sizes vary from 30,000 to 150,000 square feet on sites ranging from 3 to 15 acres, and have a 3-mile primary trade area radius. Typically serves immediate neighborhood with convenience shopping. Often anchored by a supermarket or drugstore. (LBCS S2510)

Shopping Center-Community Center: Usually configured as a strip center. Sizes vary from 100,000 to 350,000 square feet on sites ranging in size from 10 to 40 acres and have a 3- to 6-mile primary trade area radius. Serves a wider market than neighborhood and also offers wider range of goods, especially apparel goods. Anchors include supermarkets, super drug stores, and discount department stores. Some centers may also contain off-price retail stores selling toys, electronics, sporting goods, and home improvement and furnishings. (LBCS S2520)
CHAPTER 18: DEFINITIONS

Vehicle/Heavy Equipment Sales: Establishments which may have showrooms or open lots for selling vehicles or heavy equipment. May include car dealers for compact automobiles and light trucks, bus, truck, mobile homes, motorcycle, ATV, or boat and marine craft dealers. (LBCS F2110, F2111, F2112, F2113 and F2114)

ENTERTAINMENT/RECREATION

Adult Establishment: Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as defined in NC General Statute, Section 14.210.10 (or any successor thereto).

Amusements, Indoor: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades (coin or token operated with no monetary or winnings of value), movie theaters, skating rinks, roller rinks, and bowling alleys. (LBCS F5320, F5380, F5390 and S3200)

Amusements, Outdoor: Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides. (LBCS F5310 and S4440)

Assembly/Meeting Facilities: Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including fraternal halls (VFW lodges, etc) and banquet facilities. (LBCS S3800)

Cultural or Community Facility: Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA. (LBCS S3800, S4400, F5110, F5210, and FS6830)

Internet/Electronic Gaming: Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games, including, but not limited to, those characterized as sweepstakes, product promotions, lotteries, games, and games using skill or dexterity, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, and whether or not the outcome may be “pre-revealed.” The term includes, but is not limited to, enterprises identifying as internet sweepstakes, video sweepstakes, or cybercafés. This definition is intended to cover, among others that meet the above definition, all business enterprises commonly or formally known as “sweepstakes” and shall apply regardless of any superficial changes to the system or method of electronic gaming or of any subterfuge or pretense on the part of the business owners or electronic gaming manufacturers. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill which are coin- or token-operated and which offer no monetary winnings. This definition is solely for the use of the City of Salisbury in regulating business entities in this jurisdiction and the City makes no determination of the legality of any such business under the North Carolina Criminal statutes, by the issuance of any type of permit or by the collection of business taxes.

Recreation Facilities, Indoor: Uses or structures for active recreation including gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

Recreation Facilities, Outdoor: Parks and other open space used for active or passive recreation such as ball fields, playgrounds,
greenway trails, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

**Theater, Movie:** A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cinemplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. *(LBCS S3120)*

**Theater, Live Performance:** Includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor; may seat 300 to 3,000 people. *(LBCS S3110)*

**MANUFACTURING/WHOLESALE/STORAGE**

**Agriculture:** These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories. *(LBCS F9000 and S8000)*

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

**Manufacturing, Light:** A non-residential use that may involves the use or storage of any hazardous materials or substances, or that is used for the purpose of assembling, finishing, cleaning, warehousing, wholesaling, or distributing any product or commodity. Except for the routine outdoor storage of related equipment and materials, facilities are typically completely enclosed, but may rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical.

**Manufacturing, Neighborhood:** The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually indistinguishable from a residential or non-residential building. This shall not include uses that require deliveries by truck with more than two axles.

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

**Media Production:** Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:
1. Back lots/outdoor facilities:
2. Indoor support facilities:
3. Soundstages: Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

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

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

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

**Research and Development (R&D):** A facility for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development. Also includes laboratories for testing, analysis, and/or research. Examples of this include medical labs, soils and materials testing labs, and forensic labs.

**Storage-Storage Yard:** The open storage of various materials outside of a structure other than fencing, as a principal use.

**Storage-Warehouse, Indoor Storage:** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

**Wholesaling and Distribution:** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;
4. Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

**CIVIC / INSTITUTIONAL**

**Campground:** Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services such as cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

**Cemetery:** A parcel of land used for internment of the dead in the ground or in mausoleums. *(LBCS S4700)*

**Colleges/Universities:** Comprise junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the
associate, baccalaureate, or graduate levels.  
\( \text{(LBCS F6130)} \)

**Hospital**: A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.  
\( \text{(LBCS F6530 and S4110)} \)

**Public Safety Facility**: A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including incarceration facilities.

**Religious Institution**: Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gyms, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores.  
\( \text{(LBCS F6600 and S3500)} \)

**School, Elementary & Secondary**: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.  
\( \text{(LBCS F6100)} \)

**School, Vocational/Technical**: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.  
\( \text{(LBCS F6100 and F6140)} \)

**Infrastructure**

**Airport**: Establishments that provide air transportation for passengers or cargo using aircraft, such as airplanes and helicopters. This subcategory includes scenic and sightseeing air transportation establishments, which may involve local departure and same-day return.  
\( \text{(LBCS F4110, S3920 and S5600)} \)

**Parking Lot (Primary Use)**: A stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

**Parking Structure (Primary Use)**: A stand-alone parking structure (deck) that is available for public or private use, but that is not accessory to another primary use.

**Transit Station-Passenger**: Facilities for ground passenger transit systems using multiple modes of transport over regular routes and on regular schedules within the city or that operated over long distances between metropolitan areas.  
\( \text{(LBCS F4120 and S3900)} \)

**Utilities**: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceed 180 ft in height. Utilities are divided into 3 classes:

- **Class 1**: Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

- **Class 2**: Elevated water storage tanks; package treatment plants, telephone switching facilities.
facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

Wireless Telecommunication Facility:
Equipment constructed in accordance with Section 332(c)(7) of the Communications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

Stealth: Equipment that is unobtrusive in its appearance such as the co-location on existing tower facilities; and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

Tower: The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:
- Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or, Commercial or industrial satellite dishes that are less than 20 feet in height.
AN ORDINANCE AMENDING CHAPTERS 2, 3, AND 18 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, OF THE CITY OF SALISBURY, NORTH CAROLINA, RELATED TO INTERNET/ELECTRONIC GAMING. (PETITION NO. LDOTA-02-2019)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment on April 9, 2019 and hereby recommends approval; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of April 16, 2019; and

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

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

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

SECTION 2. That CHAPTER 3 (ADDITIONAL USE STANDARDS) Exhibit B, is amended as underlined or stricken.

SECTION 3. That CHAPTER 18 (DEFINITIONS), Exhibit C, is amended as underlined or stricken.

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

SECTION 5. That this ordinance shall be effective from and after its passage.
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  □ Staff

Requested Council Meeting Date:  04/16/2019

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

Name of Presenter(s): Catherine Garner Clifton (Development Services Specialist)

Requested Agenda Item:  Council to hold a Public Hearing and consider adoption of an ordinance designating the “Salisbury Southern Railway Passenger Depot”, located at 215 Depot Street in Salisbury, North Carolina, as a Local Historic Landmark.

Description of Requested Agenda Item:

N.C.G.S. 160A, Part 3C authorizes municipalities to designate historic landmarks that are deemed by the local preservation commission to be of special significance in terms of their historical, prehistorical, architectural, or cultural importance; and that possess integrity of design, setting, workmanship, materials, feeling and/or association. On April 18, 2018, the Salisbury Historic Preservation Commission reviewed and approved an application (Attachment 1) for local historic landmark designation of the “Salisbury Southern Railway Passenger Depot” finding that it meets the requisite criteria.

The designation report (Attachment 2) outlines the building’s historic and architectural significance.

Planning staff submitted the designation report to the State Historic Preservation Office (SHPO), as required, in order to provide state preservation specialists an opportunity to review and comment on the proposal. SHPO returned a positive letter of comment, Attachment 3.

The HPC will meet on Monday, April 15, 2019 to review the SHPO response and make a recommendation to Salisbury City Council regarding the formal adoption of a local historic landmark designation ordinance for the “Salisbury Southern Railway Passenger Depot”. City Council makes the final decision for the designation of any landmark. Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance. The proposed draft ordinance is attached as Attachment 4.

The Depot would be Salisbury’s third approved landmark, joining the Edgar S. Temple House and the Empire Hotel.

Consequences of Local Historic Landmark designation:

- Owners of designated landmarks are eligible to apply for an annual 50% property tax deferral as long as the property’s significant historic or architectural features are maintained. An overview of the tax implications is available as Attachment 5.

- The landmark becomes protected under Salisbury’s Historic Design Guidelines. Owners of local landmarks are required to obtain a Certificate of Appropriateness (COA) from the preservation commission before making any significant change or addition to the property; before beginning new construction; or before demolishing or relocating the landmark.

- A descriptive historical marker may be placed on or adjacent to the landmark.
More information about local historic landmark designation in North Carolina is available online at:

The North Carolina General Statutes, enabling legislation for local landmark designation is available online at:

Attachments:  ☑ Yes  ☐ No

1) Historic Landmark Application (HL-3-18: Salisbury Southern Railway Passenger Depot)
2) Designation Report (Survey & Research S/R Report)
3) SHPO Response Letter
4) Draft Designation Ordinance
5) Overview of Tax Implications

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 adoption of an ordinance designating the “Salisbury Southern Railway Passenger Depot”, located at 215 Depot Street in Salisbury, North Carolina, as a Local Historic Landmark.

Contact Information for Group or Individual: Catherine Garner Clifton, Community Planning Services, (704) 638-5212, Catherine.clifton@salisburync.gov 132 North Main Street.

☐ 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****
# HISTORIC LANDMARK PRE-APPLICATION

## Property Information

<table>
<thead>
<tr>
<th>Site Address:</th>
<th>215 Depot Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rowan County Parcel ID(s):</td>
<td>0104340001-01026202-0104340002</td>
</tr>
<tr>
<td>Historic Name of Property:</td>
<td>Salisbury Southern Railroad Passenger Depot</td>
</tr>
<tr>
<td>Date of Original Construction:</td>
<td>1907-1908</td>
</tr>
<tr>
<td>Original Architect/Builder:</td>
<td>Frank P Milburn</td>
</tr>
<tr>
<td>Original Use:</td>
<td>Railroad Passenger Station</td>
</tr>
<tr>
<td>Present Use:</td>
<td>Historic Salisbury Station</td>
</tr>
<tr>
<td>Local Historic District:</td>
<td>Salisbury Railroad Corridor</td>
</tr>
<tr>
<td>National Register District:</td>
<td>Salisbury Railroad Corridor</td>
</tr>
<tr>
<td>Individually Listed NR:</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>Acreage:</td>
<td></td>
</tr>
<tr>
<td>Assessed Value:</td>
<td>2,055,588 + 373,952</td>
</tr>
<tr>
<td>Jurisdiction:</td>
<td>downtown Salisbury</td>
</tr>
</tbody>
</table>

This application is submitted: □ at the request of the owner □ with the owner's knowledge but not at his or her request □ without the owner's knowledge

## Applicant

| Name/Contact Person: | Susan Sides, President, Historic Salisbury Foundation, Inc. Board of Trustees |
| Address: | PO Box 4221 |
| Telephone: | 704-636-0103 |
| City/State/ZIP: | Salisbury, NC 28145 |
| Email: | susansides@carolina.rr.com |

## Owner

| Name/Contact Person: | Historic Salisbury Foundation, Inc |
| Address: | PO Box 4221 |
| Telephone: | 704-636-0103 |
| City/State/ZIP: | Salisbury, NC 28145 |
| Email: | director@historicsalisbury.org |

## Certification

I (We), the undersigned, do hereby make an application for the listing of the above referenced property on the study list for Salisbury Historic Landmarks, I (We) certify that all the application is complete and accurate, and I (We) understand that incomplete or inaccurate information may invalidate this application.

[Signature]

October 2, 2018

Owner Signature

Date
Historic Salisbury Station

A. Written Description

The Historic Salisbury Station is an exceptionally fine example of railroad architecture. The passenger depot was designed by Frank P Milburn, the Southern Railroad’s architect. The structure was built in 1907-1908. When completed, the Charlotte Daily Observer called the station “the handsomest mainline structure between Washington and Atlanta.” ¹ The Salisbury Southern Railroad Passenger Depot was recognized as a National Register of Historic Places property in June 1975. At that time the property was owned by the Southern Railroad Company.

The station, located in downtown Salisbury, is in the Salisbury Railroad Corridor Historic District. In the district’s National Historic Register nomination, the station is referred to as the “centerpiece” of the district.²

The Historic Salisbury Foundation, Inc. purchased the station and the adjacent 2.64 acres in Jan 1985. Restoration of the station was completed in two phases and finished in 1992. Phillips and Opperman, a Winston-Salem architectural firm that specialized in historic restoration, designed the project for the foundation. David Gall, an employee of Phillips and Opperman, was the project architect.

The station is described in its National Register nomination as Spanish Mission. More recent descriptions have noted that the station tower style is Italianate. Frank P. Milford was recognized for his work in the Italianate style. A complete architectural description from the National Historic Register nomination is attached to this pre-application. The exterior and interior restorations were meticulously managed to maintain the architectural integrity of the building. The original fanlight windows and the interior woodwork are highlights of the restoration project.

