



CONOVER

North Carolina

Conover City Council

Regular Meeting Minutes

Tuesday, September 3, 2024 at 6:00 PM

Conover City Hall Council Chambers

101 1st Street E, Conover

A Regular Meeting of the Conover City Council was held on Tuesday, September 3, 2024 at 6:00 PM in the Council Chambers of Conover City Hall.

I. CALL TO ORDER

Kyle J. Hayman, Mayor

Council Members Present:

Mayor Kyle Hayman

Mayor Pro Tem / Council Member Bruce Eckard

Council Member Mark Canrobert

Council Member Joie Fulbright

Council Member Jim Green

Council Member Brenda Powell

Council Members Absent:

None

Staff Present:

City Manager Tom Hart, City Clerk Stephanie Watson, City Attorney Susan Matthews, Finance Director Kurt L. Beal, Planning Director Erik Schlichting, Public Works Director Terry R. Jones, Public Utilities Director Brian Bradshaw, Fire Chief Mark Stafford, Interim Police Chief Robert Houston, Information Technology Director Chris Niver, Deputy Fire Chief Jackie Lail, Major Jeff Barkley, Code Enforcement Officer Danny Duggan, Police Officer Joshua Willman, Officer Leslie Quarles, Officer Johnathan Mathis, Officer Austin Hice, and other members of the Conover Police Department.

II. INVOCATION

Rev. Ed Yount, Pastor Emeritus, Woodlawn Baptist Church

III. PLEDGE OF ALLEGIANCE

Kyle J. Hayman, Mayor

IV. APPROVAL OF AGENDA

Motion was duly made by Council Member Fulbright, seconded by Council Member Green, to adopt the Tuesday, September 3, 2024 Agenda.

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

V. **APPROVAL OF CONSENT AGENDA**

All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests. In which event, the item will be removed from the Consent Agenda and considered under the Business Agenda section.

Item 1: Approval of Minutes

Mayor Kyle J. Hayman presented Approval of Minutes.

(August 5, 2024 Council Regular Meeting minutes contained in Minute Book 20.)

Item 2: Ordinance 27-24: An Ordinance Amending the 2024-2025 Budget Ordinance

Mayor Kyle J. Hayman presented Ordinance 27-24: An Ordinance Amending the 2024-2025 Budget Ordinance.

(Ordinance 27-24: An Ordinance Amending the 2024-2025 Budget Ordinance contained in the exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 27-24

AN ORDINANCE AMENDING THE 2024-2025 BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Conover, North Carolina, that the 2024-2025 Budget Ordinance of the City of Conover, adopted pursuant to the provisions of Chapter 159 of the General Statutes of North Carolina, the Local Government Budget and Fiscal Control Act, be amended as noted herein.

Section 1. To amend the General Capital Projects Fund, the revenues are to be changed as follows:

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Account Description		Decrease/ Debit	Increase/ Credit
670-3490-0604	Stormwater AIA Grant		341,750
670-3490-0603	FEMA - Assistance to Firefighters Grant		688,823
670-2990-1000	General Cap Projects - Fund Balance Appropriation	1,030,573	
Total		\$1,030,573	\$1,030,573

This will result in a net increase of \$0 in the expenditures of the General Capital Projects Fund.

Section 2. To amend the Water Sewer Capital Projects Fund, the revenues are to be changed as follows:

Account Description		Decrease/ Debit	Increase/ Credit
320-3490-0602	NCDEQ Pre-Constr Planning Grant		6,666
320-2990-1000	WS Capital - Retained Earnings Appropriation	6,666	
Total		\$6,666	\$6,666

This will result in a net increase of \$0 in the expenditures of the Water Sewer Capital Projects Fund.

Section 3. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Adopted this the 3rd day of September, 2024.

Item 3: Ordinance 28-24: Capital Project Ordinance Amendment - Nufabrx PPE Manufacturing Economic Development Project

Mayor Kyle J. Hayman presented Ordinance 28-24: Capital Project Ordinance Amendment - Nufabrx PPE Manufacturing Economic Development Project.

(Ordinance 28-24: Capital Project Ordinance Amendment - Nufabrx PPE Manufacturing Economic Development Project contained in the exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 28-24

CAPITAL PROJECT ORDINANCE AMENDMENT NUFABRX PPE MANUFACTURING ECONOMIC DEVELOPMENT PROJECT

The City Council of the City of Conover, North Carolina does ordain and enact as follows:

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

1. That pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, Nufabrx PPE Manufacturing Economic Development Project Capital Project Ordinance No. 10-21 adopted on January 4, 2021, is hereby amended and closed:

Nufabrx PPE Manufacturing Economic Development Project

REVENUES

Account	Description	Project Budget	Amendment	Amended Budget
720-3490-0000	CDBG Grant	\$ 850,000	\$ (383,813)	\$ 466,187
	Total Revenues	\$ 850,000	\$ (383,813)	\$ 466,187

EXPENDITURES

Account	Description	Project Budget	Amendment	Amended Budget
720-6600-0403	Rehabilitation	\$ 1,000	\$ (1,000)	-
720-6600-6000	Professional Services	49,000	500	49,500
720-6600-6001	Administration	800,000	(383,313)	416,687
	Total Expenditures	\$ 850,000	\$ (383,813)	\$ 466,187

2. That all Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.
3. That the City Council hereby declares that should any section, paragraph, sentence or word of this ordinance be declared for any reason invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of elimination of any such portion that may be declared invalid.
4. That this Ordinance shall take effect and be in force from and after the date of its adoption.

Adopted this the 3rd day of September, 2024.

Item 4: Resolution 37-24: A Resolution Awarding Retiring Officer Robert Clark Badge and Service Sidearm

Mayor Kyle J. Hayman presented Resolution 37-24: A Resolution Awarding Retiring Officer Robert Clark Badge and Service Sidearm .

(Resolution 37-24: A Resolution Awarding Retiring Officer Robert Clark Badge and Service Sidearm contained in the exhibit file called 2024 Resolutions.)

CITY OF CONOVER RESOLUTION 37-24

A RESOLUTION AWARDING RETIRING OFFICER ROBERT CLARK BADGE AND SERVICE SIDEARM

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

WHEREAS, G.S. 17F-20 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 17F-20 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

WHEREAS, Robert Clark has served as a member of the City of Conover Police Department for a period of 23 years, and retired from the City of Conover Police Department effective September 1, 2024; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Conover, North Carolina that:

1. The badge worn by Robert Clark during his service with the City of Conover Police Department and his service sidearm (Sig Sauer P365 Service #: 66G236463) are now declared surplus.
2. The City Manager or his designee is hereby authorized in accordance with the provisions of G.S. 17F-20 to transfer said badge and sidearm to Robert Clark.

Adopted this 3rd day of September, 2024.

Item 5: Proclamation: Always Remember 9-11 Day

Mayor Kyle J. Hayman presented Proclamation: Always Remember 9-11 Day.

(Proclamation: Always Remember 9-11 Day contained in the exhibit file called 2024 Proclamations.)

Item 6: Proclamation: National Preparedness Month

Mayor Kyle J. Hayman presented Proclamation: National Preparedness Month.

(Proclamation: National Preparedness Month contained in the exhibit file called 2024 Proclamations.)

Item 7: Proclamation: Hickory Tavern Chapter of the Daughters of the American Revolution - Proclamation for Constitution Week - September 17 - 23

Mayor Kyle J. Hayman presented Proclamation: Hickory Tavern Chapter of the Daughters of the American Revolution - Proclamation for Constitution Week - September 17 - 23.

(Proclamation: Hickory Tavern Chapter of the Daughters of the American Revolution - Proclamation for Constitution Week - September 17 - 23 contained in the exhibit file called 2024 Proclamations.)

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Powell, to adopt the Consent Agenda.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

VI. BUSINESS AGENDA

Item 8: Comments from Visitors and Guests

Mayor Hayman opened the public comment period.

Bradley Seese of 306 Moorehead Drive NE, Conover spoke briefly about the upcoming events hosted by the Conover Community Partners which included the Conover Cruz-in on September 28th and Conover's Boo-tiful Downtown Bash on October 5th.

There being no other comments, Mayor Hayman closed the public comment period.

Item 9: Oath of Office for Police Chief Robert Houston

Stephanie Watson, City Clerk administered the Oath of Office for appointed Police Chief Robert Houston.

OATH OF OFFICE OF THE CITY OF CONOVER, NORTH CAROLINA POLICE CHIEF

I, Robert Houston, do solemnly swear that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; that I will support and maintain the Constitution and Laws of the United States and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Police Chief according to the best of my skill, abilities, and judgment; so help me God.

(North Carolina Constitution, Article VI, Section 7) (Section 3.182 City Charter)

Item 10: Presentation: WPCOG's Homelessness Response Team

Ben Willis, Community and Economic Development Director of the Western Piedmont Council of Governments presented information about the Western Piedmont Council of Government's

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Homelessness Response Team.



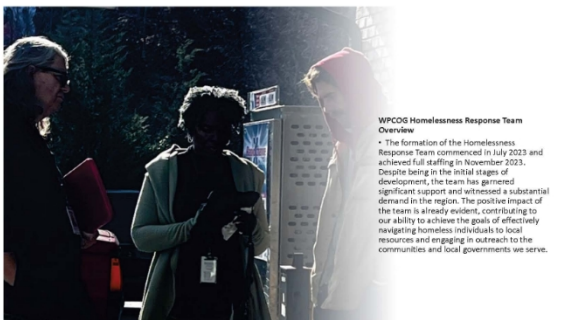
CONTENT

- 01 About WPCOG
- 02 HOME-ARP Grant and the Homelessness Response Program
- 03 Key Practices and Principles
- 04 The Who, the How, and the Why
- 05 2024 Point in Time Count Takeaway
- 06 What the data is telling us
- 07 Meet the Homelessness Response Team

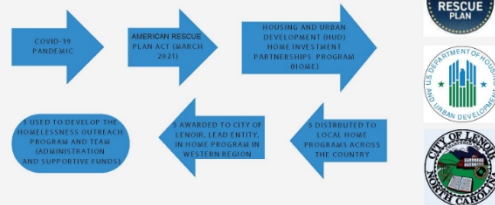
ABOUT US

- WPCOG IS A VOLUNTARY ASSOCIATION OF CITY AND COUNTY GOVERNMENTS
- ONE OF 16 REGIONAL COUNCILS IN NORTH CAROLINA
- ORGANIZED INTO 8 WORKGROUPS INCLUDING:
 - ADMINISTRATION;
 - FINANCE;
 - WORKFORCE DEVELOPMENT;
 - COMMUNITY AND ECONOMIC DEVELOPMENT;
 - COMMUNITY AND REGIONAL PLANNING;
 - REGIONAL HOUSING AUTHORITY;
 - AREA AGENCY ON AGING;
 - AND I.T. SERVICES.
- OUR MISSION IS TO SERVE ALL LOCAL GOVERNMENT MEMBERS WITH PROFESSIONAL, COST-EFFECTIVE ASSISTANCE ON A VARIETY OF LOCAL, REGIONAL, STATE, AND FEDERAL ISSUES AND PROGRAMS.
- WPCOG COVERS FOUR COUNTIES INCLUDING 24 MUNICIPALITIES.

