

## CITY COUNCIL REGULAR MEETING

City Council Chambers

Tuesday, November 12, 2024 at 7:00 PM

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### AGENDA

#### Call to Order, Prayer, Pledge of Allegiance

**Adjustment and Approval of the Agenda** — *Items will only be added or removed with the approval of the Mayor and City Council.*

#### Special Presentations

1. **Students of the Month:** Mayor & City Council will recognize the November 2024 students of the month from Bessemer City area schools: Bessemer City Primary School, Bessemer City Central Elementary School, Tryon Elementary, Bessemer City Middle School, and Bessemer City High School.

**Request to Speak/Opportunity for Public Comment** — *This is an opportunity for members of the public to express items of interest to the Mayor and City Council. This is not a time to respond or take action. Any necessary action will be taken under advisement. Speakers are asked to use proper decorum and to limit comments to no more than three minutes.*

2. **Public Comment Acknowledgment:** City Manager, Josh Ross will provide clarity on items mentioned during public comment, if needed.

**Consent Agenda** — *The items of the Consent Agenda are adopted on a single motion and vote, unless the Mayor and City Council wish to withdraw an item for separate vote and/or discussion.*

3. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of October 14, 2024.
4. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting minutes of October 29, 2024.

#### Business Items

5. **Public Hearing: Amend Land Development Code (LDC)& Abolish Section 5.1 (Flood Hazard Overlay):** City Council will hold a public hearing to hear public comment regarding the abolishment of section 5.1 of the Land Development Code (LDC).
6. **Public Hearing: Amend Land Development Code (LDC)& Establish Section 5.1 (Flood Hazard Overlay):** City Council will hold a public hearing to hear public comment regarding the establishment of section 5.1 of the Land Development Code (LDC).

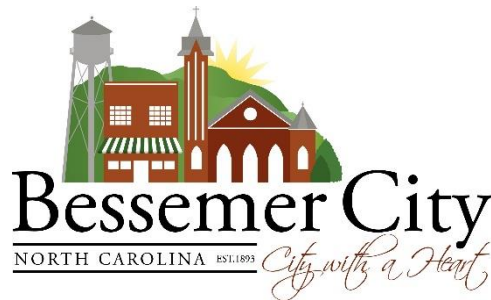
- 7. Ordinance - To Amend LDC & Establish Section 5.1:** City Council will consider adopting an ordinance to amend text in the following sections of the Land Development Code: 5.1 Flood Hazard Overlay.
- 8. Resolution - Lead & Copper Replacement Line Project:** City Council will consider approving a resolution permitting the lead and copper replacement line project. City Council previously awarded the lead and copper engineering services to Harvin Engineering PLLC in the amount of \$780,000. This contract is 90% funded by NCDEQ SRF Funds.
- 9. Meritage Homes (Stewart Crossing) Natural Gas Capital Project Ordinance:** City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues for a natural gas project.
- 10. Establish a Public Hearing - Rezoning Request (Better Path Homes LLC):** City Council will consider establishing a public hearing for Monday, December 9th, 2024 at 7:00 PM to hear public comment regarding a rezoning request for property located at tax parcels #120960 (0.83 acres) from Neighborhood Residential (NR) to Neighborhood Residential Conditional District (NR-CD) to accommodate the development of 3 single-family homes.
- 11. Establish a Public Hearing - Rezoning Request (Development Solutions Group):** City Council will consider establishing a public hearing for Monday, December 9th, 2024 at 7:00 PM to hear public comment regarding a rezoning request for property located at tax parcel #151678 (6.26 acres) from Urban Residential Conditional District (URCD) to Urban Residential Conditional District (URCD). The developer is requesting a modification to the projects relief and conditions.

### **City Manager's Report**

**Council General Discussion** — *This is an opportunity for the Mayor and City Council to ask questions for clarification, provide information to staff, request staff to report back, or place a matter on a future agenda.*

- 12. Closed Session - 143-918.11 (a) (6) (personnel matter):** City Council will go into closed session as permitted under N.C.G.S. §143-318.11(a)(3) & (6) to discuss a personnel matter.

### **Adjourn**



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, October 14, 2024 at 7:00 PM

### MINUTES

#### Members Present

Mayor, Becky S. Smith, Council Members: Brenda Boyd, Brent Guffey, Donnie Griffin, Nellie Floyd, Michael Brooks and Allen Hook were all present. City Manager, Josh Ross and City Attorney, David Smith were present.

#### Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Walnut Grove Pastor, Chris Parker led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

#### Adjustment and Approval of the Agenda

By motion of Brenda Boyd and unanimous vote, the October agenda was approved with the following revision:

- Table item #19: Closed Session – personnel matter to the November 2024 Regular Meeting

#### Special Presentation

Student Appreciation- Students from Bessemer City High School, Bessemer City Middle School, Bessemer City Central Elementary School, and Bessemer City Primary School were recognized by their principals and City Council as part of the Student Appreciation Program:

Mrs. Doneen Johnson, Principal of Bessemer City High School, and Mayor Smith, recognized the following students of the month: Kendal Gardner, 9<sup>th</sup> grade representative; Azayla Bolton, 10<sup>th</sup> grade representative; Hope Marley, 11<sup>th</sup> grade representative and Andrew Correa, 12<sup>th</sup> grade representative.

Dr. Rebecca Wilson, Principal of Bessemer City Middle School, and Mayor Smith, recognized the following students of the month: Kevin Cruz Urbano, 7<sup>th</sup> grade representative; and Mason Gregory and Leak Kendall Owens 8<sup>th</sup> grade representatives.

Ms. Anna Miller, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Zaire Butler; 3<sup>rd</sup> grade representative; 4<sup>th</sup> Bradyn Badger; and 5<sup>th</sup> Nalayah Eaddy.

Mrs. Erin Morehead, School Counselor of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Jason Jones, Kindergarten representative; Michael Bustle, 1<sup>st</sup> grade, and representative; Veronica Tacy, 2<sup>nd</sup> grade representative.

#### Request to Speak/Opportunity for Public Comment

Mayor Smith opened the floor for public comment. The following came forth:

- David Lutz of 408 N. 12<sup>th</sup> Street: Mr. Lutz addressed the Board regarding the City's new tax rate. Mr. Lutz stated that the City should consider selling Stinger Park, as maintenance costs associated with the park are exorbitant. Lutz further stated that the City's financial status reflects the previous Board's inability to monitor spending. The previous Board shouldn't have spent so much money. There are many low-income families in Bessemer City who cannot afford to pay the high tax rate. If the City needs assistance monitoring the budget, Mr. Lutz worked for a CPA firm and could assist with cutting the budget.

### Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Brent Guffey:

1. **Approval of Minutes:** City Council will consider adopting Regular Meeting minutes of the September 9, 2024 meeting.
2. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the September 24, 2024 meeting.
3. **Street Closure- Christmas in the City Festival & Parade:** City Staff is requesting a temporary street closure of the 100 block of West, 100 Block East Virginia Avenue, 100 block of N. 12th, 100 block of N. 11th Street for the Parks & Recreation Christmas in the City festival, Parade, and Community Tree Lighting on Sunday, November 24th from 11:00 AM until 9:00 PM.

### ABC Store Presentation

Terry Battles, ABC Store Manager addressed Council regarding a payment to the City of Bessemer City from the store. The store is doing well and presented the Mayor, Becky S. Smith and City Manager, Josh Ross with a check of \$5,631.87 which goes to the City's General Fund. Mr. Battles hopes to distribute a check in the same amount on a quarterly basis. Mr. Battles commended the ABC Board for their hard work, as well as the store tellers.

### Ordinance Amending Zoning Map

On Monday, September 9th, 2024 City Council held a public hearing to hear public comment regarding a zoning map amendment for property located at tax parcels #151640, #151644, and #151645 (35.77 acres) from Neighborhood Residential & Rural to Neighborhood Residential Conditional District to accommodate the development of a single-family residential community consisting of 93 single family units.

City Manager, Joshua Ross addressed the Board on the progress of the rezoning request. The applicant originally submitted their application mid-June 2024. The Planning & Zoning Board of Adjustments reviewed the request at the August 2024 meeting. The Planning & Zoning Board of Adjustments recommended the request with their conditions. After receiving the Planning & Zoning Board of Adjustments recommendation, City Council established a public hearing and potential ordinance vote for the September 2024 Regular Meeting. However, the applicant notified City staff that they would like to submit a change to their initial application mid- August 2024. Thus, City staff informed Council of the request to change their application. Per the direction of City Council, the application was reverted back to the Planning & Zoning Board of Adjustments, to be heard once more at their September 2024 meeting. At the September 2024 Regular City Council Meeting City Council held a public hearing to hear public comments about the rezoning request. At this time, City Council also tabled the ordinance vote for the zoning map amendment. Thus, City staff is back before the Board seeking approval of a zoning map amendment for the Sunset Ridge rezoning.

City Council member, Allen Hook inquired about sidewalks for this project. Kent Olson of Development Solutions Group informed him that initially sidewalks were not considered, so that the new subdivision could match the current homes in the area. However, adding a sidewalk to one side of the development is a modification that he can agree to.

By motion of Michael Brooks and unanimous vote, the zoning map amendment was adopted. A copy of this ordinance is on file at City Hall. This zoning map was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision. This amendment was adopted with the following areas of relief and conditions:

#### **Areas of relief**

- Sidewalks- relief from installing sidewalk on one side of new streets within the subdivision as indicated on the site plan. The Bessemer City Land Development Code (LDC) requires sidewalks on both sides of streets in Major Subdivisions (Chapter 4, Section 4.5).
- Garage Setback- relief from the six-foot garage setback requirement from front facing garages on 50% of units (Chapter 3, Section 3.3).

#### **Conditions**

- Design Standards- the development is required to abide by standards as follows: Design standards as required by the property owner, including 50% brick or stone facades, pitched roofs, architectural shingles, and all other standards as required by the property owner
- Upgraded door designs on units without 6-foot setback
- The developer is responsible for all system development fees.
- The developer shall extend the City of Bessemer City utilities and within the site, at their expense. The development will be served by City utilities: water and sewer.
- All off-site utility easements, if necessary to provide utilities to the site, must be obtained by the developer, at their expense, prior to approval of construction plans, issuance of permits, or commencement of construction.
- Conditional Zoning approval is valid for a period of twenty-four (24) months from the date of approval.

#### **Capital Project Ordinance - Lead & Copper**

City Council previously awarded the lead and copper inventory project contract to Harvin Engineering PLLC in the amount of \$780,000. City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues for the inventory project. City staff applied for NC Department Environmental Quality SRF grant funds and were awarded 90% grant funding with principal forgiveness to cover this state mandated project. An inventory of infrastructure has been mandated by the EPA and the State to check public and private pipelines for lead and copper.

By motion of Donnie Griffin and unanimous vote, the capital project ordinance for \$780,000 was approved. A copy of this ordinance is on file at City Hall.

#### **Capital Project Ordinance - Stormwater Assessment Inventory**

City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues of the Stormwater Assessment inventory. The City was awarded \$340,000 of NC Department of Environmental Quality LASII planning grant funds. These planning grant funds will cover the inventory 100%.

By motion of Brent Guffey and unanimous vote, the capital project ordinance for \$340,000 was approved. A copy of this ordinance is on file at City Hall.

### **Award Stormwater Assessment Inventory Engineering Services**

City staff is seeking approval of the Stormwater Assessment Inventory engineering services contract with McGill Associates in the amount of \$340,000. This contract is 100% funded by NC Department of Environmental Quality LASII planning grant funds.

City Council member, Brent Guffey inquired if the City received other bids. City Manager, Joshua Ross informed him that the City received two bids. However, City staff recommends the use of McGill Associates as they have previously worked with the City and have an inventory of current City infrastructure.