In 1994, The Historic Salisbury Station won the prestigious Tower Award from the North Carolina chapter of the American Institute of Architects for the 3.2-million-dollar restoration project.³


Historic Salisbury Station

B. History

The Salisbury Southern Railroad Passenger Depot was built in 1907-1908, to replace an older station that had served the area prior to and during the Civil War. Salisbury was the mid-point between Washington DC and Atlanta, and also, an important station for trains traveling into Western North Carolina. The establishment of the Southern Railroad Spencer Shops in 1896, also added to the importance of the Salisbury station.

In June of 1975, the depot was recognized by the National Register of Historic Places as a state level historic site. The nomination was prepared by the N C Division of Archives and History. At that time, the property was owned by the Southern Railroad Company and needed major repairs.

In 1981, when the Southern Railroad was soliciting proposals for the station’s demolition, the Historic Salisbury Foundation under the persistent guidance of Edward Clement, established a task force, “SOS-Save our Station.” The task force began raising money and perusing grants for the purchase and restoration of the station.

In 1984, the task force traveled to Washington, DC to meet with Harold Hall, President of the Southern Railroad Company, to make an offer to purchase Southern’s interest in the station and surrounding property. At that time, the property was jointly owned by Southern (soon to be Norfolk Southern) and the North Carolina Railroad. The Historic Salisbury Foundation, Inc. offered $40,000 for the structure. Norfolk Southern agreed to donate the remainder of their one-half interest in the property which was valued at $243,500 to the foundation.¹

Seeing a light at the end of the tunnel, Edward Clement, founder of HSF, and the task force continued to negotiate with the two railroads, as well as state and local leaders, to find the money to purchase the station.

In 1984, the task force met with then North Carolina Governor Jim Hunt to solicit his help with the purchase of the one-half of the property that belonged to the North Carolina Railroad. The state of North Carolina owned the majority of the NCRR stock. The Historic Salisbury Foundation’s offer, $90,000.00, was accepted. In November of 1984, the N C State Legislature presented the HSF with a check for $42,000. This check was the first major grant that was awarded to the HSF for the project.² In January 1985, the station deed changed hands. For the sum of $130,000, the Historic Salisbury Foundation became the new owners of the Salisbury Station.³


In 1988, the HSF organized the Landmarks for Tomorrow campaign to raise $2 million for station repairs, restoration and the development of the station’s surrounding grounds. The project which was done in two phases under the architectural guidance of Phillips and Opperman would eventually cost more than $3 million.

On May 4, 1993, the Historic Salisbury Foundation official opened the station for business. Bill Price, Director of the North Carolina Division of Archives and History was on hand for the ribbon cutting ceremony. He was quoted by the Salisbury Post. He called the restoration amazing considering the ups and down history of the railroads.  

Currently, the Historic Salisbury Station complex is the home of the Historic Salisbury Foundation, Inc. office and the Amtrak ticket office and platform. The general waiting room and the original outdoor platform are periodically rented as eventy/venue space.

---

Historic Salisbury Station

C. Reason for Request

The Historic Salisbury Station and grounds should be designated as a Salisbury Historic Landmark under criteria C. The station has been recognized by the United States Park Service as a state level National Register of Historic Places property. (June, 1976) The property is a fine example of historic preservation and adaptive re-use. Additionally, the restoration has served as a catalyst for redevelopment of the surrounding industrial area.

The restored property embodies the distinctive characteristics of Mission style commercial structures that were popular in the early 1900s. The structure is one of the few remaining buildings designed by architect Frank P Milburn and is considered one of the finest designs that Milburn created for the Southern Railroad Company. The Salisbury Station has been recognized as one of Amtrak's Great American Stations; a replica of the station is on exhibit at the Smithsonian Museum.

The Historic Salisbury Foundation, Inc requests that the interior and exterior of the restored Historic Salisbury Station, as well as, the surrounding grounds be recognized by the City of Salisbury as an individual historic landmark for its architectural significance and for its cultural significance. Individual landmark designation will provide an additional layer of protection for this important Salisbury landmark
# Account Details for HISTORIC SALISBURY FOUNDATION INC

<table>
<thead>
<tr>
<th><strong>HISTORIC SALISBURY FOUNDATION INC</strong></th>
<th><strong>PO BOX 4221</strong></th>
<th><strong>N DEPOT ST</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID No.</td>
<td>010 26202</td>
<td></td>
</tr>
<tr>
<td>OLD Tax ID PIN</td>
<td>010 262 02</td>
<td></td>
</tr>
<tr>
<td>Owner ID</td>
<td>255350000</td>
<td></td>
</tr>
<tr>
<td>Tax District</td>
<td>131 - SALIS-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DOWNTOWN</td>
<td></td>
</tr>
<tr>
<td>Land Use Code</td>
<td>00110L</td>
<td></td>
</tr>
<tr>
<td>Land Use Desc</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Desc</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Deed Year</td>
<td>0</td>
<td>Market Value</td>
</tr>
<tr>
<td>Deed Blk/Pg</td>
<td>0633 / 0902</td>
<td>$</td>
</tr>
<tr>
<td>Plat Blk/Pg</td>
<td>/</td>
<td></td>
</tr>
<tr>
<td>Grantor</td>
<td></td>
<td>Market Value</td>
</tr>
<tr>
<td>Sold Date</td>
<td>0--0</td>
<td>- Land and all permanent</td>
</tr>
<tr>
<td>Sold Amount</td>
<td>$ 0</td>
<td>improvements, if any,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>effective valuation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>date January 1, 2015,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>date of County's most</td>
</tr>
<tr>
<td></td>
<td></td>
<td>recent General</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reappraisal</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Assessed Value**: 17,010

If Assessed Value not equal Market Value then subject parcel designated as a special class - agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use.

---

Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Rowan County, NC and NexGen Digital Document Solutions assume no legal responsibility for the use of the information contained herein.

Please direct any questions or comments about the data displayed here to taxdep@rowancountync.gov

This application was developed for Rowan County by NexGen Digital Document Solutions

www.ustaxdata.com

http://rowan.ustaxdata.com/account.cfm?ownerID=255350000&parcelID=010%2026202&groupParcel=
## Account Details for HISTORIC SALISBURY FOUNDATION INC

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Address 1</th>
<th>Address 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>HISTORIC SALISBURY FOUNDATION INC</td>
<td>PO BOX 4221</td>
<td>SALISBURY, NC 28145-4221</td>
</tr>
<tr>
<td></td>
<td>215 DEPOT ST</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Administration Data</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID No.</td>
<td>Market Value</td>
</tr>
<tr>
<td>OLD Tax ID</td>
<td>$</td>
</tr>
<tr>
<td>PIN</td>
<td></td>
</tr>
<tr>
<td>Owner ID</td>
<td></td>
</tr>
<tr>
<td>Tax District</td>
<td></td>
</tr>
<tr>
<td>Land Use Code</td>
<td></td>
</tr>
<tr>
<td>Land Use Desc</td>
<td></td>
</tr>
<tr>
<td>Neighborhood</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Desc</th>
<th>Deed Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sold Date</td>
<td>0-0</td>
</tr>
<tr>
<td>Sold Amount</td>
<td>$ 0</td>
</tr>
</tbody>
</table>

Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Rowan County, NC and NexGen Digital Document Solutions assume no legal responsibility for the use of the information contained herein.

Please direct any questions or comments about the data displayed here to taxdept@rowancountync.gov

This application was developed for Rowan County by NexGen Digital Document Solutions

www.ustaxdata.com

http://rowan.ustaxdata.com/account.cfm?ownerID=2553500000&parcelID=010%204340001&groupParcel=
## Account Details for HISTORIC SALISBURY FOUNDATION INC

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HISTORIC SALISBURY FOUNDATION INC</strong></td>
<td></td>
</tr>
<tr>
<td>Parcel ID No.</td>
<td>010 4340002</td>
</tr>
<tr>
<td>OLD Tax ID</td>
<td>010 434</td>
</tr>
<tr>
<td>PIN</td>
<td>255350000</td>
</tr>
<tr>
<td>Owner ID</td>
<td>131 - SALIS~DOWNTOWN</td>
</tr>
<tr>
<td>Tax District</td>
<td>LOVE     200 DEPOT ST</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>00110M</td>
</tr>
<tr>
<td><strong>Legal Description</strong></td>
<td></td>
</tr>
<tr>
<td>Deed Year</td>
<td>1986</td>
</tr>
<tr>
<td>Plat Bk/Pg</td>
<td>627 / 577</td>
</tr>
<tr>
<td><strong>Sale Information</strong></td>
<td></td>
</tr>
<tr>
<td>Grantor</td>
<td></td>
</tr>
<tr>
<td>Sold Date</td>
<td>00-0</td>
</tr>
<tr>
<td>Sold Amount $</td>
<td>0</td>
</tr>
</tbody>
</table>

**Market Value**

Market Value - Land and all permanent improvements, if any, effective valuation date January 1, 2015, data of County's most recent General Reappraisal.

Assessed Value: 356,942

*Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Rowan County, NC and NexGen Digital Document Solutions assume no legal responsibility for the use of the information contained herein.*

Please direct any questions or comments about the data displayed here to taxdept@rowancountync.gov

This application was developed for Rowan County by NexGen Digital Document Solutions. www.ustaxdata.com

http://rowan.ustaxdata.com/account.cfm?ownerID=255350000&parcelID=010%204340002&groupParcel=
City of Salisbury Local Landmark Report: Historic Salisbury Station

1. General Information

1. Historic Salisbury Station
   Historical Name: Salisbury Southern Railroad Passenger Depot

2. 215 Depot Street, Salisbury, NC

3. Tax parcel identification number: 0104340001-010434002-01026202


5. Address: PO Box 4221, Salisbury, NC 28145

6. Appraised Value: Building and land, $2,005,588
   • $356,942.00 eligible for 50% tax credit

II. Abstract

1. The Historic Salisbury Station/Salisbury Southern Railroad Passenger Depot was recognized in 1976, by the National Register of Historic Places under criteria C as an exceptionally fine example of railroad architecture. “Designed in the Spanish Mission style by Frank P Milburn and built in 1907-1908, the depot reflects the early twentieth century’s interest in structural functionalism as well as in abstract geometric design and the use of strong colors.”

   The restored station maintains the integrity of Milburn’s design on both the exterior and interior of the building.

   The Historic Salisbury Foundation, Inc. is requesting individual historic landmark designation for this property because the station is an historically significant structure and the restored station complex is historically and culturally significant to the City of Salisbury. The station is the “centerpiece” of the Salisbury Railroad Corridor Historic District.

2. The exterior and interior of the Historic Salisbury Station along with the south garden are to be included in the designation. The grounds include the attached original covered Southern Railroad Company passenger platform/concourse and the south garden that enhances the historic district. The 2.64 acres were a part of the original station complex.

   The interior architectural features that are to be designated in the south block waiting room are the original floor, original doors and windows, ceiling arches, wooden moldings, clock surrounds, accurately reproduced ticket booth, the historically correct replacement lighting fixtures, lunch room window, and the replacement fireplace mantles in the ladies and men’s parlors. The original mantles which had been destroyed were replaced with period Mission style mantles. The original light fixtures in the waiting room were gone. The existing lighting fixtures, custom made for the waiting room, were designed using photographs of fixtures from stations of

---


2 Salisbury Railroad Corridor Historic District. National Register of Historic Places Inventory-Nomination Form.
the same period. The reproduced ticket window was recreated using Milburn’s original blueprints which were found in the Southern Railroad archives.³

The architectural features in the other south block rooms (old lunch room, station master’s office and the dining room/HSD board room) that are to be designated are the original doors, windows, wooden moldings and hardwood floors, original interior brick walls and the fireplace in the dining room. (See paragraph 7 of the National Register description for full details of interior features.)

The interior features of the north or secondary block that are to be designated include the original hardwood floors, original windows and doors and original brick walls.

Designation of the entire intact exterior of both blocks including original windows and doors, as well as, the covered arcade, tower and the original covered passenger platform / concourse and truss system is requested.

Designation for the south garden which was a part of the original complex and currently, supplements a pedestrian’s experience as it did in 1908, should also be included. The south garden area was a landscaped south entrance to the station (1907) that provided, as it does today, a relaxing environment for passengers and for those who are waiting for passengers. The south garden area was the location of the older station. It was cleared and landscaped when the new station (1907) was built. The wooden signage at the far south end of the garden area is to be excluded from designation.

Designation is not requested for the unattached addition that houses the Historic Salisbury Foundation office and the Amtrak station office. The new covered concrete boarding passenger platform that was constructed for Amtrak and the covered bridge/shed roof on the north end of the station leading to the boarding platform are not to be designated.

Photograph 26, shows the original configuration of the of the platform system.

III. Historical Background

1. The Salisbury Southern Railroad Passenger Depot was built in 1907-1908, to replace an older station that had served the area prior to and during the Civil War. Salisbury was the mid-point between Washington DC and Atlanta, and an important station for trains traveling into Western North Carolina. The establishment of the Southern Railroad Spencer Shops in 1896, also added to the importance of the Salisbury station.

In June of 1975, the depot was recognized by the National Register of Historic Places as a state level historic site. The nomination was prepared by the NC Division of Archives and History. At the time, the property was owned by the Southern Railroad Company and needed major repairs. In 1979, when passenger service in Salisbury was ended the station was vacated.

In 1981, when the Southern Railroad was soliciting proposals for the station’s demolition, the Historic Salisbury Foundation under the persistent guidance of Edward Clement, established a

³ Edward Clement, Interview.
In 1984, the task force traveled to Washington, DC to meet with Harold Hall, President of the Southern Railroad Company, to make an offer to purchase Southern’s interest in the station and surrounding property. At that time, the property was jointly owned by Southern (soon to be Norfolk Southern) and the North Carolina Railroad. The Historic Salisbury Foundation, Inc. offered $40,000 for the station. Norfolk Southern agreed to donate the remainder of their one-half interest in the property which was valued at $243,500 to the foundation.  