When the term
'homeless' is
mentioned, what
thoughts or images
come to your mind?



How is this being funded?



MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

MORE NORTH CAROLINIANS EXPERIENCING FIRST-TIME HOMELESSNESS

69% of North Carolinians experiencing homelessness last year were homeless for the first time

*All data derived from HUD System Performance Measures submitted by NC CoCs for Fiscal Year P-23 (10/01/2022 - 09/30/2023). When totaled, the statewide rates of clients in Emergency Shelter, Safe Haven, and Transitional Housing for the first time in two years increased from 48% in FY 2022 to 69% in FY 23. There may be a small number of clients moving between CoCs during the year. Return-on-Investments rate looks back two years of permanent housing exits.

North Carolina's 12 Continuums of Care (CoC)	Total in temporary shelter	# First-time homeless	% First-time homeless
Statewide	22,561	15,527	69%
Winston-Salem/Forsyth (CoC 500)	1,414	1,060	75%
Asheville/Buncombe (CoC 509)	779	504	65%
Durham (CoC 502)	904	611	68%
NC Balance of State (CoC 503)	6,354	4,562	72%
Greensboro/Guilford (CoC 504)	1,174	806	69%
Charlotte/Mecklenburg (CoC 505)	5,212	2,870	55%
Cape Fear (CoC 506)	1,389	1,093	79%
Raleigh/Wake (CoC 507)	3,749	2,823	75%
Gaston/Lincoln/Cleveland (CoC 509)	513	406	79%
Fayetteville/Cumberland (CoC 511)	500	402	80%
Chapel Hill/Orange (CoC 513)	356	258	72%
Northwest (CoC 516)	216	132	61%

NC congressional delegates can support the good work of their communities by fully funding HUD Homeless Assistance Grants and Tenant Based Rental Assistance programs.



The Point in Time Count (PIT Count)

1 What is the Point in Time Count?

4 How can I help or get involved?

2 Who participates in the PIT count?

5 Takeaway from the 2024 PIT Count

3 What does HUD do with the data that is collected?



2024 PIT Count Takeaway

Positives

- ✓ Strong community involvement between local community partners and community members
- ✓ First-time agencies participated
- ✓ First-time community members participated
- ✓ Scheduled training and support events were offered
- ✓ Able to connect individuals to new services within their community
- ✓ Inspired the creation of a mid-year PIT Count for our region
- ✓ July 2024

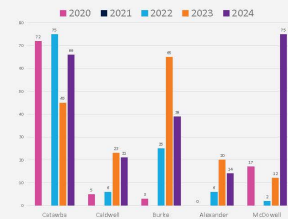
Challenges

- ✓ Warming stations were open on the night of the PIT Count.
- ✓ Unable to document those who were in sheltered housing
- ✓ Shortage of volunteers assisting with the Count
- ✓ Limited means of communication for some individuals
 - ✓ No cellphones
- ✓ The day the PIT Count was scheduled on
 - ✓ \$50/\$501 checks released

Regional Point in Time Count of Unsheltered 2020-2024

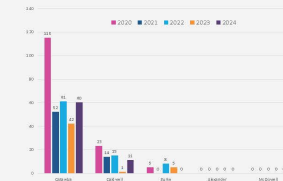
Unsheltered	2020	2021	2022	2023	2024
Catawba	72	0	75	45	66
Caldwell	5	0	6	23	21
Burke	3	0	25	65	39
Alexander	0	0	6	20	14
McDowell	17	0	2	12	75

*Due to the COVID-19 pandemic, no data was collected on the unsheltered population in 2021.



Regional Point in Time Count of those in Transitional Housing 2020-2024

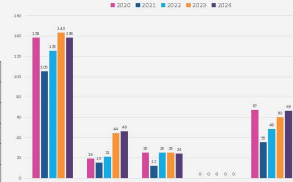
	2020	2021	2022	2023	2024
Catawba	115	52	61	42	60
Caldwell	23	14	15	1	51
Burke	5	0	0	5	0
Alexander	0	0	0	0	0
McDowell	0	0	0	0	0



TRANSITIONAL HOUSING: SUPPORTIVE, YET TEMPORARY HOUSING THAT IS MEANT TO BRIDGE SOMEONE WHO IS HOMELESS TO MORE PERMANENT HOUSING

Regional Point in Time Count of those Housed in a Shelter 2020-2024

	2020	2021	2022	2023	2024
Catawba	139	105	125	143	138
Caldwell	19	15	21	44	46
Burke	25	12	25	25	24
Alexander	0	0	0	0	0
McDowell	57	35	48	60	66

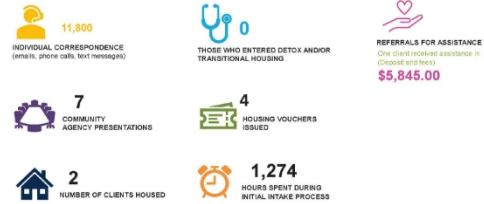


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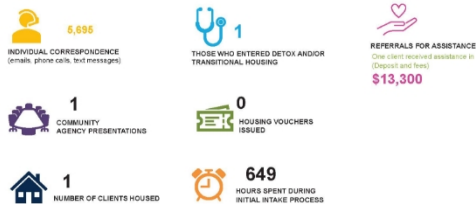
Homelessness Response Team Data for First Quarter January- March 2024



Homelessness Response Team Data for Second Quarter April-June 2024



Homelessness Response Team Data for July 2024



- Spring 2024**
 - Begin tracking and reporting quarterly data to share with local community stakeholders and partners.
 - Schedule additional rides with different municipalities.
 - Participate as a vendor at the Veterans Standdown in Catawba County.
 - Website will be published and will provide local data, community resources for each county, and contact information for the Team.
 - Schedule program presentations.
- Summer 2024**
 - Completion of website for the program.
 - www.homelessnessresponse.org
 - Attend the Bringing it Home: Ending Homelessness in NC conference in June.
 - Conduct a Summer Point in Time Count in July.
 - Organize a community partner meeting with Caldwell County about warming stations in winter 2024/2025.
 - Schedule program presentations.
- Fall 2024**
 - Complete updated ride along with previous law enforcement.
 - Start planning and recruiting for the Point in Time Count 2025.
 - Schedule program presentations.

Homelessness Response Team Data for July 2024

45 Unsheltered on a single night

143 In Emergency Shelter

42 In Transitional Housing

Photo: Steve Snyder/January 2024

About Catawba County, NC

Catawba County, situated in the Piedmont region of North Carolina, has a diverse and vibrant community. As per the 2020 Census, the population stands at 140,000. The median household income hovers around \$40,000, and the racial/ethnic demographic distribution includes 53.1% White, 39.1% African American, 4.9% Asian American, and 3.0% Hispanic/Latino residents. The gender distribution is approximately 50.7% female and 49.3% male. From 2018 to 2022, the median gross rent was recorded at \$656. In 2023, there were 2,202 homes purchased. Approximately 22.3% of the county's population falls below the poverty line.

Meet the Homelessness Response Team

 CHASITY HOUCK (Program Manager)	 JAMES ANDERS (Homelessness Outreach Specialist)	 RIC SMITH (Homelessness Outreach Specialist)	26 YEARS OF HUD AFFORDABLE HOUSING EXPERIENCE	STARS LEADERSHIP
 MARY KENDRICK (Homelessness Outreach Specialist)	 CHAE MOORE (Homelessness Outreach Specialist)	 RACHEL DILLINGHAM (Homelessness Outreach Specialist)	16 YEARS OF SUBSTANCE ABUSE COUNSELING	NCA FACILITATING CAREER DEVELOPMENT
			8 YEARS OF MOBILE CRISIS ASSISTANCE	LIVED EXPERIENCE OF HOMELESSNESS
			7 YEARS OF PUBLIC HEALTH EXPERTISE	CERTIFIED DOMESTIC VIOLENCE AND SEXUAL ASSAULT ADVOCATE
			5 YEARS OF CAREER COACHING EXPERIENCE	CERTIFIED AFFORDABLE HOUSING MANAGEMENT (AHM) AND HOUSING CHOICE VOUCHER (HCV)
			MINISTERIAL EXPERIENCE	VOLUNTEER EXPERIENCE

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

The local governments spoke, and we listened!

AFTER CONDUCTING SEVERAL LISTENING SESSIONS AMONG THE FOUR REGIONAL COUNTIES, IT WAS DECIDED THAT CREATING A HOMELESSNESS OUTREACH TEAM THAT WOULD SERVE THE ENTIRE REGION, WOULD BE THE BEST USE OF THE FUNDS.

THE TEAM WILL WORK IN EACH COUNTY (ALEXANDER, BURKE, CALDWELL, AND CATAWBA), AND FOCUS ON BRIDGING SERVICE GAPS AND HELPING CONNECT INDIVIDUALS TO THE RIGHT RESOURCES WHERE THEY RESIDE.



HOMELESS OUTREACH TEAM (H.O.T.)

OPERATED BY SARASOTA'S POLICE DEPARTMENT AND CONSISTS OF FOUR OFFICERS AND ONE SERGEANT. THEY ARE ALSO IN PARTNERSHIP WITH THE CITY OF SARASOTA'S HOMELESS PROGRAM, WHICH INCLUDES A COORDINATOR AND TWO CASE MANAGERS.

