

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2024-17

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend **§157.6.3 HISTORIC DISTRICTS** as follows:

- A. **Purpose and Intent.** In compliance with N.C.G.S. §160D, Article 9, Part 4, the purpose of Monroe's historic district(s) is to maintain the historic integrity of certain areas within the City of Monroe ("City") and to:
 1. Promote the sound and orderly restoration, preservation, rehabilitation, and conservation of historic properties and areas;
 2. Increase and stabilize property values of property within the City and strengthen the overall economy;
 3. Protect, safeguard and conserve the heritage of the City;
 4. Promote and preserve any individual property or area that embodies important elements of the City's social, economic, political or architectural history for the education, pleasure and enrichment of citizens;
 5. Ensure compliance with the standards defined in the *South Monroe Historic District Design* document; and
 6. Contribute to the enrichment of the culture and welfare of the City.
- B. **Applicability.** Before the designation of any historic district, compliance with all provisions of Chapter 152, Historic Properties of the City's Code of Ordinances, and this Section shall occur.
 1. **Local Report.** A local report, prepared by the *Historic District Commission* (HDC) (refer to Section 3.3.5: Historic District Commission) shall be prepared detailing the following items:
 - a. The proposed boundaries of a proposed or amended historic district.

- b. The significance of the buildings, structures, features, sites or surroundings included in any proposed or amended district.
 - c. Consistent with N.C.G.S. §160D-944, any historic district proposed shall only consist of areas deemed of special significance in terms of their history, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association.
2. **Local Report Recommendations.** The HDC shall forward its local report and recommendations to the North Carolina Department of Cultural Resources (NCDCR) for review and comment. The NCDCR, acting through the State Historic Preservation Officer or designee, shall complete an analysis of, and recommendation concerning the proposed historic district, and shall submit its recommendation to the City Council. Failure of the NCDCR to submit its recommendations to the City Council within 30 calendar days after receipt of a written request for such from the City shall relieve the City Council of any responsibility to await the recommendation.
3. **Planning Board.** Prior to action by the City Council, the Planning Board shall review the recommendations of the HDC and the NCDCR and forward its comments and recommendation to the City Council.
4. **City Council.** After receiving the comments and recommendations of the HDC, NCDCR, and Planning Board, the City Council shall provide a decision as to the initiation of an application for a zoning map amendment, consistent with Section 3.4.6: Zoning Map Amendment, to classify land as a local historic district.

C. **Historic Districts.** The historic districts existing in the City are enumerated and defined below:

1. **South Monroe Historic District.** The South Monroe Historic District extends west, south, and southeast of downtown and its area is defined in the *South Monroe Historic District Design* document, and on the City's Official Zoning Map.
- D. **Certificate of Appropriateness (COA).** A Certificate of Appropriateness (COA) shall be required when applicable in accordance with Section 3.4.12: Certificate of Appropriateness, whether a building permit is required or not. All requests for a COA shall be in compliance with N.C.G.S. §§160D-947. No exterior portion of any building or structure (including walls, fences, light fixtures, steps, pavement or other appurtenant features) may be erected, altered, restored, moved or demolished without approval of a COA by the HDC.
1. **Minor Work.** When inside a historic district, the HDC shall have the authority to delegate to the Planning Director (or designee)

review authority of certain types of Minor Works. Minor work is defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the property (or the district as a whole). The minor works shall be limited to those listed in the Monroe Historic District's design standards. The Planning Director shall review minor works in accordance with Section 3.4.13: Certificate of Appropriateness (Minor Works).

2. **Quasi-judicial Decisions.** Other than these administrative decisions on minor works, decisions on COAs are quasi-judicial and shall follow the procedures of N.C.G.S. §160D -406.

E. **Design Standards.**

1. **Standards.** In accordance with N.C.G.S. §160D-947, the HDC shall adopt detailed architectural and design standards for all designated historic districts and designated properties. These standards shall take into account the historic and architectural significance and historic elements of properties and of structures unique to the district, and shall guide the commission in determining congruity with the special character of the historic district for new construction, alterations, additions, moving, and demolition. In reviewing a COA, the exterior form and appearance of any proposed addition or modification to the historic property or structure within the district shall be in accordance with the adopted standards. The standards are defined in *South Monroe Historic District Design* document.
2. **Contents.** The *South Monroe Historic District Design* standards give consideration to various development standards, including standards on:
 - a. Site features and plants;
 - b. Public rights of way;
 - c. Fences and walls;
 - d. Walkways, driveways and off-street parking;
 - e. Exterior lighting;
 - f. Signage;
 - g. Garages and Accessory structures;
 - h. Cemeteries
 - i. Building exteriors and materials;
 - j. Exterior Walls;
 - k. Windows and doors;
 - l. Roofs;
 - m. Porches, entrances, patios, decks and balconies;
 - n. Sustainability, utilities and energy retrofit;
 - o. Accessibility, health and safety considerations;
 - p. Additions and new construction; and
 - q. Relocation and demolition

F. **Zoning and Uses.** Historic districts may contain several zoning classifications and uses. Uses of land within a historic district shall be subject to the underlying zoning district requirements in accordance with Section 7.1: Tables of Permissible Uses.