By motion of Nellie Floyd and 4:3 vote the Stormwater Assessment Inventory engineering services contract was awarded to McGill Associates in the amount of \$340,000. Voting in favor: Nellie Floyd, Brenda Boyd, Michael Brooks. Voting in opposition: Donnie Griffin, Brent Guffey, and Allen Hook. Mayor Smith broke the tie in favor of awarding the service contract to McGill Associates.

### **Resolution - Approving Application for Emerging Contaminants (PFAS) Study**

The City intends to conduct a study on emerging contaminants, known as PFAs at the Water Plant. The presence of PFAs in everyday water sources is an epidemic on the rise. Thus, City staff would like to apply for grant funds to conduct a study on PFAs.

By motion of Brenda Boyd and unanimous vote, the resolution regarding PFAs was approved.

### **Resolution - Modification to System Development Fees**

Gaston County is installing a 5-mile-long waterline from Bessemer City to the Tryon Community via ARPA funds. Gaston County will be covering connection and meter cost for Tryone community residents to connect to the waterline. City Staff is seeking approval from Council to change the fee schedule and system development fees to entice outside residents to connect. If this resolution is approved, City Manager Joshua M. Ross, will be permitted a forty-five (45) day relinquishment period of system development fees for new customers along the Tryon Waterline Project Area.

By motion of Brenda Boyd and unanimous vote, the resolution regarding the modifications to system development fees was approved.

### **Establish Public Hearing: Amend Land Development Code (LDC)& Abolish Section 5.1 (Flood Hazard Overlay)**

City Manager, Ross informed the Board that City staff would like to amend some provisions in section 5.1 of the Land Development Code (LDC). There have been new updates in legislation, and City staff would like to include these in the City's code to ensure compliance.

By motion of Donnie Griffin and unanimous vote, City Council will hold a public hearing to hear public comment regarding the abolishment of section 5.1 of the Land Development Code (LDC) on Tuesday, November 12, 2024 at 7 PM.

### **Establish Public Hearing: Amend Land Development Code (LDC)& Establish Section 5.1 (Flood Hazard Overlay)**

City Manager, Ross informed the Board that City staff would like to amend some provisions in section 5.1 of the Land Development Code (LDC). By establishing this new section, the City will be in compliance with NC General Statutes. In the future, the City may be able to enter into an interlocal

agreement with Gaston County to be the City's floodplain administrator. Many City's in Gaston County have this structure as well.

By motion of Donnie Griffin and unanimous vote, City Council will hold a public hearing to hear public comment regarding the abolishment of section 5.1 of the Land Development Code (LDC) on Tuesday, November 12, 2024 at 7 PM.

### **City Manager's Report**

City Manager, Josh Ross, addressed Council regarding the following:

- **Budget Amendments- Business Accelerator Program (BAP):** By motion of Brent Guffey and unanimous vote, a budget amendment regarding the transfer of \$29,762.00 to the general fund for the BAP program was approved. The city received a \$500,000 grant from the federal government for the Business Accelerator Program (BAP). These funds were used to purchase two historic buildings in the downtown district.
- **Budget Amendments- Business Accelerator Program (BAP-Closeout):** By motion of Michael Brooks and unanimous vote, a budget amendment regarding the transfer of \$29,762.00 to the general fund to closeout the BAP program was approved. There was a portion of funds not used for the building purchase. Thus, the remaining funds were used to purchase downtown furniture.
- **Budget Amendment- Community Development Block Grant (CDBG):** By motion of Brenda Boyd and unanimous vote, a budget amendment regarding the transfer of \$7,666.00 from the general fund to the CDBG project fund was approved. The Community Development Block Grant (CDBG) closed out earlier this year. There were outstanding expenses that city staff could not apply for reimbursement. Thus a transfer was needed.
- **Budget Amendment- Community Development Block Grant (CDBG- Closeout):** By motion of Allen Hook and unanimous vote, a budget amendment regarding the transfer of \$7,666.00 from the general fund to close out the CDBG project fund was approved.
- **General:** Mr. Ross informed Council about several things:
  - Osage Mill redevelopment will have 12 units occupied by the end of the year.
  - Kintegra Health is open for business as of today. They are planning to have ribbon cutting next month.
  - City staff is working diligently to clean up the storm debris in the city. We were fortunate that we did not have major damage from the recent storm.
  - Utility bills will be delayed this month due to Hurricane Helene. The printer ran into some issues getting the bills disbursed.
  - Parks & Recreation will host a trunk or treat on Saturday, October 26<sup>th</sup> from 10 AM – 12 Noon in downtown.
  - The City is continuing to work with NCDOT regarding traffic issues. NCDOT has placed additional striping and warning signs on 8<sup>th</sup> and Alabama Avenue due to a recent car incident.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council Member, Michael Brooks inquired about the fire department's rescue truck. Council Members, Brenda Boyd, Donnie Griffin and Allen Hook commended City staff for responding so quickly during hurricane Helene. Council Member, Brent Guffey

inquired about having Attorney Smith send the repair shop a letter to expedite the process on the fire rescue. Chief Ellis commended the public safety division for responding to emergencies during hurricane Helene.

**Adjournment**

Being no further business to come before the board, by motion of Michael Brooks and unanimous vote, the meeting was adjourned at 7:54 PM.

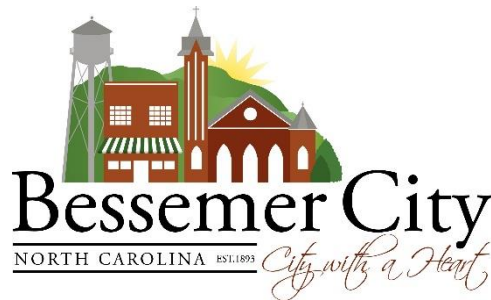
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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk





## CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, October 29, 2024 at 3:00 PM

### MINUTES

#### **Call to Order**

Mayor Becky S. Smith called the meeting to order.

#### **Members Present**

Mayor, Becky S. Smith, Council Members: Nellie Floyd Michael Brooks, Allen Hook, Brenda Boyd and Brent Guffey were present. City Manager, Josh Ross, and department heads were present as well. Council member, Donnie Griffin was absent. A quorum was present.

#### **Community Action Project Discussion**

Mr. Joseph Dixon of Gaston Community Action addressed Mayor and City Council regarding the installation of a head start program in Bessemer City. In previous years the city hosted the head start program in the community center. Gaston Community Action staff would like to see this partnership revamped, by the city allowing the program to exist in a city building that could be leased for a \$1 a year. All the program would need is a kitchen, bathroom, and 3 or 4 classrooms. Mayor Smith thanked Mr. Dixon and his staff for coming out and informed them that the board would need some time to discuss and see if there was a viable building feasible for this request. Currently, the Boys & Girls club has been displaced as the City's building next to Rock Gym has mold.

#### **Department Head Reports**

Bessemer City department heads gave reports on their department's status:

Jamie Ramsey, Director of Operations- Mr. Ramsey and Water Plant Supervisor, Ashton Lingerfelt addressed Council regarding the Water Plants water situation. Currently, the city is using the City of Gastonia water. The iron and manganese levels are elevated in the city's natural water resource. City staff is working on different remedies to stabilize the levels, so that we may utilize our own water. City staff is working on an application for funding to complete a PFAs (forever chemicals). Additionally, Mr. Ramsey informed the Board that the Lead & Copper line replacement project is ongoing. The engineering firm is working on disseminating information to the Bessemer City citizenry about project details. Recovery efforts are underway in response to Hurricane Helene. Clearing and removing disaster debris is a major part of the recovery effort. Contractors for Bessemer City will begin debris collection and removal on Monday, November 4, 2024. We will make two (2) passes to collect the vegetative debris from the hurricane. We will start our pickup on Costner School Road. Also, we are picking up leaves with the leaf vacuum truck.

JoD Franklin, Parks and Recreation Director- Mr. Franklin addressed the Council regarding recent Parks & Recreation events. Fall baseball has wrapped up, and youth soccer is still underway. The city has collected over \$150,000 in concessions since January. The Trunk or Treat event went well, we had a manageable crowd. This year the Christmas in the City festival will be held on Sunday, November 24<sup>th</sup> at 4 PM, with

the Parade beginning at 4:30 PM, and the Tree Lighting at 6 PM in downtown Bessemer City. Public Works and Parks & Recreation staff are working diligently to get Christmas décor up around town.

Public Safety Director, Tom Ellis- Mr. Ellis addressed the Council regarding the public safety department's response to hurricane Helene. Chief Ellis was proud of the city workers dedication and collaboration to restore the city. Code Enforcement is doing well. Code Enforcers, Don and David are working hard to complete house inspections on new construction. The fleet division is doing their best to keep up with current recalls on city vehicles. This is posing to be a challenge, as parts are backed up. However, the fleet services director, Wade Brown is formulating a plan to maintain and service all equipment. Currently we still have a fire engine at the auto repair shop. Council member, Guffey inquired about the lemon law process, as the truck has been out of commission for over 8 months. Chief Ellis informed him that there was a judicial ruling regarding emergency vehicles and the lemon law in 2021. However, our fire engine does not meet that threshold. Additionally, city staff informed Council that the part needed for repair was ordered and should be delivered by Wednesday. Thus, we expect to have the engine back in our fleet soon.

By motion of Brent Guffey and unanimous vote, if the fire engine has not been repaired, the attorney will send the repair shop an official letter of suit.

Diane Jenkins, Finance Director – Ms. Jenkins informed the Board that the audit had been completed and turned over to the State. The utility bills were delayed due to hurricane Helene. Thus, the city sent out several call outs informing the public that late fees would be waived this month. The city is in a better financial position this time around than we were last year. Ad valorem taxes are coming in quicker than they historically have.

Hydeia Hayes, City Clerk & Human Resources Director- City Clerk & Human Resources Director, Hydeia Hayes reminded the Board of their completion of UAL training by December 31, 2024 per the Local Government Commission (LGC). Ms. Hayes is available to assist the council with accessing the modules and printing PowerPoints. Ms. Hayes informed City Council that a resignation from the ABC Board chair was received. Thus, the ABC Board currently has two vacancies. Per Council member, Michael Brooks, Ms. Hayes is checking with the ABC commission to see if there is a requirement for Board members to live in city limits. Mr. Brooks was approached by an individual wanting to apply that currently lives outside of city limits. Additionally, the November 2024 regular meeting will be held on Tuesday, November 12<sup>th</sup> due to the Veteran's Day holiday on Monday, November 11<sup>th</sup>.

### **City Manager's Report**

City Manager, Josh Ross addressed City Council regarding several items:

- City Staff is working with Gaston County officials to draft an update to the Land Development Code's (LDC) Chapter 5 section 1. An update is needed to include Gaston County administration as the City' floodplain administrators. The existing ordinance does not allow the County to aid the city with floodplain matters. Thus, once a new ordinance is updated, an interlocal agreement can be executed. Per October's regular meeting, city council will hold a public hearing to abolish and establish a new 5.1 section of the Land Development Code (LDC).
- The planning board will meet next week to hear two conditional zoning requests. These items will come before the Board in December if approved by the planning board.
- Sam Cline is working to market the old Rex theatre and the central drug properties. We wanted to list these to see if we can solicit inquiries for purchase.
- There is a community meeting being held by Gaston County regarding the Tryon Waterline project on Thursday, November 14<sup>th</sup>.