THE TEAM HAS SEVERAL WAYS OF ASSISTING PEOPLE IN NEED WHICH INCLUDES:

- CONDUCTING OUTREACH
- PROVIDING CASE MANAGEMENT
- APPLYING FOR VOUCHERS THROUGH THE SARASOTA HOUSING AUTHORITY
- AND REFERRALS TO OTHER LOCAL AGENCIES

THESE EFFORTS ARE PROVING TO BE EFFECTIVE IN THEIR COMMUNITY BECAUSE MORE INDIVIDUALS EXPERIENCING HOMELESSNESS ARE BEING LINKED TO SERVICES IN THE COMMUNITY.



MEMBERS OF THE H.O.T. IN SARASOTA, FLORIDA

KEY PRINCIPLES AND PRACTICES

1	WE WORK FOR LOCAL GOVERNMENTS
2	WE WILL BE SUPPORTIVE OF LAW ENFORCEMENT
3	REGIONAL COORDINATION IS ESSENTIAL FOR EFFECTIVENESS TO HELP MITIGATE THIS PROBLEM
4	PROMOTE BEST PRACTICES
5	ADDRESSING EMERGING NEEDS STRATEGICALLY WITH NEW SERVICES, ENSURING A POSITIVE IMPACT WITHOUT WORSENING EXISTING ISSUES.

The Who, the How, and the Why



Who we serve:

- Those who are experiencing homelessness
- Those who are at risk of becoming homeless
- Those who are fleeing domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Other populations with high risk of housing instability
 - Including highly cost-burdened low-income households, households who have moved two or more times in the last 60 days, and households living in a hotel/motel
- Veterans and families including a veteran that meets one of the preceding criteria

The How:

The Outreach team will **not** be duplicating or providing new services.

Our goal is to serve as a liaison that helps connect individuals to appropriate resources within the county they reside. This can include but is not limited to:

- Assistance with helping obtain **identification cards**, **birth certificates**, and **social security cards**
- Linkage to housing resources, i.e., assistance with filling out applications, applying for housing vouchers, and other immediate needs
- Connecting individuals to Workforce Development for employment resources

We will also work to help bridge any gaps between organizations inside and outside county lines.

- Strategic placement of Outreach team
- Coordinated Entry (CE) Lead for Region 3

There are also federal Home -APD funds that may be used to provide supportive services to qualifying households. The Outreach team would assist eligible program participants with payments to cover the rent or sufficient amounts that the household cannot pay for housing and/or housing -related costs.

This can include:

- Rental assistance
- Security deposits
- Utility deposits



The Why:

According to HUD's 2023 Annual Homelessness Assessment Report, there were more than 655,000 people experiencing homelessness on a single night in January 2023 across the United States.

What does "sheltered" mean?

A sheltered homeless person resides in either agency or transitional housing.



Trends are showing that less people are utilizing shelter resources while more are becoming unsheltered.

What does it mean to be "unsheltered"?

Homeless individuals bring in a place not meant for human habitation (parks, woods, cars, homes without heat, and/or proper plumbing).



Item 12(a): Public Hearing to Receive Public Comments on the Proposed Amendment to Appendix A: Zoning of the Conover City Code (CA24-04)

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Mayor Hayman opened the public hearing to receive public comments on the proposed amendment of Appendix A: Zoning of the Conover City Code.

There were no comments from the public.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Canrobert, to close the public hearing.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Item 12(b): Ordinance 29-24: An Ordinance Amending Appendix A: Zoning of the Conover City Code (Ordinance to expand definitions of various uses, change parking code, clarify other areas including mini storage)

Erik Schlichting, Planning Director presented Ordinance 29-24: An Ordinance Amending Appendix A: Zoning of the Conover City Code. This ordinance will expand definitions of various uses, change parking code, and clarify other areas including mini storage.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Canrobert, to adopt Ordinance 29-24: An Ordinance Amending Appendix A: Zoning of the Conover City Code and to approve the amendments to Appendix A: Zoning - Article II General Regulations – Section 21.2: Definitions of specific terms and words; Division 3 – Parking – Section 23.4: Schedule of parking spaces; Article III Establishment of Districts – Section 31.4 Land use table; Section 31.5: Special Requirements as outlined in the proposed Ordinance 29-24 and find that the amendment is reasonable and in the public interest in that: 1) The changes will make the zoning ordinance easier to administer; and, 2) The changes will modernize the code to maintain its relevance.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Ordinance 29-24: An Ordinance Amending Appendix A: Zoning of the Conover City Code found in exhibit file called 2024 Ordinances)

CITY OF CONOVER
ORDINANCE 29-24
AN ORDINANCE AMENDING APPENDIX A: ZONING
OF THE CONOVER CITY CODE

The City Council of the City of Conover, North Carolina does ordain and enact as follows:

Section 1. *That the Conover Code of Ordinances, Appendix A, Zoning is hereby amended as follows:*

*In the following Sections all strikethroughs are to be removed and all **red** lettering is to be added to the Conover Code of Ordinances under Appendix A - Zoning:*

Appendix A, Article II, Section 21.2 - Definitions of specific terms and words.

--(Insert the following between Assisted living residence and Auto repair/service station)--

Auditorium. A room, hall, or building, that is a part of a church, school, recreation building, or other building assigned to the gathering of people as an audience to attend lectures, theatrical, musical or other presentations.

*Auto parts yard **graveyard**: A business whose purpose is to store out of service vehicles for the purpose of vehicle or parts salvage (NCGS 136-141). A place of business which is operated for storing, keeping, buying or selling wrecked, scrapped, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" (NCGS 136-143(1)).*

--(Insert the following between Bed & Breakfast and Buffer)--

Brewery/winery. Establishments open to the public where beer or other malt beverage is brewed, or where wine is fermented, and is available for sale and consumption on the premises (microbrewery, brewpub).

--(Insert the following between Build-to-line and Child care center)--

Car wash. A facility for the washing of motor vehicles. May also be an accessory to auto sales, auto repair shop or convenience store.

--(Insert the following between Conditional zoning and Convenience store)--

Conference facilities. Facility designed for short term rental or occupancy by a group or groups of people to promote and share common interests (also, convention center, exhibition hall). May be accessory to a hotel, church or college.

--(Insert the following between Elderly housing and Entertainment, outdoor)--

*Entertainment, indoor. A business whose purpose is entertainment, e.g., **movie** theatres, game arcades (not including "adult gaming establishments"), laser tag or paintball, pool room, rock climbing, batting cages, etc., whose business is conducted entirely indoors. Does not include gun ranges, bars or nightclubs.*

--(Insert the following between Fence and General repair)--

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Funeral home. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals, including crematories and mortuaries.

Gallery. A location used for the display of paintings, sculptures, and other works of art.

--(Insert the following between General repair and Gross floor area)--

Golf course. An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, and a green. A clubhouse, restaurant, tennis court or other similar ancillary uses associated with the golf course shall be considered part of the golf course.

Government. Facilities operated by the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments.

--(Insert the following between Modular home and Nonconforming structure)--

Motel/hotel. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services.

Museum. A location used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

--(Insert the following between Nonconforming use and Official maps or plans)--

Office. A use or structure in which business or professional services are conducted or rendered.

--(Insert the following between Outdoor sales and Parks, playground, recreation facility)--

Outdoor storage. The keeping or housing of any ~~commercial~~ construction or industrial products, components, materials, or equipment outside.

--(Insert the following between Parks, playground, recreation facility and parking space)--

Parking lot/deck. A principal or accessory use of an individual lot with or without a parking structure providing a place for the temporary short-term parking of motor vehicles.

--(Insert the following between Quasi-judicial decision and Setback)--

School. A facility, public or private, operated for the general education of children for two or more grade levels between Kindergarten and Grade 12.

--(Insert the following between Setback and Shooting range)--

Sexually oriented business. As defined in Chapter 18.5 of the Conover Code of Ordinances.

--(Insert the following between Structure and Subdivider)--

Studio. Location in which artists or craftsmen create objects, one at a time, by hand. Such creations include, but are not limited to, woodworking, jewelry-making, pottery throwing, painting, weaving, caning, and sculpting.

--(Insert the following between Subdivision, minor and Vested right)--

University, college, adult training center. *A use, whether private or public, providing academic education beyond the high school level.*

Utilities/services. Facilities used in the supply, transmission, treatment, etc., of basic services such as water, wastewater, electricity, gas, and communications, not including any offices related to the business management of such services.

Warehouse. A facility whose primary use is the bulk storage of manufactured goods and materials as part of a supply chain or distribution system.

Wireless telecommunication facilities. As defined in Appendix A: Division 2, Sec. 22.17.

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Appendix A, Article II, Division 3 – Parking

23.1.3 Each parking space shall not be less than nine (9) feet by eighteen (18) feet, the same comprising of one hundred sixty-two (162) square feet of parking space per automobile *(except for parallel spaces as shown in table in Sec. 23.1.7)* and marked accordingly, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.

23.1.7 Dimensional standards for ingress/egress and maneuvering are to be shown on the following diagram:

<i>P</i>	<i>C</i>	<i>S</i>	<i>L</i>	<i>W</i>	<i>A</i>	<i>M</i>
<i>Parking Angle</i>	<i>Curb Length</i>	<i>Stall Depth</i>	<i>Length of Stall</i>	<i>Stall Width</i>	<i>Aisle Width</i>	<i>Module Width</i>
90	9'	18'	18'	9'	24'	60'
75	9.3'	19.6'	18'	9'	22'	61.2'
60	10.4'	21.4'	18'	9'	15'	57.8'
45	12.7	24.5'	18'	9'	13'	62'
0 (Parallel)	22'	9' 8'	18'	9' 8'	16'	34' 32'

23.2.2 Exceptions to parking requirements.

- A. Along streets with designated on-street parking, such parking may be considered as fulfilling on-site parking requirements of adjacent parcels.
- B. ~~Reserved.~~ *On-street parking installed on public streets will be available to the public and will not be reserved for any individual business, property owner or tenant. Newly installed public parking on public streets may require the developer to provide additional right-of-way to accommodate parking.*

Section 23.4. Schedule of parking spaces.