G. **Maintenance and Repair.** Nothing in this Section shall be construed to prevent the maintenance or repair, voluntary or as required by the Building Inspection Division due to unsafe conditions, of any exterior architectural feature in a historic district which does not involve a substantial change in design, material or outer appearance.

H. **Tree Removal.** Pursuant to N.C.G.S §160A-175, cities have the ability to impose fines and penalties for ordinance violations. The following section pertains to all trees in the Historic District measuring 6 inches or greater in Diameter at Breast Height (DBH) that are removed without proper approval. This includes, diseased or infested trees and trees that pose an imminent hazard to persons or property.

1. **Union County Urban Forester Report.** The Union County Urban Forester (UCUF) or their designee will provide a report for the removed tree determining if the tree was healthy, diseased or infested, or posed an imminent hazard to persons or property, along with the DBH of the tree.
 - a. If the report provided by the Union County Urban Forester determined the tree was diseased or infested, or posed an imminent hazard to persons or property, the following penalties are waived.
 - b. If the report cannot determine the tree was diseased or infested, or posed an imminent hazard to persons or property, the penalties will not be waived (for example, if the stump is removed and there is no documentation of the above issues through the use of photographs or other materials to show the DBH measurement).
 - c. If the DBH cannot be determined after the fact, (through the use of documentation such as photographs to show the DBH measurement), the maximum penalty below shall apply.
2. **Penalties.** If a healthy tree is removed without prior approval from the City of Monroe Planning Department, the following penalties shall be issued per tree removed:
 - a. **Diameter at Breast Height (DBH) Penalties:**
6-10" tree (DBH)
\$500/tree
 - 10-14" tree (DBH)
\$1,000/tree

14-18" tree (DBH)
\$1,500/tree

18-22" tree (DBH)
\$2,000/tree

Over 22" tree (DBH)
\$3,000/tree

3. **Tree Replacement.** If a tree is removed, with or without approval, a 3-inch DBH tree of the same or comparable species must be planted; the replacement tree should be planted in the same location; however, alternative planting locations may be determined at the discretion of the Planning Director, Union County Urban Forester or their respective designees due to site features that may make the location infeasible (ex: overhead/underground utilities, spacing to house or other structures, etc.).
4. **Enforcement**
 - a. If the Planning Director finds that any provision of this chapter is being violated, he/she shall send a written notice to the person responsible for such tree removal violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion. Penalties shall be paid within ten (10) days of receipt of written notice.
 - b. The final written notice and the initial written notice (which may be the same) shall state the penalty incurred and requirements for remedying the violation, such as tree replacement. Supporting documentation shall be sent with this notice. The Planning Director's decision may be appealed utilizing the process outlined in section 3.4.11: Appeals. Per N.C.G.S §160A-175, the city may recover unpaid civil penalties in the nature of debt.
5. **Appeal of Union County Arborist.** If the party that removed the tree(s) are not satisfied with the determinations of the Union County Urban Forester (for example if the UCFU determines the tree was healthy and should have not been removed), they may appeal the Union County Arborists' determination by utilizing an alternative certified arborist to prepare a report. The alternative arborist must be an International Society of Arboriculture Certified Arborist. The report will be provided to the Union County Urban Forester, if he/she agrees with the report, the standards outlined in subsection 6.3.H will apply. If the Union County Urban Forester disagrees with the report, the decision may be appealed utilizing the process outlined in section 3.4.11
6. **Waivers, exemptions, and exceptions**

- a. The Planning Director or designee, in writing, may waive some or all requirements of this sub-section for a reasonable time due to an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other natural disaster.
- b. The Planning Director or their designee may authorize removal of a tree without a required permit if it is determined to be in a hazardous condition that may:
 1. Immediately endanger the public health, safety, or welfare; or
 2. Cause an immediate disruption of public services.
- c. Utility trimming is recognized to be an important component to maintain utility service. Tree removal due to utilities is still subject to the standards above; however, trimming is exempt with proper approval from the Planning Director or their designee. Utility trimming should be done in a manner that preserves the existing tree canopy of the district; topping of trees shall not be conducted on district trees. Utility firms are responsible for contacting the Planning and Development Department before beginning work to determine where the district boundary is.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 9th day of April, 2024.



Robert A. Burns, Mayor

Attest:

Bridgette H. Robinson
Bridgette H. Robinson, City Clerk