Seeing a light at the end of the tunnel, Edward Clement, founder of HSF, and the task force continued to negotiate with the two railroads, as well as state and local leaders, to find the money to purchase the property.

In 1984, the task force met with then North Carolina Governor Jim Hunt to solicit his help with the purchase of the one-half of the property that belonged to the North Carolina Railroad. The state of North Carolina owned the majority of the NCRR stock. The Historic Salisbury Foundation’s offer, $90,000, was accepted.

In November of 1984, the N C State Legislature presented the HSF with a check for $42,000. This check was the first major grant that was awarded to the HSF for the project. In January 1985, the Historic Salisbury Foundation, Inc. purchased the station and the adjacent 2.64 acres. For the sum of $130,000, the Historic Salisbury Foundation became the new owners of the Salisbury Station property.

In 1988, the HSF organized the “Landmarks for Tomorrow” campaign to raise $2 million for station repairs, restoration and the development of the station’s surrounding grounds.

Restoration of the station was completed in three phases and finished in 1993. Phillips and Opperman, a Winston-Salem architectural firm that specialized in historic restoration, designed the project for the foundation. David Gall, an employee of Phillips and Opperman, was the project architect. The restoration project which costs approximately 4 million dollars was meticulously executed to maintain the integrity of the original structure. In 1994, the Historic Salisbury Station won the prestigious Tower Award from the North Carolina chapter of the American Institute of Architects for the multimillion-dollar restoration project.

On May 4, 1993, the Historic Salisbury Foundation official “opened the station for business.” Bill Price, Director of the North Carolina Division of Archives and History was on hand for the ribbon cutting ceremony. He was quoted by the Salisbury Post. He called the restoration amazing considering the ups and down history of the railroads. 

---


Currently, The Historic Salisbury Station is the home of the Historic Salisbury Foundation, Inc. office. The station also houses the Amtrak ticket office and platform. The general waiting room and the original outdoor platform are periodically rented as event/venue space.

**Statement of Significance from the National Register Nomination: History of original construction** (Also available in Addendum B)

The Salisbury Southern Railroad Passenger Depot, designed by Frank P. Milburn and built in 1907-1908, is an impressive and well-preserved example of the Spanish Mission style popular in the early twentieth century. An important reminder of the vital role of the railroad in the development of the town of Salisbury, it is one of the few remaining examples of the eclectic (style of) Milburn's many public buildings in North Carolina, and one of the most ambitious railroad depots surviving in the state.

The Salisbury Southern Railroad Passenger Depot is one of the relatively few extant public buildings designed by Frank Pierce Milburn, a leading southern architect of the late nineteenth and early twentieth century.

Milburn was born in Bowling Green, Kentucky, on December 12, 1868. He was educated in the common schools in Kentucky, and later attended Arkansas University and the Arkansas Industrial University. He then returned to Kentucky, where he spent five years (1884-1889) studying architecture in Louisville. In 1889 he joined his father, Thomas Thurmond Milburn, and together they designed and built the Clay County Courthouse in, Manchester, Kentucky.

In 1890 Milburn opened an office at Kenova, West Virginia, but by about 1893 he had moved to Winston, North Carolina, where he was architect for the Forsyth County Courthouse and the Wachovia Bank Building. About 1896 his design was chosen for the Mecklenburg County Courthouse at Charlotte; here he also became architect of the first steel frame building erected in North Carolina.

After an active period as a resident of Columbia, South Carolina, Milburn in 1902 moved to Washington, D. C., Where he became architect for the Southern Railway Company. During the next fifteen years, he designed nineteen railroad stations, twenty-six county courthouses, fifteen residences, nine college buildings (including five for the University of North Carolina at Chapel Hill), and many other public buildings throughout the South. He died at the age of fifty-eight in Asheville on September 21, 1926.

The railway station designed by Milburn for Salisbury was apparently a much-needed facility. Contemporary newspaper articles suggest a high degree of public interest in a new passenger station to replace the original, a dilapidated structure built before the Civil War. One newspaper characterized the need for the new facility as “a matter that has been uppermost in the public mind for the past two decades.”

Salisbury had long been an important railroad town. The first locomotive arrived there on January 4, 1855, when the Charlotte-to-Salisbury portion of the North Carolina Railroad was
By 1860 the Western North Carolina Railroad was complete from Salisbury to within thirteen miles of Morganton. In the latter part of the nineteenth century, Salisbury became a major terminal on the Southern Railway's Charlotte to Greensboro "main line." (Its neighboring town, Spencer, was selected in 1896 to be the site of Southern railway shops and transfer shed, making it one of the busiest and most important rail points in the South.)

By the early years of the twentieth century, Salisbury was being characterized as a "fine railroad center." "No city," boasted the Salisbury Evening Post in 1905, "is better located for traffic."

"Twenty-two passenger trains pass by, arrive and depart from the city daily. An exclusive postal train also brings mail from New York City within fifteen hours from the time that the racer from the North leaves the metropolis. The Southern's passenger service is good, its patronage enormous. Within five years the revenues have been doubled and July past was the greatest record-maker within the history of the Salisbury station. There is no way to calculate its extensiveness. The wholesale and retail merchandize never was so large, and these dealers keep the station crowded with their wares."

In March 1907, the Southern announced that it had let a contract for the construction of a new passenger station on the same site as that occupied by the old terminal (which was to be razed). The Charlotte Daily Observer, in reporting on this announcement, reaffirmed the belief that the new facility would be "the handsomest main line structure between Washington and Atlanta" and suggested that it would be "an ornament to the city where adornments are most needed."

Construction of the new passenger station commenced April 9, 1907. Frank Milburn’s design was carried out by the Central Carolina Construction Company of Greensboro, successful bidder on the project. The station was completed and officially opened to the public on September 1, 1908. The structure apparently won the immediate approval of the Charlotte Daily Observer’s Salisbury bureau chief, who wrote on August 31:

"After years of rather impatient waiting the city's needs have at last been recognized by the Southern's officials, and, as if to make up for their tardiness, they have spent lavishly to give the city a passenger depot to be proud of putting over $120,000 into it."

The facility was designed primarily as a passenger station, with separate waiting rooms for white and black rest rooms and parlors, a ticket office, mail room, telegraph office, and conductors' room. Apparently most of the freight was to be handled by a nearby Southern Express Company freight office (also designed by Frank Milburn), which stood “just to the north" of the new passenger station. The express office was raised in 1971, but the passenger station remains very nearly as it was when erected in 1907 – 1908.  (End of 1976 National Register statement of Significance)

2. The original construction date is 1907-1908.

3. The restoration of the station was begun in 1984. The work started with the stabilization of the structure. Repairs to the clay tile roof were extensive. Broken windows were replaced when possible with salvaged glass from the same era as the original construction. The foundation of the building including the interior floors were repaired.
The floor of the large waiting room which is in the principal block of the building is composed of thousands of individually laid polychromed tiles each approximately 75 inches square arranged in a pattern of squares and diamonds. Years of neglect and water leakage from the roof had caused serious problems with the floor. The HSF retained an engineering firm to study and repair the floor. The topographical survey showed that some areas had settled approximately one foot. Eighty-one circle areas were distributed across the floor and pressure grout was “floated” under the floor to bring it back to its original level. The floor is still not perfectly level and cracks are visible. However, the modern pressure grout process was successful. Few floors of this type and size have survived the years and are as intact as this one. The other floors in the principal block are restored and refinished tongue and groove maple flooring.

The elaborate ticket office window, which is one of the main features of the waiting room, was recreated during the station’s restoration. The original elaborate ticket office window had been torn away by Southern in the 1930’s. However, the foundation, working from copies of Milburn’s original blueprints, was able to reconstruct the feature. (Blueprints from Southern Railroad archives.)

The original lighting fixtures in the waiting room were gone. The restoration architect, David Gall, using photographs of lighting in railroad stations from the same period, designed fixtures for the room and the HSF had the fixtures custom made.  

During the asbestos removal in 1991, the original marble dedication plaque was found buried in the basement. Amazingly, it only had minor cracks. The plaque was definitive proof that Milburn was the station’s architect.

Over the years, the walls, ceiling and heavy wooden molding had been plastered and painted. These features were chemically stripped in 1991, and what is seen today is the original construction. The waiting room walls were restored back to the original brick. Milburn designed the walls in two colors of brick. The darker brick emphasizes the relief of the pilasters and creates an artificial chair rail with a wainscoted appearance.

“The waiting room features a two-course brick chair rail, a heavily molded wooden cornice, and, located at the center bay, a transverse round arch supported on large pilasters. A similar arch frames a huge oculus with four equilaterally positioned keystones at either end of the waiting room.”

Several new doors have been installed in the interior of the building to accommodate modern safety standards. The waiting room has been rearranged to accommodate bathrooms and a new kitchen. When possible, original doors were used to complete the changes.

---


In phase 3, of the restoration, office space was added to the north end secondary block of the station passenger platform. The addition utilized the platform’s original roof. The addition, which houses the Historic Salisbury Foundation offices and the Amtrak offices, is not attached to the original structure. The exterior of the original structure is visible. The structural features of the platform are visible in the resulting hallway. The floor in this area has been tiled in a pattern and style that is similar to the waiting room’s original floor. This hall and office addition are not included in the designation.

The interior of the station is addresses in paragraph 7 of the National Register nomination. The HSF restoration restored several of the alterations mentioned in the nomination back to the original design.

IV. Assessment

1. The Historic Salisbury Station/Salisbury Southern Railroad Passenger Depot is architecturally and culturally significant. It is an exceptionally fine example of railroad architecture. The Spanish Mission style station built in 1907-1908 and designed by Frank P Milburn reflects the structural functionalism and abstract geometric design features that were popular in the early twentieth century. “It is one of the few remaining examples of Milburn’s eclectic style public buildings in North Carolina, and one of the most ambitious railroad depots surviving in the state.”¹¹

The Historic Salisbury Station is also significant because it is one of the few Frank P. Milburn public building remaining in the state. A complete description of Milburn’s importance as an architect can be found in paragraphs 1-5 on page 4 of the Station’s National Register nomination form. (Addendum B)

The station has been recognized nationally as one of Amtrak’s Great American Stations. The historically accurate restoration of the station’s interior and exterior, places the Historic Salisbury Station in the elite category of nationally recognized railroad stations. It is one of the oldest and largest North Carolina stations on the Amtrak Great American Station’s list. A model of the Salisbury station is included in the Smithsonian Museum’s Riding and Working on the Railroad exhibit.

“America’s rail stations have witnessed history unfold and played host to some of our nation’s proudest and most difficult moments. Stations are pieces of our country’s history and treasures not to be lost or forgotten.”¹² The cultural significance of the Historic Salisbury Station cannot be

---


overstated. The Southern Railway’s designation of Salisbury as a commercial hub, played a significant role Salisbury’s growth as a city.

Revitalization of the train station has had a marked effect upon recent downtown Salisbury development, as well. Both large and small offices (more than 11,000 square feet) and retail spaces have been constructed within blocks of the station.

Additionally, the Arts Walk, which connects the railroad station to a section of downtown, was put into place with $11 million worth of renovation, including renovation of a five-story office building and development of the Waterworks Visual Arts Center. There is also a Rail Walk, which connects another group of downtown buildings to the station. The station itself is the office of the Historic Salisbury Foundation.¹³

2. The following architectural description of the property (Also in Addendum A) is from the 1975, National Register of Historic Places Inventory – Nomination Form. The architectural description was written by Mary Alice Hinson, survey consultant, for the NC Division of Archives and History. This architectural description continues to be accurate as the restoration of the building was true to the integrity of the original design. None of the interior or exterior architectural features of the structure were altered during restoration.

The only addition to the station complex, adjacent to the secondary block, was added in phase 3 of the restoration. This addition which houses the Historic Salisbury office and the Amtrak station was designed to leave this east elevation section of the small block unchanged. The original doors for this part of the building are unchanged. The addition would not be included in the designation. (description in Historical Background #3)

National Register Architectural Description:

The Salisbury Southern Railroad Passenger Depot is an exceptionally fine instance of railroad architecture. Designed in the Spanish Mission style by Frank P. Milburn and built in 1907-1908, the depot reflects the early twentieth century’s interest in structural functionalism as well as in abstract geometric design and the use of strong colors. The station, which runs the length of two city blocks, is a masonry structure built of mechanically bonded pressed brick pierced by a multitude of round and segmental-arched windows. A two-course water table stands out as the dividing line between the dark red brick base with its deeply raked joints and the tan brick of the


September 23, 2018
body of the building, which is tightly laid with flush joints. The depot is divided into two blocks-a main block to the south, and a smaller block to the north. Each is covered by a roof sheathed with earthy red Spanish tiles characteristic of the style.