- Also, Development Solutions group (DSG) has reached out to staff regarding a rezoning request for property located at tax parcel #151678 (6.26 acres). The developer plans to request a modification to the project's relief and conditions. According to DSG staff, the natural gas requirement would be costly for the project.
- City staff was approached by a local credit union regarding the purchase of the Annex property. However, City staff would like to see the offer higher than \$650,000. The city has made significant improvements to the property after the initial purchase, making it turnkey for the next owner.
- A capital improvement plan for the City pool is in the works from city staff. In January the city would like to make some repairs before the Summer 2025 season.
- City Manager, Josh Ross commended city staff for their dedication and productivity.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Mayor Smith led the conversation by inquiring about a solution for the on street parking in Ashley Park. The mail carrier has expressed her concern about the crowded street, as it impedes certified mail delivery. City staff informed Mayor Smith that an update to the Land Development Code (LDC) regarding parking on streets.

### **Adjourn**

Being no further business to come before the board, by motion of Michael Brooks and unanimous vote the meeting was adjourned at 5:00 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



## AN ORDINANCE AMENDING CHAPTER 5.1 OF THE CITY OF BESSEMER CITY LAND DEVELOPMENT CODE (FLOOD HAZARD OVERLAY)

**WHEREAS**, after proper notification a Public Hearing was held before the Bessemer City Council on November 12<sup>th</sup>, 2024 to consider a proposed amendment to the City of Bessemer City Code of Ordinances and Land Development Code.

**WHEREAS**, after a \_\_\_\_\_ vote, the City Council of Bessemer City approved a text change to the City of Bessemer Land Development Code reflected 5.1 Flood Hazard Overlay.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Bessemer City, that the City of Bessemer City Code of Ordinances is amended to reflect the adopted changes as written below.

### **5.1.A                    STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

#### **1.            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 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 Bessemer City, North Carolina, does ordain as follows:

#### **2.            FINDINGS OF FACT.**

- (1) The flood prone areas within the jurisdiction of Bessemer City 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.
- (2) 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.

#### **3.            STATEMENT OF PURPOSE.**

It is the purpose of this ordinance 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; Item 7.
- (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.

#### **4. OBJECTIVES.**

The objectives of this ordinance 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.

#### **5.1.B. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance 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 ordinance. Item 7.

“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)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

“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.

“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 14

“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 March 3, 2003.

“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.

“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 ordinance, 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 ordinance 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. Item 7.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 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.

“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 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 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 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 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 ordinance.

“Manufactured Home” means a structure, transportable in one 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 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, NCEM’s Floodplain Mapping Program websites house 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 data the Flood NC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

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“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 March 03, 2003, 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 March 03, 2003, the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% 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) 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.

(For the purpose of this ordinance, “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 top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

“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. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least (4) 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 ordinance 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 percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“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 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.

“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 50 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 one-year period for which the cost equals or exceeds 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 Article 4 Section E of this ordinance.

“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.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“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 ordinance.

“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 4 and 5 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.

## **5.1.C. GENERAL PROVISIONS.**

### **1. LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), as allowed by law, of Bessemer City.

### **2. 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 2, 2015, for Gaston 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 ordinance, and all revisions thereto.

### **3. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

### **4. 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 ordinance and other applicable regulations.

## **5. ABROGATION AND GREATER RESTRICTIONS.**

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

## **6. INTERPRETATION.**

In the interpretation and application of this ordinance, 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.

## **7. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of Bessemer City or by any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

## **8. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance 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 NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$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 Bessemer City from taking such other lawful action as is necessary to prevent or remedy any violation.

### **5.1.D ADMINISTRATION.**

#### **1. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The Gaston County Floodplain Administrator hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, 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 ordinance.

#### **2. 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 Article 3, Section B, 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

as determined in Article 3, Section B;

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- (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
  - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
  - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.
- (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 ff-206-fy-22-153 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 ordinance 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 Article 5, Section B(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 Article 5, Section B, subsections (6) and (7) of this ordinance 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, 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

- (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 Article 5, Section F 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 ff-206-fy-22-152) 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 ff-206-fy-22-152) 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 ff-206-fy-22-152) 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 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. 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 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.

The FEMA elevation certificate is optional for floodplain management elevation data but recommended. The use of the FEMA elevation certificate is required for the purchase of flood insurance and mandatory CRS participation.

## (b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form ff-206-fy-22-153), 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. The FEMA floodproofing certificate is optional at the time of permitting the structure but recommended to ensure compliance with this ordinance and properly permit the structure.
- (ii) A final Finished Construction Floodproofing Certificate (FEMA Form ff-206-fy-22-153) 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. 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 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 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(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 Article 5, Section B(6)(a);
  - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
  - (iii) Accessory Structures that are 150 square feet square feet or less or \$5,000 or less and meeting requirements of Article 5, Section B(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 occurred and before any repairs are made; Item 7.

- (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;
- (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 ordinance is required.

### **3. 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 ordinance 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 Article 5, Section F 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 Article 4, Section B(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 Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(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 Article 4, Section B(3) and Article 5, Section B(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 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 Article 3, Section B, 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 Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment

- (13) Permanently maintain all records that pertain to the administration of this ordinance 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 ordinance, 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 Article 4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.
- (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 Article 3, Section B of this ordinance, 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.

#### **4. 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

(10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by Item 7. 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 and 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 the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

## **5. VARIANCE PROCEDURES.**

- (1) The Board of Adjustment as established by Bessemer City, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (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 2 of this ordinance, provided provisions of Article 4, Section E(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 ordinance, 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 2 of this ordinance as a functionary

dependent facility, where applicable;

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- (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;
  - (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 ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (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 \$25 per \$100 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
    - (iv) 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.
- (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) That Bessemer City 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.

## **5.1.E. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

### **1. 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, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.
  - (a) Replacements part of a substantial improvement must 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 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 ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance 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 ordinance.
- (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 Article 4, Section E(10). A structure or 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 Article 4, Section B(3). Item 7.

- (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 flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

## **2. SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, 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 (RFPE), as defined in Article 2 of this ordinance.
- (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 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) 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 Article 5, Section G(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 Article 4, Section B(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 (RFPE), as defined in Article 2 of this ordinance.
  - (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 Commission on Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of

chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required. Item 7.

- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(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 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 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.
  - (e) 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 and 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 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 ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 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 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 72 hours before 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.

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(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:

- (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 Article 5, Section A(1);
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(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 Article 5, Section B(4)(d).

An accessory structure with a footprint less than one hundred and fifty (150) square feet or that is a minimal investment of five thousand (\$5,000) or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(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 Article 5, Section B (2) of this ordinance 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:

- (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the in 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 Article 5, Section F of this ordinance.
- (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 Article 5, Section F of this ordinance.
- (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 side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

3. RESERVED.

4. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, 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 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.
- (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 ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
  - (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 Article 5, Sections B and F.
  - (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 Article 3, Section B and utilized in implementing this ordinance.**
  - (e) 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 2. All other applicable provisions of Article 5, Section B shall also apply.

**STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATION  
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 Article 5, Sections A and B; 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.

**6. FLOODWAYS AND NON-ENCROACHMENT AREAS.**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. 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 Article 5, Sections A and B, 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 months of completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
  - (a) The anchoring and the elevation standards of Article 5, Section B(3); and
  - (b) The encroachment standards of Article 5, Section F(1).

**5.1.F. LEGAL STATUS PROVISIONS.**

**1. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted March 03, 2003 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 ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Bessemer City enacted on March 03, 2003, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Gaston County is Tuesday, November 12, 2024.

**2. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.**

Item 7.

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 ordinance; 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 ordinance.

**3. SEVERABILITY.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**4. EFFECTIVE DATE.**

This ordinance shall become effective November 12, 2024.

**5. ADOPTION CERTIFICATION.**

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the City Council of Bessemer City, North Carolina, on the 12th day of November 2024.

WITNESS my hand and the official seal of Becky S. Smith, Mayor this the 12th day of November 2024.

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 12<sup>th</sup> Day of November 2024

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



## RESOLUTION BY GOVERNING BODY OF APPLICANT

**WHEREAS**, The City of Bessemer City has need for and intends to construct, plan for, or conduct a study in a project described as **Lead and Copper Service Line Replacement Project**, and

**WHEREAS**, The **City of Bessemer City** intends to request State loan and/or grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY CITY COUNCIL OF BESSEMER CITY:**

That **City of Bessemer City**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **City of Bessemer City** to make a scheduled repayment of the loan, to withhold from the **City of Bessemer City** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That **Joshua Ross, City Manager**, the **Authorized Representative**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 12<sup>th</sup> day of November, 2024 at Bessemer City, North Carolina.

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**FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting **City Clerk** of the **City of Bessemer City** does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the **City of Bessemer City** duly held on the **12th day of November, 2024**; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of **November, 2024**.

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(Signature of Recording Officer)

City Clerk

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(Title of Recording Officer)

*Note: an Attestation by the Clerk/Recording Officer may be used in lieu of the Form for Certification by the Recording Officer.*



**Capital Project Ordinance for the City of Bessemer City  
Stewart Crossing Natural Gas Project**

**BE IT ORDAINED** by the City Council of the City of Bessemer City that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project is hereby adopted:

Section 1. The project authorized is the Stewart Crossing Natural Gas Project, a natural gas utility project for the installation of natural gas infrastructure in the new major subdivision, Stewart Crossing.

Section 2. This project will be paid for by the developer of Stewart Crossing, Meritage Homes, LLC, who has agreed to pay for the installation of natural gas infrastructure in the new major subdivision.

Section 3. The officers of this unit are hereby directed to proceed with the capital project with acceptance of developer funds and the budget contained herein.

Section 4. The following amounts are appropriated for the project:

Phase I Engineering Costs	\$ 100,900
Phase I Preliminary Construction Costs	233,808
Phase II Engineering Costs	60,450
Phase II Preliminary Construction Costs	258,110
<b>Total Appropriations</b>	<b>653,268</b>

Section 5. The following revenues are anticipated to be available to complete this project:

Funds from Meritage Homes, LLC	\$ 653,268
<b>Total Revenues</b>	<b>653,268</b>

Section 6. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the loan agency agreements and regulations.

Section 7. The Finance Officer is directed to report on the financial status of the project.

Section 8. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to the Governing Body.

Section 9. Copies of this Capital Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Finance Officer for direction in carrying out this project,

Adopted this the \_\_\_\_\_ of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Hydeia Hayes, City Clerk

**City of Bessemer City, North Carolina**  
**General Rezoning Staff Report**  
**CD 03-2024 | N. Gould Ave. (PID 120960)**  
 Planning Board Agenda Item November 4<sup>th</sup>,  
 2024 City Council Agenda Item December 9<sup>th</sup>,

**Applicant:**

Better Path Homes, LLC (Nick Petrie)

**Request:**

To review and make a recommendation on the rezoning of a .83-acre parcel of land currently zoned Neighborhood Residential (NR) to Neighborhood Residential- Conditional District (NR-CD). The intent of the property owner is to be subdivided into three (3) lots for single-family homes.

**Background Information:**

The property requested for zoning map amendment is assigned by the Gaston County Tax Mapping Department with PID#120960 and is approximately 0.83 acres in size. The property is currently owned by Better Path Homes, LLC.

City staff met with the Better Path Homes, LLC project team in early October to discuss the development of the site. Three (3) single family homes typically fall into a “minor subdivision” category; however, since this project will require the developer to extend utilities, the project is considered a “major subdivision” as defined in the Bessemer City Land Development Code (LDC).

The developer is seeking to rezoning this property as a conditional district since major subdivision requirements would include, but are not limited to, sidewalks and curb/gutter. The developer, as outlined in the attached packet, is requesting Relief (R) in the Bessemer City Land Development Code (LDC) from doing sidewalks and curb/gutter. The Conditions (C) the developer is proposing includes developing three (3) single-family homes with a higher level of architectural features, including shutters, gable brackets, cedar columns, and stone veneer accents on the front elevation of each home. Additionally, the developer would like to highlight that, given the property’s location on a one-way street, each home would provide ample parking, with space for five vehicles—four in the driveway and one in the garage.