23.4.2 ~~Reserved~~ *Rooming houses, boardinghouses and nurses' homes: One (1) space for each two (2) rooms to be rented or occupied; plus one (1) additional space for the owner or manager, if resident on the premises.*

23.4.3 ~~Motels, tourist homes and hotels,~~ *and bed & breakfast: One (1) space for each room or unit to be rented, plus one (1) space for each two (2) employees on the work shift of largest employment (hotel/motel) or one (1) space for owner of a bed & breakfast.*

23.4.10 Auditoriums, theaters, stadiums, *conference facilities*, places of worship and similar uses involving the assembling of persons: One (1) space for each four (4) seats in such place of assembly, plus one (1) space for each one hundred (100) square feet of floor or ground area used for amusement or assembly, but not containing fixed seats, plus one (1) spaces per three (3) employees at maximum employment.

23.4.15 Assisted living facilities *and nursing homes*: One (1) space for every two (2) beds plus one (1) space for every two (2) employees at maximum employment.

Appendix A, Article III, Division I, Section 31.4 – Land use table.

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<i>Institutional & office</i>	R - 2 0	R - 9	R - 9 A	N R	N C	P - 1	M X	CO I	B - 1	B -2	B -3	B -4	C C	M -1	E M- 1	O S
<i>Museum/gallery / studio</i>	P					P	P		P	P	P		P			
<i>Residential</i>	R - 2 0	R - 9	R - 9 A	N R	N C	P - 1	M X	CO I	B - 1	B -2	B -3	B -4	C C	M -1	E M- 1	O S
<i>Auto parts yard graveyard</i>														C Z		
<i>Outdoor storage</i>										S R		S R	S R	P	P	
<i>Parking lot/parking deck</i>					SR		SR	SR			S R					
<i>Stadium/coliseum/fairground/auditorium</i>						P				P		P	-	P		
<i>Studio</i>						P	P		P	P	P	P	P	P		
<i>Natural/Open Space</i>	R - 2 0	R - 9	R - 9 A	N R	N C	P - 1	M X	CO I	B - 1	B -2	B -3	B -4	C C	M -1	E M- 1	O S
<i>Park/playground/fitness recreation facility</i>	P	P	P	P	P	P	P							P		P

Appendix A: Article III, Division 1, Section 31.5. Special requirements.

4) Mini-warehouse storage:

- a) Any site used shall be no more than two (2) acres in size.
- b) Mini-warehousing facilities shall be secured within an opaque fenced and gated perimeter. The facility shall further be screened with a planted buffer as described in Article II, Div. 6—Buffer, Section 26.2.2. with street plantings as described in Article II, Div. 3 Parking, Section 23.5.4.
- c) Building materials and design shall comply with section 22.16.2.
- d) No flat ~~roofs~~ roofs shall be permitted. Roofs shall be of hip and/or gable design and follow requirements of Section 312.5.1.
- e) Hours of public access will be no earlier than 6:00 a.m. and no later than 12:00 midnight. Extra measures for lighting, security and emergency access must be followed and agreed upon in writing prior to the certificate of occupancy by the Conover Police and Fire Departments.
- f) Outdoor storage of any kind shall not be permitted in conjunction with mini-warehouse facilities.
- g) No more than one (1) mini-warehouse business can be located within any one thousand (1,000) foot radius (determined by a straight line and not street distance from the closest property lines) from any other mini-warehouse businesses.

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- 6) Outdoor storage:
- a) ~~Outdoor storage defined:~~ *Reserved*
 - i. ~~Includes all goods, raw materials and supplies not returned to an enclosed building at the end of each business day.~~
 - ii. ~~Includes all items awaiting or in process of repair except vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; junk and/or abandoned vehicles are prohibited.~~
 - b) Outdoor storage may be established on a lot within the *B-2 or B-4 or CC* district according to the following standards:
 - i. ~~Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;~~ *Outdoor storage shall be permitted as an accessory use to a principal business located on the lot, not as a principal use.*
 - ii. ~~Where permitted as a principal use on a lot, the area of storage shall be no closer than forty (40) feet from an abutting street right-of-way;~~ *Outdoor storage area shall be located behind the front line of the primary structure and shall not be located within forty (40) feet of any abutting street right-of-way.*
 - iii. All areas established for outdoor storage shall be screened from view from the street(s) by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen. ~~(312.7.7)~~ *(Article II, Div. 6, Sec. 26.2.1)*

Section 2. *This ordinance shall be effective upon passage.*

Adopted this, the 3rd day of September, 2024.

Item 13: Proposed Amendments to the City of Conover's Code of Ordinances

- a. **Ordinance 30-24: Amendment to Chapter 9 of the City of Conover Code of Ordinances**
- b. **Ordinance 31-24: Amendment to Chapter 10 of the City of Conover Code of Ordinances**
- c. **Ordinance 32-24: Amendment to Chapter 15 of the City of Conover Code of Ordinances**

Item 13(a): Ordinance 30-24: Amendment to Chapter 9 of the City of Conover Code of Ordinances

Tom Hart, City Manager presented Ordinance 30-24: Amendment to Chapter 9 of the City of Conover Code of Ordinances.

Motion was duly made by Council Member Canrobert, seconded by Council Member Green, to adopt Ordinance 30-24: Amendment to Chapter 9 of the City of Conover Code of Ordinances.

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AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Ordinance 30-24: Amendment to Chapter 9 of the City of Conover Code of Ordinances contained in exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 30-24

AN ORDINANCE AMENDING CHAPTER 9: FIRE PROTECTION AND PREVENTION OF THE CITY OF CONOVER CODE OF ORDINANCES

WHEREAS, North Carolina General Statute 160A-77 states that a city shall adopt and issue a code of its ordinances which is generally referred to as the City's "Code of Ordinances"; and

WHEREAS, the City of Conover's Council identifies the need to amend its Code of Ordinances from time to time in order to comply with general laws, regulations, and state statutes.

NOW, THEREFORE, BE IT ORDAINED THAT the City Council of the City of Conover, North Carolina shall hereby amend the complete Chapter 9: Fire Protection and Prevention of the Conover Code of Ordinances to read as follows:

In the following, all strikethroughs (strikethroughs) are to be removed and all items in RED and underlined (RED) are to be added:

CHAPTER 9 FIRE PROTECTION AND PREVENTION

ARTICLE I. IN GENERAL

Sec. 9-101. Definitions.

Reserved

Sec. 9-102. Chief to be Administrative Head.

The Fire Chief shall be appointed by the City Manager to serve as the administrative head of the fire department and may exercise all the powers and duties afforded under North Carolina law.

Statute Reference: G.S. 160A-291-2.

Sec. 9-103. Interference with Firefighters.

Firefighters shall have authority to do all acts reasonably necessary to extinguish fire and protect life and property from fire. No person, including the owner of property which is burning, may willfully interfere in any manner with fire personnel engaged in the performance of their duties.

Statute Reference: G.S. 58-82-1.

Sec. 9-104. Right of Entry for Inspection.

The Fire Chief or designee shall have the right to enter any building or premises, at any reasonable hour for the purpose of making any inspection provided for by this chapter.

Statute reference: G.S. 160A-292 and G.S. 58-79-20

Sec. 9-105. Service of Notices.

The Fire Chief or designee may issue notices and/or orders when there is reasonable cause to believe a violation of this chapter or Fire Code exists. Notice may be made by personal delivery to any legal occupant of the premises and/or by delivery of a copy to the owner thereof.

If a notice requires corrective actions not involving changes to the premises which may become part of the real property of the owner, failure to serve notice to the owner, if other than the occupant, shall not invalidate such notice. If a notice requires changes to the premises which may become part of the real property of the owner, the notice shall be served to the owner of the premises, with a copy served to the occupant.

Sec. 9-106. Failure to Comply with Notice.

It shall be unlawful for any occupant or any owner of any building or premises to fail to comply within a reasonable time after the service of any notice of fire hazard or violation of the fire code requirement thereof. Failure to so comply shall be punishable under section 1-8 of the city Code and the North Carolina Fire Code, Chapter 1, Administration.

Sec. 9-107. Authority to Terminate Utilities During a Fire.

During any incident, the Fire Chief or designee may order any public utility to suspend service whenever it may be considered necessary to preserve life or property, and it shall be unlawful for any such utility, property owner, or occupant to maintain or restore service after receiving the order until the restoration of such service has been authorized.

Sec. 9-108. Open Burning Prohibited.

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(a) No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain, kindle or maintain within the corporate limits of the city any open or outdoor burning fire not specifically allowed by this section.

(b) Section (a) shall not apply to fires authorized by the Fire Chief or by valid permit issued by the County Fire Marshal or N.C. Forest Service.

(c) Provided the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others and provided appropriate means of controlling the fire (i.e. extinguishers) are available while the fire is burning, the following are allowed:

1. Grilling or cooking appliances operated in conformity with its owner's manual.
2. Patio wood burning units including chiminea, patio warmers, and portable wood burning devices used for recreation and or/heating operated in conformity with its owner's manual.
3. Burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
4. The use of propane, acetylene, natural gas, gasoline, kerosene or similar fuel in a device intended for heating, construction, or maintenance activities.
5. Open fires for cooking, recreation and/or heating located not less than 15 feet from any structure or property line and contained in a campfire pit, or other device approved for such use and no larger than a 55-gallon drum.

Sec. 9-109. Burning Refuse and Certain Materials Prohibited.

Fires allowed under Section 9-108(b) are subject to the following restrictions:

1. Burning of refuse, leaves, yard waste, and items collected as part of the City's solid waste collection and disposal programs is prohibited.
2. Burning of hazardous materials, treated lumber, plastics and similar synthetic materials is prohibited.

3. Allowable fires may only be fueled by naturally cut wood, untreated lumber, liquid fuels intended for heating and cooking, commercial products manufactured to be ignited for heating and cooking.

Sec. 9-111. Landscaping Materials. - Reserved

Sec. 9-110. False Alarms. - Reserved

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ARTICLE II. FIRE CODE ADOPTED

Sec. 9-201. State Fire Code Adopted.

To establish regulations governing conditions hazardous to life and property from fire or explosion, except such portions as are hereinafter deleted, modified or amended,

The North Carolina Fire Code, promulgated by the North Carolina Building Code Council and North Carolina Department of Insurance as amended from time to time, is hereby incorporated by reference into this Code and shall be controlling within the limits of the City.