The main (southern) block houses the passenger waiting room as well as the ticket offices. It is E-shaped in plan, fifteen bays in length, and stands one-and-one-half stories high. A steeply pitched hip roof covers the main block. Gables intersect the hip roof at both north and south ends of the west elevation to create the upper and lower arms of the "E." Each end breaks out into a bold curvilinear shaped gable framed by, small corner battlements. The focal point of the west elevation is, however, the center tower of the principal block. The square-in-plan tower is engaged at the lower one-and-one-half stories and then rises up two more levels into a monumental freestanding slab which dominates the site. The tower is lit on each face of its tall upper story by a cluster of three round-arched multi-paned windows slightly recessed within a round arched panel. Above this grouping the tower walls rise to form a parapet enclosing an observation-deck which rims the perimeter of the tower. Ornamenting the exterior wall of the parapet is a series of raised panels arranged in a stylized form reminiscent of crenellated battlements. A single grotesque gargoyle juts out from each corner of the parapet, adding a charmingly eccentric note to the tower's severe silhouette. In the center of the deck stands the yardmaster's signal room, a cubical form capped by a shallow pyramidal hipped roof with broadly overhanging eaves.

A round-arched arcade, protected by a pent roof, extends between the first story of the tower and the projecting gables--the three arms of the "E." The spandrels of the arcade are built of cream-colored bricks which provide a striking accent beside the tan voussoirs of each arch and impost area and the red brick of the plinth below. The covered arcade provides sheltered access from the inner waiting room to the tower, to the wings, and to the street. Above each arcade the roof of the main block is pierced by a large hipped wall dormer with wide overhanging eaves.

The facade of each gabled projection contains loosely interpreted Palladian window motives. At the first level is a two-over-two sash with a two-light transom. above, centered between two one-over-one sash with one-light transoms above. The window grouping is shaded by a hipped hood supported by boldly molded wooden brackets. Above the center is a flat-paneled round arch composed of six courses of radiating voussoirs arranged in graduated levels of relief. Piercing the face of the shaped gable end above is a second, more overt Palladian window motif, consisting of a round arched louvered vent flanked by shorter rectangular blind panels. Underlining the three forms is a molded sill braced by four thick cavetto-curved consoles.

The smaller, one-story northern block measures fourteen bays long and three deep and is bisected by a covered concourse which connects the low passenger platform by the tracks on the east elevation to the street along the west. Railroad administrative offices and storage rooms are housed in this wing. The block is covered by a broadly splayed gable roof supported on the west elevation by chamfered wooden braces which spring from corbeled imposts. The northern gable end contains three louvered vents arranged as a Palladian window. A pent roof, contiguous with the gable eaves, is attached to the northern elevation; its bracing system is identical to that found on the west elevation.
On the east elevation the gable roof is connected to a shed roof which runs the entire length of the eastern elevation and serves to shelter the passenger platform below. Segmental-arched one-over-one and two-over-two sash windows alternating with raised paneled doors surmounted by fanlights pierce the entire eastern elevation in random fashion. The shed roof is supported by a Howe parallel chords metal frame truss system with lateral bracing to insure against wind pressure. Each steel purlin is supported on engaged brick posts with heavily corbeled caps along the inner wall and on braced metal posts sunk into the concrete slab platform along the outer edge of the shed. A simple truss extends longitudinally under the middle of the shed, reinforcing the principal truss system at right angles. The functionalism of the platform shed reveals the utilitarian purpose of the depot as well as Milburn's desire for structural clarity.

The interior of the principal block forms a huge open space lit by one-aver-one sash windows with fanlights. It has had some slight alterations, including the removal of the partition between black and white passenger waiting rooms, the closing of the restaurant which occupied the northeastern section of the main block, and the removal of the ticket office from the first floor of the tower to the southern end of the waiting room. The waiting room features a two-course brick chair rail, a heavily molded wooden cornice, and, located at the center bay, a transverse round arch supported on large pilasters. A similar arch frames a huge oculus with four equilaterally positioned keystones at either end of the waiting room. The floor is dramatically decorated with polychromed tiles arranged in a diaper pattern of squares and diamonds. (End of National Register description)

The interior of the secondary block has been divided into numerous office and storage cubicles but structurally remains virtually unchanged.

3. There are no known archaeological features that would contribute to the property’s significance.

4. The restoration of the station was completed under the direction of the architectural firm, Phillips and Opperman, that specializes in historic restorations. It was the intent of the Historic Salisbury Foundation to restore the structure, as closely as possible, with the original design. The property’s integrity of design, setting, workmanship, and materials were maintained. Every effort was made to ensure that all aspects of the restoration were in keeping with the look, feeling and setting of the 1907-1907 design. Alterations to the surrounding grounds were designed to enhance pedestrian pleasure in the Salisbury Railroad Corridor Historic District.

Interior restoration and changes (described in Historic Background #3) in the principal block include: restoration of the waiting room walls and ceiling to the original design, recreation of the ticket window (using Milburn’s blueprint), restoration of waiting room floor, exchanging the locations of the men’s and ladies’ restrooms and parlors, adding a new kitchen in the area that had been the “colored” restroom and ticket area (compare 1908 floor plan with current floor plan), the original kitchen and lunchroom are now used for storage.
In the secondary block the following interior changes have been made. The Baggage room, mailroom, and locker room areas have been divided into office space.

Blueprints that were created for the restoration project have been included in the documentation section of this report.

5. The Historic Salisbury Station as well as the south garden should be included in the designation for the following reasons: the station is historically significant, the passenger platform/concourse is historically significant. the south garden enhances the surrounding historic district and reflects the landscaping of the station when it was built in 1907-1908’

V. Supporting Documentation

1. List of digital photographs:

a. Elevations

1. N Elevation
2. W Elevation looking S
3. East Elevation
4. Secondary block West elev.
5. HSF addition
7. Looking south from platform
8. West Elevation Tower
9. Waiting room entrance from platform
10. West Elevation looking North
11. West Elevation waiting room entrance
12. Platform Truss system
13. HSF addition
14. South end W Elevation waiting room entrance
15. South Elevation entrance
16. North Elevation from garden
17. South Garden
24 Amtrak entrance

11
Historic Salisbury Station Landmark Designation Report

b. Interior
13. HSF addition hall/entrance
18 Interior door
19. Waiting room
20. Waiting room interior
27. Dining room fireplace
36. Mission style mantles
38. Lunch room window
39. Clock surround (one at each end of the waiting room)

c. Architectural features
8. West Elevation tower
12. Platform truss system
18. Gargoyle
28. Gargoyle -2
21. Covered arcade
22. Fanlight window
25. two course water table
37. west elevation entrance example

Additional historic and restoration photos
26. Platform system prior to 1980
   (Prior to 1980 the station was served by six tracks)
29. Old Station 1906
30. recreation of ticket window
31. restoration of waiting room ceiling
32. restoration of waiting room -2
33. waiting room restoration
34. Sanborn map 1905
35. Sanborn map 1896
2. Sketch of floor plan
3. Site plan and blueprints
4. Tax map and tax appraised value of property
5. Addendum A: Architectural description of structure
   Addendum B: National Register statement of significance

VI. Bibliography


* Great American Stations is the Amtrak web site devoted to education and the restoration of historic railroad stations.
1. North Elevation

2. West Elevation (looking South)
3. East Elevation

![East Elevation Image]

4. Secondary block, West Elevation

![Secondary block, West Elevation Image]
5. HSF Addition

6. South Elevation
7. South from Platform

8. West Elevation Tower
9. Waiting room entrance from platform

10. West elevation looking North
11. West Elevation waiting room entrance

12. Platform Truss system
13. HSF Addition

14. South end of West Elevation waiting room entrance
15. South Elevation entrance

16. North Elevation from garden
17. South Garden

![South Garden Image]

24. Amtrak Entrance

![Amtrak Entrance Image]
b. Interior Photographs

13. HSF addition hall/entrance
18. Interior door

19. Waiting Room
20. Waiting room interior

![Waiting room interior](image1.jpg)

27. Dining room fireplace

![Dining room fireplace](image2.jpg)
36. Mission style mantles

38. Lunch room window
39. Clock surround (one at each end of the waiting room)

c. Architectural Features
8. West Elevation Tower

12. Platform truss system
18. Gargoyle

28. Gargoyle -2
21. Covered Arcade

22. Fanlight Window
25. Two course water table

37. West elevation entrance example
Additional historic and restoration photos

26. Platform system prior to 1980
29. Old Station 1906

30. Recreation of ticket window
31. Restoration of waiting room ceiling

32. Restoration of waiting room -2
33. Waiting room restoration

34. Sanborn map 1905
35. Sanborn map 1896

2. Sketch of floor plan
3. Site plan

![Site Plan Image]

4. Tax map and tax appraised value

![Tax Map Image]
DESCRIPTION

CONDITION
- EXCELLENT
- DETERIORATED
X GOOD
- RUINS
- FAIR
- UNEXPOSED

CHECK ONE
- ORIGINAL SITE
- ALTERED
- REMOVED
- DATE

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The Salisbury Southern Railroad Passenger Depot is an exceptionally fine instance of railroad architecture. Designed in the Spanish Mission style by Frank P. Milburn and built in 1907-1908, the depot reflects the early twentieth century's interest in structural functionalism as well as in abstract geometric design and the use of strong colors. The station, which runs the length of two city blocks, is a masonry structure built of mechanically bonded pressed brick pierced by a multitude of round and segmental-arched windows. A two-course water table stands out as the dividing line between the dark red brick base with its deeply raked joints and the tan brick of the body of the building, which is tightly laid with flush joints. The depot is divided into two blocks—a main block to the south, and a smaller block to the north. Each is covered by a roof sheathed with earthy red Spanish tiles characteristic of the style.

The main (southern) block houses the passenger waiting room as well as the ticket offices. It is E-shaped in plan, fifteen bays in length, and stands one-and-one-half stories high. A steeply pitched hip roof covers the main block. Gables intersect the hip roof at both north and south ends of the west elevation to create the upper and lower arms of the "E." Each end breaks out into a bold curvilinear shaped gable framed by small corner battlements. The focal point of the west elevation is, however, the center tower of the principal block. The square-in-plan tower is engaged at the lower one-and-one-half stories and then rises up two more levels into a monumental freestanding slab which dominates the site. The tower is lit on each face of its tall upper story by a cluster of three round-arched multi-paned windows slightly recessed within a round-arched panel. Above this grouping the tower walls rise up to form a parapet enclosing an observation-deck which rims the perimeter of the tower. Ornamenting the exterior wall of the parapet is a series of raised panels arranged in a stylized form reminiscent of crenellated battlements. A single grotesque gargoyle juts out from each corner of the parapet, adding a charmingly eccentric note to the tower's severe silhouette. In the center of the deck stands the yardmaster's signal room, a cubical form capped by a shallow pyramidal hipped roof with broadly overhanging eaves.

A round-arched arcade, protected by a pent roof, extends between the first story of the tower and the projecting gables—the three arms of the "E." The spandrels of the arcade are built of cream colored bricks which provide a striking accent beside the tan voussoirs of each arch and impost area and the red brick of the plinth below. The covered arcade provides sheltered access from the inner waiting room to the tower, to the wings, and to the street. Above each arcade the roof of the main block is pierced by a large hipped wall dormer with wide overhanging eaves.

The facade of each gabled projection contains loosely interpreted Palladian window motives. At the first level is a two-over-two sash with a two-light transom above, centered between two one-over-one sash with one-light transoms above. The window grouping is shaded by a hipped hood supported by boldly molded wooden brackets. Above the center is a flat-paneled round arch composed of six courses of radiating voussoirs arranged in graduated levels of relief. Piercing the face of the shaped gable end above is a second, more overt Palladian window motif, consisting of a round arched louvered
vent flanked by shorter rectangular blind panels. Underlining the three forms is a molded sill braced by four thick cavetto-curved consoles.

The smaller, one-story northern block measures fourteen bays long and three deep, and is bisected by a covered concourse which connects the low passenger platform by the tracks on the east elevation to the street along the west. Railroad administrative offices and storage rooms are housed in this wing. The block is covered by a broadly splayed gable roof supported on the west elevation by chamfered wooden braces which spring from corbeled imposts. The northern gable end contains three louvered vents arranged as a Palladian window. A pent roof, contiguous with the gable eaves, is attached to the northern elevation; its bracing system is identical to that found on the west elevation.

On the east elevation the gable roof is connected to a shed roof which runs the entire length of the eastern elevation and serves to shelter the passenger platform below. Segmental-arched one-over-one and two-over-two sash windows alternating with raised paneled doors surmounted by fanlights pierce the entire eastern elevation in random fashion. The shed roof is supported by a Howe parallel chords metal frame truss system with lateral bracing to insure against wind pressure. Each steel purlin is supported on engaged brick posts with heavily corbeled caps along the inner wall and on braced metal posts sunk into the concrete slab platform along the outer edge of the shed. A simple truss extends longitudinally under the middle of the shed, reinforcing the principal truss system at right angles. The functionalism of the platform shed reveals the utilitarian purpose of the depot as well as Milburn's desire for structural clarity.

The interior of the principal block forms a huge open space lit by one-over-one sash windows with fanlights. It has had some slight alterations, including the removal of the partition between black and white passenger waiting rooms, the closing of the restaurant which occupied the northeastern section of the main block, and the removal of the ticket office from the first floor of the tower to the southern end of the waiting room. The waiting room features a two-course brick chair rail, a heavily molded wooden cornice, and, located at the center bay, a transverse round arch supported on large pilasters. A similar arch frames a huge oculus with four equilaterally positioned keystones at either end of the waiting room. The floor is dramatically decorated with polychromed tiles arranged in a diaper pattern of squares and diamonds.

The interior of the secondary block is divided into numerous office and storage cubicals and remains virtually unchanged.
The Salisbury Southern Railroad Passenger Depot, designed by Frank P. Milburn and built in 1907-1908, is an impressive and well-preserved example of the Spanish Mission style popular in the early twentieth century. An important reminder of the vital role of the railroad in the development of the town of Salisbury, it is one of the few remaining examples of the eclectic Milburn's many public buildings in North Carolina, and one of the most ambitious railroad depots surviving in the state.