**Staff Recommendation:**

Approve rezoning as requested.

**Exhibits:**

N. Gould Ave. (PID #120960) Rezoning Application Packet

**Recommended Effective Date: December 9, 2024**





I hope this letter finds you all well. I am writing on behalf of Better Path Homes LLC, the owner of Parcel 120960, which meets all the necessary requirements to be subdivided into three parcels. However, due to the need to extend the water line, the project is now subject to major subdivision requirements.

We are seeking Conditional Zoning to obtain relief from the sidewalk, curb, and gutter requirements. In exchange, we propose to enhance the project by offering a higher-end product with a higher level of architectural features, including shutters, gable brackets, cedar columns, and stone veneer accents on the front elevation of each home.

Additionally, we would like to highlight that, given the property's location on a one-way street, each home will provide ample parking, with space for five vehicles—four in the driveway and one in the garage. We believe these proposed design upgrades and parking accommodations will add significant value to the neighborhood and hope they will allow for the requested relief from the sidewalk, curb, and gutter requirements.

Thank you for considering our request. We are confident that these improvements will benefit both the community and the overall quality of the development. Please feel free to reach out if any further information is needed.



132 W. Virginia Ave.  
Bessemer City, NC 28016  
(704) 629 - 5542 Ext. 1003

**Staff Only:**

Date Rec'd: \_\_\_\_\_  
Rec'd by: \_\_\_\_\_  
Case #: \_\_\_\_\_

## LAND DEVELOPMENT APPLICATION FORM

1. Application Type	✓	Fee		✓	Fee
• Sketch Plan/Plat (Major Sub):		_____	• Conditional Zoning (CZ)		✓
• Preliminary Plat (Major Sub):		_____	• Special Use Permit (SUP)		_____
• Final Plat (Major Sub):		_____	• Text Amendment		_____
• Major Site Plan		_____	• Minor Site Plan		_____
• Construction Documents:		_____	• Minor Subdivision Plat		_____
• Recombination Plat		_____	• General Rezoning		_____
• Other: _____		_____			
Fee Total:					_____

**2. Project Information**

Date of Application: 10/18/24 Name of Project: N Gould Avenue

Location: 120960 N Gould Ave Property Size (acres): .860 # of Units/Lots: (1) subdivide into (3)

Current Zoning: NR Proposed Zoning: N/A

Current Land Use: Vacant Proposed Land Use: Residential - Single family homes

Tax Parcel Number(s): 120960

Square Footage: 37,456



132 W. Virginia Ave.  
Bessemer City, NC 28016  
(704) 629 - 5542 Ext. 1003

**Staff Only:**

Date Rec'd: \_\_\_\_\_  
Rec'd by: \_\_\_\_\_  
Case #: \_\_\_\_\_

## LAND DEVELOPMENT APPLICATION FORM

1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):		_____	• Conditional Zoning (CZ)	_____
• Preliminary Plat (Major Sub):		<b>\$115</b>	• Special Use Permit (SUP)	_____
• Final Plat (Major Sub):		_____	• Text Amendment	_____
• Major Site Plan		_____	• Minor Site Plan	_____
• Construction Documents:		_____	• Minor Subdivision Plat	_____
• Recombination Plat		_____	• General Rezoning	_____
• Other: _____		_____		
Fee Total:				_____

### 2. Project Information

Date of Application: 10/10/2024 Name of Project: North Gould Ave

Location: East of N Gould Ave Property Size (acres): 0.86 # of Units/Lots: 3

Current Zoning: NR Proposed Zoning: NR

Current Land Use: Vacant Proposed Land Use: Single-Family Residential

Tax Parcel Number(s): 120960

Square Footage: 4,800



**3. Contact Information**

Owner, Applicant, or Developer

Better Path Homes LLC

Address

10935 Winds Crossing Dr STE-300

City, State Zip

Charlotte, NC 28273

Telephone

(704) 802-1097

Email

Nick.petruc@choosebetterpath.com

Agent(s) (Engineer, Architect, Etc.)

Josh Butler - Gateway design Group

Address

8516 Foxbridge Drive

City, State Zip

Weddington, NC 28104

Telephone

(910) - 840 - 2661

Email

Josh@gatewaydesigngroup.com

**4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:**

- ☐ **Signed "Original" application**
- ☐ **Project Fee(s)** – See Fee Schedule
- ☐ **Written Summary/Description of Request** can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code
- ☐ **Property Survey** (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features.
- ☐ **Site/sketch plan** (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots
- ☐ **Illustrative (color) site/sketch plan** for presentation purposes with same layers as described above
- ☐ **Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist** may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).
- ☐ **Illustrative (color) elevations** for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples
- ☐ **Digital Files** of all items listed above

Last Update: 07/06/2021

Signature: Printed Name: Nick PetrucDate: 10/18/24

SITE INFORMATION

PARCEL #:  
120960  
SITE ADDRESS: N GOULD AVE  
BESSEMER CITY, NC 28016

PROPOSED DETACHED RESIDENTIAL  
TOTAL SITE AREA: 0.86 AC  
ZONED: NR  
PROPOSED LOTS = 3  
PROPOSED DENSITY = 3.49 UNITS/ACRE

DEVELOPER

BETTER PATH HOMES, LLC  
NICK PETRIE  
10935 WINDS CROSSING DR, STE 300  
CHARLOTTE, NC 28273  
(631) 252-4887  
nick.petrie@choosebetterpath.com

DESIGNER

GATEWAY DESIGN GROUP, PLLC  
SETH BARRIER, P.E.  
8516 FOXBRIDGE DR  
WEDDINGTON, NC 28104  
(704) 796-4560  
seth@gatewaydesigngroup.com

SITE DATA

MIN. LOT SIZE: 12,000 SF  
FRONT SETBACK: 20 FT  
CORNER SETBACK: 20 FT  
SIDE SETBACK: 12 FT  
REAR SETBACK: 30 FT

WATERSHED DATA

THIS PROPERTY IS NOT LOCATED WITHIN A WATERSHED

FLOOD DATA

THE PROPERTY LIES WITHIN ZONE X, PER FIRM COMMUNITY MAP NUMBER 3710351600J.

LANDSCAPING

LANDSCAPING SHALL COMPLY WITH ALL OF BESSEMER CITY STANDARDS PER UNIFIED DEVELOPMENT ORDINANCE.



VICINITY MAP  
N.T.S.



Landscape Plantings						
Symbol	Type	Botanical Name	Common Name	Quantity	Caliper at planting	Height at planting
	Large Maturing	Ulmus parvifolia	Lacebark Elm	6	2"	8'

**PERIMETER TREE REQUIREMENTS:**  
SHOW LINEAR FEET OF ROAD FRONTAGE ALONG PUBLIC MAINTAINED RIGHT-OF-WAY, INCLUDING DRIVEWAYS. CALCULATE ONE LARGE CANOPY TREE EVERY 40 LINEAR FEET OR FACTION THEREOF, OR IF OVERHEAD POWER IS PRESENT, ONE UNDERSTORY TREE EVERY 30 FEET OR FACTION THEREOF.

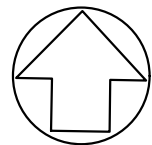
STREET: **N GOULD AVE / 250** LFT = **7** TREES REQUIRED / **7** TREES PROVIDED

GENERAL NOTES:

- EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN IN THIS PLAN IS BASED UPON A COMBINATION OF A SURVEY PROVIDED AND GIS DATA. GATEWAY DESIGN GROUP DOES NOT REPRESENT OR WARRANT THE WORK PREPARED BY THE SURVEYOR.
- THE CIVIL ENGINEER AND THE OWNER DISCLAIM ANY ROLE IN THE CONSTRUCTION MEANS AND/OR METHODS ASSOCIATED WITH THE PROJECT AS SET FORTH IN THESE PLANS.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE TO ENFORCE SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL SAFETY STANDARDS, LAWS, AND REGULATIONS.
- CONTRACTOR SHALL NOTIFY GATEWAY DESIGN GROUP 48 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
- ALL LOCAL, MUNICIPAL, AND STATE LAWS, RULES, AND REGULATIONS GOVERNING OR RELATING TO ANY PORTION OF THIS WORK ARE HEREBY INCORPORATED INTO AND MADE PART OF THE PROJECT CONTRACT DOCUMENTS AND THEIR PROVISIONS SHALL BE CARRIED OUT BY THE CONTRACTOR.
- DO NOT SCALE DRAWINGS IN THIS SET. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER THE SCALE SHOWN ON THE PLANS, SECTIONS, PROFILES, AND DETAILS. IN THE EVENT OF DISCREPANCIES, THE CONTRACTOR SHALL REQUEST CLARIFICATION FROM THE CIVIL ENGINEER AND/OR OWNER'S REPRESENTATIVE.
- IF DEPARTURES FROM THE PROJECT DRAWINGS OR SPECIFICATIONS ARE DEEMED NECESSARY BY THE CONTRACTOR, DETAILS OF SUCH DEPARTURES AND REASONS THERE OF SHALL BE SUBMITTED TO THE CIVIL ENGINEER AND/OR OWNER'S REPRESENTATIVE FOR REVIEW. NO DEPARTURES FROM THE CONTRACT DOCUMENTS SHALL BE MADE WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE CIVIL ENGINEER AND/OR OWNER'S REPRESENTATIVE.
- THE SURVEYOR SHALL REPORT ANY ENCROACHMENTS OR DISCREPANCIES GENERATED BY THE SITE PLAN AGAINST ANY DEVELOPMENT REQUIREMENTS SPECIFIED BY THE SITE PLAN TO THE CIVIL ENGINEER AND/OR OWNER'S REPRESENTATIVE PRIOR TO ANY ACTUAL CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE CIVIL ENGINEER AND/OR OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES OR CONFLICTS.
- ALL SUB-SURFACE UTILITIES IDENTIFIED ON THE CONSTRUCTION DOCUMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATION BASED ON SURVEY INFORMATION GATHERED FROM FIELD INSPECTION AND/OR ANY OTHER APPLICABLE RECORD DRAWINGS WHICH MAY BE AVAILABLE. THE CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF ANY WORK. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE CIVIL ENGINEER AND/OR OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES OR CONFLICTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING, COORDINATING AND PAYMENT FOR ALL NECESSARY LOCATING SERVICES INCLUDING INDEPENDENT LOCATING SERVICES. THE CONTRACTOR SHALL PROVIDE NOTICE OF EXCAVATION TO NOTIFICATION CENTER AND FACILITY OWNERS (PER NC STATUTE) NO LESS THAN 3 BUSINESS DAYS AND NO MORE THAN 12 WORKING DAYS PRIOR TO BEGINNING DEMOLITION, EXCAVATION OR ANY OTHER FORM OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY EXISTING UTILITY LINES REQUIRED TO COMPLETE ANY PORTION OF CONSTRUCTION. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE COORDINATION AND COSTS OF THE RELOCATION AND ASSOCIATED WORK.
- THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES, LANDSCAPING, AND FEATURES TO REMAIN ON AND/OR ADJACENT TO THE PROJECT SITE DURING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE, AT THEIR OWN EXPENSE, ALL DAMAGED ELEMENTS RESULTING FROM CONTRACTOR OPERATIONS OR NEGLIGENCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO IMMEDIATELY REPAIR ANY ACTIVE UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO THE PUBLIC R/W (RIGHT-OF-WAY) IN ACCORDANCE WITH THE STANDARDS OF THE NCDOT.
- THE CONTRACTOR SHALL CONTACT THE UTILITY COMPANY TO RELOCATE/REPLACE ANY EXISTING UTILITY AND/OR LIGHT POLES. ALL EXISTING FACILITIES WHICH CONFLICT WITH THE IMPROVEMENTS UNDER THE SCOPE MUST BE RELOCATED AT THE CONTRACTOR'S EXPENSE.
- ALL TESTING SHALL BE PERFORMED BY A QUALIFIED TESTING LABORATORY, EMPLOYED AND PAID DIRECTLY BY THE OWNER. TESTING SHALL BE PERFORMED, AT A MINIMUM, IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT. IN THE EVENT THE RESULTS OF THE INITIAL TESTING DO NOT COMPLY WITH THE PLANS AND THE SPECIFICATIONS, SUBSEQUENT TEST NECESSARY TO DETERMINE THE ACCEPTABILITY OF CONSTRUCTION SHALL BE AT THE CONTRACTOR'S EXPENSE. ELEMENTS FOUND TO BE DEFICIENT IN STRENGTH OR THICKNESS SHALL BE REMOVED AND REPLACED SOLELY AT THE EXPENSE OF THE CONTRACTOR.
- PRIOR TO BEGINNING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM ALL REGULATORY AUTHORITIES.
- GENERAL CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC ARE PROTECTED FROM INJURY.
- THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES, AND RIGHT-OF-WAYS, PUBLIC AND PRIVATE, PRIOR TO WORKING IN THESE AREAS.
- ANY DISCREPANCIES FOUND IN THE FIELD SHALL BE CALLED TO THE ATTENTION OF THE OWNER OR ENGINEER PRIOR TO PROCEEDING WITH WORK.
- ALL DRAINAGE FACILITIES, CURB CUTS, AND CURB RAMPS MUST BE CONSTRUCTED IN COMPLIANCE WITH THE NCDOT AND LAND DEVELOPMENT STANDARDS MANUAL AND COORDINATED WITH COUNTY ENGINEERING DEPARTMENT.
- CONTRACTOR TO OBTAIN BUILDING DEMOLITION PERMIT AS REQUIRED PER ALL APPLICABLE REGULATIONS.