Sec. 9-202. Fire Code Officials and Enforcement.

1. The Fire Chief shall assign qualified employees of the fire department as fire inspectors as necessary. The titles and ranks for said inspectors, including Fire Marshal, shall be assigned and designated at the discretion of the Fire Chief.
2. The Fire Code shall be enforced by officials of the Conover Fire Department within the city and in Conover's extraterritorial jurisdiction within the limits of the Conover Rural Fire District.

Sec. 9-203. Amendments to the Fire Code.

The Fire Code is hereby adopted with the following additions and/or exceptions.

The following provisions are hereby added to the fire code:

(a) Petroleum products storage.

On-premises consumption. The storage of petroleum products as an accessory use for on-site consumption shall be permitted in all zones, as shown on the official zoning map of the city, provided that compliance with the fire code of the city is met.

Off-premises consumption. The storage of petroleum products, not including auto service stations (retail) which utilize underground or above ground storage as a principal use for wholesale or retail distribution, may be permitted as a conditional use by the city council in the M-I and EMI manufacturing and industrial zones only subject to the following requirements:

1. All storage tanks and loading facilities shall be located at least twenty-five (25) feet from any property line.
2. All storage tanks and loading facilities shall be located at least one hundred twenty (120) feet from any exterior property line bordering on a residential zone or use.
3. Compliance with the fire code of the city.

(b) Sections 3404.2.9.5.1 and 3506.2.4.4.

The limits referred to in sections 3404.2.9.5.1 and 3506.2.4.4 of the fire code, in which storage of flammable liquids in outside above ground tanks is prohibited are hereby established as follows: Prohibited in the R-20, R-9, R-9A, P-1, B-1, B-2, B-3, and B-4 zones.

(c) Section 3804.2.

The limits referred to in section 3804.2 of the fire code, in which bulk storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as follows: Prohibited in the R-20, R-9, R-9A, P-1, B-1, B-2, B-3, and B-4 zones.

ARTICLE III. PENALTIES

Sec. 9-301. Penalties for Violation; Continuing Violations; Removal of Prohibited Conditions.

1. Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) or by imprisonment of not more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or

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defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

1. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

This ordinance shall be effective upon its passage.

Adopted, this the 3rd day of September, 2024.

Item 13(b): Ordinance 31-24: Amendment to Chapter 10 of the City of Conover Code of Ordinances

Tom Hart, City Manager presented Ordinance 31-24: Amendment to Chapter 10 of the City of Conover Code of Ordinances.

Motion was duly made by Council Member Canrobert, seconded by Council Member Green, to adopt Ordinance 31-24: Amendment to Chapter 10 of the City of Conover Code of Ordinances.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Ordinance 31-24: Amendment to Chapter 10 of the City of Conover Code of Ordinances contained in exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 31-24

AN ORDINANCE AMENDING CHAPTER 10: FLOOD DAMAGE PREVENTION OF THE CITY OF CONOVER CODE OF ORDINANCES

WHEREAS, North Carolina General Statute 160A-77 states that a city shall adopt and issue a code of its ordinances which is generally referred to as the City's "Code of Ordinances"; and

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WHEREAS, the City of Conover's Council identifies the need to amend its Code of Ordinances from time to time in order to comply with general laws, regulations, and state statutes.

NOW, THEREFORE, BE IT ORDAINED THAT the City Council of the City of Conover, North Carolina shall hereby amend Chapter 10: Flood Damage Prevention of the Conover Code of Ordinances to read as follows:

In the following, all strikethroughs (strikethroughs) are to be removed and all items in RED and underlined (RED) are to be added:

CHAPTER 10: FLOOD DAMAGE PREVENTION

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

~~Sec. 10-1.~~ Sec. 10-101. Statutory authorization.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D (effective July 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the City Council of Conover, North Carolina, does ordain as follows:

(Ord. No. 45-21, § 1(Art. 1, § A), 7-12-21)

~~Sec. 10-2.~~ Sec. 10-102. Findings of fact.

- (a) The flood prone areas within the jurisdiction of the City of Conover are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.*
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.*

(Ord. No. 45-21, § 1(Art. 1, § B), 7-12-21)

~~Sec. 10-3.~~ Sec. 10-103. Statement of purpose.

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It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;*
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;*
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and*
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.*

(Ord. No. 45-21, § 1(Art. 1, § C), 7-12-21)

~~Sec. 10-4.~~ Sec. 10-104. Objectives.

The objectives of this chapter are to:

- (1) Protect human life, safety, and health;*
- (2) Minimize expenditure of public money for costly flood control projects;*
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- (4) Minimize prolonged business losses and interruptions;*
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;*
- (6) Minimize damage to private and public property due to flooding;*
- (7) Make flood insurance available to the community through the national flood insurance program;*
- (8) Maintain the natural and beneficial functions of floodplains;*
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and*
- (10) Ensure that potential buyers are aware that property is in a special flood hazard area.*

(Ord. No. 45-21, § 1(Art. 1, § D), 7-12-21)

ARTICLE II. DEFINITIONS

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Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

Area of shallow flooding means a designated zone AO or AH on a community's flood insurance rate map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. See "Special flood hazard area (SFHA)".

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means a determination of the water surface elevations of the base flood as published in the flood insurance study. When the BFE has not been provided in a "special flood hazard area", it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "freeboard", establishes the "regulatory flood protection elevation".

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building. See "Structure".

Chemical storage facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design flood. See "Regulatory flood protection elevation."

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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Development activity means any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital flood insurance rate map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated September 3rd, 1980.

Existing manufactured home park or manufactured home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, dated September 3, 1980.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or*
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.*

Flood boundary and floodway map (FBFM) means an official map of a community, issued by the FEMA, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the flood insurance rate map (FIRM).

Flood hazard boundary map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the special flood hazard areas have been defined as zone A.

Flood insurance means the insurance coverage provided under the national flood insurance program.

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Flood insurance rate map (FIRM) means an official map of a community, issued by the FEMA, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

Flood insurance study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The flood insurance study report includes flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), if published.

Flood prone area. See "Floodplain".

Flood zone means a geographical area shown on a flood hazard boundary map or flood insurance rate map that reflects the severity or type of flooding in the area.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain development permit means any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-resistant material means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum seventy-two (72) hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the national flood insurance program.

Freeboard means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "regulatory flood protection elevation".

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous waste management facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest adjacent grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;*
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;*
- (c) Individually listed on a local inventory of historic landmarks in communities with a "certified local government (CLG) program"; or*
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a "certified local government (CLG) program."*

Certified local government (CLG) programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or Flood insurance study. Letters of map change include:

- (a) Letter of map amendment (LOMA): An official amendment, by letter, to an effective national flood insurance program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective flood insurance rate map*

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and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

- (b) Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.*
- (c) Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.*
- (d) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.*

Light duty truck means any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or*
- (b) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or*
- (c) Available with special features enabling off-street or off-highway operation and use.*

Lowest adjacent grade (LAG) means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Map repository means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's floodplain mapping program websites house

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current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

Market value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

New construction means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-conversion agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-encroachment area (NEA) means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the flood insurance study report.

Post-FIRM means construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map.

Pre-FIRM means construction or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map.

Principally above ground means that at least fifty-one (51) percent of the actual cash value of the structure is above ground.

Public safety and/or nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle (RV) means a vehicle, which is:

- (a) Built on a single chassis;*
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;*
- (c) Designed to be self-propelled or permanently towable by a light duty truck;*
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and*
- (e) Is fully licensed and ready for highway use.*

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For the purpose of this chapter, "tiny homes/houses" and park models that do not meet the items listed above are not considered recreational vehicles and should meet the standards of and be permitted as residential structures.

Reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within all special flood hazard areas.

Regulatory flood protection elevation means the "base flood elevation" plus the "freeboard". In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus four (4) feet freeboard. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Remedy a violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid waste disposal facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid waste disposal site means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special flood hazard area (SFHA) means the land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in ~~section 10-6~~ [section 10-302](#) of this chapter.

Start of construction includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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Structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a five-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year period for which the cost cumulatively equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or*
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to ~~section 10-21~~ [section 10-405](#) of this chapter.*

Technical bulletin and technical fact sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

Temperature controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance is a grant of relief from the requirements of this chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles IV and V of this chapter is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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(Ord. No. 45-21, § 1(Art. 2), 7-12-21)

ARTICLE III. GENERAL PROVISIONS

~~Sec. 10-5.~~ **Sec. 10-301.** *Lands to which this chapter applies.*

This chapter shall apply to all areas within the jurisdiction, including extra-territorial jurisdictions (ETJs) as allowed by law, of the City of Conover.

(Ord. No. 45-21, § 1(Art. 3, § A), 7-12-21)

~~Sec. 10-6.~~ **Sec. 10-302.** *Basis for establishing the special flood hazard areas.*

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated September 5th, 2007 for Catawba County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this chapter, and all revisions thereto.

(Ord. No. 45-21, § 1(Art. 3, § B), 7-12-21)

~~Sec. 10-7.~~ **Sec. 10-303.** *Establishment of floodplain development permit.*

*A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of ~~section 10-6~~ **section 10-302** of this chapter.*

(Ord. No. 45-21, § 1(Art. 3, § C), 7-12-21)

~~Sec. 10-8.~~ **Sec. 10-304.** *Compliance.*

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 45-21, § 1(Art. 3, § D), 7-12-21)

~~Sec. 10-9.~~ **Sec. 10-305.** *Abrogation and greater restrictions.*

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This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 45-21, § 1(Art. 3, § E), 7-12-21)

~~Sec. 10-10.~~ Sec. 10-306. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;*
- (b) Liberally construed in favor of the governing body; and*
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.*

(Ord. No. 45-21, § 1(Art. 3, § F), 7-12-21)

~~Sec. 10-11.~~ Sec. 10-307. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Conover or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 45-21, § 1(Art. 3, § G), 7-12-21)

~~Sec. 10-12. Penalties for violation.~~

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS § 143-215.58. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Conover from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 45-21, § 1(Art. 3, § H), 7-12-21)

~~Secs. 10-13—10-16. Reserved.~~

ARTICLE IV. ADMINISTRATION

~~Sec. 10-17.~~ Sec. 10-401. Designation of floodplain administrator.