Frank P. Milburn was born in Bowling Green, Kentucky, on December 12, 1868. He was educated in the common schools in Kentucky, and later attended Arkansas University and the Arkansas Industrial University. He then returned to Kentucky, where he spent five years (1884-1889) studying architecture in Louisville. In 1889 he joined his father, Thomas Thurmond Milburn, and together they designed and built the Clay County Courthouse in Manchester, Kentucky.

In 1890 Milburn opened an office at Kenova, West Virginia, but by about 1893 he had moved to Winston, North Carolina, where he was architect for the Forsyth County Courthouse and the Wachovia Bank Building. About 1896 his design was chosen for the Mecklenburg County Courthouse at Charlotte; here he also became architect of the first steel frame building erected in North Carolina.

After an active period as a resident of Columbia, South Carolina, Milburn in 1902 moved to Washington, D.C., where he became architect for the Southern Railway Company. During the next fifteen years, he designed nineteen railroad stations, twenty-six county courthouses, fifteen residences, nine college buildings (including five for the University of North Carolina at Chapel Hill), and many other public buildings throughout the South. He died at the age of fifty-eight in Asheville on September 21, 1926.

The railway station designed by Milburn for Salisbury was apparently a much-needed facility. Contemporary newspaper articles suggest a high degree of public interest in a new passenger station to replace the original, a dilapidated structure built before the Civil War. One newspaper characterized the need for the new facility as "a matter that has been uppermost in the public mind for the past two decades."

Salisbury had long been an important railroad town. The first locomotive arrived there on January 4, 1855, when the Charlotte-to-Salisbury portion of the North Carolina
Railroad was completed. By 1860 the Western North Carolina Railroad was complete from Salisbury to within thirteen miles of Morganton. In the latter part of the nineteenth century, Salisbury became a major terminal on the Southern Railway's Charlotte-to-Greensboro "main line." (Its neighboring town, Spencer, was selected in 1896 to be the site of Southern's railway shops and transfer shed, making it one of the busiest and most important rail points in the South.)

By the early years of the twentieth century, Salisbury was being characterized as a "fine railroad center." "No city," boasted the Salisbury Evening Post in 1905, "is better located for traffic."

Twenty-two passenger trains pass by, arrive and depart from the city daily. An exclusive postal train also brings mail from New York City within fifteen hours from the time that the racer from the North leaves the metropolis. The Southern's passenger service is good, its patronage enormous. Within five years the revenues have been doubled and July past was the greatest record-maker within the history of the Salisbury station. There is no way to calculate its extensiveness. The wholesale and retail merchandize never was so large, and these dealers keep the station crowded with their wares.1

In March, 1907, the Southern announced that it had let a contract for the construction of a new passenger station on the same site as that occupied by the old terminal (which was to be razed). The Charlotte Daily Observer, in reporting on this announcement, reaffirmed the belief that the new facility would be "the handsomest main line structure between Washington and Atlanta" and suggested that it would be "an ornament to the city where adornments are most needed."

Construction of the new passenger station commenced April 9, 1907. Frank Milburn's design was carried out by the Central Carolina Construction Company of Greensboro, successful bidder on the project. The station was completed and officially opened to the public on September 1, 1908. The structure apparently won the immediate approval of the Charlotte Daily Observer's Salisbury bureau chief, who wrote on August 31:

After years of rather impatient waiting the city's needs have at last been recognized by the Southern's officials, and, as if to make up for their tardiness, they have spent lavishly to give the city a passenger depot to be proud of putting over $120,000 into it.2

The facility was designed primarily as a passenger station, with separate waiting rooms for white and black, rest rooms and parlors, a ticket office, mail room, telegraph office, and conductors' room. Apparently most of the freight was to be handled at a nearby Southern Express Company freight office (also designed by Frank Milburn), which stood "just to the north" of the new passenger station. The express office was razed in 1971, but the passenger station remains very nearly as it was when erected in 1907-1908.
March 11, 2019

Kyle Harris
City of Salisbury
132 North Main Street
Salisbury, NC 28144

RE: Landmark Designation Report for the Salisbury Southern Railway Passenger Depot, 215 Depot Street, Salisbury, Rowan County

Dear Mr. Harris:

Thank you for the report for the Salisbury Southern Railway Passenger Depot, located at 215 Depot Street in Salisbury. We have reviewed the information in the report and offer the following comments in accordance with North Carolina General Statute 160A-400.4.

Designed in the Spanish Mission style by Frank P. Milburn and built in 1907-1908, the Salisbury Southern Railroad Passenger Depot is significant for its historic architecture and for its importance in local transportation history. Regarding the depot’s architecture, the local designation report explains that the property reflects popular early twentieth century design trends, is an important example in North Carolina of Milburn’s eclectic style design for public architecture and is “one of the most ambitious railroad depots surviving in the state.” The depot also played an important role in Salisbury’s transportation history and in the town’s growth and development. As the report notes, “The Southern Railway’s designation of Salisbury as a commercial hub, played a significant role in Salisbury’s growth as a city.” Further, the Salisbury Southern Railroad Passenger Depot was individually listed in the National Register of Historic Places in 1975 and included as a contributing element of the Salisbury Railroad Corridor Historic District, listed in the National Register in 1987.

We have reviewed the report and believe it presents sufficient information for the Salisbury Historic Preservation Commission and local governing board to determine whether the Salisbury Southern Railroad Passenger Depot possesses the requisite special significance and integrity for local landmark designation.

The property may contain significant archaeological resources, particularly materials associated with the early twentieth-century railway depot and the older station that served the area prior to and during the Civil War, assuming the new station was built on the same site. Care should be taken to avoid inadvertent damage or destruction of these resources during any ground disturbing activities.

Landmark designation means the community recognizes a property as an important historic resource worthy of preservation. Any substantial exterior design changes to a designated landmark are subject to the design review procedures of the Salisbury Historic Preservation Commission. The owner may apply for an
annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity.

If the local governing board wishes to extend the Commission’s design review authority to significant features of the interior, the owner must give written consent. The designation ordinance must specify the features and describe the nature of the Commission’s design review authority over them.

Thank you for giving us the opportunity to comment on the report. Our comments are advisory only and are not binding. Once the governing board has received a recommendation from the Salisbury Historic Preservation Commission and has proceeded in the same manner as would otherwise be required for an amendment to the zoning ordinance, the governing board may proceed with the designation decision. Once the designation decision has been made, please return the completed designation confirmation form, enclosed.

This letter serves as our comments on the proposed landmark designation of the Salisbury Southern Railway Passenger Depot. Please contact me at 919-814-6575 should you have any questions about our comments.

Sincerely,

Amber E. Stimpson
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure
AN ORDINANCE DESIGNATING THE “SALISBURY SOUTHERN RAILWAY PASSENGER DEPOT,” LOCATED AT 215 DEPOT STREET IN SALISBURY, NORTH CAROLINA, AS A HISTORIC LANDMARK

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of historic landmarks; and

WHEREAS, the City of Salisbury has created the Salisbury Historic Preservation Commission as a commission having the authority to exercise, within the planning jurisdiction of the City, the powers and duties conferred by N.C.G.S. 160A-400; and

WHEREAS, the Salisbury Southern Railway Passenger Depot is located at 215 Depot Street in Salisbury, North Carolina, and is identified by the Rowan County Parcel ID No. 0104340001 (“the Property”); and

WHEREAS, the Property is owned by Historic Salisbury Foundation, Inc., who has consented to the landmark designation; and

WHEREAS, the Salisbury Historic Preservation Commission issued a Landmark Designation Report in December 2018, recommending designation of the Property as a historic landmark; and

WHEREAS, as set forth in the Landmark Designation Report, the Salisbury Historic Preservation Commission has determined that the Property is of special significance in terms of its historical, prehistorical, architectural, and/or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the State Historic Preservation Office (“SHPO”) of the North Carolina Department of Natural and Cultural Resources has been provided the opportunity to review and comment on the proposed designation; and

WHEREAS, the SHPO reviewed the proposed designation and issued a letter of comment dated March 11, 2019, in which it noted that “the local designation report explains that the property reflects popular early twentieth century design trends, is an important example in North Carolina of Milburn’s eclectic style design for public architecture and is “one of the most ambitious railroad depots surviving in the state’”; and

WHEREAS, the Salisbury Historic Preservation Commission held a duly-noticed public hearing on April 15, 2019, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein, and following said hearing voted to confirm its recommendation that the Salisbury City Council designate the Property as a historic landmark; and

WHEREAS, the Salisbury City Council held a duly-noticed public hearing on April 16, 2019, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein; and
WHEREAS, the Salisbury City Council, having taken into full consideration all statements and information presented at the public hearings and in the Landmark Designation Report, finds that the Property meets all qualifying elements of a historic landmark, particularly, that it is of special significance in terms of its historical, prehistorical, architectural, and/or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Salisbury City Council finds that the Property’s preservation should be encouraged and ensured.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. The City of Salisbury hereby designates the Salisbury Southern Railway Passenger Depot, located at 215 Depot Street in Salisbury, North Carolina as a Salisbury Historic Landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes. Said property being more particularly described as follows:

**Salisbury Southern Railway Passenger Depot – 215 Depot Street, Salisbury Rowan County, NC, specifically:** the complete exterior of the building, including the attached original covered Southern Railroad Company passenger platform and concourse and the south gardens associated with the property (Rowan County Parcel ID # 0104340001), that property described in deed book 627, page 577 recorded in the Rowan County Register of Deeds, comprising approximately 1.59 acres of the total parcel. This property is owned by Historic Salisbury Foundation, Inc.

The designation contemplated herein includes partial interior designation of the Salisbury Southern Railway Passenger Depot, 215 Depot Street, Salisbury Rowan County, NC, specifically:

The original floor, original doors and windows, ceiling arches, wooden moldings, clock surrounds, accurately reproduced ticket booth, the historically correct replacement lighting fixtures, lunch room window, and the replacement fireplace mantles in the ladies’ and mens’ parlors in the south block waiting room; the original doors, windows, wooden moldings, and hardwood floors, original interior brick walls and the fireplace in the dining room in the old lunch room, station mater’s office, and the dining room/Historic Salisbury Foundation board room in the south block as described in detail in the Landmark Designation Report.

The original hardwood floors, original windows and doors and original brick walls in the north, or secondary block, plus the covered arcade, tower, and the original covered passenger platform concourse and the truss system as described in detail in the Landmark Designation Report.
SECTION 2. No portion of the interior and exterior features of any building, site, structure, area, or object that is designated in this ordinance may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material, or outer appearance occurs unless and until a Certificate of Appropriateness is obtained from the Salisbury Historic Preservation Commission or its successors; provided however that the City of Salisbury Planning Director or designee may approve Certificates of Appropriateness for minor works as listed in the Bylaws and Rules of Procedure of the Salisbury Historic Preservation Commission. The Salisbury Historic Preservation Commission shall review Certificates of Appropriateness for interior alterations using *The Secretary of the Interior’s Standards for Rehabilitation*.

SECTION 3. No portion of the exterior features of any building, site, structure, or object that is designated in this ordinance may be demolished unless and until a Certificate of Appropriateness is obtained from the Salisbury Historic Preservation Commission or a period of three hundred and sixty-five (365) days has elapsed following final review by the Commission of a request for demolition (or any longer period of time required by N.C.G.S. 160A-400.14 as it may be amended hereafter); provided however, that demolition may be denied by the Salisbury Historic Preservation Commission in the event that the State Historic Preservation Officer determines that the building, site, structure, or object has statewide significance as provided by N.C.G.S. 160A-400.14.

SECTION 4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and follow *The Secretary of the Interior’s Standards for Rehabilitation* and the *Salisbury Historic Design Guidelines*, the guidelines used by the Salisbury Historic Preservation Commission to evaluate proposed alterations or additions.

SECTION 5. The Salisbury Historic Preservation Commission shall have no jurisdiction over the interior features of the property, with the exception of those portions of the interior that are included in the designation parameters as contemplated in this ordinance.

SECTION 7. City administration and the Salisbury Historic Preservation Commission are hereby authorized to have posted a suitable sign on the site herein described indicating that said site has been designated a historic landmark by action of the Salisbury Historic Preservation Commission and the Salisbury City Council provided, should the owners of the herein described property not consent to the posting of said sign on the described premises, City administration and the Salisbury Historic Preservation Commission are hereby authorized to have said sign located on the public right-of-way adjacent to said property.
SECTION 8. All owners of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence, shall be sent by certified mail a copy of this ordinance.

SECTION 9. Copies of this ordinance shall be filed and indexed in the offices of the City Clerk, Community Planning Services, Rowan County Register of Deeds, and the Rowan County Tax Administrator, as required by applicable law.

SECTION 10. In the event any building, site, structure, or object designated in this ordinance is demolished in accordance with the ordinances of the City of Salisbury, this ordinance may be repealed.

SECTION 11. Any violation of this ordinance shall be unlawful as by law provided.

SECTION 12. This ordinance shall be effective on the date of adoption.
Local Historic Landmark Designation: Tax Implications

The Salisbury City Council is authorized by N.C.G.S. 160A, Part 3C to designate local historic landmarks that are deemed by the Salisbury Historic Preservation Commission (HPC) to be of special significance in terms of their historical, prehistorical, architectural, or cultural importance; and that possess integrity of design, setting, workmanship, materials, feeling and/or association.