UTILITY NOTES:

- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING APPROVED UTILITY PLANS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL PROPOSED UTILITIES SHALL BE CONSTRUCTED, INSPECTED, TESTED, AND CERTIFIED IN ACCORDANCE WITH AGENCY SPECIFICATIONS.
- ALL UTILITY CROSSINGS SHOULD BE VERIFIED IN THE FIELD BY DEVELOPER AND CONTRACTOR.
- EXISTING WATERMAIN LOCATION SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. ENGINEER OF RECORD SHALL BE CONTACTED IF THE ACTUAL LOCATION DIFFERS FROM THE PLAN.

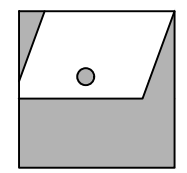


GRAPHIC SCALE

( IN FEET )

HORIZONTAL 1 inch = 20 ft.

GATEWAY DESIGN  
GROUP, PLLC



8516 FOXBRIDGE DR WEDDINGTON, NC 28104  
704-796-4560  
NC FIRM # P-2147

NORTH GOULD AVE

Project Address: North Gould Ave, Bessemer City, NC 28016

REVISION

NO.

BY

DATE

PROJECT #: 2024-128 DATE: 10/10/2024

DRAWN BY: SB CHECKED BY: JB

TITLE

SITE AND UTILITY  
PLAN

SHEET NO.

C-1.0





Topographic map of a residential development site. The map shows three lots (1, 2, 3) with proposed building footprints, silt fences, and property boundaries. The map includes contour lines, spot elevations, and various engineering notes.

**Lot 1:** PAD=964.80, 3.09' wide. Building footprint: 30' x 40'. Notes: BUILDING AND DRIVE FOUND 3.51' SOUTH OF LINE, STOOP FOUND 0.18' SOUTH OF LINE.

**Lot 2:** PAD=961.30, 3.09' wide. Building footprint: 30' x 40'.

**Lot 3:** PAD=958.60, 3.09' wide. Building footprint: 30' x 40'.

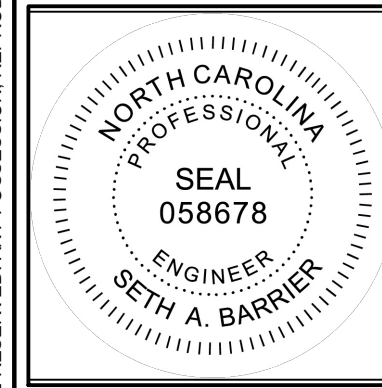
**Key Features:**

- North Gould Avenue:** 10' wide, 10' right-of-way (R/W).
- Silt Fences:** BEGIN SILT FENCE, END SILT FENCE, SILT FENCE, TYP., SILT FENCE OUTLET, TYP.
- Property Boundary:** PROPERTY BOUNDARY, TYP.
- Lot Line:** LOT LINE, TYP.
- Limits of Disturbance:** LIMITS OF DISTURBANCE (0.98 AC), TYP.
- Surrounding Properties:**
  - N/F JEB HORTON, DB: 4711 PG. 864, PB. 1 PG. 75 BLK. "21", PID#198166, ZONE: NR.
  - N/F SIDNEY ERIC SARVIS, DB: 4244 PG. 1088, PB. 1 PG. 75 BLK. "21", PID#120963, ZONE: NR.
  - N/F PATRICIA A. BROWN, MARION BROWN, DB: 4928 PG. 938, PB. 1 PG. 75 BLK. "21", PID#120964, ZONE: NR.
  - N/F VIGOROUS BUILDING LLC, DB: 5470 PG. 157, PB. 1 PG. 75 BLK. "21", PID#120965, ZONE: NR.
  - N/F ALINDREA L. RAWLINSON, DAVID D. DANIELS IV, DB: 5406 PG. 508, PB. 1 PG. 75 BLK. "21", PID#120967, ZONE: NR.
  - N/F KENNETH KAREEM TAVARUS TATE, DB: 5183 PG. 664, PB. 1 PG. 75 BLK. "21", PID#120967, ZONE: NR.

1. GRADING MORE THAN ANCE WITHOUT A PERMIT IS A VIOLATION AND SUBJECT TO FINES. GRADING AREAS OUTSIDE THE LIMITS SHOWN IS A VIOLATION AND IS SUBJECT TO FINES.
2. ALL ELEVATIONS ARE IN REFERENCE TO THE BENCHMARK, AND THIS MUST BE VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO CONSTRUCTION.
3. DO NOT FULLY PROCEED WITH CONSTRUCTION OF DESIGN WHEN OBSTRUCTIONS OR GRADE DISCREPANCIES EXIST THAT CONFLICT WITH THE INFORMATION SHOWN ON THE EXISTING CONDITIONS AND PROPOSED PLANS. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER AND/OR OWNER'S REPRESENTATIVE FOR RESOLUTION. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
4. INTERIM GRADING SHALL BE PROVIDED THAT ENSURES THE PROTECTION OF STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, OR OVERLOADING.
5. THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE SO THAT RUNOFF WILL DRAIN AWAY FROM BUILDINGS, ACROSS PAVEMENT AND/OR LANDSCAPE AREAS TO NEW OR EXISTING STORM DRAIN INLETS, DRAINAGE SWALES, OR OVERLAND SHEET FLOW.
6. THE CONTRACTOR SHALL CLEAR AND GRUB THE SITE AND PLACE, COMPACT, AND MOISTURE CONDITION ALL FILL PER THE PROJECT GEOTECHNICAL ENGINEER'S SPECIFICATIONS. ALL WORK MUST BE PERFORMED IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL REPORT.
7. ALL FILL MATERIAL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT.
8. ALL SLOPES SHALL NOT BE STEEPER THAN 2:1, UNLESS NOTED OTHERWISE.
9. COORDINATE APPROPRIATE SLOPE STABILIZATION ON ALL SLOPES STEEPER THAN 2:1 WITH PROJECT GEOTECHNICAL ENGINEER.
10. CONTRACTOR SHALL BLEND NEW EARTHWORK SMOOTHLY TO TRANSITION BACK TO EXISTING GRADE.
11. LIMITS OF THE GRADE GRADING PLAN ARE BASED UPON THE APPROXIMATE CUT AND FILL SLOPE LIMITS OR OTHER GRADING REQUIREMENTS.
12. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
13. ALL GRADING EARTHWORK IS SUBJECT TO 85% MIN. COMPACTION AND STANDARD NDOT SPECIFICATIONS. ALL MATERIALS EXIST COMPACTED RATE, MOISTURE CONTENT, AND METHODOLOGY ARE TO BE RECOMMENDED, TESTED, AND CERTIFIED BY GEOTECHNICAL ENGINEER. PRE-SUBMITTAL MEETING WITH CITY INSPECTOR AND GEOTECHNICAL ENGINEER IS REQUIRED PRIOR TO ANY EMBANKMENT WORK.
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15. TOP 12" OF SUBGRADE OF BUILDING PADS TO BE COMPACTED TO MINIMUM 100% OF STD. PROCTOR MAXIMUM DRY DENSITY.
16. TOPSOIL AND OTHER UNSUITABLE MATERIALS MAY BE WASTED IN AREAS AS DIRECTED BY THE GEOTECHNICAL ENGINEER AND AS APPROVED BY THE OWNER. GRADING CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND OFF-SITE DISPOSAL OF EXCESS TOPSOIL AND OTHER UNSUITABLE MATERIAL.
17. IF ROCK IS ENCOUNTERED, THE ENGINEER AND OWNER SHALL BE NOTIFIED IMMEDIATELY.



8516 FOXBRIDGE D  
704-796-4560  
NC FIRM # P-2147



Project Address: North Gould Ave, Bessemer City, NC 28016

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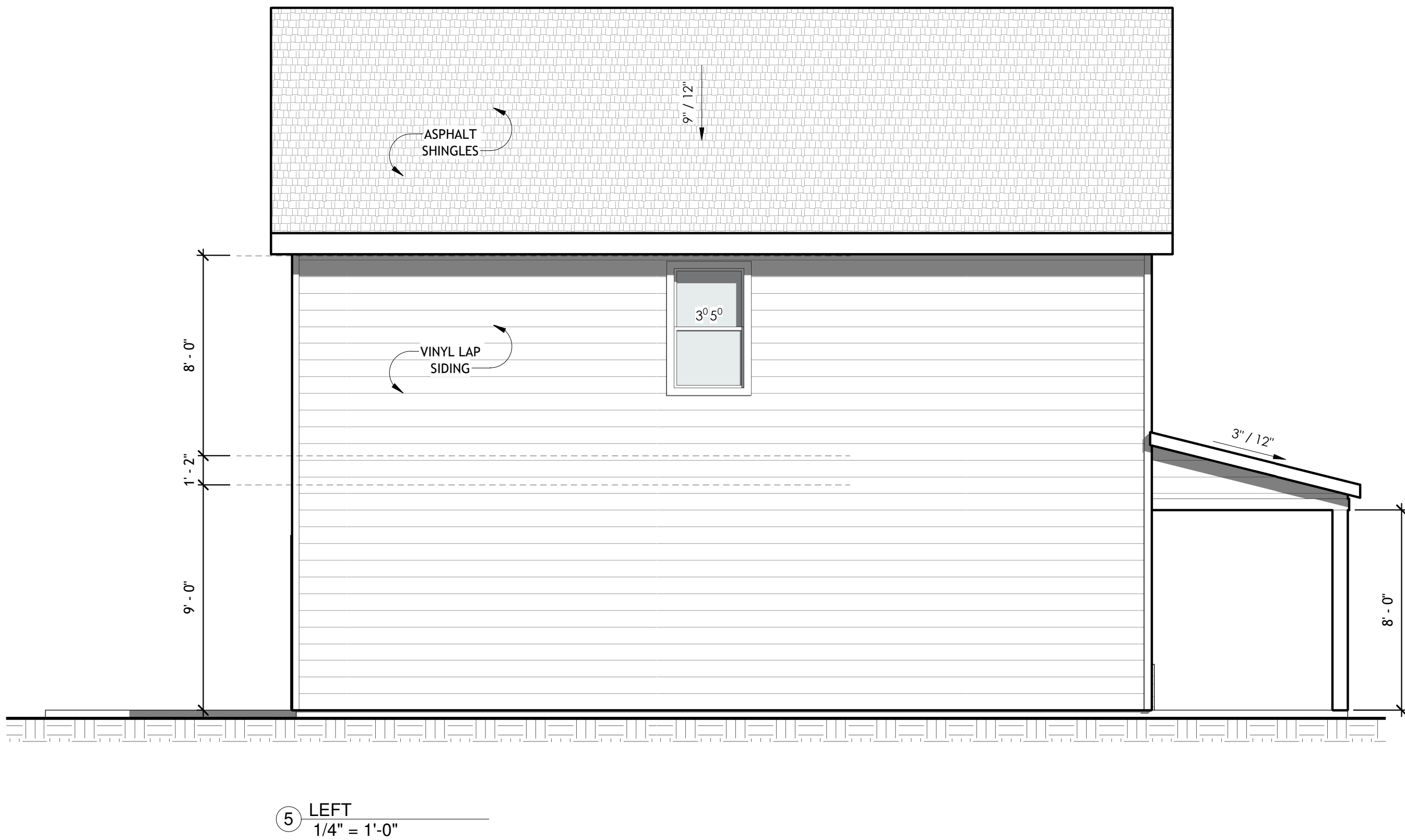
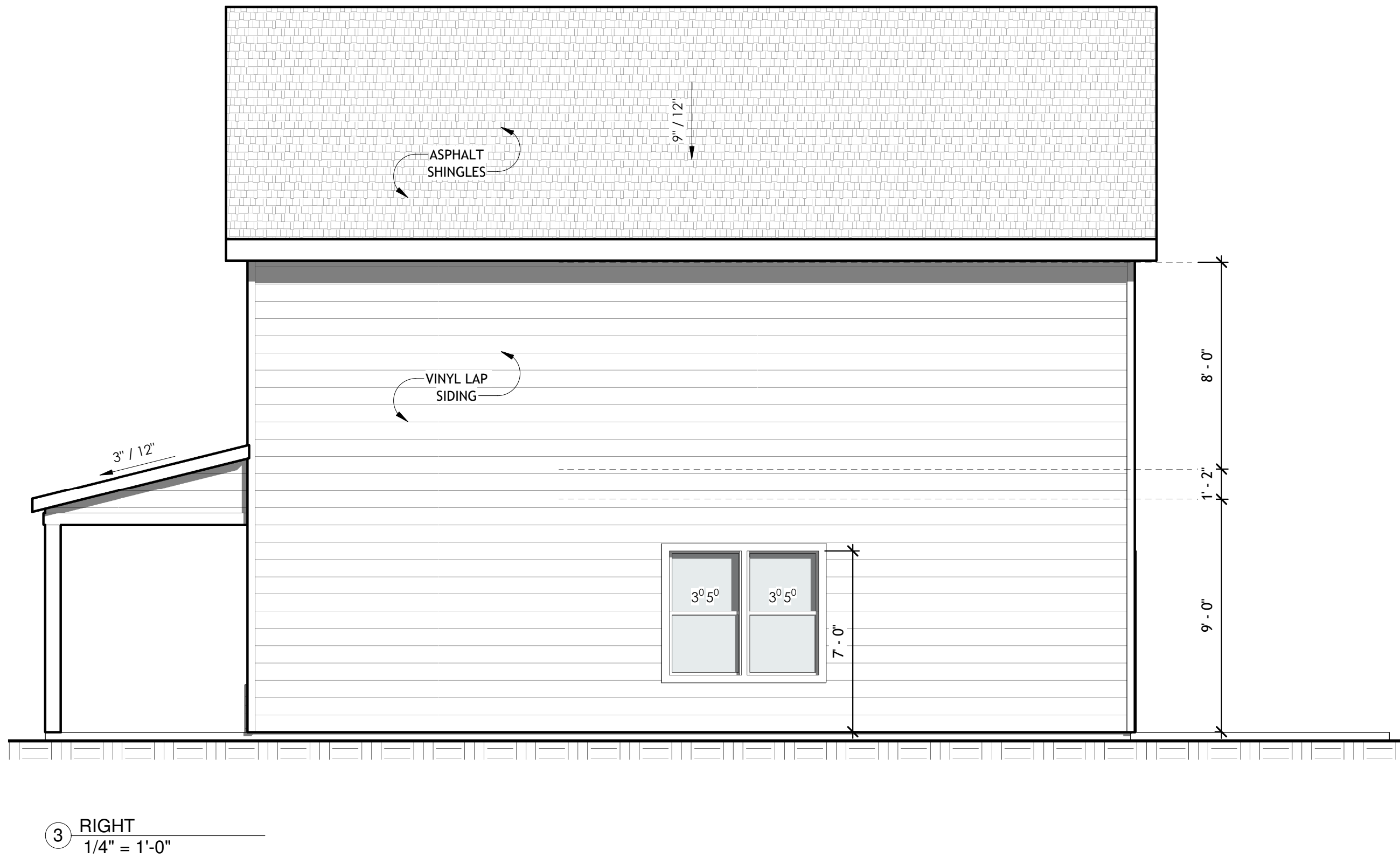
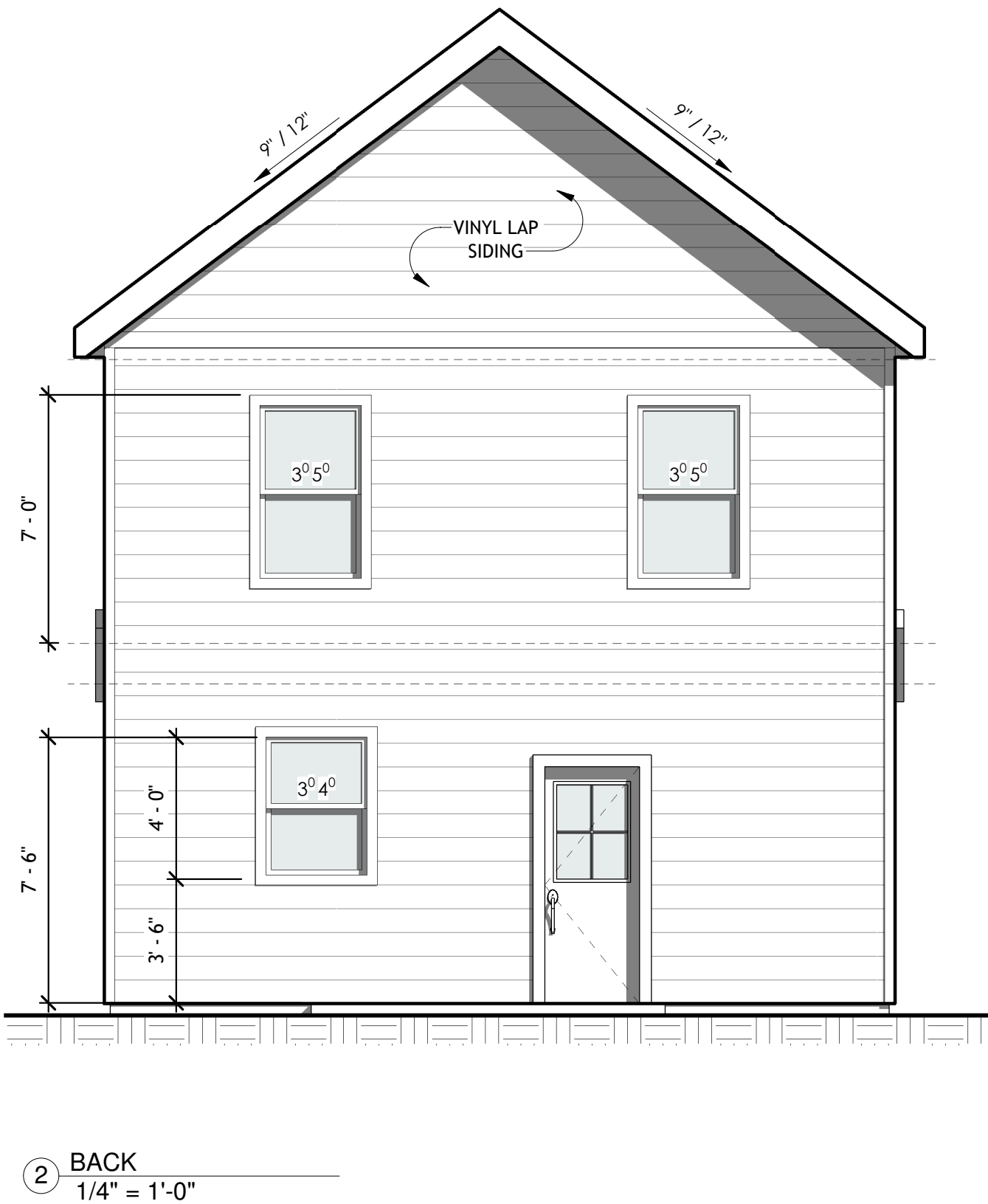
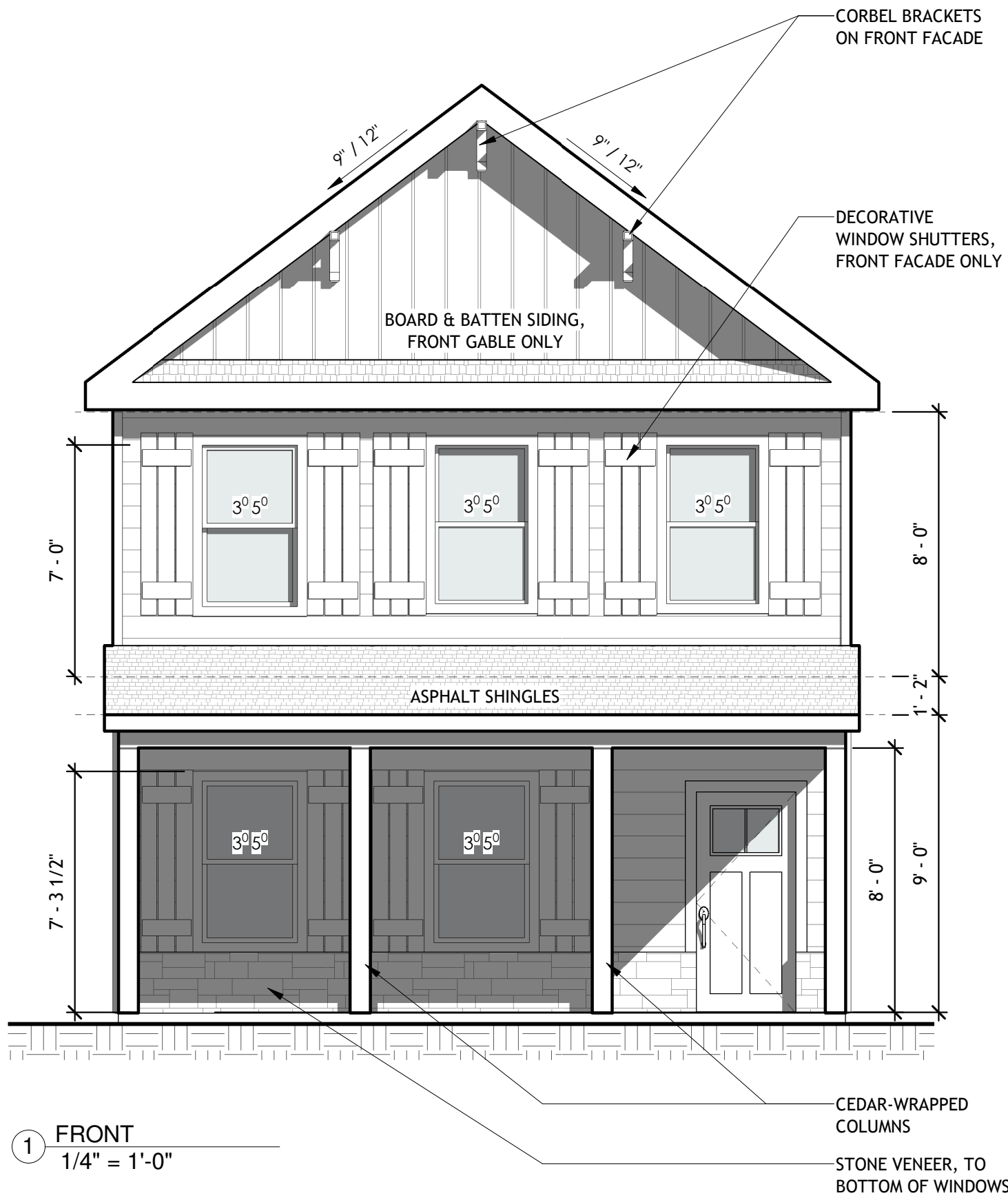
DESIGN DRAWINGS  
COMPLETED BY:  
CODY GATLIN  
CODY GATLIN DESIGN, INC.  
IRON STATION, NC  
704-998-7826  
CODYGAT@GMAIL.COM

THE DUBLIN

ISSUE	DATE
REVIEW SET	10/24/24
REVISION	DATE

SHEET

000



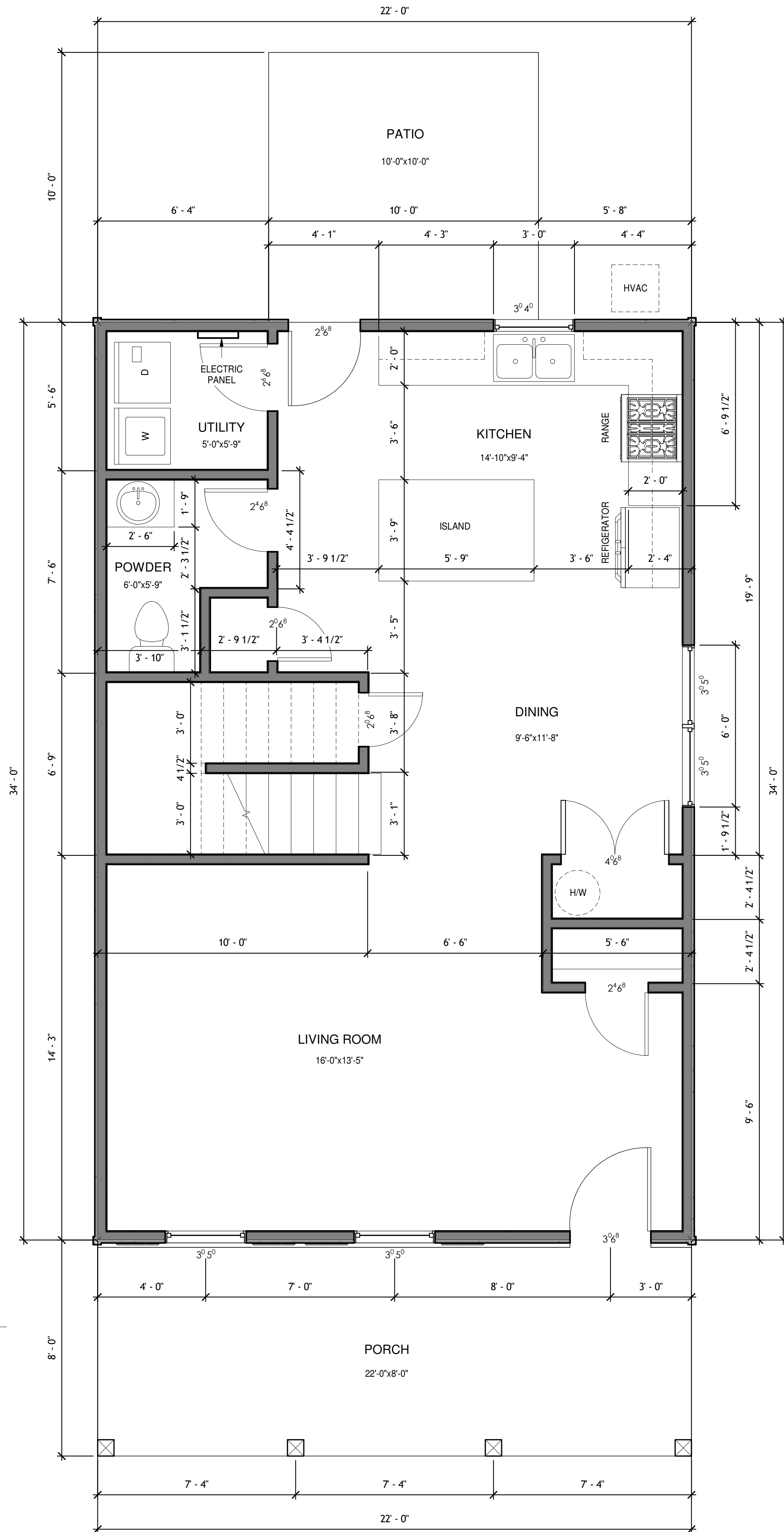
ELEVATIONS  
SCALE: 1/4" = 1'-0"

- 3.) THESE PLANS ARE DESIGNED TO MEET OR EXCEED THE REQUIREMENTS OUTLINED IN THE INTERNATIONAL RESIDENTIAL CODES. YOUR LOCAL CODES MAY VARY FROM THE STANDARDS ON WHICH THESE PLANS ARE BASED. IT IS THE SOLE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THAT ALL APPLICABLE LOCAL CODES ARE MET OR EXCEEDED

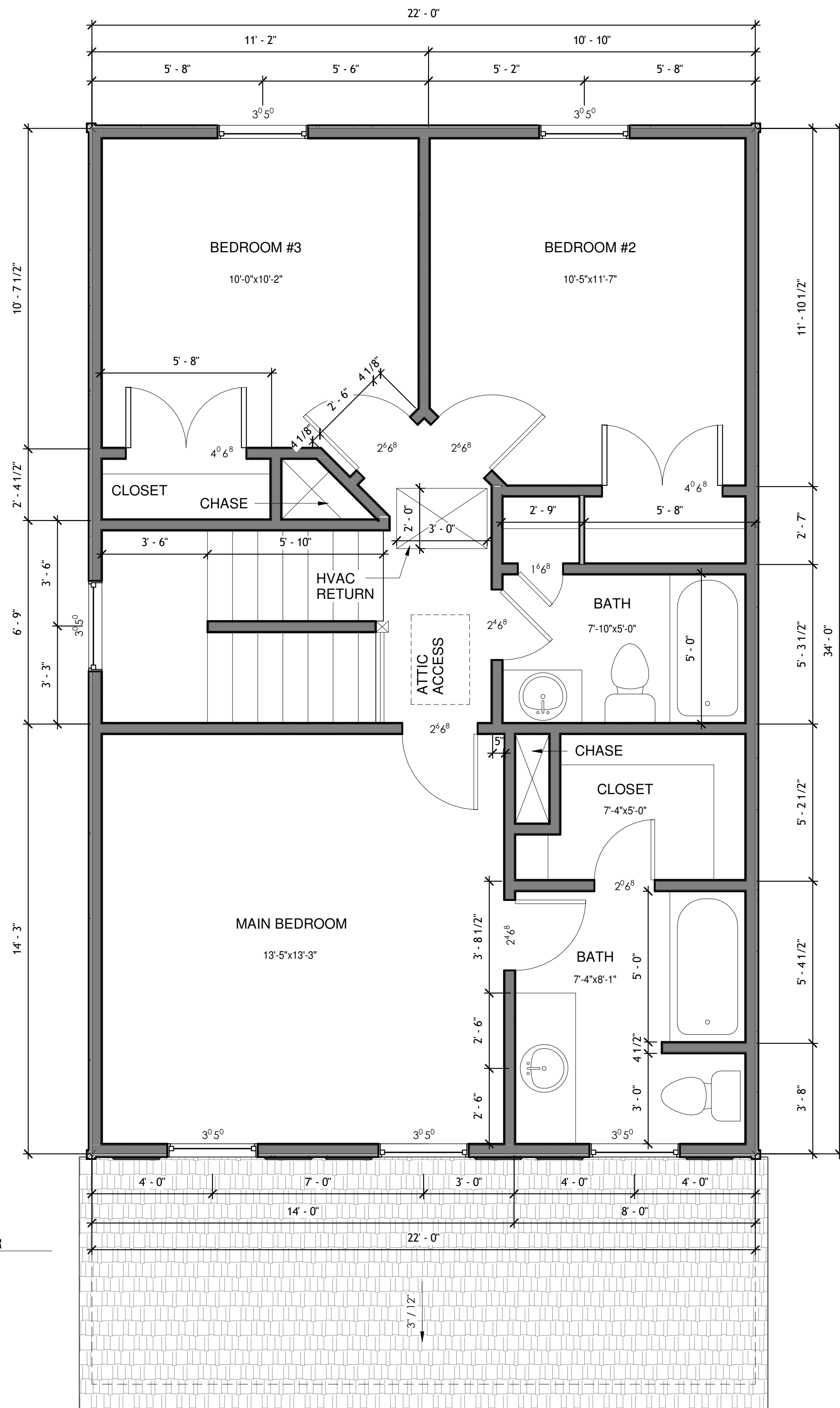
CONTRACTOR TO FIELD  
VERIFY ALL DIMENSIONS

<u>SQ.FT. CALCS:</u>	
1ST FLOOR: (HEATED)	748 SQ.FT.
2ND FLOOR: (HEATED)	687 SQ.FT.
TOTAL HEATED:	<u>1,435 SQ.FT.</u>
FRONT PORCH:	176 SQ.FT.
BACK PATIO:	100 SQ.FT.

① PLAN  
3/8" = 1'-0"



② 2ND FLOOR  
3/8" = 1'-0"



Item 10.

SLATE

---

BUILDING GROUP

**DESIGN DRAWINGS**  
**COMPLETED BY:**

CODY GATLIN  
CODY GATLIN DESIGN, INC.  
IRON STATION, NC  
704-996-7826  
CODYGAT@GMAIL.COM

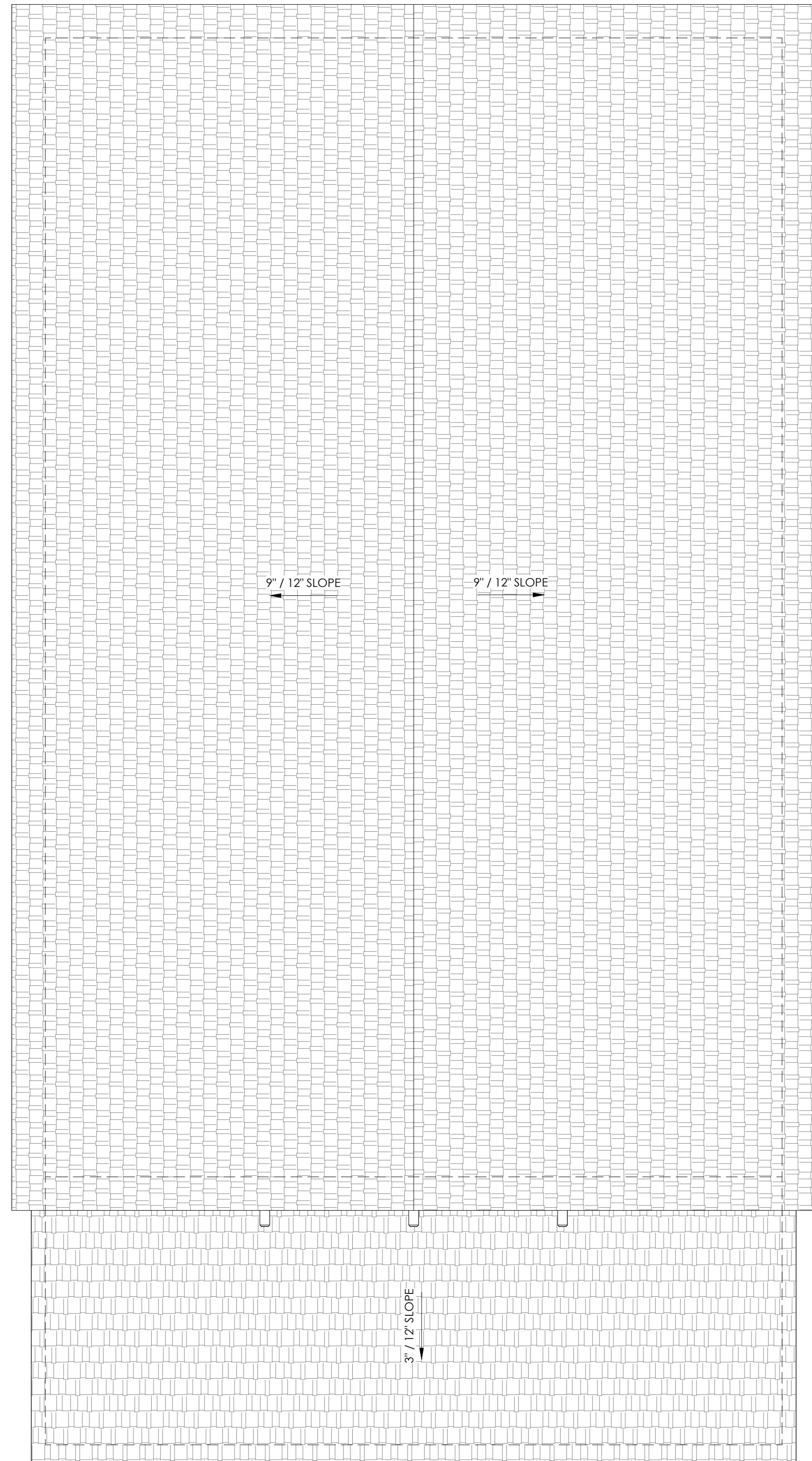
# THE DUBLIN

ISSUE	DATE
REVIEW SET	10/24/24
REVISION	DATE

SHEET

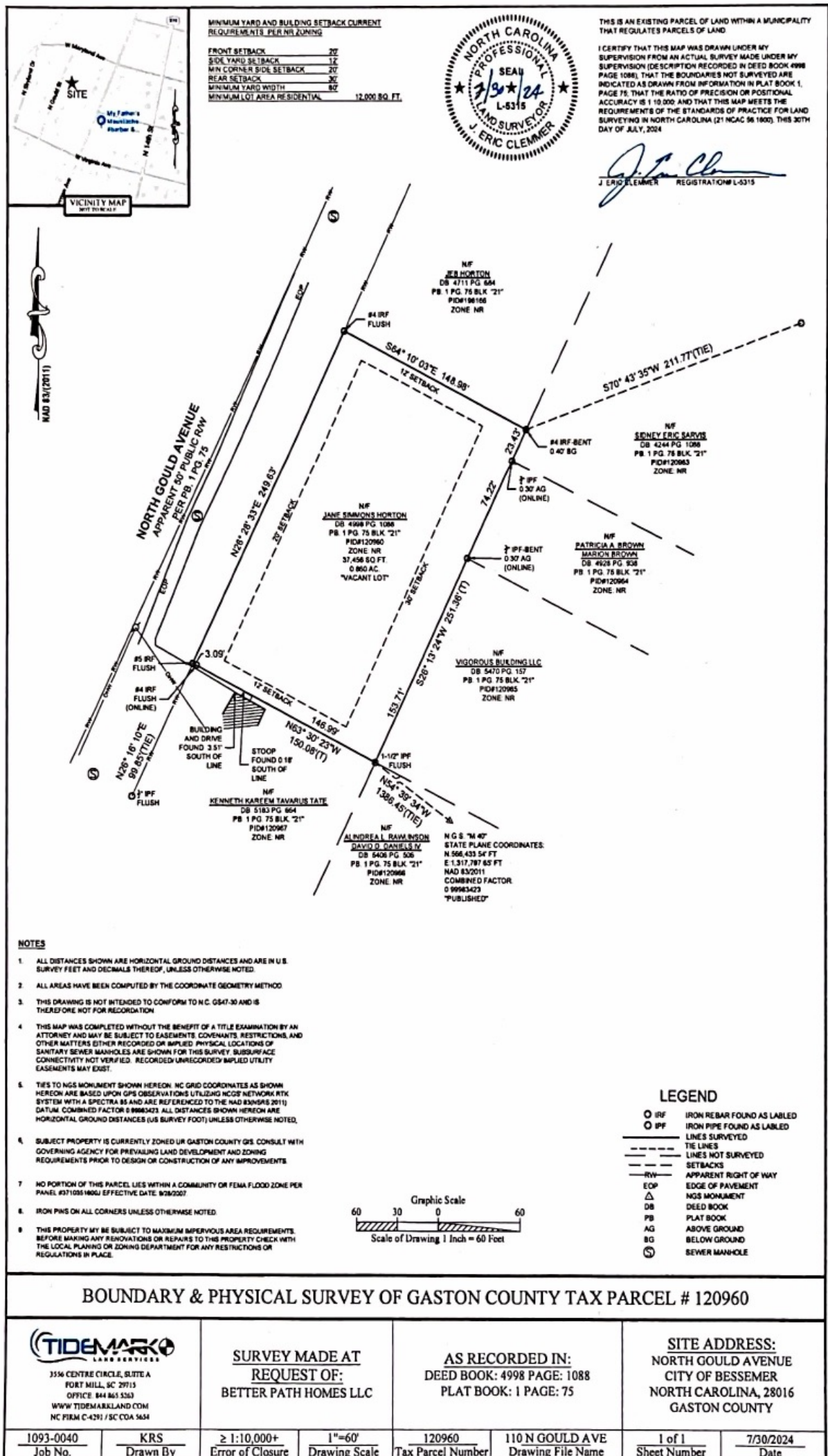
# 100





3 ROOF  
3/8" = 1'-0"

SCALE: As indicated







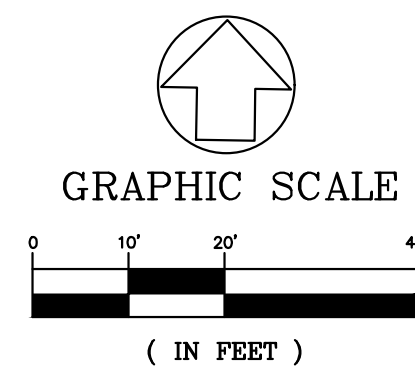


VICINITY MAP  
N.T.S.

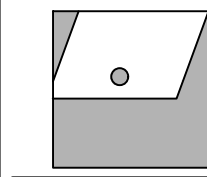


GRADING PLAN GENERAL NOTES:

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HORIZONTAL 1 inch = 20 ft.



A circular professional engineer seal for the State of North Carolina. The outer ring contains the text "NORTH CAROLINA" at the top and "PROFESSIONAL" at the bottom. The inner circle contains the text "SEAL" at the top, "058678" in the center, and "ENGINEER" at the bottom. The name "SETH A. BARRIER" is written along the bottom inner edge of the seal.

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**NORTH GOULD AVE**  
Project Address: North Gould Ave, Bessemer City, NC 28016

Project Address: North Gould Ave, Bessemer City, NC 28016

[illegible]

### Areas of Relief and Conditions of Approval

CD 03-2024 | N. Gould Ave. (PID 120960)

1. The proposed development shall follow the requirements of the City of Bessemer City Land Development Code with the added **Relief (R)** of:
  - a. Sidewalks- relief from installing sidewalks on either side of N. Gould Ave. in front of the three (3) new single-family homes. The Bessemer City Land Development Code (LDC) requires sidewalks for Major Subdivisions (Chapter 4, Section 4.5).
  - b. Stormwater- relief from installing stormwater curb and gutter. The Bessemer City Land Development Code (LDC) requires curb and gutter for subdivisions (Chapter 2, Section 4.2 & 4.4).
2. The following **Conditions (C)** will be applied to the development and agreed to by the developer with the vote of the City of Bessemer City Council to approve the rezoning:
  - a. Design Features- the developer agrees to install additional architectural features, including shutters, gable brackets, cedar columns, and stone veneer accents on the front elevation of each home.
  - b. Parking- the developer agreed to include additional space for parking to accommodate up to five (5) vehicles for each home (4 in the driveway; one in the garage).
3. All other requirements and standards stated within the City of Bessemer City Land Development Code (LDC) shall be followed.
4. The developer shall extend the City of Bessemer City water and sewer to and within the site, at their expense. The development will be served by City utilities: water and sewer.
5. All off-site utility easements, if necessary to provide utilities to the site, must be obtained by the developer, at their expense, prior to approval of construction plans, issuance of permits, or commencement of construction.
6. Conditional Zoning approval is valid for a period of twenty-four (24) months from the date of approval.

---

Nick Petrie  
Better Path Homes, LLC

---

Becky Smith  
Mayor



**PLAN CONSISTENCY & STATEMENT OF REASONABLENESS ZONING MAP AMENDMENT  
CD 03-2024 | N. Gould Ave. (PID 120960)**

December 9, 2024

Pursuant to North Carolina General Statute (NCGS) §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the rezoning of the Tax Parcel included with development application RZ 03-2024 within the City limits of Bessemer City, North Carolina as noted and depicted on the proposed Official Zoning Map.

Said zoning change is consistent with the goals and values established by the City Council adopted in 2023.

The City Council created a mission and vision statement that included the following six values: 1. Accountability, 2. Ethics, 3. Community Dependability, 4. Honesty, 5. Respect, 6. Open-Mindedness. These rezoning's are consistent with these values.

The City Council created a mission and vision statement that included the following five goals: 1. Promote a desirable place to live and work that provides a healthy quality of life, 2. Ensure a safe and secure community for residents and visitors, 3. Invest in a high quality infrastructure to support a thriving and diverse economy, 4. Provide opportunities for citizen engagement and promote volunteerism, 5. Foster organizational sustainability that embraces innovation and creativity. These rezoning's are consistent with these goals.

Said rezoning is consistent with the City of Bessemer City 2020 Vision Plan and the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019. The proposed rezoning is are consistent with the existing adjacent land uses as designated on the official land use map.

The proposed map amendments would not be detrimental to the city and ETJ.

The physical conditions that make the rezoning reasonable provide residential growth opportunities with new development in areas that are currently limited due to current zoning. Rezoning is in the best interest of the public to increase and maximize property values to provide for future infrastructure and amenities.

Therefore, the requested rezoning is reasonable and in the public's interest.

Upon a motion that the application is consistent with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Approved and adopted this the 9<sup>th</sup> day of December 2024.

(ATTEST)

\_\_\_\_\_  
Hydeia Hayes, City Clerk

\_\_\_\_\_  
Becky S. Smith, Mayor

(APPROVED AS TO FORM)

\_\_\_\_\_  
David Smith, City Attorney