The planning director, hereinafter referred to as the "floodplain administrator", is hereby appointed to administer and implement the provisions of this chapter. In instances where the floodplain administrator receives assistance from others to complete tasks to administer and implement this chapter, the floodplain administrator shall be responsible for the coordination and community's overall compliance with the national flood insurance program and the provisions of this chapter.

(Ord. No. 45-21, § 1(Art. 4, § A), 7-12-21)

~~Sec. 10-19.~~ Sec. 10-402. Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.*
- (2) Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).*
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.*
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of ~~section 10-31~~ section 10-505 are met.*
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of ~~section 10-18(3)~~ section 10-403(3).*
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of ~~section 10-18(3)~~ section 10-403(3).*
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of ~~section 10-18(3)~~ section 10-403(3).*
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of ~~section 10-18(3)~~ section 10-403(3) and ~~section 10-29(2)~~ section 10-503(2).*
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The*

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person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (11) When BFE data has not been provided in accordance with the provisions of ~~section 10-6~~ [section 10-302](#), obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to ~~section 10-29(2)(c)~~, [section 10-503\(2\)\(c\)](#), in order to administer the provisions of this chapter.*
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of ~~section 10-6~~ [section 10-302](#), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.*
- (13) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.*
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.*
- (15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.*
- (16) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.*
- (17) Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.*
- (18) Follow through with corrective procedures of ~~section 10-20~~ [section 10-404](#).*
- (19) Review, provide input, and make recommendations for variance requests.*

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- (20) *Maintain a current map repository to include, but not limited to, historical and effective FIS report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of ~~section 10-6~~ [section 10-302](#) of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.*
- (21) *Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).*
- (22) *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the BFE, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.*

(Ord. No. 45-21, § 1(Art. 4, § C), 7-12-21)

Sec. 10-18. [Sec. 10-403](#). Floodplain development application, permit and certification requirements.

- (1) *Application requirements. Application for a floodplain development permit shall be made to the floodplain administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:*
 - (a) *A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:*
 - (i) *The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;*
 - (ii) *The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in ~~section 10-6~~ [section 10-302](#), or a statement that the entire lot is within the special flood hazard area;*
 - (iii) *Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in ~~section 10-6~~ [section 10-302](#);*
 - (iv) *The boundary of the floodway(s) or non-encroachment area(s) as determined in ~~section 10-6~~ [section 10-302](#);*
 - (v) *The base flood elevation (BFE) where provided as set forth in ~~section 10-6~~ [section 10-302](#), ~~section 10-18~~ [section 10-403](#) (3); or ~~section 10-29~~ [section 10-503](#);*
 - (vi) *The old and new location of any watercourse that will be altered or relocated as a result of proposed development.*
 - (vii) *The certification of the plot plan by a registered land surveyor or professional engineer.*

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- (b) *Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:*

 - (i) *Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;*
 - (ii) *Elevation in relation to NAVD 1988 to which any non-residential structure in zones A, AE, AH, AO, A99 will be floodproofed; and*
 - (iii) *Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.*
- (c) *If floodproofing, a floodproofing certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.*
- (d) *A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:*

 - (i) *The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and*
 - (ii) *Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with ~~section 10-27(4)(d)~~ [section 10-502\(4\)\(d\)](#) when solid foundation perimeter walls are used in zones A, AE, AH, AO, A99.*
- (e) *Usage details of any enclosed areas below the lowest floor.*
- (f) *Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.*
- (g) *Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received.*
- (h) *Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of ~~section 10-27~~ [section 10-502](#), subsections (6) and (7) of this chapter are met.*
- (i) *A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.*
- (2) *Permit requirements. The floodplain development permit shall include, but not be limited to:*

 - (a) *A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge,*

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mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

- (b) *The special flood hazard area determination for the proposed development in accordance with available data specified in ~~section 10-6~~ [section 10-302](#).*
 - (c) *The regulatory flood protection elevation required for the reference level and all attendant utilities.*
 - (d) *The regulatory flood protection elevation required for the protection of all public utilities.*
 - (e) *All certification submittal requirements with timelines.*
 - (f) *A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of ~~section 10-31~~ [section 10-505](#) have been met.*
 - (g) *The flood openings requirements.*
 - (h) *Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).*
 - (i) *A statement, that all materials below BFE/RFPE must be flood resistant materials.*
- (3) *Certification requirements.*
- (a) *Elevation certificates.*
 - (i) *An elevation certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.*
 - (ii) *An elevation certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.*
 - (iii) *A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of*

compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. the finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in ~~section 10-17~~ section 10-401. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(b) Floodproofing certificate.

- (i) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.
- (ii) A final finished construction floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a certificate of compliance/occupancy. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan.

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Deficiencies detected by such review shall be corrected by the applicant prior to certificate of occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to deny a certificate of compliance/occupancy.

- (c) *If a manufactured home is placed within zones A, AE, AH, AO, A99 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of ~~section 10-27(3)(b)~~ [section 10-502\(3\)\(b\)](#).*
- (d) *If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.*
- (e) *Certification exemptions. The following structures, if located within zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:*

 - (i) *Recreational vehicles meeting requirements of ~~section 10-27(6)(a)~~ [section 10-502\(6\)\(a\)](#);*
 - (ii) *Temporary structures meeting requirements of ~~section 10-27(7)~~; [section 10-502\(7\)](#); and*
 - (iii) *Accessory structures that are one hundred fifty (150) square feet or less or three thousand dollars (\$3,000.00) or less and meeting requirements of ~~section 10-27(8)~~. [section 10-502\(8\)](#).*
- (4) *Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:*

 - (a) *Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;*
 - (b) *Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;*

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- (c) *Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and*
- (d) *Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this chapter is required.*

(Ord. No. 45-21, § 1(Art. 4, § B), 7-12-21)

Sec. 10-20. Sec. 10-404. Corrective procedures.

- (1) *Violations to be corrected: When the floodplain administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.*
- (2) *Actions in event of failure to take corrective action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:*
 - (a) *That the building or property is in violation of the floodplain management regulations;*
 - (b) *That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and*
 - (c) *That following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.*
- (3) *Order to take corrective action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the flood damage prevention ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.*
- (4) *Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.*
- (5) *Failure to comply with order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of*

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the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NCGS § 143-215.58 and shall be punished at the discretion of the court.

(Ord. No. 45-21, § 1(Art. 4, § D), 7-12-21)

~~Sec. 10-21.~~ Sec. 10-405. Variance procedures.

- (1) The City of Conover Board of Adjustment, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this chapter.*
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the court, as provided in Chapter 7A of the North Carolina General Statutes.*
- (3) Variances may be issued for:*
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;*
 - (b) Functionally dependent facilities if determined to meet the definition as stated in article II of this chapter, provided provisions of ~~section 10-21(9)(b), (c), and (e)~~ section 10-405(9)(b),(c) and, (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or*
 - (c) Any other type of development provided it meets the requirements of this section.*
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:*
 - (a) The danger that materials may be swept onto other lands to the injury of others;*
 - (b) The danger to life and property due to flooding or erosion damage;*
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
 - (d) The importance of the services provided by the proposed facility to the community;*
 - (e) The necessity to the facility of a waterfront location as defined under article II of this chapter as a functionally dependent facility, where applicable;*
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;*
 - (g) The compatibility of the proposed use with existing and anticipated development;*
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;*

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- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;*
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and*
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.*
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.*
- (6) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this chapter.*
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.*
- (8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.*
- (9) Conditions for variances:*
 - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.*
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.*
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
 - (d) Variances shall only be issued prior to development permit approval.*
 - (e) Variances shall only be issued upon:*
 - (i) A showing of good and sufficient cause;*
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and*
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*

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(10) *A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met.*

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the special flood hazard area.

(c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

(d) The use complies with all other applicable federal, state and local laws.

(e) The City of Conover has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

(Ord. No. 45-21, § 1(Art. 4, § E), 7-12-21)

~~Secs. 10-22—10-25. Reserved.~~

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

~~Sec. 10-26.~~ Sec. 10-501. General standards.

In all special flood hazard areas the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

(a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

(b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements

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only comply with the standards for new construction consistent with the code and requirements for the original structure.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.*
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.*
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.*
- (8) Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.*
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in ~~section 10-21(10)~~ section 10-405(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of ~~section 10-18(3)~~ section 10-403(3).*
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.*
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.*
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*
- (14) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.*
- (15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.*
- (16) Buildings and structures that are located in more than one (1) flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.*

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(17) Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving conditional letters or letters of map revision—based on fill (CLOMR-F or LOMR-F).

(Ord. No. 45-21, § 1(Art. 5, § A), 7-12-21)

~~Sec. 10-27.~~ Sec. 10-502. Specific standards.

In all special flood hazard areas where BFE data has been provided, as set forth in ~~section 10-6~~ section 10-302, or ~~section 10-29~~ section 10-503, the following provisions, in addition to the provisions of ~~section 10-29~~ section 10-503, are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in article II of this chapter.
- (2) Non-residential construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in article II of this chapter. Structures located in zones A, AE, AH, AO, A99 may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO zones, the floodproofing elevation shall be in accordance with ~~section 10-32(2)~~ section 10-506(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in ~~section 10-18(3)~~ section 10-403(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in article II of this chapter.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

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- (c) *All enclosures or skirting below the lowest floor shall meet the requirements of ~~section 10-27(4)~~ section 10-502(4).*
 - (d) *An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local emergency management coordinator.*
- (4) *Elevated buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:*
 - (a) *Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;*
 - (b) *Shall not be temperature-controlled or conditioned;*
 - (c) *Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and*
 - (d) *Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:*
 - (i) *A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;*
 - (ii) *The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;*
 - (iii) *If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;*
 - (iv) *The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;*
 - (v) *Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and*
 - (vi) *Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.*
 - (f) *Fill and grading is prohibited in the floodway. Fill may be permitted in the non-floodway areas of the SFHA subject to the submittal and approval of a floodplain*

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development permit. Approved functionally dependent facilities are exempt from this provision.

- (g) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; the City of Conover will have the right to inspect the enclosed area.*
- (h) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.*

(5) Additions/improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.*
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.**
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.*
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.*
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.**
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this chapter. Substantial damage also means flood-related damage*

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sustained by a structure on two (2) separate occasions during a five-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

- (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.*
- (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.*

(6) Recreational vehicles. Recreational vehicles shall either:

(a) Temporary placement.

- (i) Be on site for fewer than one hundred eighty (180) consecutive days; or*
- (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)*

(b) Permanent placement. Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.

(7) Temporary non-residential structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:

- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;*
- (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;*
- (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);*
- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and*
- (e) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.*

(8) Accessory structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

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- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of ~~section 10-26(1)~~ [section 10-501\(1\)](#);
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of ~~section 10-26(4)~~ [section 10-501\(4\)](#); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of ~~section 10-27(4)(d)~~ [section 10-502\(4\)\(d\)](#).

An accessory structure with a footprint less than one hundred fifty (150) square feet or that is a minimal investment of three thousand dollars (\$3,000.00) or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of ~~section 10-27(2)~~ [section 10-502\(2\)](#). Elevation or floodproofing certifications are required for all other accessory structures in accordance with ~~section 10-18(3)~~ [section 10-403\(3\)](#).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:
 - (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the regulatory flood protection elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of ~~section 10-27(2)~~ [section 10-502\(2\)](#) of this chapter shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

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- (i) *At or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and*
 - (ii) *Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.*
- (10) *Other development.*
 - (a) *Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of ~~section 10-31~~ [section 10-505](#) of this chapter.*
 - (b) *Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of ~~section 10-31~~ [section 10-505](#) of this chapter.*
 - (c) *Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of ~~section 10-31~~ [section 10-505](#) of this chapter.*
 - (d) *Commercial storage facilities are not considered "limited storage" as noted in this chapter, and shall be protected to the regulatory flood protection elevation as required for commercial structures.*

(Ord. No. 45-21, § 1(Art. 5, § B), 7-12-21)

~~Sec. 10-28. Reserved.~~

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~~Sec. 10-29.~~ [Sec. 10-503.](#) Standards for floodplains without established base flood elevations.

Within the special flood hazard areas designated as approximate zone A and established in ~~section 10-6~~ [section 10-302](#), where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of ~~section 10-26~~ [section 10-501](#), shall apply:

- (1) *No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.*

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- (2) *The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:*
- (a) *When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in ~~section 10-26~~ section 10-501 and ~~10-27~~ section 10-502.*
 - (b) *When floodway or non-encroachment data is available from a federal, state, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of ~~section 10-27~~ section 10-502 and ~~section 10-31~~ section 10-505.*
 - (c) *All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with section 10-6 and utilized in implementing this chapter.*
 - (d) *When BFE data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in article II. All other applicable provisions of ~~section 10-27~~ section 10-502 shall also apply.*

(Ord. No. 45-21, § 1(Art. 5, § D), 7-12-21)

~~Sec. 10-30.~~ Sec. 10-504. Standards for riverine floodplains with base flood elevations but without established floodways or non-encroachment areas.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) *Standards of ~~section 10-26~~ section 10-501 and ~~10-27~~ section 10-502; and*
- (2) *Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.*

(Ord. No. 45-21, § 1(Art. 5, § E), 7-12-21)

~~Sec. 10-31.~~ Sec. 10-505. Floodways and non-encroachment areas.

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Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in ~~section 10-6~~ [section 10-302](#). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in ~~sections 10-26~~ [section 10-501](#) and ~~10-27~~ [section 10-502](#), shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit; or
 - (b) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.
- (2) If ~~section 10-31(1)~~ [section 10-505\(1\)](#) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards of ~~section 10-27(3)~~ [section 10-502\(3\)](#); and
 - (b) The encroachment standards of ~~section 10-31(1)~~ [section 10-505\(1\)](#).

(Ord. No. 45-21, § 1(Art. 5, § F), 7-12-21)

~~Sec. 10-32.~~ [Sec. 10-506.](#) Standards for areas of shallow flooding (zone AO).

Located within the special flood hazard areas established in ~~section 10-6~~ [section 10-302](#), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to ~~section 10-6~~ [section 10-302](#) and ~~10-27~~ [section 10-502](#), all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in ~~Article 5, Section 1(1)~~ [Section 10-502\(2\)](#) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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Certification is required in accordance with ~~section 10-8(3)~~ section 10-304 (3) and ~~section 10-27(2)~~ section 10-502(2).

- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. No. 45-21, § 1(Art. 5, § G), 7-12-21)

~~Sec. 10-33.~~ Sec. 10-507. Standards for areas of shallow flooding (zone AH).

Located within the special flood hazard areas established in ~~section 10-6~~ section 302, are areas designated as shallow flooding areas. These areas are subject to inundation by one-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to ~~section 10-26~~ section 10-501 and ~~10-27~~ section 10-502, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. No. 45-21, § 1(Art. 5, § H), 7-12-21)

~~Secs. 10-34, 10-35.~~ Reserved

ARTICLE VI. LEGAL STATUS PROVISIONS

~~Sec. 10-36.~~ Sec. 10-601. Effect on rights and liabilities under the existing flood damage prevention ordinance.

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted August 8th, 2007 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Conover enacted on August 8th, 2007, as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for the City of Conover is September 3rd, 1980.

(Ord. No. 45-21, § 1(Art. 6, § A), 7-12-21)

~~Sec. 10-37.~~ Sec. 10-602. Effect upon outstanding floodplain development permits.

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Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this chapter.

(Ord. No. 45-21, § 1(Art. 6, § B), 7-12-21)

ARTICLE VII. PENALTIES.

Sec. 10-701. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS § 143-215.58. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Conover from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 45-21, § 1(Art. 3, § H), 7-12-21)

This ordinance shall be effective upon its passage.

Adopted, this the 3rd day of September, 2024.

Item 13(c): Ordinance 32-24: Amendment to Chapter 15 of the City of Conover Code of Ordinances

Tom Hart, City Manager presented Ordinance 32-24: Amendment to Chapter 15 of the City of Conover Code of Ordinances.

Motion was duly made by Council Member Canrobert, seconded by Council Member Green, to adopt Ordinance 32-24: Amendment to Chapter 15 of the City of Conover Code of Ordinances.

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AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Ordinance 32-24: Amendment to Chapter 15 of the City of Conover Code of Ordinances contained in exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 32-24

AN ORDINANCE AMENDING CHAPTER 15: MOTOR VEHICLES AND TRAFFIC OF THE CITY OF CONOVER CODE OF ORDINANCES

WHEREAS, North Carolina General Statute 160A-77 states that a city shall adopt and issue a code of its ordinances which is generally referred to as the City's "Code of Ordinances"; and

WHEREAS, the City of Conover's Council identifies the need to amend its Code of Ordinances from time to time in order to comply with general laws, regulations, and state statutes.

WHEREAS, Section 15-31 of Chapter 15: Motor Vehicles and Traffic of the Conover Code of Ordinances currently reads as follows:

Sec. 15-31. Speed limit in school zones.

When authorized signs are placed, erected, or installed indicating any street or part thereof as a school zone, no driver of a vehicle shall exceed the speed of twenty (20) miles per hour therein between 7:30 a.m. and 4:00 p.m. on any day when school is in session.

NOW, THEREFORE, BE IT ORDAINED THAT the City Council of the City of Conover, North Carolina shall hereby amend Section 15-31 of Chapter 15: Motor Vehicles and Traffic of the Conover Code of Ordinances to read as follows:

In the following, all strikethroughs (strikethroughs) are to be removed and all items in RED and underlined (RED) are to be added:

~~Sec. 15-31. Speed limit in school zones.~~

~~When authorized signs are placed, erected, or installed indicating any street or part thereof as a school zone, no driver of a vehicle shall exceed the speed of twenty (20) miles per hour therein between 7:30 a.m. and 4:00 p.m. on any day when school is in session.~~

Sec. 15-31. Speed Limits Established.

1. It shall be unlawful for any person to drive a vehicle upon any street at a speed greater than provided by this section. For the purpose of this section, "street" shall mean any City maintained street, alleyway, road, or highway located within the corporate limits of the City that is not part of the state road/highway system.

Speed limits other than 35 miles per hour applicable to streets or sections thereof shall be posted. All 35 miles per hour speed limits may be posted, but are effective whether or not posted.

The following speed limits apply as indicated:

(1) Speed shall be limited to 35 miles per hour on all streets, except as otherwise provided in the following subsections;

(2) Speed shall be limited to 25 miles per hour on all residential neighborhood streets;

(3) Speed limit shall be limited to 20 miles per hour on all streets and alleyways in downtown including but not limited to;

2nd Ave NE between 1st St E and 2nd St NE, NE Alleyway, 2nd Ave SE, 3rd Ave SE, 5th Ave SE, 2nd St SE, 3rd St SE, Innovation Alley, Conover Station SE, 2nd St SW, SW Alleyway, NW Alleyway;

(4) Speed shall be limited to 20 miles per hour on all alleyways in the city, but need not be posted;

(5) Speed shall be limited to 20 miles per hour, within any school zone during posted hours of enforcement on days school is in session;

(6) Speed shall be limited to 25 miles per hour on the following streets or sections thereof as indicated:

YMCA Ave NE, Adrian Ave NE, and 2nd St PI NE between Thornburg Dr. NE and YMCA Ave. NE.

1. No person shall drive a vehicle upon a street at a speed greater than is reasonable and prudent under the conditions then existing even if the speed limit provided by this section would otherwise allow a greater speed. Existing conditions that may require lesser driving speeds include, but are not limited to, pedestrian activity, on-street parking activity, obstructions in the travel way, maintenance work on the roadway or utilities, weather, less than optimal road surface conditions or reduced visibility.

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State Law reference— Authority to establish speed limits, G.S. 20-141.

This ordinance shall be effective upon its passage.

Adopted, this the 3rd day of September, 2024.

Item 14: Certifying the Sufficiency of an Annexation Petition and Setting a Date for the Public Hearing on the Annexation Request For the Properties Located Along Rock Barn Road NE and Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-.

- a. Resolution 38-24: Resolution Directing Clerk to Investigate a Petition Received Under G.S. 160A-31**
- b. Resolution 39-24: Resolution Fixing the Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31**

Stephanie C. Watson, City Clerk / Assistant to the Manager informed Council that on July 19, 2024, the Clerk's office received an annexation petition for portions of property located along Rock Barn Road NE containing approximately 183.44 +/- acres.

Item 14(a): Resolution 38-24: Resolution Directing Clerk to Investigate a Petition Received Under G.S. 160A-31

Stephanie C. Watson, City Clerk / Assistant to the Manager presented Resolution 38-24: Resolution Directing Clerk to Investigate a Petition Received Under G.S. 160A-31. General statutes require that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place. The petition has been researched, found to be sufficient, and was recommended for Council's approval.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Powell, to adopt Resolution 38-24: Resolution Directing Clerk to Investigate a Petition Received Under G.S. 160A-31.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

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(Resolution 38-24: Resolution Directing Clerk to Investigate a Petition Received Under G.S. 160A-31 contained in exhibit file called 2024 Resolutions.)

CITY OF CONOVER RESOLUTION 38-24

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition dated July 15, 2024 by Hunsucker Legacy Farms, LLC; Dan Alan Hunsucker; and Michael A. Mahoney and Wendy M. Wilcox, Trustees of the Michael A. Mahoney and Wendy M. Wilcox Revocable Trust, requesting annexation of an area described in said petition was received on July 19, 2024 for the City of Conover by the Clerk on behalf of the Council; and

WHEREAS, G.S. 160A-31, provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the Conover City Council of the City of Conover deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the Conover City Council of the City of Conover:

That the City Clerk has investigated the sufficiency of the above described petition and certifies to the Conover City Council that the petition is in order.

Adopted, this the 3rd day of September, 2024.

Item 14(b): Resolution 39-24: Resolution Fixing the Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31

Stephanie Watson, City Clerk / Assistant to the Manager presented Resolution 39-24: Resolution Fixing the Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31. This resolution would call for a public hearing on Monday, October 7, 2024 at 6:00 p.m. to take place in the Council Chambers of Conover City Hall during Council's regularly scheduled meeting.

Motion was duly made by Council Member Green, seconded by Council Member Canrobert, to adopt Resolution 39-24: Resolution Fixing the Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31.

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AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 39-24: Resolution Fixing the Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 contained in exhibit file called 2024 Resolutions.)

CITY OF CONOVER RESOLUTION 39-24

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT G.S. 160A-31

WHEREAS, a petition dated July 15, 2024 by Hunsucker Legacy Farms, LLC; Dan Alan Hunsucker; and Michael A. Mahoney and Wendy M. Wilcox, Trustees of the Michael A. Mahoney and Wendy M. Wilcox Revocable Trust, requesting annexation of an area described in said petition has been received; and

WHEREAS, the Conover City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Conover, North Carolina:

Section 1. That a public hearing on the question of the area described herein will be held at Conover City Hall at 6:00 p.m. on the 7th day of October, 2024.

Section 2. The area proposed for annexation can be identified as the following properties identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 and more particularly described as follows:

Beginning at a Computed Point (CP) - common corner with PID 375210364087 (PB 88 Pg 52), thence N 6° 34' 29" E 96.93' (passing a Square Iron Found @ 60.20') to a CP in the center of Rock Barn Road (60' R/W), thence with the center of Rock Barn Road N 44° 00' 32" E 1266.56' to a Mag Nail Set in the intersection of Rock Barn Road and St. Johns Church Road, thence with the center of St. Johns Church Rd N 2° 46' 36" E 944.25' to a Nail Found within the

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R/W of St. Johns Church Rd, thence N 2° 45' 44" E 140.54' to an Iron Found, thence with PID 375206382015 N 2° 56' 53" E 404.44' to a Flat Iron Bar Found, thence N 89° 06' 53" E 654.98' to an Iron Pipe Found, thence with PID 375206474673 S 26° 00' 34" E 707.56' to an Iron Found, thence with PID 375210475393 S 25° 59' 08" E 349.88' (passing an Iron Found @ 297.23') to a CP in the center of Rock Barn Road, thence with PID 375210466897 4 calls: (1) S 26° 00' 06" E 71.25' to a CP, (2) S 26° 21' 17" E 506.35' to a Pipe Found, (3) N 58° 15' 27" E 66.11' to an Iron Pin Found (IPF), (4) N 25° 43' 23" W 527.20' (passing an Iron Shaft Found @ 499.26') to a CP in the center of Rock Barn Road, thence with the center of Rock Barn Road 27 calls (all to CP's): (1) S 87° 53' 48" E 93.60', (2) N 89° 01' 25" E 61.54', (3) N 85° 47' 28" E 80.90' - common corner with PID 375206479503, (4) N 82° 15' 40" E 81.36', (5) N 80° 33' 09" E 36.47', (6) N 79° 24' 46" E 37.54', (7) N 77° 59' 37" E 39.01', (8) N 76° 34' 34" E 40.62', (9) N 74° 42' 28" E 39.91', (10) N 73° 07' 38" E 26.26', (11) N 72° 34' 03" E 14.29', (12) N 71° 53' 37" E 26.30', (13) N 70° 56' 35" E 11.36', (14) N 69° 50' 13" E 27.20', (15) N 69° 06' 04" E 37.63', (16) N 67° 20' 10" E 44.32', (17) N 65° 08' 06" E 42.02', (18) N 62° 31' 28" E 37.72', (19) N 59° 48' 48" E 43.57', (20) N 57° 11' 21" E 35.60', (21) N 55° 13' 17" E 26.81', (22) N 53° 19' 21" E 36.43', (23) N 51° 32' 50" E 44.53', (24) N 49° 40' 47" E 37.95', (25) N 47° 54' 20" E 38.64', (26) N 45° 47' 56" E 41.13', (27) N 43° 11' 28" E 43.67', thence leaving Rock Barn Rd and with PID 375211577451 3 calls: (1) S 26° 28' 49" E 32.45' to an IPF, (2) S 26° 44' 27" E 262.59', (3) N 57° 44' 47" E 131.98', thence with PID 375207578571 N 57° 39' 07" E 180.02' to an Axle Found, thence with PID 375207672717 2 calls: (1) N 57° 53' 24" E 121.86' to a Pipe Found, (2) S 40° 49' 41" E 1961.24' to a Square Iron, thence with PID 375212852742 S 40° 58' 43" E 862.78' to an Axle, thence with PID 375212758095 S 58° 22' 13" W 1270.85' to an Iron Found on the Northern R/W of Interstate 40 (NCDOT Project # 8.16441), thence with the R/W of Interstate 40, 5 calls: (1) S 80° 19' 57" W 211.66' to a R/W Monument, (2) S 10° 11' 26" E 34.63' to a R/W Monument, (3) S 80° 28' 42" W 858.85' to a R/W Monument, (4) N 9° 49' 52" W 39.16' to a R/W Monument, (5) S 80° 26' 44" W 250.75' to a CP, thence leaving Interstate 40 with PID 375210364087 15 calls: (1) N 41° 20' 37" W 394.87' (passing an IPF @ 28.27') to an IPF, (2) N 29° 05' 20" W 269.87' to an IPF, (3) N 30° 03' 50" W 59.97' to an IPF, (4) N 29° 04' 20" W 285.96' to an IPF, (5) N 39° 28' 29" W 384.84' to an IPF, (6) N 32° 37' 09" W 461.65' to an IPF, (7) N 27° 58' 46" W 60.17' to an IPF, (8) N 25° 03' 14" W 415.66' to an IPF, (9) N 20° 58' 00" W 368.14' to an IPF, (10) N 12° 30' 41" W 249.90' to an IPF, (11) N 19° 10' 59" W 107.93' to a CP, (12) a curve to the left with an arc length of 236.81' (chord - S 69° 53' 55" W 235.78' and a radius of 730.45') to a CP, (13) S 59° 07' 03" W 116.50' to a CP, (14) a curve to the left with an arc length of 210.57' (chord - S 49° 50' 09" W 209.99' and a radius of 818.95') to a CP, (15) S 44° 00' 32" W 1712.87' to the Point of Beginning, containing 183.44 Acres.

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Section 3. Notice of said public hearing shall be published once in the Hickory Daily Record, a newspaper having general circulation in the City of Conover, at least ten (10) days prior to the date of said public hearing.

Adopted, this the 3rd day of September, 2024.

Item 15: Committee Reports

Members of Council gave their committee reports.

Item 16: City Manager's Report

BUILDING PERMITS: The City issued sixteen (16) building permits during the month of August 2024, totaling \$3,880,569. Included were thirteen (13) residential, two (2) commercial, and one (1) industrial.

UPCOMING EVENTS:

THIS MONTH:

FARMERS MARKET: The Farmer's Market has requested to extend their season until September 28th. Hours of operation are from 8 a.m. to 12 Noon. The event is held in the Conover Post Office Parking Lot.

EMPLOYEE APPRECIATION EVENT: This event will be held on Thursday, September 5th at 7 p.m. at the Hickory Crawdads Stadium.

35th YEAR ANNIVERSARY Tri-city Baptist Church: This event will be held on Sunday, September 8, 2024 at 10:30 a.m.

9/11 CEREMONY: Wednesday, September 11, 2024 at 8:30 a.m. at the City Park Amphitheater

2024 FUTURE OF CATAWBA COUNTY SUMMIT: Wednesday, September 18th from 11 a.m. until 4 p.m. at the Hickory Metro Convention Center

ONEBLOOD BUS AT CONOVER POST OFFICE: The OneBlood Bus ("Big Red Bus") will be at the Conover Post Office parking lot on Wednesday, September 18, 2024 from 10 a.m. until 3:00 p.m. for those interested in donating blood. Walk-ins available or visit their site at www.oneblood.org to register.

CONOVER CRUZ'N CAR SHOW: Saturday, September 28th from 11 a.m. – 7 p.m. at City Park

MINUTES FROM THE SEPTEMBER 3, 2024 CONOVER CITY COUNCIL REGULAR MEETING

FUTURE EVENTS:

NATIONAL NIGHT OUT: Tuesday, October 1st from 5:30 p.m. until 8:30 p.m. at City Park

CONOVER'S BOO-TIFUL DOWNTOWN BASH: Saturday, October 5th from 3 p.m. until 7 p.m.

FARMER'S MARKET HOLIDAY MARKET: Saturday, November 23rd at Conover Post Office

CHRISTMAS COMES TO CONOVER: Saturday, November 23rd

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:38 p.m.

Kyle J. Hayman, Mayor

Stephanie C. Watson, City Clerk