**Owners of local historic landmarks are eligible for property tax benefits.**

Owners are eligible to apply annually for a **50% property tax deferral** as long as the property’s significant historic or architectural features are maintained. N.C.G.S. 105-278 authorizes this benefit:

§ 105-278. Historic properties.

(a) Real property designated as a historic property by a local ordinance adopted pursuant to former G.S. 160A-399.4 or designated as a historic landmark by a local ordinance adopted pursuant to G.S. 160A-400.5 is designated a special class of property under authority of Article V, Sec. 2(2) of the North Carolina Constitution. Property so classified shall be taxed uniformly as a class in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and 105-286, or 105-287.

(b) The difference between the taxes due on the basis of fifty percent (50%) of the true value of the property and the taxes that would have been payable in the absence of the classification provided for in subsection (a) shall be a lien on the property of the taxpayer as provided in G.S. 105-355(a). The taxes shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the property loses the benefit of this classification as a result of a disqualifying event. A disqualifying event occurs when there is a change in an ordinance designating a historic property or a change in the property, other than by fire or other natural disaster, that causes the property’s historical significance to be lost or substantially impaired. In addition to the provisions in G.S. 105-277.1F, no deferred taxes are due and all liens arising under this subsection are extinguished when the property’s historical significance is lost or substantially impaired due to fire or other natural disaster. (1977, c. 869, s. 2; 1981, c. 501; 1989, c. 706, s. 3.1; 2005-435, s. 38; 2006-162, s. 28; 2008-35, s. 2.5; 2010-95, s. 17.)

The deferment reduces the taxable value of the property by 50%. This means that any special taxes are also reduced; for example, a landmark property located in a Municipal Service District would see its MSD tax revenue reduced by 50%.

The value of the deferred property taxes are held as a lien against the property. In the event that the property loses landmark status, due to loss or impairment of historical significance or changes in the designating ordinance, the deferred taxes for the previous three years are payable to the owner. If a property loses its historic significance due to a fire or natural disaster, no recapture of past tax deferments will occur.

On the following pages, the tax implications of the designation of example landmarks is provided.
**Example 1: Historic Commercial Building**

- **Value:** $900,000.00
- **Special Taxes:**
  - Located in Municipal Service District
- **Tax Rates:**
  - City Tax Rate: 0.7196%
  - MSD Tax Rate: 0.176%
- **Pre-Landmark Taxes Paid, 10-Years**
  - Taxable Value: $900,000.00
  - City Revenue: $64,764.00
  - MSD Revenue: $15,840.00
- **Post-Landmark Taxes Paid, 10-Years**
  - **50% REDUCTION IN TAXABLE VALUE**
    - Taxable Value: $450,000.00
    - City Revenue: $32,382.00
    - MSD Revenue: $7,920.00

*The designation of this property would reduce the City’s revenue by $40,302.00 over 10 years.*

---

**Example 2: Large Historic Residence**

- **Value:** $1,200,000.00
- **Special Taxes:** N/A
- **Tax Rates:**
  - City Tax Rate: 0.7196%
- **Pre-Landmark Taxes Paid, 10-Years**
  - Taxable Value: $1,200,000.00
  - City Revenue: $86,352.00
- **Post-Landmark Taxes Paid, 10-Years**
  - **50% REDUCTION IN TAXABLE VALUE**
    - Taxable Value: $600,000.00
    - City Revenue: $43,176.00

*The designation of this property would reduce the City’s revenue by $43,176.00 over 10 years.*
Example 3: Modest Historic Residence

- Value: $350,000.00
- Special Taxes: N/A
- Tax Rates:
  - City Tax Rate: 0.7196%
- Pre-Landmark Taxes Paid, 10-Years
  - Taxable Value: $350,000.00
  - City Revenue: $25,186.00
- Post-Landmark Taxes Paid, 10-Years
  - 50% REDUCTION IN TAXABLE VALUE
  - Taxable Value: $175,000.00
  - City Revenue: $12,593.00

The designation of this property would reduce the City’s revenue by $12,186.00 over 10 years.

Additional Resources:
Please Select Submission Category: □ Public □ Council □ Manager □ Staff

Requested Council Meeting Date: APRIL 16, 2019

Name of Group(s) or Individual(s) Making Request: BRIAN HIATT, INTERIM PLANNING DIRECTOR

Name of Presenter(s): CATHERINE CLIFTON (CITY)
ELYSIA A. DEMERS, GRIEVOUS GALLERY (APPLICANT)

Requested Agenda Item: SUP-02-2019 GRIEVOUS GALLERY SPECIAL USE PERMIT

Description of Requested Agenda Item: COUNCIL TO CONTINUE CONSIDERATION OF A SPECIAL USE PERMIT REQUEST TO ALLOW FOR ON-SITE ALCOHOL CONSUMPTION AT AN EXISTING ART GALLERY LOCATED AT 111 W. BANK STREET. CONSIDERATION OF THIS MATTER WAS NOT CONCLUDED AT THE MEETING ON APRIL 2, 2019, AND WAS POSTPONED UNTIL THE MEETING ON APRIL 16, 2019.

Attachments: □ Yes □ No

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

Action Requested of Council for Agenda Item: COUNCIL TO HOLD A PUBLIC HEARING AND CONSIDER ISSUANCE OF A SPECIAL USE PERMIT FOR SUP-02-2019 TO PERMIT ON-SITE ALCOHOL CONSUMPTION AT GRIEVOUS GALLERY LOCATED AT 111 W BANK ST.

Contact Information for Group or Individual: Catherine Clifton x5212 or catherine.clifton@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****
Requested Agenda Item: Council to consider making appointments to boards and commissions. A worksheet is attached showing the current number of seats open either through vacancies or members who are rolling off of the board for each the boards and commissions.

Description of Requested Agenda Item:

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)

There is no fiscal impact

Action Requested of Council for Agenda Item: Council to consider making appointments to various boards and commissions.

Contact Information for Group or Individual: Diane Gilmore, 704-638-5224
### Fair Housing Committee

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 2 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rocky Cabagnot</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keya Ruston</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dick Palmore</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ellen Robertson</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>George Benson</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- Jamella Martin
- Brenda Brown
- Meghan Ketterman
- Melissa Summers
- Gemale Black
- Lisa Kelley
- Jonathan Coarsey
- Michael Martelli
- Skip Wood
- Anthony Smith
- Crystal Jackson
- Renee Wimbish MacNutt

### Planning Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 2 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dennis Lunsford</td>
<td>3/31/19</td>
<td>Yes</td>
<td>Dennis Lunsford</td>
</tr>
<tr>
<td>Thomasina Paige</td>
<td>3/31/19</td>
<td>No</td>
<td>Skip Wood</td>
</tr>
<tr>
<td>John Schaffer</td>
<td>3/31/19</td>
<td>Yes</td>
<td>John Schaffer</td>
</tr>
<tr>
<td>Josh Canup (ETJ)*</td>
<td>3/31/19</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Randy Reamer (ETJ)*</td>
<td>3/31/19</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Patricia Ricks</td>
<td>3/31/19</td>
<td>Yes</td>
<td>Patricia Ricks</td>
</tr>
</tbody>
</table>

(* member is serving until a replacement is found)

**Applicants:**
- William James
- Ronald Bryant
- Gemale Black
- Jonathan Coarsey
- Wesley Hamrick
- Jonathan Leach
- Nicholas Hill
- Crystal Jackson
- William Clements
- Mark Hill
- Liliana Spears
- Gemale Black

**Notes:**
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: April 16, 2019

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

Name of Presenter(s): Graham Corriher

Requested Agenda Item: Ordinance Revisions (Chapter 22, Article V—Demonstrations)

Description of Requested Agenda Item: Council to consider revisions to Chapter 22, Article V of the Salisbury Code of Ordinances, addressing Public Demonstrations. The revisions were recommended by a Council Committee.

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)

Adopt an ordinance amending Chapter 22, Article V of the Salisbury Code of Ordinances.

Contact Information for Group or Individual:

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

☒ Regular Agenda (item to be discussed and possibly voted on by Council) City Attorney Comments

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
MEMORANDUM

TO: Salisbury City Council
FROM: J. Graham Corriher, City Attorney
DATE: March 20, 2019
RE: Proposed Revisions to First Amendment Ordinance

This memorandum provides a summary of the proposed revisions to Chapter 22, Article V of the Salisbury Code of Ordinances, which addresses public assemblies protected by the First Amendment. The revisions were proposed by a Council Committee composed of Mayor Pro Tem Post and Councilman Miller. As you may recall, these revisions were separated from revisions to the Public Street Festivals and Special Events Ordinance (Chapter 22, Article VI), which were adopted by City Council on April 17, 2018.

Including the Special Events Ordinance, the Committee convened thirteen (13) public meetings to solicit input from citizens. Several of those meetings addressed both articles of Chapter 22. The last three Committee meetings exclusively addressed the First Amendment Ordinance. The Committee requested at its last meeting on March 4, 2019, that the proposed revisions be distributed publicly and posted on the City’s website to allow the public a chance to review the proposed revisions in advance of consideration by City Council on April 2, 2019. The Committee also requested that there be a courtesy public hearing at the April 2 meeting to solicit additional citizen input.

Attached to this memorandum is a clean version and a redlined version of the proposed revisions to the ordinance for your review and consideration. The bulleted summary below explains the substantive revisions to the ordinance. Minor and stylistic revisions are not included on this list but are nonetheless included in the attachments.

- **Title.** The title of Article V was changed to reflect the substance of the changes within the ordinance. The Article no longer regulates parades (those are regulated by the Special Events ordinance) and the section on picketing was removed altogether.

- **Definitions (Sec 22-121).** The definitions that are no longer applicable (picket line, parade, and block) were removed. The previous “Group Demonstration” was revised into the following two definitions: 1)
Demonstrations, which includes all public assemblies, regardless of size (the small group exception); and 2) Group Demonstrations, which is only those demonstrations involving ten (10) or more people, and for which a permit is required. The purpose of splitting the definition into two parts was to explicitly create a small group exception to the permit requirement, and also to clarify that the parts of the ordinance related to conduct apply even where a permit is not required.

- **Penalty/Police Supervision (former Secs. 22-123 & 22-124).** The penalty section and the police supervision section were removed. By operation of state law, unless otherwise provided by Council, any violation of a local ordinance is a Class 3 misdemeanor. G.S. §160A-175(b). Similarly, the police supervision section was removed as superfluous.

- **Interference prohibited (Sec. 22-125).** This section was revised to include a prohibition on interfering with any permitted event (e.g., Special Events, Public Festivals, and Group Demonstrations) and also with any demonstration that does not require a permit (e.g., unplanned Group Demonstrations and Demonstrations with less than 10 people). This prohibition does not mean that groups with opposing messages may not be in the vicinity of and communicate messages to other groups, only that individuals or groups may not physically disrupt any event or demonstration. The revisions also include a prohibition on interference with pedestrian and vehicular traffic and access to buildings along the sidewalks and streets.

- **Weapons prohibition (Sec. 22-126).** The weapons prohibition was revised to provide a more illustrative list of the types of firearms and dangerous weapons that are prohibited during demonstrations and other events.

- **Picketing (former Sec. 22-127).** This section was entirely removed. The conduct addressed within this section is addressed in other parts of the ordinance.

- **Permit Requirement (Sec. 22-146).** A permit is only required for Group Demonstrations involving ten (10) or more people. Demonstrations involving less than ten (10) people do not require a permit, but are allowed to request one. Unplanned Group Demonstrations similarly do not require a permit, but may not last for more than twelve (12) hours. Unplanned Group Demonstrations may also request a permit, but are not required to.

  - **Application/Issuance (Sec 22-147).**
    - Permit applications must be filed at least 48 hours in advance of a Group Demonstration.
    - Permit applications must designate at least one person in charge of the Group Demonstration.
• The city manager or designee (in Salisbury’s case, the Police Chief) has the authority to place reasonable time, place, and manner restrictions on a permit, so long as they are unrelated to content and directly related the public health, safety, or welfare.

• Permits shall be granted unless there is a specific reason to deny a permit, which are listed in a separate section of the Article (below) and which must be stated in writing to the applicant.

  o **Fee (former Sec. 22-148).** The City no longer charges a fee for a permit under this Article.

  o **Rejecting/Revoking Permit (Sec. 22-149).** This section was revised to list the reasons the Police Chief may deny or revoke a permit. The list is exclusive and content-neutral.

  o **Appeal (new Sec. 22-150).** This section was added to create an appeal process for permits that are denied or revoked.

These proposed revisions will appear on the City Council Agenda for April 2, 2019, for consideration and adoption. Thank you for your attention to this memorandum and the attached revisions. Please contact me if you have any questions or concerns.
AN ORDINANCE AMENDING CHAPTER 22, ARTICLE V, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO DEMONSTRATIONS

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

SECTION 1. That Chapter 22, Article V, of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

ARTICLE V. - DEMONSTRATIONS

Cross reference—Motor vehicles and traffic, Ch. 13; Noise, Ch. 14; offenses, Ch. 15.

DIVISION 1. - GENERALLY

Sec. 22-121. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Demonstration means any assembly in a public place for the purpose of displaying sentiment for or against a person or cause, including protesting.

Group Demonstration means any demonstration, as defined herein, involving ten (10) or more people. Group Demonstrations require a permit pursuant to Division 2 of this Article except where exempt from permitting requirements.

Person means any person, firm, corporation, partnership, association or other organization, whether formal or informal.

(Code 1977, § 24-81)

Sec. 22-122. - Exceptions to Article.

The provisions of this Article shall not apply to:

(1) Funeral processions.

(2) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities.

(3) Any governmental agency acting within the scope of its functions.

(Code 1977, § 24-90)

Sec. 22-125. - Interference prohibited.

No person shall hamper, obstruct, impede, or interfere with any Group Demonstration or other Demonstration conducted pursuant to this Article, with any Public Street Festivals or
Special Events conducted pursuant to a permit issued under Article VI of this Chapter, or with any other event being conducted under authority of a permit duly issued by the city manager or designee.

Demonstrations and Group Demonstrations shall be conducted on portions of public property not used primarily for vehicular parking or moving traffic, unless a permit has been issued permitting a Demonstration in that area, and shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public streets or sidewalks.

(Code 1977, § 24-87)

Sec. 22-126. – Prohibition of firearms and dangerous weapons.

It shall be unlawful for any person to possess any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed, as a part of any Group Demonstration or other Demonstration conducted pursuant to this Article (whether permitted or not), or of any Public Street Festivals or Special Events conducted pursuant to a permit issued under Article VI of this Chapter, or of any other event conducted pursuant to a permit duly issued by the city manager or designee.

The term dangerous weapon shall be defined as any device or substance designed or capable of being used to inflict serious injury to any person or property, including, but not limited to, any firearm, airgun, BB gun, pellet gun, knife or razor with a blade longer than three (3) inches in length, metallic knuckles, blackjacks, nightsticks, dangerous chemical which by its use might constitute a dangerous or deadly weapon, open flames larger than a standard candle, or other incendiary devices of any type.

This section shall not apply to a person exempted by the provisions of G.S. § 14-269(b) or to persons authorized by state or federal law to carry dangerous weapons in the performance of their official duties.

(Code 1977, § 24-85)

Cross reference—Offenses, Ch. 15.; G.S. § 14-277.2

Secs. 22-128—22-145. - Reserved.

DIVISION 2. - PERMIT

Sec. 22-146. - Required.

It shall be unlawful for any person to organize, conduct, or participate in any Group Demonstration in or upon any public place within the city unless a permit therefor has been issued by the city manager or designee in accordance with the provisions of this Division. This permit requirement shall not apply for Group Demonstrations that are unplanned and are not expected to last more than twelve (12) hours, or for Demonstrations involving less than ten (10)
people. An unplanned Group Demonstration or a Demonstration involving less than ten (10) people may apply for a permit but is not required to do so.

(Code 1977, § 24-82)

Sec. 22-147. - Issuance.

The city manager or designee is authorized to issue permits as required in this Division, and in the issuance thereof the manager shall:

1. Require a written application for the permit to be filed not less than forty-eight (48) hours in advance of such Group Demonstration. Such application shall be on a form prescribed by the city manager or designee, shall be signed by the applicant, and shall require that the applicant show the proposed time, place, and expected size of such Group Demonstration. If the Group Demonstration is proposed to be conducted for, on behalf of, or by an organization, the city manager or designee shall require that the applicant provide the name, address, and telephone number of the organization and of the authorized and responsible heads of such organization. The city manager or designee, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than forty-eight (48) hours before the time such Group Demonstration is proposed to be conducted.

2. Require that the application for a permit specify and the permit designate one or more person(s) in charge of the activity. At least one of such person(s) shall accompany the Group Demonstration and shall carry such permit with them at that time. Such permit shall not be valid in the possession of any other person(s).

3. Have the authority to place reasonable conditions on the permit related to the time, place, or manner of the Group Demonstration where such conditions are directly related to and are required in order to ensure the public health, safety, and welfare.

4. Issue such permit unless denying the permit is allowed in accordance with Sec. 22-149.

(Code 1977, § 24-83)

Sec. 22-149. – Grounds for Rejecting or Revoking a Permit.

The city manager or designee may refuse to issue or may revoke any permit granted for a Group Demonstration for any of the following reasons, and none other, which decision shall be in writing and shall state the reason(s) for rejecting the permit application or revoking the permit:

1. The violation by any participant of section 22-126.

2. The failure to comply with the terms and conditions of the permit.

3. Giving false information on the permit application.

4. An application for a Group Demonstration has already been received for the same time and place requested, in which case an alternative time or place shall be offered.
(5) It reasonably appears that the Group Demonstration, due to its stated time, location, or size, will present a threat to the public safety, health, or welfare, in which case alternatives shall be offered.

(6) It reasonably appears that the activity or purpose stated in the application would be a violation of local, state, or federal law.

(7) There is no person in charge identified on the application or there is otherwise no person willing to accept responsibility for complying with the provisions of this Article or of any permit issued by the city manager or designee.

(Code 1977, § 24-86)

Sec. 22-150. – Appeal of a Decision to Reject or Revoke a Permit.

The decision of the city manager’s designee to reject or revoke a permit may be appealed by providing written notice to the city manager or designee within seven (7) days of the issuance of the decision to reject a permit application or revoke a permit. The decision of the city manager, including the initial decision to reject or revoke a permit where the city manager makes that determination, may be appealed to the city council by providing written notice to the city manager within seven (7) days of the issuance of the decision by the city manager.

SECTION 2. That all ordinances, or the 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 upon adoption by the City of Salisbury from and after its passage.
AN ORDINANCE AMENDING CHAPTER 22, ARTICLE V, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO DEMONSTRATIONS

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

SECTION 1. That Chapter 22, Article V, of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

ARTICLE V. - PARADES, PICKET LINES AND GROUP-DEMONSTRATIONS

Cross reference—Motor vehicles and traffic, Ch. 13; Noise, Ch. 14; offenses, Ch. 15.

DIVISION 1. - GENERALLY

Sec. 22-121. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

___Block means that portion of any street lying between its intersections with other streets.

___Group-Demonstration means any assembly in a public place, together or concert of action between or among two (2) or more persons for the purpose of displaying sentiment for or against a person or cause, including protesting any matter or of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to such assembly.

___Group Demonstration means any demonstration, as defined herein, involving ten (10) or more people. Group Demonstrations require a permit pursuant to Division 2 of this Article except where exempt from permitting requirements.

___Parade means any assemblage of two (2) or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places.

Person means any person, firm, corporation, partnership, association or other organization, whether formal or informal.

___Picket line means any two (2) or more persons formed together for the purpose of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons.

(Code 1977, § 24-81)

Sec. 22-122. - Exceptions to Article.

The provisions of this Article shall not apply to:

(1) Funeral processions.
(2) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities.

(3) Any governmental agency acting within the scope of its functions.

(Code 1977, § 24-90)

Sec. 22-123. Penalty for violation of article.

The violation of any provision of this article shall constitute a general misdemeanor, punishable as provided by law.

(Code 1977, § 24-91)

Sec. 22-124. Police supervision.

The conduct of any parade, picket line or group demonstration shall be at all times under the supervision and control of the police department of the city.

(Code 1977, § 24-88)

Cross reference—Police, Ch. 20.

Sec. 22-125. Interference prohibited.

No unauthorized person shall hamper, obstruct, impede, or interfere with any parade, picket line or group demonstration or other demonstration conducted pursuant to this Article, with any Public Street Festivals or Special Events conducted pursuant to a permit issued under Article VI of this Chapter, or with any other event being conducted under authority of a permit duly issued by the city manager or designee.

Demonstrations and Group Demonstrations shall be conducted on portions of public property not used primarily for vehicular parking or moving traffic, unless a permit has been issued permitting a Demonstration in that area, and shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public streets or sidewalks.

(Code 1977, § 24-87)

Sec. 22-126. Prohibition of firearms and dangerous weapons.

The following acts or activities, when performed or undertaken in conjunction with or it shall be unlawful for any person to possess any firearm or dangerous weapon of any kind, as defined
below, whether exposed or concealed, as a part of any parade, picket line or group demonstration or other demonstration conducted pursuant to this Article (whether permitted or not), or of any Public Street Festivals or Special Events conducted pursuant to a permit issued under Article VI of this Chapter, or of any other event conducted pursuant to a permit duly issued by the city manager or designee—.

are hereby prohibited and declared unlawful: the term "dangerous weapon" shall be defined as any device or substance designed or capable of being used to inflict serious injury to any person or property carrying on or about the person of, including, but not limited to, any firearm, airgun, BB gun, pellet gun, knife or razor with a blade longer than three (3) inches in length, metallic knuckles, or any weapon or article, including but not limited to blackjacks, nightsticks or dangerous nightsticks, dangerous chemicals, which by its use might constitute a dangerous or deadly weapon, open flames larger than a standard candle, or other incendiary devices of any type.

This section shall not apply to a person exempted by the provisions of G.S. § 14-269(b) or to persons authorized by state or federal law to carry dangerous weapons in the performance of their official duties—law enforcement officers and official military personnel when lawfully acting within the scope of their official duties.

(Code 1977, § 24-85)

Cross reference— Offenses, Ch. 15; G.S. § 14-277.2


Picket lines and picketing shall be subject to the following additional regulations:

(1) Picketing may be conducted only on the sidewalks or other city-owned areas normally used or reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic. The term "city-owned areas" as used in this section includes easements and rights of-way.

(2) Not more than ten (10) pickets promoting the same objective shall be permitted to use either of the two (2) sidewalks or city-owned areas within four hundred (400) feet of street length at any one (1) time.

(3) Pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length promoting the objective for which the picketing is done.

(4) Pickets must march in single file and not abreast and must not march closer together than fifteen (15) feet, except in passing one another.

(5) Picketing done contrary to the provisions of this section shall be unlawful.

(Code 1977, § 24-89)

Secs. 22-128—22-145. Reserved.

DIVISION 2. PERMIT
Sec. 22-146. - Required.

It shall be unlawful for any person to organize, conduct, or participate in any parade, picket line or Group Demonstration in or upon any street, sidewalk, alley or other public place within the city unless a permit therefor has been issued by the city manager or, in his absence, his designee, in accordance with the provisions of this Division. This permit requirement shall not apply for Group Demonstrations that are unplanned and are not expected to last more than twelve (12) hours, or for Demonstrations involving less than ten (10) people. An unplanned Group Demonstration or a Demonstration involving less than ten (10) people may apply for a permit but is not required to do so.

(Code 1977, § 24-82)

Sec. 22-147. - Issuance.

The city manager or, in his absence, his designee is authorized to issue permits as required in this Division, and in the issuance thereof he shall:

(1) Require a written application for the permit to be filed not less than three (3) days, excluding Saturdays, Sundays and holidays, forty-eight (48) hours in advance of such parade, picket line or Group Demonstration. Such application shall be on a form prescribed by the city manager or designee, shall be signed by the applicant, and shall require that the applicant show the proposed time, place, purpose, and expected size and proposed route of such parade, picket line or Group Demonstration. If the parade, picket line or Group Demonstration is proposed to be conducted for, on behalf of, or by an organization, the city manager or designee shall require that the applicant provide the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization. The city manager or designee, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than three (3) days forty-eight (48) hours before the date such parade, picket line or Group Demonstration is proposed to be conducted.

(2) Require that the application for a permit shall specify and the permit shall designate the one or more person(s) in charge of the activity. At least one of such person(s) shall be required to accompany the parade, picket line or Group Demonstration and shall carry such permit with him at that time. Such permit shall not be valid in the possession of any other person(s).

(3) Have the authority to specify the starting time, duration, speed of travel and space between persons or vehicles in the parade, picket line or group demonstration, and may prescribe the portions or areas of streets, alleys, sidewalks or other public places to be used in such a way as to place reasonable conditions on the permit related to the time, place, or manner of the Group Demonstration where such conditions are directly related to and are to avoid the serious obstruction or impediment of public travel or public business required in order to ensure the public health, safety, and welfare.

(4) Require any additional information which the city manager shall find reasonably necessary to make a fair determination as to whether or not a permit should issue.
Refuse to issue such permit unless denying the permit is allowed when the activity or purpose stated in the application would violate any ordinance of the city or statute of the state, when the proposed parade, picket line or group demonstration would conflict with another such activity previously scheduled, when it is determined that the activity will substantially interrupt the safe and orderly movement of other traffic contiguous to its route, when the safety and welfare of the general public is jeopardized, or when application for such permit is improperly made, false information given thereon, or false information given on a previous application in accordance with Sec. 22-149.

(Code 1977, § 24-83)

Sec. 22-148. — Fee.

There shall be paid, at the time of filing the application for a permit required in this division, a fee of twenty-five dollars ($25.00).

(Code 1977, § 24-84; Ord. No. 1999-46, § 8, 6-15-99)

Sec. 22-149. — Revocation. — Grounds for Rejecting or Revoking a Permit.

The city manager or designee shall may refuse to issue or may revoke any permit granted for a parade, picket line or group demonstration for any of the following causes reasons, and none other, which decision shall be in writing and shall state the reason(s) for rejecting the permit application or revoking the permit:

1. The violation by any participant of section 22-126.
2. The failure to comply with the terms and conditions of the permit.
3. Giving false information on the permit application.
4. An application for a Group Demonstration has already been received for the same time and place requested, in which case an alternative time or place shall be offered.
5. It reasonably appears that the Group Demonstration, due to its stated time, location, or size, will present a threat to the public safety, health, or welfare, in which case alternatives shall be offered.
6. It reasonably appears that the activity or purpose stated in the application would be a violation of local, state, or federal law.
7. There is no person in charge identified on the application or there is otherwise no person willing to accept responsibility for complying with the provisions of this Article or of any permit issued by the city manager or designee.

(Code 1977, § 24-86)

Sec. 22-150. — Appeal of a Decision to Reject or Revoke a Permit.
The decision of the city manager’s designee to reject or revoke a permit may be appealed by providing written notice to the city manager or designee within seven (7) days of the issuance of the decision to reject a permit application or revoke a permit. The decision of the city manager, including the initial decision to reject or revoke a permit where the city manager makes that determination, may be appealed to the city council by providing written notice to the city manager within seven (7) days of the issuance of the decision by the city manager.

SECTION 2. That all ordinances, or the 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 upon adoption by the City of Salisbury from and after its passage.
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  □ Staff

Requested Council Meeting Date:  April 16, 2019

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

Name of Presenter(s):  Graham Corriher

Requested Agenda Item:  Ordinance Revisions (Chapter 14, Article III—Noise)

Description of Requested Agenda Item:  Council to consider revisions to Chapter 14, Article III of the Salisbury Code of Ordinances, addressing Noise.

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)

Adopt an ordinance amending Chapter 14, Article III of the Salisbury Code of Ordinances.

Contact Information for Group or Individual:

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

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

City Attorney Comments

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

☐ Approved ☐ Delayed ☐ Declined

Reason:
AN ORDINANCE AMENDING CHAPTER 14, ARTICLE III, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO NOISE

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

SECTION 1. That Chapter 22, Article III, of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

ARTICLE III. - NOISE[3]


Sec. 14-46. - Excessive noise prohibited.

Subject to the provisions of this article, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(Code 1977, § 16-51)

Sec. 14-47. - Vehicle horns, signal devices.

The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal when another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-52)

Cross reference—Motor vehicles and traffic, Ch. 13.


The use of any gong or siren upon any vehicle, other than a police, fire or emergency vehicle, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-53)

Sec. 14-49. - Radios, phonographs, etc.
(a) The playing of any television, radio, phonograph or other musical instrument in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence, shall be deemed to be unlawful and a violation of this article.

(b) Violation of this section shall be a misdemeanor. The first violation of this section shall result in a written warning being issued to the offender by the charging officer. The penalty for a second offense shall be one hundred dollars ($100.00). The penalty for a subsequent offense thereafter shall be two hundred dollars ($200.00).

(Code 1977, § 16-54; Ord. No. 1997-47, § 1, 6-3-97)

Sec. 14-50. - Animals, birds.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-55)

Cross reference— Animals and fowl, Ch. 5.

Sec. 14-51. - Noise from operation of vehicle.

The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-56)

Cross reference— Motor vehicles and traffic, Ch. 13.

Sec. 14-52. - Steam whistles.

The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work or as a warning of danger, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-57)

Sec. 14-53. - Engine exhaust.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, shall be deemed to be unlawful and a violation of the provisions of this article.
Sec. 14-54. - Compressed air devices.

The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced, shall be deemed to be unlawful and a violation of the provisions of this article.

Sec. 14-55. - Building construction.

The erection, including excavating, demolition, alteration or repair of any building in a residential or business district, except emergency repair to utilities, is allowed only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturday. No work shall be permitted on Sunday. Any work performed outside of the stated hours shall be deemed to be unlawful and a violation of the provisions of this article.

Work may be permitted outside of the stated construction hours only in the case of urgent necessity that is in the interest of public safety, and then only with a permit from the city manager or his designee, which permit may be renewed for a period of three (3) days or less while the emergency continues.

Sec. 14-56. - School, court, hospital zones.

The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the school, institution of learning or court is in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the street is a school, court or hospital street, shall be deemed to be unlawful and a violation of the provisions of this article.

Sec. 14-57. - Church zones.

The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the street is a church street, shall be deemed to be unlawful and a violation of the provisions of this article.
Sec. 14-58. - Loading and unloading.

The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-63)

Sec. 14-59. - Bells, gongs on buildings.

The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-64)

Sec. 14-60. - Shouting by peddlers, hawkers, etc.

The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-65)

Cross reference— Peddlers, Ch. 17.

Sec. 14-61. - Use of loudspeaker or similar device in merchandising.

It shall be unlawful for any person to use any drum, stationary loudspeaker or other like device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise. However, this section shall not be construed to apply to the use of loudspeakers by merchants during the Christmas season for the purpose of providing music, and music only, in connection with window displays; provided that in the use of loudspeakers for such purpose, they shall be toned down so that the music will be of moderate and unobjectionable sound.

(Code 1977, § 16-66)

Cross reference— Licenses, Ch. 11.

Sec. 14-62. - Loudspeakers or amplifiers on vehicles.

The use of any mechanical loudspeakers or amplifiers on moving vehicles for advertising or other purposes, except where specific permit is received from the city manager, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-67)
Cross reference—Motor vehicles and traffic, Ch. 13.

Sec. 14-63. - Garages; filling stations.

The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m. shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-68)

Cross reference—Zoning, App. B.

Secs. 14-65—14-74. - Reserved.

SECTION 2. That all ordinances, or the 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 upon adoption by the City of Salisbury from and after its passage.
AN ORDINANCE AMENDING CHAPTER 14, ARTICLE III, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO NOISE

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

SECTION 1. That Chapter 22, Article III, of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

ARTICLE III. - NOISE


Sec. 14-46. - Excessive noise prohibited.

Subject to the provisions of this article, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(Code 1977, § 16-51)

Sec. 14-47. - Vehicle horns, signal devices.

The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal when another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-52)

Cross reference—Motor vehicles and traffic, Ch. 13.


The use of any gong or siren upon any vehicle, other than a police, fire or emergency vehicle, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-53)

Sec. 14-49. - Radios, phonographs, etc.
(a) The playing of any television, radio, phonograph or other musical instrument in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence, shall be deemed to be unlawful and a violation of this article.

(b) Violation of this section shall be a misdemeanor. The first violation of this section shall result in a written warning being issued to the offender by the charging officer. The penalty for a second offense shall be one hundred dollars ($100.00). The penalty for a subsequent offense thereafter shall be two hundred dollars ($200.00).

(Code 1977, § 16-54; Ord. No. 1997-47, § 1, 6-3-97)

Sec. 14-50. - Animals, birds.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-55)

Cross reference—Animals and fowl, Ch. 5.

Sec. 14-51. - Noise from operation of vehicle.

The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-56)

Cross reference—Motor vehicles and traffic, Ch. 13.

Sec. 14-52. - Steam whistles.

The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work or as a warning of danger, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-57)

Sec. 14-53. - Engine exhaust.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, shall be deemed to be unlawful and a violation of the provisions of this article.
Sec. 14-54. - Compressed air devices.

The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced, shall be deemed to be unlawful and a violation of the provisions of this article.

Sec. 14-55. - Building construction.

The erection, including excavating, demolition, alteration or repair of any building in a residential or business district, except emergency repair to utilities, is allowed only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturday. No work shall be permitted on Sunday. Any work performed outside of the stated hours shall be deemed to be unlawful and a violation of the provisions of this article.

Work may be permitted outside of the stated construction hours only in the case of urgent necessity that is in the interest of public safety, and then only with a permit from the city manager or his designee, which permit may be renewed for a period of three (3) days or less while the emergency continues.

Sec. 14-56. - School, court, hospital zones.

The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the school, institution of learning or court is in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the street is a school, court or hospital street, shall be deemed to be unlawful and a violation of the provisions of this article.

Sec. 14-57. - Church zones.

The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the street is a church street, shall be deemed to be unlawful and a violation of the provisions of this article.
Sec. 14-58. - Loading and unloading.

The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-63)

Sec. 14-59. - Bells, gongs on buildings.

The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-64)

Sec. 14-60. - Shouting by peddlers, hawkers, etc.

The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-65)

Cross reference—Peddlers, Ch. 17.

Sec. 14-61. - Use of loudspeaker or similar device in merchandising.

It shall be unlawful for any person to use any drum, stationary loudspeaker or other like device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise. However, this section shall not be construed to apply to the use of loudspeakers by merchants during the Christmas season for the purpose of providing music, and music only, in connection with window displays; provided that in the use of loudspeakers for such purpose, they shall be toned down so that the music will be of moderate and unobjectionable sound.

(Code 1977, § 16-66)

Cross reference—Licenses, Ch. 11.

Sec. 14-62. - Loudspeakers or amplifiers on vehicles.

The use of any mechanical loudspeakers or amplifiers on moving vehicles for advertising or other purposes, except where specific permit is received from the city manager, shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-67)
Cross reference—Motor vehicles and traffic, Ch. 13.

Sec. 14-63. - Garages; filling stations.

The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m. shall be deemed to be unlawful and a violation of the provisions of this article.

(Code 1977, § 16-68)

Cross reference—Zoning, App. B.

Sec. 14-64. — Unreasonable sound amplification.

(a) Excessive and unnecessary noise creates a significant threat to the public health, safety and welfare. There has been an alarming increase in the frequency and volume of noise from the many sound-reproducing devices available today. It is the intent of this section to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radio and other such devices, and the right of the public to a peaceful and healthful environment.

(b) Noise described in subsection (e) below is hereby declared unreasonable, dangerous to the public health, safety and welfare, and shall be illegal unless exempted herein.

(e) It shall be unlawful for any person to play, use or otherwise operate, either from a motor vehicle or as a pedestrian, any radio, tape-player or other sound-amplification device emitting sound that is audible from a distance of fifty (50) or more feet from the source of the sound, unless such device is being used to request assistance or warn against an unsafe condition.

(d) This subsection shall not apply to any of the following:

1. Public safety personnel, when responding to an emergency call or engaged in other official business.
2. Persons engaged in a lawful assembly, procession, or community event.
3. The operator of a public utility vehicle, when utilizing two-way communications equipment.
4. The operator of a vehicle being used for advertising purposes in accordance with existing ordinances.
5. The activation of a theft alarm signal device.

(e) Violation of this section shall be a misdemeanor. The first violation of this section shall result in a written warning being issued to the offender by the charging officer. The penalty for a second offense shall be one hundred dollars ($100.00). The penalty for a subsequent offense thereafter shall be three hundred dollars ($300.00).

(Ord. No. 1993-25, § 1, 4-6-93)
Secs. 14-65—14-74. - Reserved.

SECTION 2. That all ordinances, or the 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 upon adoption by the City of Salisbury from and after its passage.
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  ✐ Staff

Requested Council Meeting Date:  April 16, 2019

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

Name of Presenter(s):  N/A

Requested Agenda Item:  Summer Youth Employment

Description of Requested Agenda Item:
The City will host the Summer Youth Employment Program for six weeks this summer. This is an excellent chance for students to gain work experience and learn more about local government. Participants must be a full time student (high school or college), live within City limits, meet income guidelines as specified by HUD, provide proof of family income, and be at least 16 years of age. Participants are able to commute to work via the City bus for Free with their City ID card. Apply online today at www.salisburync.gov/hr.

Attachments:  □ Yes  ✐ No

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

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

Contact Information for Group or Individual:

☐ 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

☐ Approved       ☐ Delayed       ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  □ Staff

Requested Council Meeting Date:  April 16, 2019

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

Name of Presenter(s):

Requested Agenda Item:  Spring Spruce Up Week Announcement

Description of Requested Agenda Item:  The Public Services Department would like to advise citizens of the upcoming Spring Spruce Up Week, April 22-26, 2019. This week is designated for residents who have City of Salisbury garbage services. This service is for residents only, no businesses. Items must be placed at the curb no later than 7:00 am of your regular garbage collection day. Acceptable items include: extra bags and boxes of trash and household items, furniture, mattresses and box springs, appliances, and tires without rims (limit 5 per address). We are unable to collect TVs, computers, or electronics. You may contact the Rowan County Recycling Center to inquire about disposal of these items. We are unable to collect building materials of any kind including carpet, padding, sheetrock, lumber, shingles, sinks, or toilets. Inquiries regarding disposal of these items may be directed to the Rowan County Landfill. For additional information, you may refer to the City website at www.salisburync.gov, click on Government, Public Services, and Waste Collection or call 704-638-5260.

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:  Public Services - 704-638-5260 or 704-638-5256

□ 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:
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: May 7, 2019

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

Requested Agenda Item: Announcement

Description of Requested Agenda Item: The Salisbury Parks and Recreation will hold its annual Middle School Prom on Saturday, May 11, 2019 from 6:00-9:00 pm at the Salisbury Civic Center. All middle school students in Rowan County are welcome. Participants will enjoy an evening of dancing, photos and a good time with friends. Refreshments will be served and photo packages will be available for purchase. Tickets are limited and must be purchased in advance. For more information, please call (704) 216-PLAY.

Attachments: ☐ Yes ☒ No

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

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

Contact Information for Group or Individual: Vivian Koontz (704) 638-5294

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature ___________________________ Department Head Signature ___________________________

Budget Manager Signature ___________________________

***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:  May 7, 2019

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

Requested Agenda Item:  Announcement

Description of Requested Agenda Item:  The City of Salisbury and Cheerwine are teaming up to host the 2019 Cheerwine Festival. The free event will take place on Saturday, May 18 2019, in downtown Salisbury from 12:00 noon to 10:00 p.m. Cheerwine fans will enjoy cold Cheerwine, live music, great Southern food, shopping for Cheerwine merchandise, family-friendly activities, a beer garden and local craft vendors. For more information, please call (704) 216-PLAY.

Attachments:  □ Yes  □ No

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

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

Contact Information for Group or Individual:  Vivian Koontz (704) 638-5294

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature  __________________________  Department Head Signature  __________________________

Budget Manager Signature  __________________________

****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: