



City Council Agenda

Thursday, June 11, 2020

6:00 PM

35 Cabarrus Avenue, W, Concord NC 28025

Cell phones are to be turned off or placed on vibrate during the meeting. Please exit the Council Chambers before using your cell phone.

The agenda is prepared and distributed on Friday preceding the meeting to Council and news media. A work session is then held on the Tuesday preceding the regular meeting at 4:00 pm.

In order to maintain the safety of City residents, City Council, and staff, the June 9, 2020 City Council Work Session and the June 11, 2020 City Council meeting will be conducted electronically via Zoom and can be accessed with the following link:

Join Zoom Meeting:

<https://us02web.zoom.us/j/82744897457?pwd=UGh3OXI4UHFIZzhpTkpUWVF2a2tqQT09>

Phone Dialing alternative:

646-876-9923 or 312-626-6799

Meeting ID: 827 4489 7457 Password: 579922

Public Hearings will be conducted during the June 9, 2020 Work Session. If you would like to comment on a public hearing item or to comment during the Persons Requesting to be Heard portion of the June 11, 2020 City Council meeting click the following link:

<https://forms.gle/M37tMtHE3AFFjbBp8>.

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I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer:

III. Approval of Minutes:

May 12 and May 14, 2020.

IV. Presentations

V. Unfinished Business

VI. New Business

A. Informational Items

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

1. Conduct a public hearing pursuant to N.C. General Statute 159-12 to consider public comments relative to the proposed FY 2020-2021 budget for the City of Concord. The City Manager has submitted his recommended budget to the City Council for consideration. Before adopting the budget ordinance, Council must hold a public hearing. Once the Council holds the public hearing, and considers input, it may adopt the budget ordinance at any time before the end of June 2020.

Recommendation: Conduct the public hearing to solicit citizen input and consider adopting the FY 2020-21 budget for the City of Concord.

2. **Conduct a public hearing and consider adopting an ordinance annexing five (5) parcels of land located at 3133 Roberta Road, 3233 Roberta Road, 3221 Roberta Road, 3494 Marlboro Dr. SW, and 3610 Shadowcrest Dr. SW., owned by Journey Capitol, LLC.** The applicant is requesting voluntary annexation of +/- 3.325 acres. The property is owned by Journey Capital LLC and the authorized petitioner for the annexation is Michael McManus of PresPro Custom Homes. According to the annexation petition, the intent is to obtain water and sewer access for the development of single-family detached dwellings. See attached for further detail.

Recommendation: Consider a motion to adopt the annexation ordinance and set the effective date for June 11, 2020.

3. **Conduct a public hearing and consider adopting an ordinance amending the Historic Handbook Chapter 5, Section 9, Fences and Walls, as it relates to the allowance of decorative concrete block and other minor clarifications.** The Historic Preservation Commission has proposed to modify the Historic Handbook to clarify prohibited wall materials and to allow decorative concrete block in certain situations. See the attached staff report for detailed information on the request and to view the specific changes.

Recommendation: Motion to adopt an ordinance amending the Historic Handbook Chapter 5, Section 9, Fences and Walls.

4. **Conduct a public hearing to consider adopting an ordinance amending Articles 5, 7, 8, 9 and 10 of the Concord Development Ordinance (CDO) relative to Group One text changes.** With the adoption of the Concord 2030 Land Use Plan in March, 2018, there are numerous recommendations for future development which may only be achieved with revisions of the CDO. Furthermore, the CDO had not had a major wholesale revision since 2007, and it is necessary to modernize numerous provisions. The City has retained Tindale-Oliver to prepare most of the revisions, but staff is preparing some also, and the revisions will be coming for review and adoption in different phases. Staff has prepared revisions to the Permitted Use table and presented the Conservation subdivision standards which has been previously adopted by Council. Group Two amendments are in process now, and staff is working on several other amendments to the CDO. Most notably, the various review departments are in the process of developing a set of townhome standards (Article 7) which will be forthcoming. This item for the Group One changes was originally on the March Planning and Zoning Commission meeting for discussion but was deferred due to COVID-19. In terms of public outreach and notice, the drafts have been posted on the Planning Department's CDO rewrite webpage with a link to submit comment through the Publicinput.com forum. Notices were also placed on the City website as well as on the City's Facebook page. Additionally, the staff compiled an email list of frequent contacts which included developers and citizens who expressed interest in the ordinance changes through the website. The list consisted of 258 separate contacts and the email contained the link to comment on the CDO revision. Staff received six (6) comments from the public and those are detailed in the staff report that was presented to Planning Commission. After discussion at the May 19 Planning and Zoning Commission meeting, the Commission unanimously recommended several changes to the text of the ordinance and voted to forward the Group One changes to Council to consider adopting. These changes involve the rewrite of portions of five (5) separate articles of the CDO. Numerous changes are formatting and clarification only, but the most substantive changes occur to Articles 7 and 8. These changes are described in detail in the executive summary dated February 18, 2020. In summary, the major changes involve: Subdivision entry requirements; Introduction of cluster development option; Modernized multifamily design standards; Change of nonresidential design standards to commercial and industrial design standards; Height transition/compatibility requirements; Temporary health care structures; Allowance of very limited complimentary commercial uses in higher density districts as accessory

uses; Clarification of street connectivity requirements; and Addition of traffic calming measures. Staff will conduct a thorough presentation of all of the changes to ensure the Council understands these changes.

Recommendation: Motion to adopt an ordinance amending Articles 5, 7, 8, 9 and 10 of the CDO relative to Group One changes.

E. Presentations of Petitions and Requests

1. Consider approving partial appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$16,852.51 to select public service agencies and organizations responding to immediate community needs related to COVID-19.

See the attached staff report for information on the proposed funding.

Recommendation: Motion to approve partial appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$16,852.51 to select public service agencies as they respond to immediate community needs related to COVID-19.

2. Consider adopting a resolution to sale 949 square feet of 96 Chestnut Drive SW to Preferred Homes of Charlotte, LLC for \$313.72 for continued use and HVAC system access. In the course of surveying 96 Chestnut Drive SW to subdivide for future construction of affordable housing, it was found that the neighboring home, 90 Chestnut Drive SW, was encroaching on the City property with the placement of an HVAC system. The owner of the neighboring property, Preferred Homes, LLC, is unable to move the unit, and requested to correct the encroachment by purchasing a minimal, 949 square foot, section to rectify the encroachment. Staff recommends selling this portion as it will correct the encroachment. Moreover, it will not impact the new home construction or placement, nor will it diminish the lot size to thwart zoning regulations.

Recommendation: Motion to adopt a resolution to sale 949 square feet of 96 Chestnut Drive SW to Preferred Homes of Charlotte, LLC for \$313.72 for continued use and HVAC system access.

3. Consider awarding a bid to SRO Builders in the amount of \$122,667.00 to construct a new home at 98 Chestnut Drive SW. The City of Concord continues to focus on affordable housing with a proposed new home at 98 Chestnut Drive SW. The home will be 1,144 square feet with three bedrooms and 2 bathrooms. This design was selected to compliment the homes within the existing neighborhood, but also for the effective use of interior space. It features an open floorplan, very limited wasted space and well sized bedrooms for the square footage. Energy efficient materials are used to ensure long-term affordability for the homeowner. By using solar board roof sheathing, which deflects the radiant heat of the sun, the house will stay cooler in the summer, thus reducing utility costs while prolonging the life of HVAC equipment. In addition, by sealing all the joints to prevent air leakage, the cost to operate the HVAC is reduced. Incorporating a conditioned crawl spaces creates a healthier living environment by reducing drafts, moisture and humidity in the crawlspace which would eventually leach into the main living area. Raised heel trusses are used to allow the full amount of attic insulation even over the outer walls. LED bulbs are installed in light fixtures which use less energy to operate and last longer than other bulbs. The appliances are all Energy Star rated and typically rate high in consumer reviews in regards to minimal maintenance. These products provide a sustainable living environment more so than most typical affordable houses that are built with the least expensive products. Twelve contractors were solicited for bids on the project, with five submitting bids. The lowest bid, from SRO Builders, is under staff's estimated cost for this home. Funding for the construction will come from the City's allocation for affordable housing.

Recommendation: Motion to award a bid to SRO Builders in the amount of \$122,667.00 for the construction of a new home at 98 Chestnut Drive SW.

- 4. Consider awarding a bid to SRO Builders in the amount of \$118,984 to construct a new home at 524 Allison Street SW.** The City of Concord continues to focus on affordable housing with a proposed new home at 524 Allison Street SW. This home, which is located on the corner of Allison Street SW and Cannon Avenue NW, will use the same two bedroom/one and a half bath plan previous used, but with a few modifications. The square footage for the home has been increased to 991 square feet and a storage building will be constructed on site to match the home. Quality of the materials is always a focus for City new construction. By using solar board roof sheathing, which deflects the radiant heat of the sun, the house will stay cooler in the summer, thus reducing utility costs while prolonging the life of HVAC equipment. In addition, by sealing all the joints to prevent air leakage, the cost to operate the HVAC is reduced. Incorporating a conditioned crawl spaces creates a healthier living environment by reducing drafts, moisture and humidity in the crawlspace which would eventually leach into the main living area. Raised heel trusses are used to allow the full amount of attic insulation even over the outer walls. LED bulbs are installed in light fixtures which use less energy to operate and last longer than other bulbs. The appliances are all Energy Star rated and typically rate high in consumer reviews in regards to minimal maintenance. These components work together to allow the home to be affordable long after the initial purchase. Staff solicited bids from twelve contractors and received bids from five. The lowest bid, from SRO Builders, is under staff's estimated cost for this home. Funding for the construction will come from the City's allocation for affordable housing.

Recommendation: Motion to award a bid to SRO Builders, LLC in the amount of \$118,984 for the construction of a new home at 524 Allison Street SW.

- 5. Consider approving the allocation of \$385,000 in HOME funding and granting \$300,000 in bond issuance fees, originating from the developer, to Sari & Company for the rehabilitation of Coleman Mill, which will have 152 Affordable Housing Units.** The Coleman-Franklin-Cannon Mill, located at 625 Main Street SW, is one of the most significant pieces of Concord history as it was the nation's first African-American owned and operated textile mill. At the height of production, Coleman employed between 200 and 300 workers making yarn for the growing textile industry of North Carolina. Historic records detail the mills fate after the market downturn in 1902. Facing the Depression, the mill struggled, and eventually became part of Cannon Mills in 1906. This mill which was placed on the National Register of Historic Places in 2015 creates a unique opportunity for redevelopment. Representatives from the development group, Sari and Company, have an agreement to purchase the 10.71-acre site. The conditional zoning for this project was approved in 2018. The Developer plans to build approximately 152 units of mixed income housing with a total project cost over \$28,000,000. Their plan includes a multi-purpose room, playground, covered picnic area, swimming pool, exercise room and residential computer center. They are requesting the \$385,000 in HOME funding for seven (7) units which will be allocated as floating HOME units. These funds will be paid back to the City at 2% interest as the debt service ratio exceeds 1.25%. In addition, Sari and Company request granting the bond issuance fees (originating from the developer), totaling \$300,000, to complete the rehabilitation of the building. Current construction schedule has an approximate start date of January, 2021. This project will be managed by the new non-profit created by the Housing Department, Concord Family Enrichment Association Corporation. The potential revenue for the Non-Profit is \$234,000 average per year.

Recommendation: Motion to approve allocating \$385,000 in HOME funding and granting \$300,000 in bond issuance fees, originating from the developer, to the rehabilitation of Coleman Mill which will have 152 Affordable Housing Units.

- 6. Consider authorizing the City Manager to negotiate and execute a contract with Ratzlaff Construction for the construction of a 120' x 65' Truck/Equipment Shed**

at the Brown Operations Center. Engineering estimated the project work to be \$296,000, placing the project below the formal bid requirements. Bids were opened on May 28, 2020. Five bids were submitted with Ratzlaff Construction being the lowest responsible bidder in the amount of \$304,032. This is the second phase of the Grounds Shed Expansion funded in a FY19/20 CIP in the amount of \$545,000. The first phase of the project, construction of a mezzanine in the existing Grounds Maintenance Shop in the amount of \$198,000, was approved at the May 14, 2020 City Council meeting. Funding in the amount of \$347,000 is available for this second phase of the project. The 7800 sq. ft. expansion of the Truck/Equipment Shed is needed to provide cover for trucks and equipment currently being stored in the open and to provide room to accommodate the projected growth in the Division resulting from expansion of the Parks & Recreation facilities and greenways.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Ratzlaff Construction for the construction of a 120' x 65' Truck/Equipment Shed in the amount of \$304,032.

- 7. Consider awarding the total bid for the City of Concord's annual street preservation program to NJR Group, Inc and adopt a budget ordinance to appropriate funds from reserve funds.** One of Council's continuing goals is to improve the service levels and delivery of the City's annual street preservation program. Powell Bill receipts and General Fund revenues are being used to fund this work by contracted forces. Formal bids for this work were opened on May 22, 2020 with NJR Group, Inc. submitting the lowest total bid in the amount of \$5,938,972.58. Work such as patching, leveling, milling, resurfacing, pavement crack and joint sealing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on approximately 121 lane miles of designated streets and other City infrastructure will be performed. Contract Final Completion date is 365 days from the Notice to Proceed.

Recommendation: Motion to award the total bid and authorize the City manager to negotiate and execute a contract with NJR Group, Inc in the amount of \$5,938,972.58 for the City of Concord's annual streets preservation program and adopt a budget ordinance to appropriate funds from reserve funds.

- 8. Consider approving the Master Plan for Marvin Caldwell Park.** Marvin Caldwell Park, located at 362 Georgia Street SW, is one of the City of Concord's oldest parks located in the southern portion of Concord. The Parks and Recreation Department in accordance with the Comprehensive Parks and Recreation Master Plan and the Open Space Connectivity Analysis has contracted with Alfred Benesch Company to develop a new Master Plan, conceptual design and cost estimates for this park to help guide the department and the City's Capital Improvement Plan. The development of the park is anticipated in the next 2-5 years. The master plan seeks to address the following primary components: 1. SAFETY – The redesign of Caldwell Park seeks to address safety by making the park more accessible, more visible, and more inclusive. This can be achieved by expanding and re-configuring parking with an internal loop drive to assist with park monitoring, and traffic flow, increasing parking and adjusting driveway locations to line up with cross streets of the Logan Community, adding trails and sidewalks to and throughout the park, adding a dedicated multi-purpose field, removing fencing and other barriers in several locations that are inaccessible, replacing and/or reconfiguring buildings and shelters by removing walls, hidden corners, and re-configuring doors and openings for visibility, and providing new, inclusive and ADA accessible playgrounds for all ages and abilities, with poured in place surfacing, new swings, and interactive elements; 2. CONNECTIVITY – Per the Open Space Connectivity Analysis, and Council goals, the plan includes the first section of Irish Buffalo Creek Greenway, which stretches from Lincoln Street to Melrose Drive within the Logan Community. Developing this greenway will add to the City's overall system and provide a more significant opportunity to walk or bike within

Concord and will increase park visitors and users; 3. PROGRAMS, ATHLETICS AND EVENTS – The plan provides a dedicated multi-use field, which provides a space compatible for programming and events. The plan also replaces part of the fenced basketball area with a covered court space, which will create a space that can be programmed, including for summer camp offerings. The plan also recommends relocating the Robert Mathis amphitheater closer to the Daniel Pharr Building where it will be in close proximity to restrooms and can be used in conjunction with Daniel Pharr for events. Also relocating the Logan Optimist Shelter across from the multi-purpose field, and also next to an area where food trucks could be parked for events, which eliminates the need for concession areas; and 4. NEW AMENITIES – The plan recommends Concord's first Splash Pad be constructed at Caldwell Park as the first splash pad located within a City park. This was a top priority recommendation from the community at the October 2019 Community Workshop, and at the Logan Association meeting in January 2020.

Recommendation: Motion to approve and adopt the Master Plan for Marvin Caldwell Park.

- 9. Consider adopting a budget ordinance amending the General Fund operating budget ordinance for consulting services by Nexsen Pruet, LLC.** The City desires to engage the services of Nexsen Pruet, LLC to provide recommendations and a plan for the revitalization of the Barber-Scotia campus through the engagement of the community and other interested stakeholders and in a manner which will preserve its history as a higher institution of learning and evaluate ways to maximize the value of said property for neighboring communities, the citizens of Concord and Barber-Scotia College. The services will also include the exploration and analysis of the legal ownership interest(s) on the Barber Scotia campus to include current campus financial liabilities. The amount will not exceed \$215,000 without further Council approval.

Recommendation: Motion to adopt an ordinance amending the General Fund operating budget ordinance for consulting services by Nexsen Pruet, LLC.

- 10. Consider making appointments / reappointments to various City of Concord Boards and Commissions and making a reappointment to the CDDC Board of Directors.** Attached is a list of Board and Commission appointments for the City of Concord. This list notes the members that have expiring terms and can or cannot be reappointed.

Recommendation: Motion to make appointments/reappointments to various Boards and Commissions and a reappointment to the CDDC Board of Directors.

- 11. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. for the Parking Expansion project at the Alfred Brown Operation Center.** Informal bids were received for the parking expansion at the Alfred Brown Operation Center. Carolina Siteworks, Inc. was the low bidder with a total bid of \$138,971.80. Work is to include clearing and grubbing, grading, paving, fencing and seeding as necessary.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. in the amount of \$138,971.80 for the Parking Expansion project at the Alfred Brown Operation Center and adopt a capital project budget amendment ordinance.

- 12. Consider adopting a resolution requesting NCDOT to abandon SR-2506 (Old Farm Road).** The majority of Old Farm Road had been within the City limits for some time and recently the final segment was annexed into the City when the property at the corner of Old Airport and Heglar Roads was annexed. The City already maintains roads off Old Farm Road and would like to add Old Farm Road to the City street system.

Recommendation: Motion to adopt a resolution requesting NCDOT to abandon SR-2506 (Old Farm Road).

13. Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan. The City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then existing City limits except under certain limited circumstances. The owners of 3887 NC Hwy 200 (Resto - PIN 5547 98 3063) and 1300 Hess Road (Ortiz - PIN 5640-93-0994) requested an exception to the Agreement in order to obtain water service for proposed single-family homes.

Recommendation: Motion to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 3887 NC Hwy 200 and 1300 Hess Road.

14. Consider accepting a preliminary application from James Garmon. In accordance with City Code Chapter 62, James Garmon has submitted a preliminary application to receive water service outside the City limits. The property is located at 2643 Miami Church Road . The parcel is approximately 3.5 acres, zoned LDR and is developed with an existing building. This parcel is in subarea B of the City of Concord-Cabarrus County Interlocal agreement regarding the Central Area Plan. There is not sanitary sewer available to the parcel.

Recommendation: Motion to accept the preliminary application and have the owner proceed to the final application phase excluding annexation.

VII. Consent Agenda

A. Consider reinstating Rider Transit's normal fare structure and fare collection effective July 1, 2020. Concord Kannapolis Area Transit (Rider) fare collection is currently suspended due to the COVID-19 Public Health Emergency. If approved, this will reinstate the fare structure and collection on July 1, 2020.

Recommendation: Motion to reinstate Rider Transit's normal fare structure and fare collection effective July 1, 2020.

B. Consider temporarily suspending the encroachment fee for outdoor dining on public property and set the effective date for June 1, 2020. Due to the COVID-19 virus, outdoor dining has become a way for restaurants to safely serve patrons and expand seating capacities. The City's policy on permitting dining in public spaces is found in the Code of Ordinances in Chapter 50-52, Encroachment Agreement. A fee of \$300 accompanies the encroachment agreement. With cities across the Country working with restaurants to maintain their viability it is recommended that the Council consider temporarily suspending the fee until such time as conditions return to normal. Additionally, City staff has prepared a simple checklist that list action items that would need to be accomplished to expand outdoor dining in both public and private settings. Staff would work as quickly as possible to expedite any request from a restaurant. The State Alcoholic Beverage Control Commission has already approved extending valid ABC permits to encroached areas without having to amend the restaurant's existing permit.

Recommendation: Consider approving the suspension of the encroachment fee for outdoor dining on public property with the effective date of June 1, 2020.

C. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement. In accordance with the CDO Article 4, the following access easements and maintenance agreements are now ready for approval: Boys and Girls Club of Cabarrus County (PIN 5620-69-2741) 247 Spring Street NW; Beechwood Place, LP (PIN 5529-39-8664) 240 Warren C. Coleman Boulevard; Dalton Woods, LLC (PIN 4670-73-6766 and 4670-73-0952) 10537&10575 Ellenwood Road; and Dependable Development, Inc. (PIN 5538-58-6750) Flowes Store Road. Access easement and SCM maintenance agreement is being offered by the owners.

Recommendation: Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: Boys and Girls Club of

Cabarrus County, Beechwood Place, LP, Dalton Woods, LLC, and Dependable Development, Inc..

- D. Consider accepting an Offer of Dedication of utility easements and public rights-of-ways in various subdivisions.** In accordance with CDO Article 5, the following final plats and easements are now ready for approval: The Mills Phase 2C Map 3. Various utility easements and public rights-of-ways are offered by the owners.

Recommendation: Motion to accept the offer of dedication on the following plat and easements: The Mills Phase 2C Map 3.

- E. Consider accepting an Offer of Infrastructure at Shoppes on Derita and Roberta Ridge Ph 1 Map 5.** In accordance with the CDO Article 5, improvements have been constructed in accordance with the City's regulations and specifications. The following is being offered for acceptance: 1,847' of 8" water main, 16' of 6" water main, 3 hydrants, 1,960' of 8" sewer line, and 12 manholes.

Recommendation: Motion to accept the offer of infrastructure in the following subdivisions and sites: Shoppes on Derita and Roberta Ridge Ph 1 Map 5.

- F. Consider authorizing the City Manager to accept the BJA FY 20 Coronavirus Emergency Supplemental Funding, in the amount of \$34,597 from the Office of Justice Programs, U.S. Department of Justice and adopt a budget amendment ordinance to appropriate the grant funds.** The Police Department received approval of the award on May 8, 2020. The department plans to purchase Personal Protective Equipment. The program period is from January 20, 2020 to January 31, 2022.

Recommendation: Motion to authorize the City Manager to accept the BJA FY 20 Coronavirus Emergency Supplemental Funding, in the amount of \$34,597 from the Office of Justice Programs, U.S. Department of Justice and adopt a budget amendment ordinance to appropriate the grant funds.

- G. Consider adopting a general fund operating budget amendment to recognize grant funding for the Fire Department.** In December of 2019, City Council approved the Fire Department's request to pursue grant funding for an inflatable fire safety house. The Cannon Foundation has awarded the City \$12,956.57 which will allow the Fire Department to purchase a Deluxe Fire Safety Smoke House. This item will be used to encourage fire prevention when there are events with large crowds. Information about this inflatable fire house is attached for your review.

Recommendation: Motion to adopt a general fund operating budget amendment to recognize grant funding for the Fire Department.

- H. Consider adopting a General Fund budget ordinance and a Transportation Project ordinance to transfer additional funds to the Streetscape Project.** Staff has \$12,708 remaining in the Streetscape operating budget account. Staff is recommending that these funds be moved to the Transportation project fund to be used for future Streetscape maintenance expenses. This funding will be used for crosswalks.

Recommendation: Motion to adopt a General Fund budget ordinance and a Transportation Project ordinance to transfer additional funds to the Streetscape Project.

- I. Consider adopting a CDBG CARE grant budget amendment to include an appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$400,339 to select public service agencies and organizations responding to immediate community needs related to COVID-19.** This CARES funding was presented at the May 14, 2020 City Council meeting. This budget amendment will place the funds in the operating budget. Disbursement of these funds will be approved by City Council.

Recommendation: Motion to adopt a CDBG CARE grant budget amendment to include an appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the

amount of \$400,339 to select public service agencies and organizations responding to immediate community needs related to COVID-19.

- J. Consider adopting an ordinance to amend the FY2019/2020 Budget Ordinance for the Airport Operations to appropriate CARES Act Funding received.** Concord-Padgett Regional Airport received CARES Act Funding in the amount of \$2,149,846 to help offset a decline in revenues as a result of COVID-19. Funds will be used for purposes directly related to the airport, which can include reimbursement of operational and maintenance expenses or debt service payments.
Recommendation: Motion to adopt an ordinance to amend the FY2019/2020 Budget Ordinance for the Airport Operations to appropriate CARES Act Funding received.
- K. Consider adopting an amendment to the General Fund project ordinance for the Oakwood Cemetery.** The City has received \$40,784 from a liquidated trust. The trust was set up for Oakwood Cemetery in the name of Miriam Schramm. Staff will be applying these proceeds to the Oakwood Cemetery improvements project.
Recommendation: Motion to adopt an amendment to the General Fund project ordinance for the Oakwood Cemetery.
- L. Consider adopting amendments for the General Fund and the General Capital Project Fund.** In May, staff requested \$10,000 be transferred to the Rutherford Cemetery operating maintenance account. It has since been determined that this money is not needed and it will be transferred back to the capital project fund for use at the Rutherford Cemetery.
Recommendation: Motion to adopt amendments for the General Fund and the General Capital Project Fund.
- M. Consider adopting a General Fund operating budget ordinance amendment to reclass Powell Bill personnel costs from the Streets department.** Staff is recommending that the personnel costs associated with Powell Bill be reclassified from the Street department to the Powell Bill department. Staff prepares reports related to Powell Bill and expenses should be accounted for accurately to ensure the City is following all the guidelines related to Powell Bill funding from the state.
Recommendation: Motion to adopt a General Fund operating budget ordinance amendment to reclass Powell Bill personnel costs from the Streets department.
- N. Consider adopting an ordinance to amend the Housing operating budget ordinance for the payment due to the General Fund related to the maintenance building.** Staff is recommending that the budget for housing be amended to cover the loan payment, \$39,147, due to the general fund for the new maintenance building.
Recommendation: Motion to adopt an ordinance amending the Housing operating budget ordinance for the payment due to the General Fund related to the maintenance building.
- O. Consider adopting an amended resolution for a loan from the City of Concord General Fund to the City of Concord Housing Department Fund.** The Housing Department will be constructing a maintenance building which was originally estimated to cost \$375,000. City Council approved a loan in the amount of \$375,000 on July 11, 2019. All bids received on the project were higher than the original estimate and would require an additional \$100,000 to fully fund this project. The proposed resolution includes the term of the loan being extended from 120 months to 156 months. The annual interest rate is not to exceed 1%. The Housing Department may pay off this loan at any time without penalty.
Recommendation: Motion to adopt a resolution increasing the loan amount from the City of Concord General Fund to the City of Concord Housing Department Fund.
- P. Consider adopting a resolution transferring delinquent repayment agreements to collection loss.** The Housing Department has attempted to collect these amounts but have been unsuccessful. It is now appropriate to adopt a resolution transferring

the FY20 delinquent repayment agreements to collection losses. Efforts will continue to collect these losses.

Recommendation: Motion to adopt a resolution to write-off the FY20 delinquent repayment agreement account in the amount of \$1,678.00 to collection losses.

Q. Consider transferring balances due on delinquent accounts to collection losses.

The Housing Director has submitted a list of resident's accounts who have moved out of their dwelling units leaving a balance due. Attempts to collect those balances have been unsuccessful. The Housing Department is requesting that the balances on these accounts, totaling \$22,428.05, be transferred to collection losses. The City of Concord Housing Department is expecting to be reimbursed for \$1,762.73 of the collection losses through the CARES Act.

Recommendation: Motion to approve the transfer of delinquent accounts for the Low-Rent Public Housing Program to collections losses.

R. Consider approving the transfer of delinquent miscellaneous receivables and delinquent airport receivables to collection losses.

In preparation for year-end closing of the accounting records and preparing for the annual independent audit, staff must review the accounts receivable balances and determine if any of the balances are uncollectible. The accounts that are deemed uncollectible should be transferred to collection losses. Miscellaneous receivables billed that have been classified as uncollectible amount to \$19,481.97. Airport receivables deemed uncollectible amount to \$2,307.14. Staff continues to work with legal to pursue collection methods available as well as using the Debt Setoff Program offered through the State and a private contract for collections.

Recommendation: Motion to approve the transfer of delinquent miscellaneous receivables and delinquent airport receivables to collection losses.

S. Consider adopting FY21 Compensation Plan Grade Assignments. Staff recommends adopting the FY21 Compensation Plan Grade Assignments.

Recommendation: Motion to adopt the FY21 Compensation Plan Grade Assignments.

T. Consider adopting the 3% adjustment to the Compensation Plan Grade Assignments, effective in the fourth quarter of FY21.

In order to remain competitive in the ability to attract strong candidates, staff recommends a 3% overall increase to the Compensation Plan Grade Assignments in the fourth quarter of FY21. This adjustment will be made at the minimums, midpoints and maximums in the structure to maintain forward movement in the workforce marketplace.

Recommendation: Motion to adopt the 3% adjustment to the Compensation Plan Grade Assignments, effective in the fourth quarter of FY21.

U. Consider adopting an update to Article 6.6, Bereavement Leave in the Personnel Policies and Procedures manual.

Staff recommends an update to Article 6.6, Bereavement Leave, to provide consistency with the family members language used in Article 5.7 Employment of Relatives. The updated policy also clarifies that leave should be granted according to work days (not calendar days)—as this has been a source of confusion/inconsistency over the past several years. Also, since we have expanded coverage under the policy (from immediate family to family members), the updated policy sets clear parameters for the number of bereavement leaves that can be granted per fiscal year.

Recommendation: Motion to approve the update to Article 6.6.

V. Consider adopting an update to Article 6.7, Military Leave Policy in the Personnel Policies and Procedures manual.

Staff recommends an update to Article 6.7, Military Leave Policy, to address the issue of unpaid periodic weekend drills and the impacts to our first responders and support staff. Currently, periodic weekend drills are not included as eligible for the use of paid military leave. This can create an undue hardship for coworkers and departments whose normal work schedule includes weekends (Fire/Police/Communications). In some cases, these coworkers are flexing

their schedules and working several shifts in a row. The revision would allow for the payment of MIL days for any type of Military Leave and provide relief for these situations.

Recommendation: Motion to approve the update to Article 6.7.

W. Consider adopting an update to Article 7.13, Career Development in the Personnel Policies and Procedures manual. Staff recommends an update to Article 7.13, Career Development to clarify the career development program procedures.

Recommendation: Motion to approve the update to Article 7.13.

X. Consider adopting an update to Article 8.7, Policy Against Harassment in the Personnel Policies and Procedures manual. Staff recommends an update to Article 8.7, Policy Against Harassment, to reflect the City's current organizational structure as it relates to harassment claims. The policy update provides that if the employee does not feel comfortable reporting the issue to their supervisor or HR, it should be reported orally or in writing to the City Manager.

Recommendation: Motion to approve the update to Article 8.7.

Y. Consider adopting an update to Article 8.4, Grievance Policy, in the Personnel Policies and Procedures manual. Staff recommends an update to Article 8.4, Grievance Policy to provide Human Resources personnel the ability to file a grievance with complete freedom from retaliation.

Recommendation: Motion to approve the update to Article 8.4.

Z. Consider acceptance of the Tax Office reports for the month of April 2020. The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

Recommendation: Motion to accept the Tax Office collection reports for the month of April 2020.

AA. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of April 2020. G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

Recommendation: Motion to approve the Tax releases/refunds for the month of April 2020.

BB. Receive monthly report on status of investments as of April 30, 2020. A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

Recommendation: Motion to accept the monthly report on investments.

VIII. Matters not on the agenda

- TAC
- MTC
- Centralina Council of Government (CCOG)
- Concord/Kannapolis Transit Commission
- WSACC
- Public Art Advisory Committee
- Concord Family Enrichment Association
- PTT Committee
- Barber Scotia Property Task Force Committee

IX. General comments by Council of non-business nature

X. Closed Session (if needed)

XI. Adjournment

*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.

Submitted Date

May 29th, 2020

Meeting Date

June 9th and 11th, 2020

Topic

Open and conduct a public hearing and consider adopting an ordinance for annexation of five (5) parcels located to the southeast of the Fountainview Ave. and Roberta Rd intersection, and southeast of the Marlboro Drive SW and Shadowcrest Dr SW intersection. (3133 Roberta Road, 3233 Roberta Road, 3221 Roberta Road, 3494 Marlboro Dr. SW., and 3610 Shadowcrest Dr. SW PIN# 5519-41-6872). The property is owned by Journey Capital LLC and the authorized petitioner for the annexation is Michael McManus of PresPro Custom Homes.

Background

Portions of this property were part of an annexation request that came before City Council on August 8, 2019 for the purpose of establishing sixteen (16) single family attached (townhomes) units on three (3) parcels. The annexation petition was not adopted, as City Council did not find the proposed use consistent with the surrounding neighborhood. The same owner and applicant submitted a new application with the inclusion of two additional parcels located on Fountainview and Shadowcrest with the intent of subdividing the lots in order to create twelve (12) single-family detached lots. City Council declined annexation on December 12, 2019. The current request includes the same five (5) parcels previously submitted, however, the applicant has expressed the intent to keep the same or approximate lot sizes if annexation is adopted.

Collectively the subject properties consist of five (5) parcels totaling +/- 3.325 acres. The subject properties are depicted by the provided annexation map and are both contiguous and satellite to the City of Concord's primary corporate limits. If the annexation were to be adopted, the applicant intends to pursue a rezoning to City RM-1 (Residential Medium Density) for the purpose of establishing single-family detached dwellings. A site plan has been submitted delineating the proposed layout that includes one (1) single-family detached home on each existing lot.

The current zoning designation in Cabarrus County is MDR (Medium Density Residential) which allows up to 2.5 du/a with a minimum lot size of 8,000 sf if the development is part of a subdivision with open space. Otherwise MRD requires a minimum lot size of one (1) acre. RM-1 would permit up to 3 du/a with a minimum lot size of 15,000 sf. The 2030 Land Use Plan (LUP) designates the subject property as "Suburban Neighborhood" and RM-1 is considered a corresponding zoning classification to the Land Use Category. According to the LUP, "The Suburban Neighborhood Future Land Use category includes single-family areas that are formed as subdivisions or communities, with relatively uniform housing type and density throughout. They may

support a variety of single-family detached residential types, from low-density to denser formats of smaller single-family homes.”

RECOMMENDATION: Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for June 11, 2020.

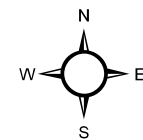


Subject Property Map

ANX-06-20

PresPro
Custom Homes

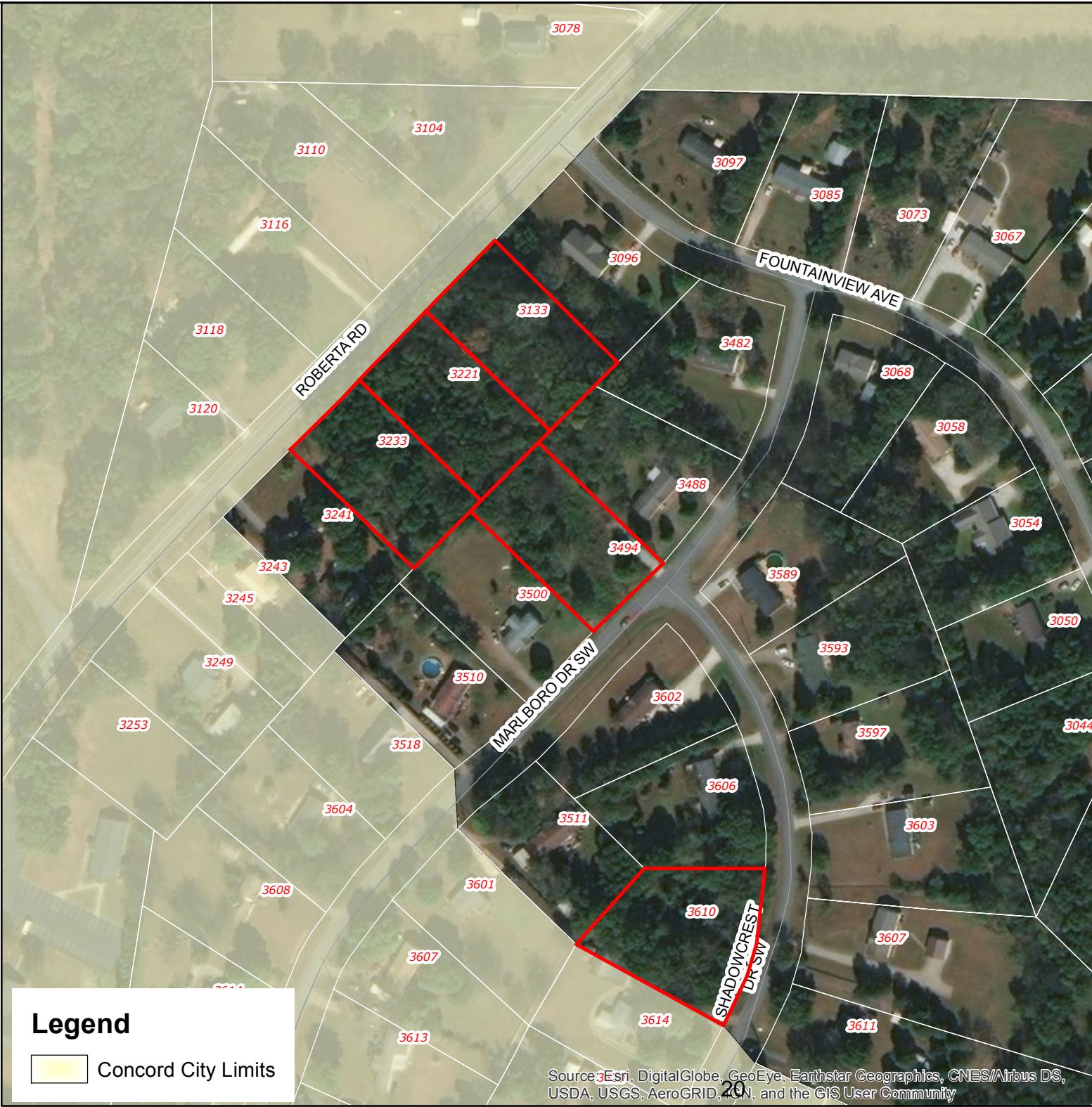
3133, 3221, &
3233 Roberta Rd
and
3494 Marlboro Dr SW
and
3610 Shadowcrest
Dr SW



Source: City of Concord
Planning Department

Disclaimer

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.



Legend
Concord City Limits

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Planning &
Neighborhood Development**
35 Cabarrus Avenue, West
PO Box 308 Concord, NC 28026
Phone: 704-920-5146
Email: rogerss@concordnc.gov

Petition for Annexation into the Concord City Limits

Section A Submittal Checklist	
Please include all of the following (check off). If any information is missing from the application package, you will be asked to resubmit the petition with all required materials. Please carefully check the list below before you submit:	
Required – An incomplete application will delay the annexation process.	
X	Written metes and bounds description of the property to be annexed. (Must include in application packet and email a Microsoft Word version to rogerss@concordnc.gov). Mark as Exhibit A . Source can be from Survey or Deed.
X	Map showing above written metes and bounds description of the property to be annexed <u>in relation to the current city limits</u> . Mark as Exhibit B .
X	A Current County Tax Map with parcels included in the annexation request clearly marked. Mark as Exhibit C . http://gis.cabarruscounty.us/gisdataexplorer/
X	Correct Parcel Identification Number(s) (PIN) on second page of application. This is very important. Please indicate if the property to be annexed is only a portion of an existing parcel. http://gis.cabarruscounty.us/gisdataexplorer/
X	Property Owners' Signatures, Date of Signatures, and addresses. See page 3 of this application. <u>All real property owners</u> must sign the application, and such signature <u>must be notarized</u> . An authorized representative must sign on behalf of each legal entity that holds ownership of the property and <u>such representative's signature must be notarized</u> . <u>One signature for each legal ownership interest in the property</u> . Please include signatures of new owners if ownership will change during the annexation process.
X	Notary Statements for each signature
X	General Warranty Deed showing ownership of the property. Petitioners must submit a title opinion or title insurance if a general warranty deed is not available. Upon review, a title opinion may be required in addition to a general warranty deed.
	Statement of vested rights claimed, if any.
X	\$300.00 Application Fee
	A letter authorizing a developer or agent to handle annexation petition (e.g. withdraw, delay/reactivate petition).
X	This application form (Sections A, B, C, and D) completed, dated and signed by the property owner(s) and attested submitted by the deadlines noted in section B of this application, page 2.
Optional, but will assist in the steps following the annexation process	
	Section E (Supplemental Information)
X	Copy of any proposed plans, which may include but is not limited to a preliminary site plan or final site plan
X	Appropriate application(s) for City of Concord Planning & Zoning Commission (Rezoning Petition)
X	List of Current Adjacent Property Owners

Section B Submittal Deadlines

Petitions for annexation are accepted by Planning & Neighborhood Development at any time. Find annexation schedule here: <https://www.concordnc.gov/Departments/Planning/Planning-Services/Annexations> **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the City Clerk.**

(The City reserves the right to make exceptions to this tentative processing schedule for any reason, including when outstanding staff comments need to be addressed.)

Section C Summary Information / Metes and Bounds Descriptions

Development Project Name Roberta Road Single Family

Street Address

3133 Roberta Road, 3221 Roberta Road, 3233 Roberta Road, 394 Marlboro Drive SW, and 3610 Shadowcrest Drive SW

Cabarrus County Property Identification Number(s) list below

P.I.N. 5519-42-4642	P.I.N. 5519-42-3562	P.I.N. 5519-42-2463
	P.I.N. 5519-42-5315	P.I.N. 5519-41-6872

Acreage of Annexation Site
3.358 Ac.

Annexation site is requesting connection to City of Concord Water **and/or Sewer**

Person to contact if there are questions about the petition

Name

Michael McManus

Address

6220 Hudspeth Road, Harrisburg, NC 28207

Phone

704-453-2700 Ext. 171

Fax #

Email

michael@prespro.com

Written metes and bounds description of property to be annexed

Attach additional sheets if necessary. Petitioners must submit an electronic Microsoft Word version. Petitioners must email an electronic copy to rogerss@concordnc.gov

See Exhibit A

Section D Annexation Petition

State of North Carolina, Cabarrus County, Petition of Annexation of Property to the City of Concord, North Carolina

Part 1 The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the City of Concord, North Carolina. **The petitioners understand and agree that any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

X	Contiguous to the present primary corporate limits of the City of Concord, North Carolina, or
	Satellite (Not Contiguous) to the municipal limits of the City of Concord, and meets all of the requirements for NCGS §160A-58.1(b) . This includes that if any portion of an area of the proposed annexation is part of a subdivision, all of the subdivision must be included.

Part 2 NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes ___ No X

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this 30 day of March, 20 20 by the owners of the property described in Section C.

Owner's Signature(s)

Include signatures of new owners if ownership will change during the annexation process.

Indicate if owner is signing on behalf of legal entity and in what capacity.

Print Name Journey Capital, LLC - John Sears ^{SE} JOSHUA COLLINS Phone 704-453-2700

Address 6220 Hudsapeth Road, Harrisburg, NC 28207

Signature  Date 3/30/2020

Print Name _____ Phone _____

Address _____

Signature _____ Date _____

Print Name _____ Phone _____

Address _____

Signature _____ Date _____

Print Name _____ Phone _____

Address _____

Signature _____ Date _____

Print Name _____ Phone _____

Address _____

Signature _____ Date _____

Print Name _____ Phone _____

Address _____

Signature _____ Date _____

Print Name _____ Phone _____

Address _____

Signature _____ Date _____

A notary statement must be completely filled out for each signature.

PETITION MUST BE NOTARIZED

State of: North Carolina
County of: Cabarrus

~~Use this section for individual landowners.~~

~~I, _____ [Notary's Name], a Notary Public for said County and State, do hereby certify that the landowner, _____ [Name of Landowner], as stated on the annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.~~

Use this section for all land owners that are not individuals, such as (without limitation) corporate land owners, properties held in an estate, properties held in trust, etc.

I, A. SEWARD-CHAVIS [Notary's Name], a Notary Public for said County and State, do hereby certify that Joshua P. Collins [Representative for Landowner], a duly authorized representative for Journey Capital, LLC [Landowner], mentioned on the annexation petition as the landowner, personally came before me this day and acknowledged that he is member [Title] of said land owner, and acknowledged on behalf of said landowner, the due execution of the foregoing instrument.

~~Use this section for all individual landowners that are having a Power-of-Attorney execute the Annexation Request.~~

~~I, _____ [Notary's Name], a Notary Public for Said County and State, do hereby certify that, _____ [Attorney-In-Fact's Name], Attorney-in-Fact for _____, [Name of Landowner(s)] personally appeared before me this day, and being by me duly sworn, say that he/she executed the foregoing and annexed instrument for and on behalf of said Landowner(s) and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds in the County of _____, State of _____, [County & State of Recording Office] on the ___ day of _____, 20__, [Date of Recording of the Document] and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I further certify that the said Attorney-In-Fact acknowledged the due execution of the foregoing instrument for the purposes therein expressed for and on behalf of said Landowners.~~

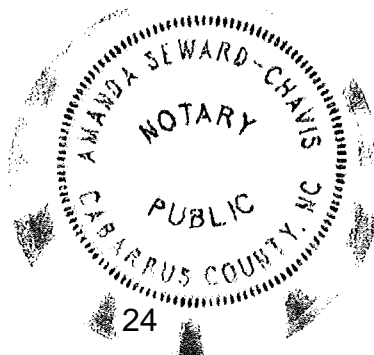
Witness my hand and official seal this 30 day of March, 2020

A. Seward-Chavis
Notary Public

My commission expires 1/21, 2023

[SEAL of Notary Public]

Notary's Stamp:



Journey Capital, LLC

6220 Hudspeth Rd.
Harrisburg, NC, 28075

To Whom It May Concern:

Journey Capital Group, LLC is a member managed LLC. Membership includes:

- John M. Sears Member
- Joshua P. Collins Member

Mr. Sears and Mr. Collins are the only two members of the LLC and are both authorized to sign legally binding documents on behalf of the company.

Regards,

Joshua P. Collins

Joshua P. Collins
Member

John Sears

John Sears
Member

Exhibit A

(Map 1 of 2)

Physical Address:

3233 Roberta Rd. Concord N.C. 28027, pin#5519422463
3221 Roberta RD. Concord N.C. 28027, pin#5519423562
3133 Roberta Rd. Concord N.C. 28027, pin#5519424642
3494 Marlboro Dr. SW Concord N.C. 28027, pin#5519425315

All that tract and parcel of land situated and lying in No.2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lots 22,26,27 & 28 as shown on the Map drawn by Keith R. Moen entitled " WOLF MEADOW ACRES , SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

Beginning at a point on the southern right of way of Roberta Rd. at the common corner of Lot#25 and Lot#26, being located S47°10'22"W a distance of 125.00' from the southern intersection of the right of way Fountainview Ave. and Roberta Rd. , thence along the common property line of lot#25 and lot#26 S42°49'38"E a distance of 225.00' to a point; thence along the rear property line of lot#26 S47°10'22"W a distance of 125.00' to a point, common corner of lot#26 and lot#27; thence along the rear property line of lot#27 S47°10'22"W a distance of 21.79' to a point, common corner of lot#23 and lot#22 ; thence along the common property line of lot#23 and lot#22 S42°49'30"E a distance of 225.00" to a point, common corner of lot#23 & lot#22 on the right of way of Marlboro Dr SW., thence with the right of way of Marlboro Dr. SW S47°10'22"W a distance of 125.00' to a point, being the common property corner of lot#22 and lot#21, thence N42°49'38"W a distance of 225.00' to a point, being the common property corner of lot# 21 and lot#22, thence S47°10'22"W a distance of 103.20' to a point, being the common property corner of lot#28 and lot#29; thence along the common property line of lot#28 and lot#29 N42°49'38"W a distance of 225.00' to a point, being the common property corner of lot#28 and lot#29; thence along the southern right of way of Roberta Rd. N47°10'22"E a distance of 125.00' to a point , being the common property corner of lot#28 and lot#27; thence along the southern right of way of Roberta Rd. N47°10'22"E a distance of 125.00' to a point, being the common property corner of lot#26 and lot#27; thence along the southern right of way of Roberta Rd. N47°10'22"E a distance of 125.00' to a point; which is the point of beginning, having an area of 112,501 square feet, 2.583 acres.

(Map 2 of 2)

Physical Address:

3160 Shadowcrest DR SW Concord NC 28027, pin#5519416872

All that tract and parcel of land situated and lying in No.2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lot 76 as shown on the Map drawn by Keith R. Moen entitled " WOLF MEADOW ACRES , SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

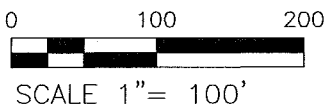
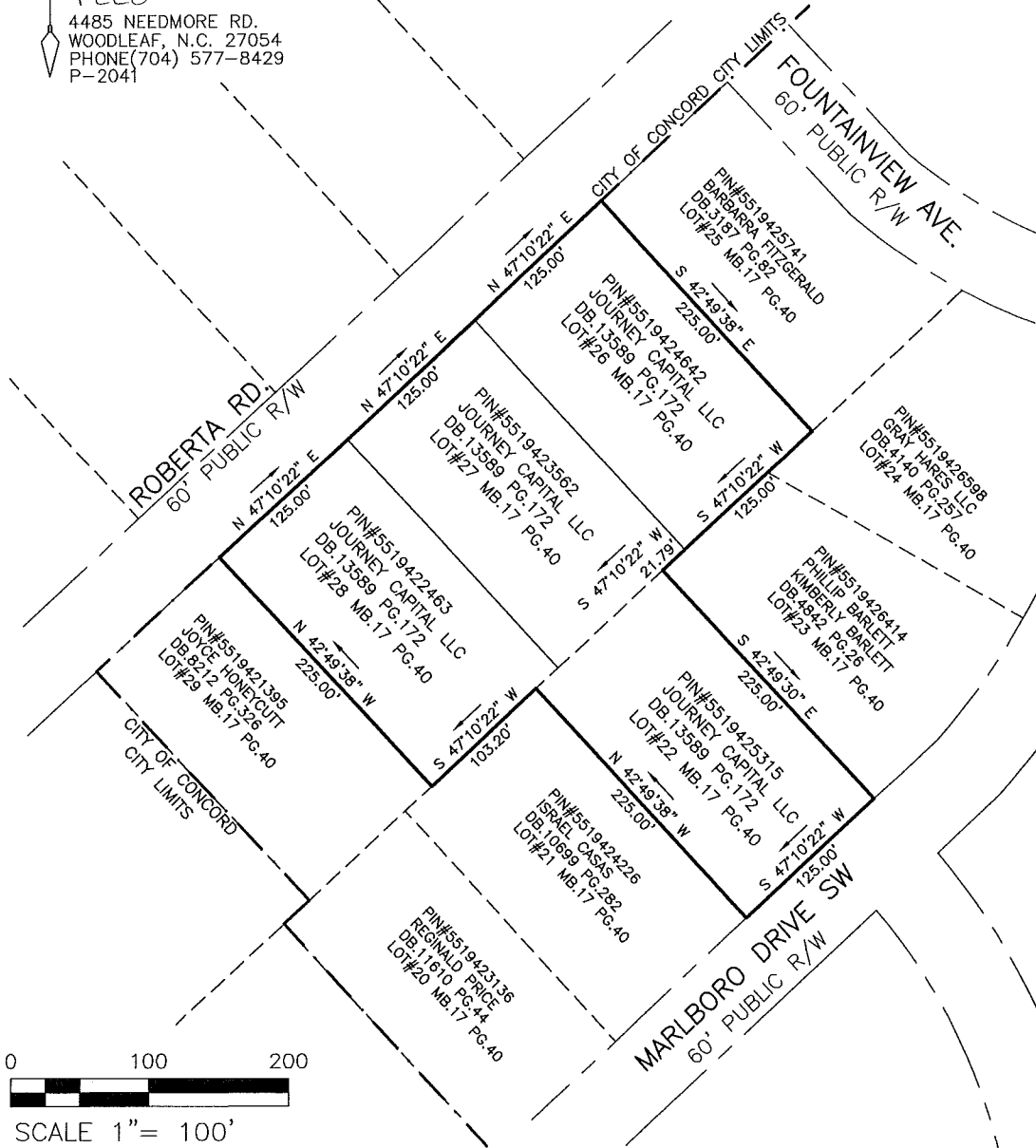
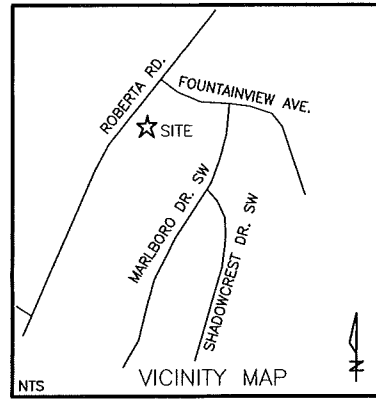
Beginning at a point on the northern right of way of Shadowcrest Dr SW. at the common corner of Lot#75 and Lot#76, , thence along the common property line of lot#75 and lot#76 N59°19'40"W a distance of 225.01' to a point; common corner of lot#75, lot#76, lot#79 and lot#80 ,thence N47°10'22"E a distance of 138.00' to a point; being the common corner of lot#76, lot#77 and lot#79, thence S86°22'52"E a distance of 154.91' to a point on the right of way of Shadowcrest Dr SW; being the common corner of lot#76 and lot#77 ,thence with the right of way of Shaowcrest Dr SW a curve turning to the right with an arc length of 210.36', with a radius of 437.53', with a chord bearing of S17°23'36"W, with a chord length of 208.34',; which is the point of beginning,having an area of 32312.09square feet,0.742acres.

NOTES:

1. Property may be subject to recorded or unrecorded easements
2. Area by deed from Cabarrus County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
3. THIS IS NOT AN ACTUAL FIELD SURVEY
4. THE PUPOSE OF THIS MAP IS TO SHOW PROPOSED ANNEXATION ONLY
5. PRELIMINARY- NOT FOR SALES OR CONVEYANCES OR RECORDATION

AREA TO BE ANNEXED:
 MAP#1 OF 2 =2.583 ACRES
 MAP#2 OF 2 =0.742 ACRES
 TOTAL=3.325 ACRES

SPARKS SURVEYING, PLLC
 4485 NEEDMORE RD.
 WOODLEAF, N.C. 27054
 PHONE(704) 577-8429
 P-2041



PROPOSED ANNEXATION
 OF
 JOURNEY CAPITAL LLC
 PROPERTY

9/15/2019

NO.2 TWP. CABARRUS COUNTY, N.C.

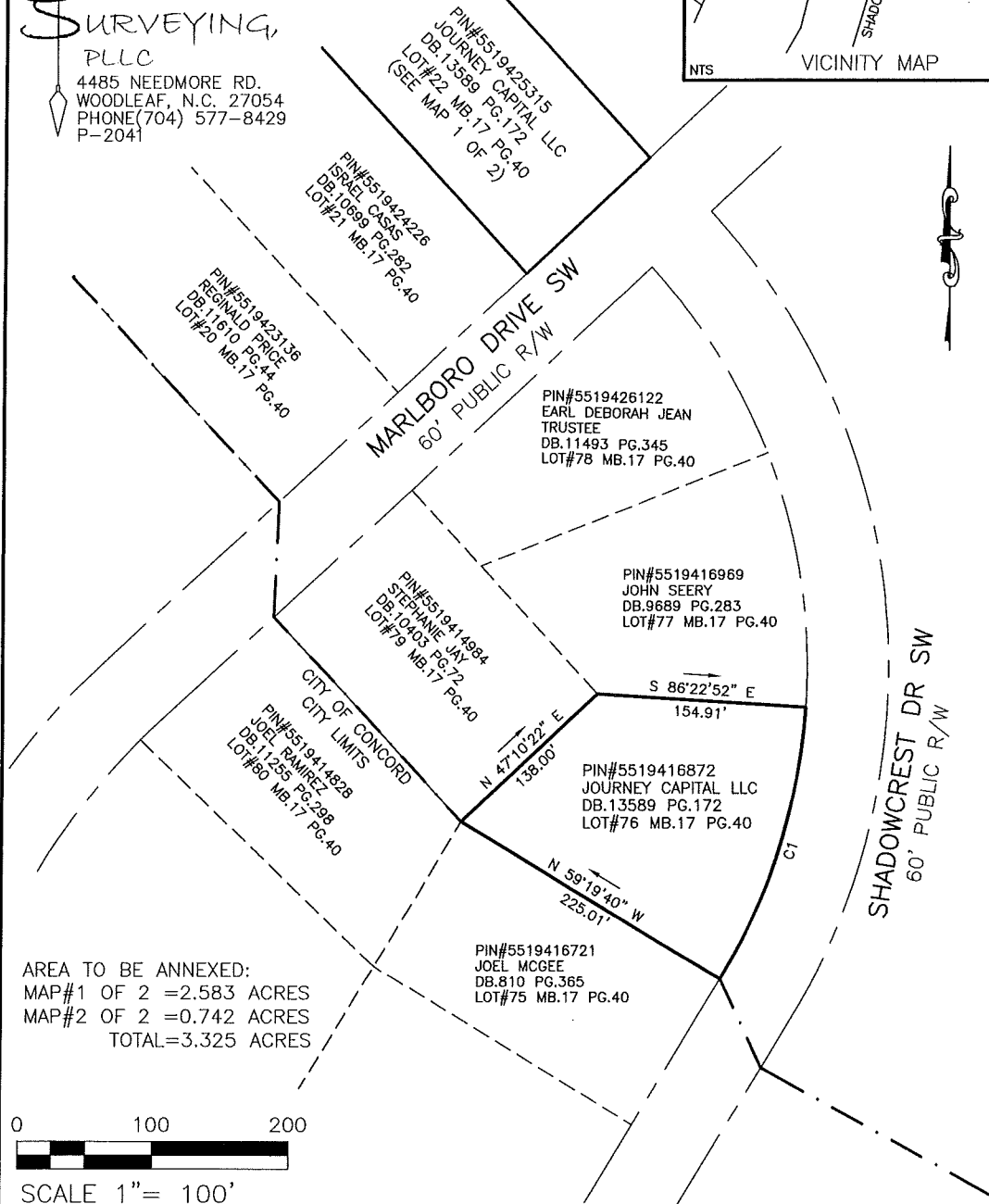
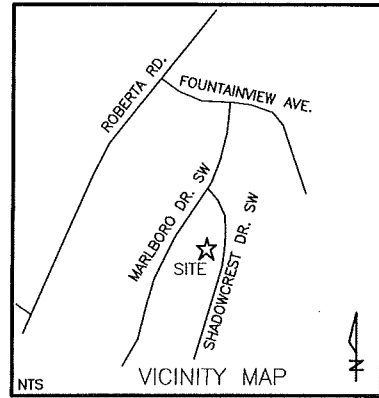
MAP 1 OF 2

NOTES:

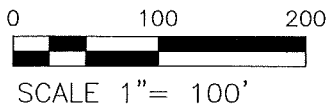
1. Property may be subject to recorded or unrecorded easements
2. Area by deed from Cabarrus County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
3. THIS IS NOT AN ACTUAL FIELD SURVEY
4. THE PURPOSE OF THIS MAP IS TO SHOW PROPOSED ANNEXATION ONLY
5. PRELIMINARY- NOT FOR SALES OR CONVEYANCES OR RECORDATION

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	210.36'	437.53'	27°32'52"	S 17°23'36" W	208.34'

SPARKS
SURVEYING
PLLC
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE (704) 577-8429
P-2041



AREA TO BE ANNEXED:
MAP#1 OF 2 = 2.583 ACRES
MAP#2 OF 2 = 0.742 ACRES
TOTAL = 3.325 ACRES



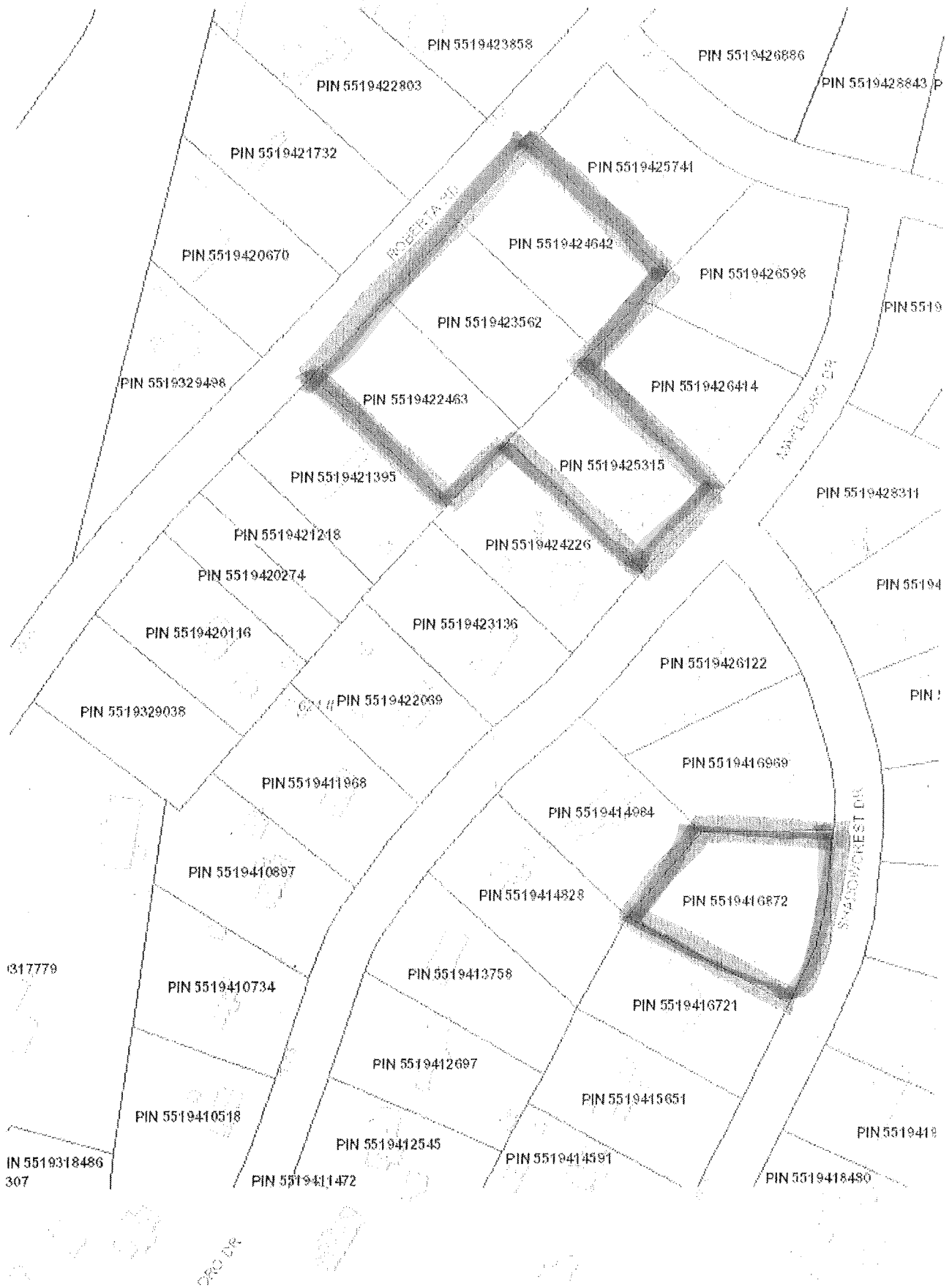
PROPOSED ANNEXATION
OF
JOURNEY CAPITAL LLC
PROPERTY

9/15/2019

NO.2 TWP. CABARRUS COUNTY, N.C.

MAP 2 OF 2

EXHIBIT C



A. Settlement Statement

B. Type of Loan						
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File No. 2019-NC-2234	7. Loan No.	8. Mortgage Insurance Case No.	
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv Ins.					
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.						
D. Name & Address of Borrower: Journey Capital, LLC			E. Name & Address of Seller: Little Properties of Midland, LLC		F. Name & Address of Lender:	
G. Property Location: 3133 Roberta Road, Concord, NC 28027 3221 Roberta Road, Concord, NC 28027 3233 Roberta Road, Concord, NC 28027 3044 Fountalnview Avenue, Concord, NC 28027 3610 Shadowcrest Drive Southwest, Concord, NC 28027 3494 Marlboro Drive Southwest, Concord, NC 28027			H. Settlement Agent: The Cooper Legal Firm PC Place of Settlement: 5620 Concord Parkway South 103 Concord, NC 28027		I. Settlement Date: 06/28/2019 Funding Date: 06/28/2019 Disbursement Date: 06/28/2019	

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Borrower		400. Gross Amount Due to Seller	
101. Contract sales price	\$160,000.00	401. Contract sales price	\$160,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	\$5,401.00	403.	
104.		404.	
105.		405.	
Adjustment for items paid by seller in advance		Adjustment for items paid by seller in advance	
106. City/Town Taxes		406. City/Town Taxes	
107. County Taxes		407. County Taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower	\$165,401.00	420. Gross Amount Due to Seller	\$160,000.00
200. Amount Paid by or in Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	\$670.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of First Mortgage	
205.		505. Payoff of Second Mortgage	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/Town Taxes 01/01/2019 to 06/28/2019	\$719.14	510. City/Town Taxes 01/01/2019 to 06/28/2019	\$719.14
211. County Taxes		511. County Taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower	\$719.14	520. Total Reduction Amount Due Seller	\$1,389.14
300. Cash at Settlement from/to Borrower		600. Cash at Settlement to/from Seller	
301. Gross amount due from borrower (line 120)	\$165,401.00	601. Gross amount due to seller (line 420)	\$160,000.00
302. Less amounts paid by/for borrower (line 220)	\$719.14	602. Less reductions in amounts due seller (line 520)	\$1,389.14
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	\$164,681.86	603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	\$158,610.86

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper.

The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

The information requested does not lend itself to confidentiality.

L Settlement Charges

	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Real Estate Broker Fees		
Division of Commission (line 700) has follows:		
701. \$4,800.00		
702. \$		
703. Commission paid at settlement	\$4,800.00	
704.		
800. Items Payable in Connection with Loan		
801. Our origination charge		
802. Your credit or charge (points) for the specific interest rate chosen		
803. Appraisal fee		
804. Credit report		
805. Tax service		
806. Flood certification		
807.		
808.		
809.		
810.		
900. Items Required by Lender to be Paid in Advance		
901. Daily Interest charges from 06/28/2019 to 07/01/2019		
902. Mortgage insurance premium		
903. Homeowner's insurance		
904.		
1000. Reserves Deposited with Lender		
1001. Initial deposit for your escrow account		
1002. Homeowner's insurance		
1003. Mortgage insurance		
1004. Property taxes		
1005.		
1006.		
1007. Aggregate Adjustment \$0.00		
1100. Title Charges		
1101. Settlement or closing fee to The Cooper Legal Firm PC \$350.00	\$350.00	
1102. Owner's title insurance		
1103. Lender's title insurance		
1104. Lender's title policy limit \$		
1105. Owner's title policy limit \$160,000.00		
1106. Title Exam Fee to The Cooper Legal Firm PC \$150.00	\$150.00	
1107. Wire Fee to The Cooper Legal Firm PC \$35.00	\$35.00	
1108. Courier Fee to The Cooper Legal Firm PC \$35.00	\$35.00	
1109. Electronic Recording Fee to The Cooper Legal Firm PC \$5.00	\$5.00	
1110. Seller Docs to The Cooper Legal Firm PC		\$350.00
1200. Government Reporting and Transfer Charges		
1201. Recording fees: Deed \$26.00 Mortgage \$ Release \$ to Cabarrus County Recording Office	\$26.00	
1202. City/County tax/stamps Deed \$ Mortgage \$		
1203. State tax/stamps Deed \$320.00 Mortgage \$ to Cabarrus County Recording Office		\$320.00
1204.		
1300. Additional Settlement Charges		
1301.		
1302.		
1303.		
1304.		
1305.		
1306.		
1307.		
1308.		
1309.		
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	\$5,401.00	\$670.00

[Signature]
 John W. ...
 Journey Capital, LLC

Date _____
Roger J. Linder 6/28/19
 Little Properties of Midland, LLC Date
Marianne L. Linder 7-2-19
 Date

The HUD-1a settlement statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement

Settlement Agent _____ Date _____



Roberta Rd HUD

Final Audit Report

2019-07-02

Created:	2019-07-02
By:	Elizabeth Smith (elizabeth@cooperlegalfirm.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAU1kKrwCImqLsS6ypLbxy03eX2vslcW4P

"Roberta Rd HUD" History

-  Document created by Elizabeth Smith (elizabeth@cooperlegalfirm.com)
2019-07-02 - 6:11:59 PM GMT- IP address: 173.92.40.88
-  Document emailed to John Sears (jsears@prespro.com) for signature
2019-07-02 - 6:12:19 PM GMT
-  Email viewed by John Sears (jsears@prespro.com)
2019-07-02 - 6:15:53 PM GMT- IP address: 174.194.26.150
-  Document e-signed by John Sears (jsears@prespro.com)
Signature Date: 2019-07-02 - 8:18:27 PM GMT - Time Source: server- IP address: 173.92.57.31
-  Signed document emailed to John Sears (jsears@prespro.com) and Elizabeth Smith (elizabeth@cooperlegalfirm.com)
2019-07-02 - 8:18:27 PM GMT

Section E Supplemental Information

In order for the City of Concord to better serve annexation areas, now and in the future, the City requests the following information from you. Please give your best estimates where they are needed. Contact information for relative City Departments can be found at the end of the worksheet. Please indicate 'N/A' for questions on which you have no information.

Acreage of Area										3.358 Ac				
Current Population of Area										0				
Current Zoning of Area										MDR				
Desired City Zoning of Area										RM-1				
Proposed Use (i.e. residential, commercial, or industrial)										residential				
Estimated Total Value of Residential Units for the Proposed Development														
Total Proposed Number of Dwelling Units										5				
Type of Proposed Dwelling Units (Single Family Detached, Single Family Attached, Multi-Family)										Single Family Attached				
Year 1	5	Year 2		Year 3		Year 4		Year 5						
Estimated Total Value of Business Units for the Entire Proposed Development										n/a				
Commercial Value		n/a			Industrial Value			n/a		Other (not-for-profit) Value		n/a		
Proposed Number of Commercial										0				
Year 1		Year 2		Year 3		Year 4		Year 5						
Proposed Number of Industrial										0				
Year 1		Year 2		Year 3		Year 4		Year 5						
Proposed Number of Other (not-for-profit)?										0				
Year 1		Year 2		Year 3		Year 4		Year 5						

Section E (continued) Supplemental Information									
Street Information									
Proposed total linear mileage of roadway installed					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
Proposed total number of non-state maintained street miles					0				
Year 1		Year 2		Year 3		Year 4		Year 5	

Water Information									
Typical water service(s) (i.e. ¾", 1", etc.)					1-in				
Number of services installed by developer (by service type)					5				
Year 1	5	Year 2		Year 3		Year 4		Year 5	
Number of services requested (by service type)					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
Typical irrigation meter size(s) to be installed (i.e. ¾", 1", etc.)					0				
Number of Services Requested					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
Estimated Mileage of Water Pipe Needed					0				
Year 1	0	Year 2		Year 3		Year 4		Year 5	

Sewer Information									
Typical sewer service(s) (i.e. 4", 6", 8" etc.)					4-in				
Number of services installed by developer (by service type)					5				
Year 1	5	Year 2		Year 3		Year 4		Year 5	
Number of services requested (by service type)					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
Estimated Mileage of Water Pipe Needed					0				
Year 1	0	Year 2		Year 3		Year 4		Year 5	

Section E (continued) Supplemental Information

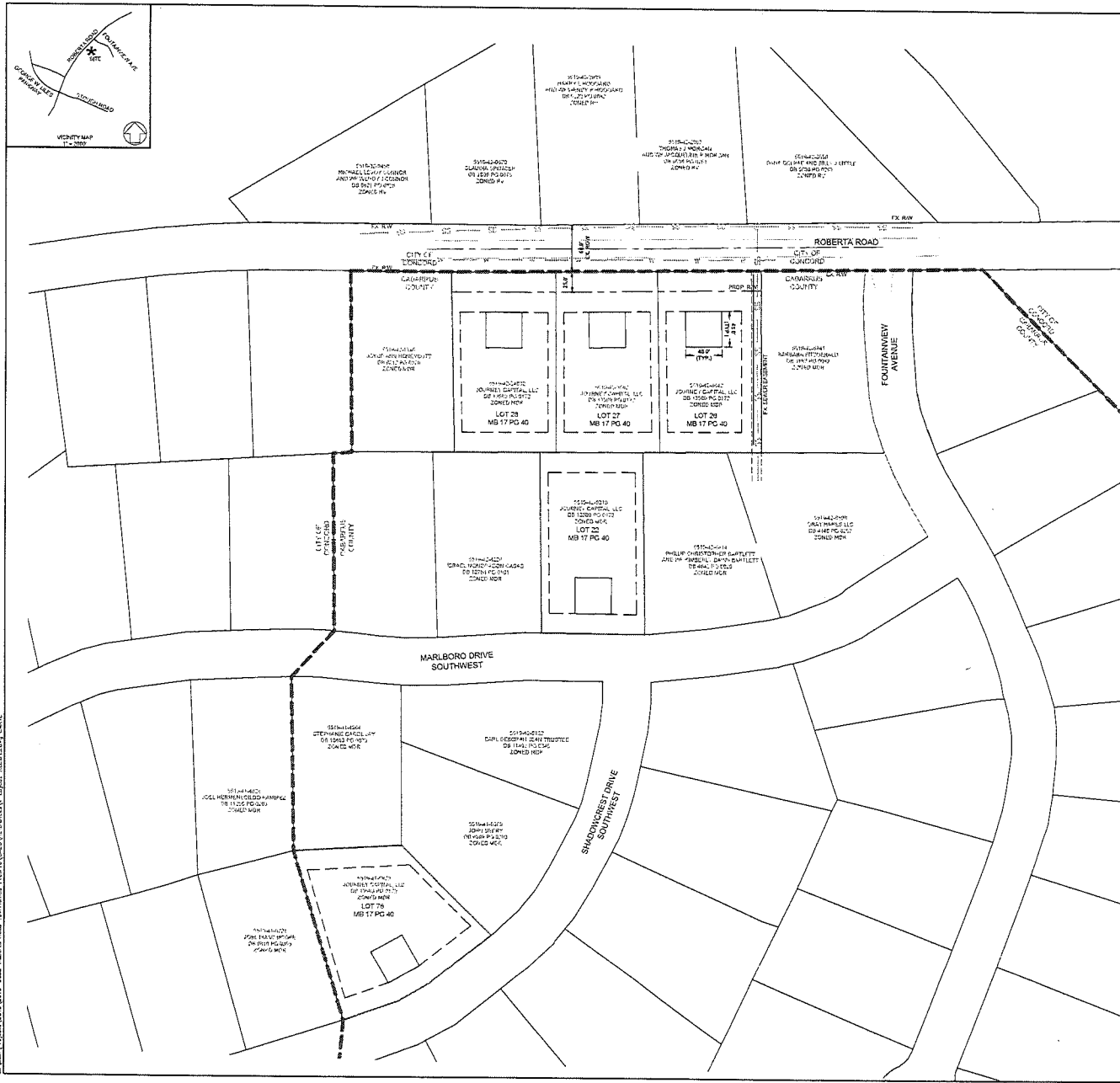
Solid Waste Data									
Number of Rollouts needed for Multi-Family Units					0				
Year 1	16	Year 2		Year 3		Year 4		Year 5	
Number of commercial units using City rollout collection					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
Number of commercial units needing corrugated (cardboard) recycling					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
Number of commercial units needing white paper pick-up (recycling)					0				
Year 1		Year 2		Year 3		Year 4		Year 5	

PLEASE SUBMIT ANY SKETCH PLANS OR PRELIMINARY PLATS THAT YOU MAY CURRENTLY HAVE FOR YOUR PROJECT.

City Contact Information

Planning and Neighborhood Development	704-920-5146
Water Resources Director	704-920-5343
Director of Electric Services	704-920-5301
Director of Engineering	704-920-5401
Solid Waste Manager	704-920-5351
Fire Chief	704-920-5536
Police Chief	704-920-5000
Transportation	704-920-5362
Legal	704-920-5114

Section E - Site Plan

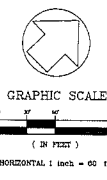


DEVELOPER:

PREPRO, LLC
 820 W. GORTON ROAD
 HARRISBURG, NC 28337
CONTACT:
 JOHN COLLINS
 754-917775
 JC@PREPRO.COM

SITE INFORMATION:

PROPOSED 1 SINGLE FAMILY UNITS
 CL 51 025 TO BE ANNEXED
EG:
 5516-04462 = 0.84 AC
 5516-04500 = 0.84 AC
 5516-04585 = 0.84 AC
 5516-04575 = 0.85 AC
 5516-04487 = 0.75 AC
TOTAL: 3.94 AC
 CURRENT ZONING: MDR (MEDIUM DENSITY RESIDENTIAL)
 CLARK COUNTY
 PROPOSED ZONED: RM-1
 FRONT SETBACK: 25 FT
 SIDE SETBACK: 10 FT
 REAR SETBACK: 25 FT
WATERSHED DATA:
 NOT IN A WATER SUPPLY WATERSHED.
FLOOD DATA:
 THIS SITE IS WITHIN ZONE "C" ACCORDING TO THE FEMA
 FLOOD MAP 37828700N, DATED NOVEMBER 19, 2010.
UTILITIES:
 WATER - PUBLIC WATER
 SEWER - PUBLIC SEWER
 TRASH - ROLL OUT CONTAINERS



BLUESTONE
LAND MANAGEMENT, PLLC
 9001 W. GREENBROOK AVENUE, SUITE A
 WASHINGTON, DC 20037
 202-462-1000
 www.bluestone-land.com



NO.	DATE	BY	REVISION
1	01/11/2011	J.C.	ISSUE FOR PERMIT
2	01/11/2011	J.C.	REVISIONS TO PERMIT
3	01/11/2011	J.C.	REVISIONS TO PERMIT
4	01/11/2011	J.C.	REVISIONS TO PERMIT
5	01/11/2011	J.C.	REVISIONS TO PERMIT
6	01/11/2011	J.C.	REVISIONS TO PERMIT
7	01/11/2011	J.C.	REVISIONS TO PERMIT
8	01/11/2011	J.C.	REVISIONS TO PERMIT
9	01/11/2011	J.C.	REVISIONS TO PERMIT
10	01/11/2011	J.C.	REVISIONS TO PERMIT

ROBERTA ROAD TOWNHOMES
 OWNER: PREPRO, LLC
PREPRO, LLC
 820 W. GORTON ROAD
 HARRISBURG, NC 28337

PROJECT # 21000000 DATE: 01/11/2011
 DRAWN BY: JWC CHECKED BY: JWC
TITLE
SITE PLAN
SHEET
C-1.0

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT
3133, 3221, AND 3233 ROBERTA ROAD, 3494 MARLBORO DRIVE
SOUTHWEST, AND 3610 SHADOWCREST DRIVE SOUTHWEST, CONCORD,
NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Michael McManus, PresPro Custom Homes, on June 9th and June 11th, 2020 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held via electronic audio and video conferencing, on June 9th and June 11th, 2020 after due notice by The Independent Tribune on May 29, 2020; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 11th day of June 2020:

The subject property is described as:

Physical Address:

3133 Roberta Road, PIN# 5519-42-4642

3233 Roberta Road, PIN# 5519-42-2463

3221 Roberta Road, PIN# 5519-42-3562

3494 Marlboro Dr. SW PIN# 5519-42-5315

3610 Shadowcrest Dr. SW PIN# 5519-41-6872

All that tract and parcel of land situated and lying in No. 2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lots 22, 26, 27 & 28 as shown on the Map drawn by Keith R. Moen entitled "WOLF MEADOWACRES, SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

Beginning at the point on the southern right of way of Roberta Rd. at the common corner of Lot #25 and Lot #26, being located S47 degrees 10'22"W a distance of 125.00' from the southern intersection of the right of way Fountainview Ave. and Roberta Rd., thence along the common property line of Lot #25 and lot #26 S42 degrees 49'38" E a distance of 225.00' to a point; thence along the rear property line of lot #26 S47 degrees 10'22" W a distance of 125.00' to a point, common corner of lot #26 and lot #27; thence along the rear property line of lot #27 S47 degrees 10'22" W a distance of 21.79' to a point, common corner of lot #23 and lot #22; thence along the common property line of lot #23 and lot #22 S42 degrees 49'30" E a distance of 225.00' to a point, common corner of lot #23 & lot #22 on the right of way of Marlboro Dr SW., thence with the right of way of Marlboro Dr. SW S47 degrees 10'22"W a distance of 125.00' to a point, being the common property corner of lot #22 and lot @21, thence N42 degrees 49'38" W a distance of 225.00' to a point, being the common property corner of lot #21 and lot #22, thence S47 degrees 10'22"W a distance of 103.20' to a point, being the common property corner of lot #28 and lot #29; thence along the common property line of lot #28 and lot #29 N42 degrees 49'28"W a distance of 225.00' to a point, being the common property corner of lot #28 and lot #29; thence along the southern right of way

of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point, being the common property corner of lot #28 and lot #27; thence along the southern right of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point, being the common property corner of lot #26 and lot #27; thence along the southern right of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point; which is the point of beginning, having an area of 112,501 square feet, 2.583 acres.

Physical Address:
3160 Shadowcrest Dr SW PIN# 5519-41-6872

All that tract and parcel of land situated and lying in No. 2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lot 76 as shown on the Map drawn by Keith R. Moen entitled "WOLF MEADOW ACRES, SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

Beginning at a point on the northern right of way of Shadowcrest Dr SW. at the common corner of Lot #75 and Lot#76, thence along the common property line of lot #75 and lot #76 N59 degrees 19'40" W a distance of 125.01' to a point; common corner of lot #75, lot #76, lot #79 and lot #80, thence N47 degrees 10'22" E a distance of 138.00' to a point; being the common corner of lot #76, lot #77 and lot #79, thence S86 degrees 22'52" E a distance of 154.91' to a point on the right of way of Shadowcrest Dr SW; being the common corner of lot #76 and lot #77, thence with the right of way of Shadowcrest Dr SW a curve turning to the right with an arc length of 210.36', with a radius of 437.53', with a chord bearing of S17 degrees 23'36" W, with a chord length of 208.34'; which is the point of beginning, having an area of 32,312.09 square feet, 0.742 acres.

SECTION 2. Upon and after the 11th day of June, 2020 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST:

APPROVED AS TO FORM:

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

DATE: June 9th and 11th, 2020

CASE: Staff Report for Text Amendments the Historic Handbook
“Chapter 5 – Section 9 “Fences and Walls”

PREPARED BY: Starla Rogers – Planning and Development Manager

BACKGROUND

Over the past several years, the Historic Preservation Commission has received several requests to utilize “decorative concrete block” for projects such as retaining walls, landscape walls, and walls intended for outdoor seating. Currently, the Historic Handbook, Chapter 5-Section 9 “Fences and Walls” states that: “*Concrete-masonry walls and walls constructed from railroad ties are prohibited.*” However, the Historic Preservation Commission and Staff believe that this language, at the time of adoption, was intended for what is typically known as “cinder blocks.” Since that time, modern decorative concrete block and pavers have become popular materials for home projects.

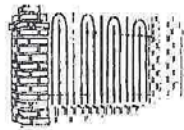
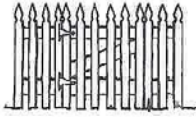
In response to these requests and in an effort to differentiate between cinder blocks and “decorative concrete block,” the Historic Preservation Commission has proposed the attached modifications to the Historic Handbook. Changes include:

1. Clarifying CMU’s
2. Clarifying “decorative concrete block”
3. Allowing “decorative concrete block” in certain cases
4. Detailing appropriate/inappropriate aesthetics of “decorative concrete block”
5. Setting a maximum height for “decorative concrete block” walls in front yards
6. Providing exhibit images of appropriate and inappropriate materials/designs

The Historic Preservation Commission voted unanimously at their May 13th meeting to forward this text amendment to the Planning and Zoning Commission, requesting that the Planning and Zoning Commission forward the Historic Handbook amendment to City Council with a recommendation of approval.

The Planning and Zoning Commission voted unanimously at their May 19th meeting to forward the amendment to City Council, with a recommendation of approval as written.

Chapter 5 – Section 9: FENCES and WALLS



Appropriate Fences and Walls



Chain link, basket weave, plastic/vinyl, and split-rail fences are prohibited within the historic districts. However, where chain link fences already exist, they should be accompanied by landscaping materials, which will “climb” the fence and act as a screen. Fences should be compatible with most structures in the districts.

The style of fence or wall should respond to the historic nature of the property. All wooden fences should be “stick-built” on site. The styles shown to the left are encouraged as well as custom designs with appropriate architectural detailing. Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc. Painting or staining is recommended, but not required, for rear yard fences unless they are visible from the street. If a fence is designed as a single-sided fence, one with detailing on only one side, the finished detail should be on the outside face of the fence (facing neighboring property or the street). Additionally, wood picket fences should have

pickets spaced at a minimum of 1 inch or half the width of the picket. (See notes regarding “Privacy Fences” for allowable exceptions to this rule.) Additionally, it is not appropriate to introduce walls or fences in front yards and side yards at corner lots that are more than 65% solid. Cast-iron, powder coated aluminum, or wrought-iron fences should be designed to follow historic precedent.

Where fences are desired in front yards and side yards at corner lots, the design should be primarily decorative in nature. Front yard fences should not exceed four feet in height. Wooden fences should be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.

Rear yard fences are defined as fences, which do not extend forward on the applicant’s property beyond the side centerline of the house in plain view. Approval of the location may also be handled on a case-by-case basis to determine the best natural break in the rear and front yards for placement of fences. Rear yard fences may be higher than four feet. The portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type, and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application. If a front yard fence adjoins a rear yard fence, or an existing neighboring property fence, attention should be given to the transition between the two. Also, attention should be

given to the design of fences placed along a sloping grade. All proposed fences and walls should not negatively ~~effect~~[affect](#) existing trees and mature landscaping.

Privacy fences are defined as fences with no spacing between pickets or fences of the shadowbox design. Privacy fences may be allowed at the discretion of the Commission in the following circumstances:

1. Privacy fences are most appropriate in rear yards.
2. Privacy fences may be allowed where the applicant's rear yard is directly adjacent to property that is either not in a historic district, or is within a historic district but is non-contributing or intrusive in that district. The applicant shall show to the satisfaction of the Commission:
 - (a) that the adjacent property is unsightly in comparison to other properties surrounding the applicant's property,
 - (b) that the adjacent property or nearby property raises reasonable security concerns for the applicant, or
 - (c) that the adjacent property could reasonably be determined to negatively impact the property value of the applicant's property.

Privacy fences shall be allowed only on the applicant's property line directly adjoining the aforesaid adjacent property unless the Commission feels that such a partial privacy fence would not be visually appropriate or would not accomplish the purpose(s) of the privacy fence set forth above.

3. Privacy fences encompassing an area of no more than 250 square feet may be allowed at the discretion of the Commission when adjacent to the applicant's house, garage, or other outbuilding in order to screen from view trash cans, mechanical equipment, cars or other unsightly items, provided such fence does not unreasonably impact any neighbor by blocking windows or the like.

Privacy fences allowed by the Commission should be landscaped where practical with appropriate shrubbery to soften the appearance of the fence.

Where walls are concerned, natural stone or brick-masonry walls are encouraged and should not be coated or painted. The type and color of stone and masonry should respond to the historic nature of the property. The transparency or openings in the walls will be considered on an individual basis. Poured-in-place concrete walls are discouraged. ~~Concrete masonry walls and walls constructed from railroad ties are prohibited.~~ [Concrete-masonry walls constructed of plain concrete-masonry-units or CMUs \(often referred to as “concrete blocks” or “cinder blocks”\) and walls constructed from railroad ties are prohibited.](#)

[Concrete-masonry walls constructed of decorative concrete blocks \(such as split-face blocks that are textured, colored, etc.\) will be considered by the Commission on a case-by-case basis. Decorative concrete block shall not have a beveled face and shall not be stacked in a manner that allows the flat surface of the block to be visible on the wall’s front façade. Decorative concrete blocks shall have textured faces to mimic the shape irregularities of natural stone. Examples of](#)

inappropriate materials and materials that may be considered on a case-by-case basis are exhibited below. Front yard walls equal to and taller than 36 inches may not utilize decorative concrete blocks.

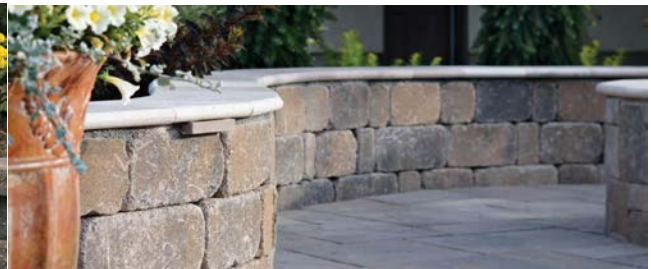
Chapter 5- Section 9 “Example A” (Inappropriate concrete-masonry-unit material examples):



Chapter 5- Section 9 “Example B” (Inappropriate beveled edge, concrete block designs):



Chapter 5- Section 9 “Example C” (Decorative concrete block considered on a cases-by-case basis):



DESIGN GUIDELINES AND RECOMMENDATIONS

1. Do not use high walls or fences to screen front yards.
2. Use materials ~~like~~ such as natural stone, brick, wood, powder coated aluminum and iron.
3. ~~Avoid~~ Chain link or plastic materials are prohibited. ~~Also avoid~~ adding slats to existing chain link fences for screening purposes is prohibited.
4. Materials and style should coordinate with building and neighboring buildings as well as other walls and fences in the area.

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §§160A-364 through §§160A-366 and 160A-381 through 160A-392 may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

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

SECTION 1: That the Historic Handbook Chapter 5-Section 9: "Fences and Walls," incorporated into the Concord Development Ordinance by reference (CDO Article 9.8), be repealed and adopted in the form of the attached document.

SECTION 2: That all remaining Articles and Sections of this Ordinance be re-numbered to include the newly created Articles and Sections.

SECTION 3: That this Ordinance be effective immediately upon adoption.

Adopted in this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

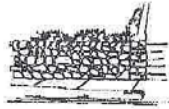
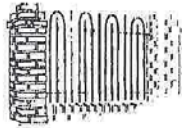
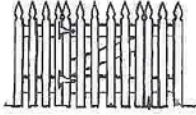
ATTEST:

William C. Dusch, Mayor

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

Chapter 5 – Section 9: FENCES and WALLS



Appropriate Fences and Walls



Chain link, basket weave, plastic/vinyl, and split-rail fences are prohibited within the historic districts. However, where chain link fences already exist, they should be accompanied by landscaping materials, which will “climb” the fence and act as a screen. Fences should be compatible with most structures in the districts.

The style of fence or wall should respond to the historic nature of the property. All wooden fences should be “stick-built” on site. The styles shown to the left are encouraged as well as custom designs with appropriate architectural detailing. Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc. Painting or staining is recommended, but not required, for rear yard fences unless they are visible from the street. If a fence is designed as a single-sided fence, one with detailing on only one side, the finished detail should be on the outside face of the fence (facing neighboring property or the street). Additionally, wood picket fences should have

pickets spaced at a minimum of 1 inch or half the width of the picket. (See notes regarding “Privacy Fences” for allowable exceptions to this rule.) Additionally, it is not appropriate to introduce walls or fences in front yards and side yards at corner lots that are more than 65% solid. Cast-iron, powder coated aluminum, or wrought-iron fences should be designed to follow historic precedent.

Where fences are desired in front yards and side yards at corner lots, the design should be primarily decorative in nature. Front yard fences should not exceed four feet in height. Wooden fences should be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.

Rear yard fences are defined as fences, which do not extend forward on the applicant’s property beyond the side centerline of the house in plain view. Approval of the location may also be handled on a case-by-case basis to determine the best natural break in the rear and front yards for placement of fences. Rear yard fences may be higher than four feet. The portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type, and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application. If a front yard fence adjoins a rear yard fence, or an existing neighboring property fence, attention should be given to the transition between the two. Also, attention should be

given to the design of fences placed along a sloping grade. All proposed fences and walls should not negatively affect existing trees and mature landscaping.

Privacy fences are defined as fences with no spacing between pickets or fences of the shadowbox design. Privacy fences may be allowed at the discretion of the Commission in the following circumstances:

1. Privacy fences are most appropriate in rear yards.
2. Privacy fences may be allowed where the applicant's rear yard is directly adjacent to property that is either not in a historic district, or is within a historic district but is non-contributing or intrusive in that district. The applicant shall show to the satisfaction of the Commission:
 - (a) that the adjacent property is unsightly in comparison to other properties surrounding the applicant's property,
 - (b) that the adjacent property or nearby property raises reasonable security concerns for the applicant, or
 - (c) that the adjacent property could reasonably be determined to negatively impact the property value of the applicant's property.

Privacy fences shall be allowed only on the applicant's property line directly adjoining the aforesaid adjacent property unless the Commission feels that such a partial privacy fence would not be visually appropriate or would not accomplish the purpose(s) of the privacy fence set forth above.

3. Privacy fences encompassing an area of no more than 250 square feet may be allowed at the discretion of the Commission when adjacent to the applicant's house, garage, or other outbuilding in order to screen from view trash cans, mechanical equipment, cars or other unsightly items, provided such fence does not unreasonably impact any neighbor by blocking windows or the like.

Privacy fences allowed by the Commission should be landscaped where practical with appropriate shrubbery to soften the appearance of the fence.

Where walls are concerned, natural stone or brick-masonry walls are encouraged and should not be coated or painted. The type and color of stone and masonry should respond to the historic nature of the property. The transparency or openings in the walls will be considered on an individual basis. Poured-in-place concrete walls are discouraged. Concrete-masonry walls constructed of plain concrete-masonry-units or CMUs (often referred to as “concrete blocks” or “cinder blocks”) and walls constructed from railroad ties are prohibited.

Concrete-masonry walls constructed of decorative concrete blocks (such as split-face blocks that are textured, colored, etc.) will be considered by the Commission on a case-by-case basis. Decorative concrete block shall not have a beveled face and shall not be stacked in a manner that allows the flat surface of the block to be visible on the wall's front façade. Decorative concrete blocks shall have textured faces to mimic the shape irregularities of natural stone. Examples of inappropriate materials and materials that may be considered on a case-by-case basis are

exhibited below. Front yard walls equal to and taller than 36 inches may not utilize decorative concrete blocks.

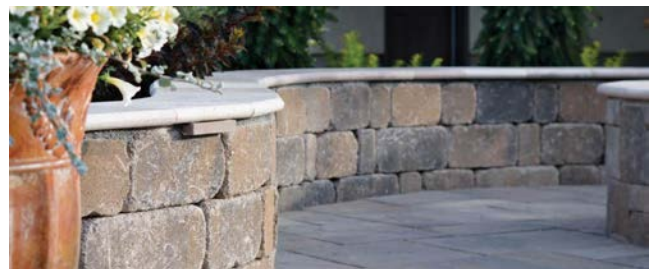
Chapter 5- Section 9 “Example A” (Inappropriate concrete-masonry-unit material examples):



Chapter 5- Section 9 “Example B” (Inappropriate beveled edge, concrete block designs):



Chapter 5- Section 9 “Example C” (Decorative concrete block considered on a cases-by-case basis):



DESIGN GUIDELINES AND RECOMMENDATIONS

1. Do not use high walls or fences to screen front yards.
2. Use materials such as natural stone, brick, wood, powder coated aluminum and iron.
3. Chain link or plastic materials are prohibited. Adding slats to existing chain link fences for screening purposes is prohibited.
4. Materials and style should coordinate with building and neighboring buildings as well as other walls and fences in the area.

Attachment A: Redlined Edits to the CDO

Added text is show in red with underlines (**Added**). Deleted text is show in red with strikethrough (~~Deleted~~).

ARTICLE 5: SUBDIVISION PLATS, SITE PLANS AND CONSTRUCTION PLANS

5.5.3. ACCESS.

- A. Every lot resulting from a subdivision of land as provided for in this Article shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided below.
- B. **Exceptions.**
 - 1. Parcels within nonresidential subdivisions, provided that adequate paved access is available for emergency and public safety vehicles and access;
 - 2. Town home lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the town home lots; and
 - 3. Lots fronting on approved private streets.
- C. **Street Frontage.** Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five (5) lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.
- D. **Restrictions on Block and Cul-de-sac Lengths.** The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. In the AG, RE, I-1, and I-2 zoning districts there shall be no maximum block length. In all other zoning districts, the maximum length of any blocks shall be as stated in ~~the Manual~~ Section 10.1.3. Cul-de-sac lengths shall be as stated in the *Manual*. Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

ARTICLE 7: ~~SPECIAL PURPOSE AND OVERLAY~~ BASE ZONING DISTRICTS

7.1.1. PURPOSE AND INTENT

In accordance with the requirement of NCGS § 160A-382 that zoning regulation be by districts, the City Council, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

BASE ZONING DISTRICTS		SECTION REFERENCE
AG	Agricultural District	7.5.1
RE	Rural Estate District	7.5.2
RL	Residential Low Density	7.5.3
RM-1	Residential Medium Density	7.5.4
RM-2	Residential Medium Density	7.5.5
RV	Residential Village	7.5.6
RC	Residential Compact	7.5.7
O-I	Office-Institutional District	7.5.8
B-1	Neighborhood Commercial/Office District	7.5.9
CC	City Center District	7.5.10
C-1	Light Commercial and Office District	7.5.11
C-2	General Commercial District	7.5.12
I-1	Light Industrial District	7.5.13
I-2	Heavy General Industrial District	7.5.14

SPECIAL PURPOSE ZONING DISTRICTS		SECTION REFERENCE
PUD	Planned Unit Development District	9.1
PRD	Planned Residential Development District	9.2
MXD	Mixed Use District	9.3
TND	Traditional Neighborhood Development District	9.4
MHP	Manufactured Home Park District	9.6
PID	Public Interest District	9.7
LID	Low Impact Development (LID)	9.11
R-CO	Residential County Originated	9.12
CS	Conservation Subdivision District	9.13

7.1.2. OVERLAY DISTRICTS

In accordance with the authority provided by NCGS § 160A-382, the City hereby establishes the following overlay districts, which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts; additional requirements are imposed on certain properties within one or more underlying general or conditional districts. The symbol for each type of district is as follows:

OVERLAY DISTRICTS		SECTION REFERENCE
HPOD	Historic Overlay District - Section 9.8	<u>9.8</u>
AOD	Airport Overlay District - Section 9.9	<u>9.9</u>
MHD	Manufactured Home Park District - Section 9.6	<u>9.6</u>
WPOD	Watershed Protection Overlay District - Article 4	<u>Art 4</u>
CBCOD	Copperfield Boulevard Corridor Overlay (CBCOD) District - Section 9.10	<u>9.10</u>

7.3.1 LOCATION OF OFFICIAL ZONING MAP

- A. The Official Zoning Map shall be located in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the City Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.
- B. The Official Zoning Map shall bear a stamp showing the effective date of this Ordinance, shall be certified by the Administrator, shall be identified by the signature of the Mayor, shall be attested by the city clerk, and bear the seal of the City under the words: "Official Zoning Map, City of Concord, North Carolina". Said map is composed of a series of sheets properly identified as such, which shall be on file in the office of the Administrator, and shall be the official record of zoning status of areas within the City. Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map, which shall be located in the office of the Administrator, shall be the final authority as to the current zoning status of land, buildings, and other structures.
- A.C. If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the former Official Zoning Map was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.
- D. If a property is zoned "PUD", "TND", "PID" or "PRD" at the time of adoption of this Ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect when the PUD or PRD classification was approved, including any specific modifications of the then-existing PUD or PRD or general regulations, and any approved final plans, unless and until the zoning classification of such property is amended pursuant to this Ordinance. In addition to the foregoing districts, "CD" and "MX" districts are subject to site plan-based development regulation.

7.5.6 RESIDENTIAL VILLAGE (RV) DISTRICT

The RV District is established to provide areas for detached and attached single-family homes, with a maximum of eight dwelling units per acre, in areas where large-lot development is discouraged and facilities and services are available. RV supports the principles of concentrating urban growth and

reinforcing existing community centers, allowing limited commercial development and mixed-use structures.

7.5.13 LIGHT INDUSTRIAL (I-1) DISTRICT

The I-1 District is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. I-1 Districts should include areas which continue the orderly development and concentration of light industrial uses, including self-storage facilities. I-1 Districts should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.6.1 GENERAL

- A. Permitted uses are listed in Table 8.1.8. Uses permitted by right, uses permitted as special uses and uses for which there are supplemental use regulations in Section 8.3 are indicated in the table. Accessory uses shall be regulated in accordance with Section 8.4 and 8.2 Temporary uses shall be regulated in accordance with Section 8.8.
- B. Dimensional and density regulations, including setbacks, are listed in Table 7.6.2-A, and Table 7.6.2-B. These standards may be modified for conditional districts, provided that gross densities may not exceed those authorized by the Land Use Plan.
- C. Standards for off-street parking and loading facilities, and vehicular access are described in detail in Section 10.3.
- D. Standards for landscaping and buffering are described in detail in Article 11.
- E. Sign regulations are described in detail in Article 12.

7.6.2 SETBACKS AND HEIGHT STANDARDS

Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 7.6.2-B.

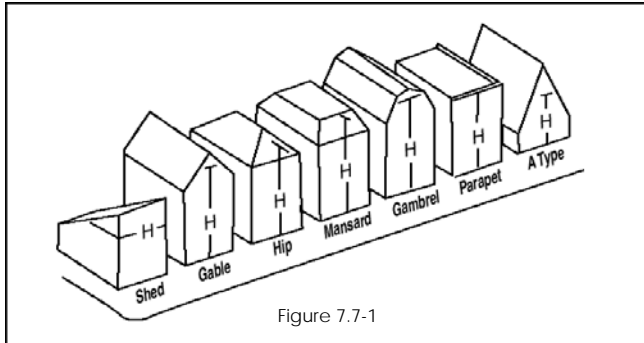
A. Encroachments

The following features may encroach into a required building setback:

- A.1. Bay windows or other structural overhang, not to exceed three (3) feet;
- B.2. Chimneys, not to exceed two (2) feet;
- C.3. Heating and cooling units, not to exceed (3) feet;

- D.4.** Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
 - E.5.** Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
 - F.6.** Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five (5) feet to any property line;
 - G.7.** Fences and Garden/Yard Walls;
 - H.8.** Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with Section 8.4 (Accessory Uses).
- B. On Street Frontage**
- Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped lots, the developer has the option to determine which yard shall be considered the "front" so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to existing developed lots, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards.
- C. Reduced Front Yard Setback**
- The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.
- D. Height Standards**
- Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof. (See Figure 7.7-1)

5.1.1.1.1. **Figure 7.7-1: Measuring Building Height**



E. Height of Ancillary Structures

The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited. This not intended to regulate height of structures in the AO Airport Overlay zoning district (see Section 9.9). The AO Airport Overlay zone regulations shall govern the height of all structures within the boundaries of the Airport Overlay zoning district.

F. Exceptions to Height Restrictions.

Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

G. Height Transitions.

In the R-C district, multi-family and other attached residential or mixed-use structures or portions of such structures shall be limited to a height of 35 feet or two stories, whichever is less, if located within 100 feet of a lot used for a detached single-family or duplex dwelling.

TABLE 7.6.2 A - DENSITY AND DIMENSIONAL STANDARDS

Zoning District	A	B	C	D	E	F	G
	Min. Lot Size (sq. ft.)	Max. Density ³ (per acre)	Impervious Surface Ratio ² (2)	Min. Public Street Frontage (feet)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Building Height (feet)
AG**	43,560	1	-	30^	200	200	35
RE **	43,560	1	-	30^	150	150	35
RL**	20,000	2	-	15^	100	125	35
RM-1**	15,000	3	-	15^	75	125	35
RM-2**	10,000	4	-	15^	75	100	35
RV***	7,500	8	0.5	15^	50	100	35
RC***	5,000	15	0.5	15^	50	100	35 45
R-CO ³	3,000	15	0.5	15	35	85	40
O-I ₁ *	-	-	0.7	-	-	-	35
B-1 ₁ *	-	-	0.65	30^	50	100	50
CC ₁ *	-	-	-	-	-	-	75 (4)
C-1 ₁ *	-	-	0.7	-	-	-	48
C-2 ₁ *	-	-	0.8	30^	50	100	48 (1)
I-1	-	-	0.8	30^	50	100	72
I-2	-	-	0.9	30^	50	100	72

NOTES:

- * Residences permitted in nonresidential districts shall conform to the density and dimensional standards of the RC district, except that height restrictions may follow (1) below. Residences in the CC district are not subject to maximum density or dimensional limitations.
- ** See Section 7.7.4-J-G for duplex lots, and Sections 7.7.3 and 7.7.4 for alternative single-family lot patterns that allow smaller minimum lot sizes under certain conditions.
- *** In the districts where permitted and subject to Section 7.8, multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G in Table 7.6.2-A. Setbacks for multi-family and single-family attached developments are set forth in Section 7.8. of this Ordinance. Height in the RC district is subject to the transition provisions of Section 7.6.2.G
- ^ See Section 5.5.
- (1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Mixed Use, PUD, PRD or similar type projects shall be measured from the overall project boundaries.
- (2) Developments following the low density option (see §4.4.2-A) may not develop at a total impervious surface ratio greater than 0.24.
- (3) Dimensional requirements only applicable if not indicated on recorded final plat. See also Section 9.12.
- (4) Measured from the lowest level of the Fire Department vehicle access to the tallest finished floor level of the building.
- (5) Densities may be increased in PD and PRD districts where the Land Use Plan indicates higher densities than allowed in the applicable base zoning district.

TABLE 7.6.2 B. - SETBACKS

Zoning District	Min. Front Setback (feet)	PRINCIPAL STRUCTURES			ACCESSORY STRUCTURES	
		Max. Front Setback (feet)	Min. Interior Side Setback (feet) ²	Min. Rear Setback (feet)	Min. Interior Side Setback (feet)	Min. Rear Setback (feet)
AG	50	-	20 ²	30	10	10
RE	45	-	20 ²	30	5	5
RL	35	-	15 ²	30	5	5
RM-1	25	-	10 ²	25	5	5
RM-2	25	-	10 ²	25	5	5
RV	24 ³	-	7 ²	5	5	5
RC	24 ³	-	7 ²	5	5	5
R-CO ¹	8	-	3	5	5	5
O-I	10	-	-	-	-	-
B-1	10	-	10	20	10	10
CC	-	10 ⁴	-	-	-	-
C-1	10	-	-	-	-	-
C-2	10	-	-	-	-	-
I-1	30	-	-	-	-	-
I-2	30	-	-	-	-	-

NOTES:

- (1) Minimum setbacks only applicable if not indicated on recorded final plat. See also Section 9.12.
- (2) Minimum interior and street side principal structure setbacks may be reduced in new subdivisions in order to accommodate either rear or side-loaded garages or garages recessed at least four (4) feet behind the front plane of the main structure. The setback on one side may be reduced by one (1) foot for each one (1) foot that it is increased on the other side provided that the reduced side setback is at least five (5) feet. See Section 7.7.4.C and Figure 7.7-2.
- (3) Minimum front setbacks in the RC and RV Zoning Districts may be reduced by (4) feet in new subdivisions if the garage is recessed at least four feet behind the front plane of the main structure in order to increase on-site parking and minimize pedestrian conflicts. This requirement applies to single family detached and townhouse developments only. Front setbacks for attached residential structures may be reduced pursuant to Section 7.8.
- (4) The Administrator may approve greater setbacks for large buildings occupying an entire block face and for portions of buildings where portes cochere and courtyards are approved through the site plan process.

7.7.2 SUBDIVISION DESIGN

Subdivision design for residential development shall be regulated in accordance with the following standards. These standards shall apply to all new residential subdivisions, unless otherwise stated in the standards, that file an application for preliminary plat approval after September 8, 2005 or a subdivision where lots have not received a Zoning Clearance Permit (ZCP). Open space is required with each subdivision development. See Section 10.5 for Open Space Standards.

A. Block Elements

No block within a residential subdivision in the RM-1, RM-2, RV, or RC districts shall be longer than 800 feet in length unless a mid-block pedestrian and bicycle connection is provided, in which case the block may extend up to 1,000 feet. A street with structures on only one (1) side (also known as a single-loaded street) shall not be restricted in length, provided that mid-block pedestrian and bicycle connections are made at the rate of one (1) for every 600 feet in length. (See Figure 7.7-3). These standards do not apply along State roads.

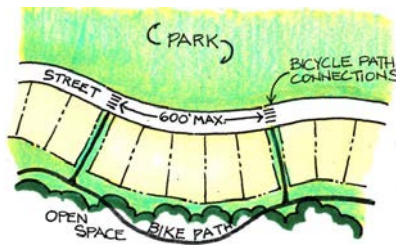


Figure 7.7-3

B. Residential Collector Street

The main collector street entering the development from a major or minor thoroughfare shall be designed as a parkway for a minimum distance of 300 feet. If a street is less than 300 feet functioning as an entry, then it shall be designed with a median. See *Technical Standards Manual* (Driveways).

C. Subdivision Entries

All residential subdivisions of 100 or more lots shall provide at least one subdivision entry in accordance with the following:

1. No driveway on the proposed entry street may be located any closer than 100 feet from the street that the entry street intersects, as measured from the right-of-way of the existing street. All abutting lots within this area shall be screened from view through a combination of walls, berms and plantings.
2. The entrance shall include at least two (2) of the following:
 - a. A divided roadway with a landscaped median island;
 - b. Alternative paving material such as brick or natural stone;
 - c. Fountain or other water feature;
 - d. Sculpture or public art;
 - e. Prominent plantings that exceed minimum requirements for streetscape buffers equating to 25% of the required plant material, or

f. Gatehouse, clock tower or similar structure.

3. A description of and design specifications for proposed entranceway features shall be provided at the time of submission of the preliminary plat. Maintenance of the subdivision entry features shall be provided by a homeowners association and the applicant shall provide documentation establishing legal and financial responsibility for all entryway features in a form approved by the City Attorney. Additional right-of-way may be required to accommodate entranceway features. The design and location of proposed features within or adjacent to public street rights-of-way shall be subject to additional City and/or NCDOT requirements as applicable.

4. All subdivision entries shall include ground mounted signs constructed of brick, rock or other textured masonry.

6

~~— All subdivisions of 25 or more lots shall provide at least one entrance to the subdivision that includes an entry drive of at least 120 feet in depth measured from the right-of-way of the street that the entry street intersects. Along the required entry drive, there shall be no driveways and all abutting lots shall be screened from view through a combination of walls, berms and plantings. The entrance shall include at least two of the following features:~~

- ~~— A divided roadway with a landscaped median island;~~
- ~~— Alternative paving material such as brick or natural stone;~~
- ~~— Fountain or other water feature;~~
- ~~— Sculpture or public art;~~
- ~~— Prominent plantings that exceed minimum requirements for streetscape buffers [define]; or~~
- ~~— Gatehouse, gazebo, clock tower or similar structure.~~

~~— A description of and design specifications for proposed entranceway features shall be provided at the time of submission of the preliminary plat. Maintenance of the subdivision entry features shall be provided by a homeowners association and the applicant shall provide documentation establishing legal and financial responsibility for all entryway features in a form approved by the City Attorney. Additional right-of-way may be required to accommodate entranceway features. The design and location of proposed features within or adjacent to public street rights-of-way shall be approved by the City Council and/or NCDOT, as applicable.~~

~~— All subdivisions entries shall include ground mounted signs constructed of brick, rock or other textured masonry.~~

7.7.3. HOUSING TYPES

Subdivisions shall specify the allowable types of housing on all lots. Housing types other than conventional detached single-family housing that comply with applicable zoning district standards may be established through the PUD, PRD, or

~~cluster subdivision approval process (as conditional district rezoning) in any base zoning district. The standards for housing developed in the City of Concord are covered in Figure 7.7 5. The housing types are established to provide a common terminology for housing in the City. All drawings are for illustrative purposes only. Setbacks, densities and lot dimensions for residential development patterns approved through these processes may deviate from the standards of Section 7.6. Deviations to densities may be approved through these processes provided that they do not exceed the densities specified in the 2030 Land Use Plan.~~

7.7.4 SITE ELEMENTS

All housing types shall comply with the following site standards. The Administrator, or his designee, may waive individual requirements in this section on a case-by-case basis, provided the intent of this Section is met.

A. Front Yard Fences

Front yard fences, including fences on corner lots, shall not exceed four (4) feet in height. Fences may not be placed within the sight triangle.

B. ~~Front~~ Yard Trees

One (1) ~~canopy~~ tree shall be provided ~~within the required front~~ yard. The tree shall have a minimum size (diameter) of 2½-inch caliper at time of planting. Two (2) ornamental trees may be substituted for one (1) ~~canopy~~ tree in a front yard. ~~One (1) additional front yard tree shall be required in any side yard abutting a street. Any existing tree in the required front yard area over six (6) caliper inches shall be credited for one (1) required tree to be planted.~~

~~C. Interior and Street Side Setbacks~~

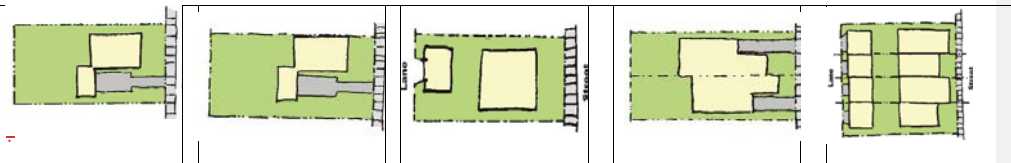
~~In order to facilitate the provision of driveways to serve side and rear loaded garages within new residential subdivisions, interior side and street side setbacks on one proposed lot line may be reduced provided that the setback on the opposite side is increased by the same amount. Such garages (provided they exclude living areas and do not exceed more than 50% of the depth of the principal structure) may encroach into the side with the increased setback area, up to the original setback line (see Figure 7.7 2). The modification of the setbacks shall be clearly shown on the proposed subdivision plat.~~

~~Figure 7.7 5: Illustration Showing Housing Types~~

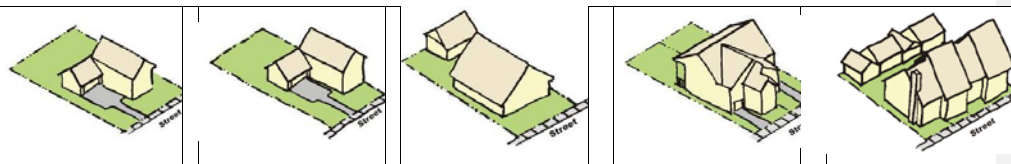
<i>Single Family Detached</i>	<i>Zero Lot Line House</i>	<i>Alley-Loaded House</i>	<i>Duplex</i>	<i>Triplex, Townhouse</i>

<p>A dwelling unit located on a single lot with yards on each side</p>	<p>A dwelling unit located on a single lot with private yards on three sides. The house has only a single side yard comprising the equivalent of the two side yards of a single family detached house.</p>	<p>A dwelling unit located on a single lot with private yards on all four sides. The house is set much closer to the street than a single family detached house, and alley access is required.</p>	<p>Two attached single family units located on two lots that share a common wall along the lot line, providing for fee simple ownership.</p>	<p>Three or more attached units where the units are lined up in a row and share side walls. Access to garages is from the rear.</p>
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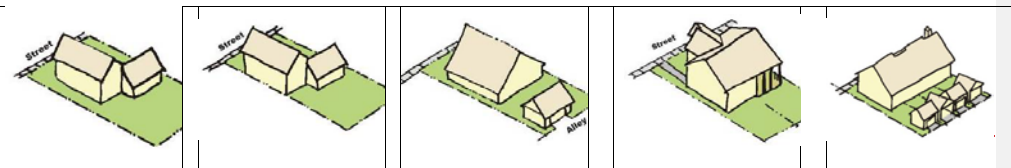
PLAN VIEW



FRONT VIEW



REAR VIEW

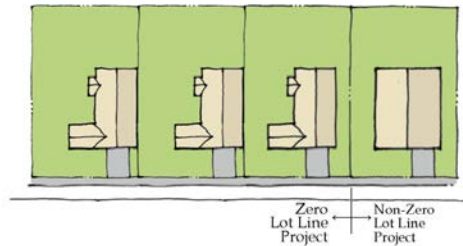


D.C. Special Standards for a Zero Lot Line House

A.1. Zero Lot Line houses approved through the PRD, PUD, conditional zoning or cluster subdivision process, shall include at least one single side yard ~~shall be provided~~. This reduction shall not be allowed for the

front street yard on a corner lot or for the side yard adjacent to lots developed with other housing types. (See Figure 7.7-5.)

Figure 7.7-6: Illustration Showing Zero Lot Line Yards



B-2. An easement between the two (2) property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat.

3. The minimum side setback required by the applicable zoning district shall be provided between any zero lot line development and a conventional single-family or duplex lot as shown in Figure 7.7-6.

E. Special Standards for an Alley-Loaded House

For dwellings taking access from an alley, the following standards apply.

74. No parking shall be permitted in the required front yard. No driveways are permitted in the front yard. On-street parking is permitted.

5. The City may approve front setback reductions of up to 5 feet for through the subdivision process if all lots on the applicable block face take access from a rear alley.

F. ~~Special Standards for a Townhouse~~ TOWNHOME REVISIONS
FORTHCOMING

- ~~1. Side yards are not required for interior townhouses, but street and rear yards shall be provided, and building separation requirements shall be maintained for all townhouse structures.~~
- ~~2. The maximum number of units allowed in a single building is eight (8).~~
- ~~3. Rear loaded townhouses are encouraged.~~
- ~~4. Minimum lot width for townhouses with front loaded garages shall be twice the width of the garage. Minimum lot width for townhouses with rear loaded garages shall be 20 feet.~~
- ~~2.5. Minimum front setbacks for townhouses with front loaded garages shall be 20 feet provided that the garage entry is located at least 2524 feet from the front property line. Minimum front setbacks for townhouses with rear loaded garages shall be 10 feet.~~
- ~~6. Townhouse structures shall be subject to the multi family design standards in section 7.8.18. C.F.~~

G. Special Standards for Duplex Lots

Individual duplexes may be constructed only on lots having 1.5 times the minimum lot area and lot width of the zoning district in which they are located. All other setbacks shall be in accordance with Tables 7.6.2 A. and 7.6.2 B.

H. Special Standards for Single Family Residences in the O-I District

Single family residences shall be permissible only on existing lots of record existing as of August 14, 2014. Subdivision of O-I zoned land solely for the purpose of single-family residential subdivisions shall not be permissible.

I. Special Standards for Cluster Subdivisions

The City may approve subdivisions subject to ~~PRD or PUD~~ conditional district zoning approval that do not comply with the minimum lot or area standards of Section 7.6 when the resulting development provides permanent common space for environmental and/or recreational purposes, includes a variety of housing types, and provides for the long-term maintenance of common areas subject to the following provisions:

1. Density. Densities shall not exceed those allowed by the 2030 Land Use Plan.
2. Lot Sizes. The average lot size shall not be reduced by more than 75 percent of the minimum lot size allowed in the base zoning district provided that no lot shall be smaller than the following:
 - a. Single-family detached - 5,000 square feet.
 - b. Patio and zero lot line homes - 4,000 square feet.
 - c. Townhomes - 2,000 square feet per dwelling unit.

3. Preservation Areas. Land located within wetlands, floodways, and stream buffers shall be retained as permanent open space within designated common areas as Preservation Areas.
4. Common Areas. Common Areas, excluding street rights-of-way and buildings, shall comprise not less than 35 percent of the development area. Not more than 50 percent of common areas shall be comprised of Preservation Areas. Common Areas may include space for active or passive recreational facilities, but not more than 20 percent of Common Areas may be used for active recreation. Buffers measuring at least 100 feet in width shall be provided between active recreation facilities and residential lots. Trails are not considered to be active recreation facilities.
5. Housing Mix. The development shall include a mix of dwelling unit types, such as those illustrated in Figure 7.7-5, with not fewer than 40 percent nor more than 80 percent of the dwelling units shall conventional single-family detached dwellings, with the remainder being zero lot line, patio homes, other detached development patterns or attached dwelling units. ~~The development shall include a mix of dwelling unit types with not less than 40 percent nor more than 80 percent of the dwelling units being conventional single family detached dwellings, with the remainder being zero lot line, patio homes, other detached development patterns or attached dwelling units. The City may approve housing mixes that deviate from this range through the conditional zoning approval process.~~
6. Maintenance of Common Areas. Maintenance In conjunction with subdivision approval, the applicant shall provide for the perpetual maintenance of all common and preservation areas in accordance with section 9.13.7 of this CDO.

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7.8 STANDARDS FOR MULTI-FAMILY DEVELOPMENTS


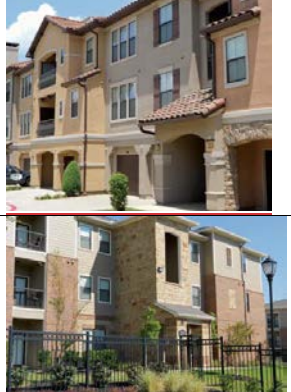




7.8.1. PURPOSE


The purpose of this Section is to provide reasonable design standards for multi-family residential developments ~~and single family attached residential developments~~ which:

- ~~9~~A. provide design flexibility that fosters creative integration of buildings and common areas and discourages homogenous building design;
- ~~9~~B. accommodate affordable housing for current and future residents of the City;
- ~~10~~C. protect the health, safety and general welfare of the general public and occupants of the units;
- ~~11~~D. protect the property values of surrounding ~~dwelling units~~ properties;
- E. retain open spaces to protect the environment and provide opportunities for passive and active recreation or residents;
- ~~12~~F. promote a pedestrian-friendly, walkable streetscape; and
- G. provide for aesthetically pleasing development patterns; and

H. achieve the design principles of Figure 7.8-1 through compliance with the design standards in this section 7.8.

Figure 7.8-1. Multi-Family Design Principles

<u>Design Principles</u>	<u>Examples</u>	<u>Design Principles</u>
<p><u>Buildings. Create an identity for the project through a consistent design concepts while incorporating design features such as varied wall planes, rooflines and building form to create visual interest. Adjacent buildings should vary in design while having complementary design. Design and locate parking to minimize its visual impact along streets.</u></p>		
<p><u>Open Spaces. Incorporate the natural habitat into site design and design around natural and recreational amenities to create usable, accessible open spaces</u></p>		
<p><u>Public Spaces. Design public spaces to provide accessible gathering places that encourage social interaction and a sense of community.</u></p>		

<u>Design Principles</u>	<u>Examples</u>	<u>Design Principles</u>
<u>Screening. Locate and screen loading, service and storage areas as well as mechanical and utility equipment.</u>		
<u>Mobility. Establish safe and comfortable environment encouraging walking and bicycling.</u>		
<u>Landscaping. Use appropriate plantings to soften buildings and create more desirable areas for walking and bicycling within the development</u>		

7.8.2. APPLICABILITY

- A. The provisions of this Section shall apply to multi-family residential developments for five (5) or more dwelling units ~~or single family attached residential developments~~ as permitted by Table 8.1 of this Ordinance.
- B. Single-family ~~detached~~ homes and duplexes on individual lots are exempt from the standards of this Section, but still must follow Section 7.7.
- C. ~~Multi~~The City may modify bulk and density and/or parking and access standards for multi-family residential developments and single-family attached residential developments in TND, TOD, ~~MX, PRD, and PUD and conditional zoning~~ districts, or approve open space and other design standards that result in a product that

~~better achieves the design principles in Figure 7.8-1—are exempt from the standards of this Section.~~

7.8.8. PEDESTRIAN FACILITIES

A. Sidewalks Required

1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in the *Manual*.
2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets, ~~which provide access~~ adjacent to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the City of Concord ~~Traffic Engineer~~ Transportation Director ~~of Traffic Engineering~~. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Concord ~~Traffic Engineer~~ Transportation Director and the North Carolina Department of Transportation (NCDOT).

B. Bus Shelter Required

A bus shelter is required for multi-family development ~~unless the school board system and Concord-Kannapolis Area Transit document in writing that a shelter is not needed~~. The shelter shall be constructed at the location(s) (including at the perimeter of a development site) where a public school bus(es) pick-up/drop-off of children is established by the Cabarrus County School system. The shelter shall be constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

7.8.10. BUILDING DESIGN

In order to provide interesting and aesthetically attractive multi-family developments and to avoid monotonous, “barracks”-style buildings, the following standards shall apply:

- A. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. (See Section 7.10.9.)
- B. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous straight lines.

Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.

C. Building designs shall be varied so that adjacent buildings are complementary but clearly distinguishable by a combination of design features, such as building shape, building scale, entry designs, plantings, orientation or other design features.

Article 8-D. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

7.8.17. MULTI-FAMILY DIMENSIONAL STANDARDS

Multi-family development shall comply with the standards in Table 7.8.17

TABLE 7.8.17 - Multifamily Dimensional Standards-

Density	See Table 7.6.2 A. *
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13)
Maximum Building Length	180 feet

• Note: Multi-family or Single-family attached developments that are allowed (by right or as conditional special use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A.

7.8.18. MULTI-FAMILY BUILDING STANDARDS

A. Building Length. In attached multi-family projects, buildings longer shall not exceed 160 feet in length. Building facades should be broken up to give the

appearance of a collection of smaller buildings. Long, unbroken building facades and simple box forms ~~shall be avoided~~ are prohibited.

B. Clustering and Massing. Clustering of multi-family units shall be a consistent site planning element. Buildings shall be designed as a series of varied plans that:

1. Vary setbacks within the same building;
2. Use of reverse building plans to add articulation; and
3. Vary wall and rooflines.

C. Unit Entryways. In multi-family and attached housing each unit shall have distinct entries.

D. Materials and Colors.

1. Buildings shall use distinct, but complementary materials and colors using a combination of the following materials:

- a. Stucco or EIFS with smooth, sand or light lace finish;
- b. ~~Composite~~ Engineered fiber cement board, wood, as a primary and/or accent material;
- c. Brick, as primary or accent material;
- d. Split-faced block, as a primary and accent material;
- e. Stacked stone, as an accent material;
- f. Marble, travertine, or other related stone materials as accent materials; and
- g. Unglazed tile as an accent and/or roofing material;

2. The following materials are prohibited:

- a. Metal or aluminum siding;
- b. Unfinished concrete block, concrete tilt slab, and painted or white brick or block siding; and
- c. Vinyl siding (note that vinyl may be used for soffit).

E. Roofs. Gable, shed, and hip roofs or a mixture of roof types to create articulation and ridgelines is required to break up long roof lines. Large

expanses or flat roofs, gambrel or mansard roofs, and A-frame roofs are prohibited.

F. Windows and Doors.

1. Windows shall be rectangular or round headed with various forms.
2. Arches, gateways, entry courts shall be used to shelter doorways.
3. Windows shall be located to minimize views of the private outdoor space of adjacent units' patio areas.
4. Appropriate openings include:
 - a. Bay windows
 - b. French doors
 - c. Multi-lighted windows
 - d. Rectangular windows
 - e. Clerestory windows
 - f. Round windows
 - g. "Greenhouse" windows
 - h. Wood, or simulated wood, single and double doors
5. Windows and doors shall not include:
 - a. Silver or gold window frames;
 - b. Reflective glass;
~~—Windows flush with wall surface; or~~
~~—Glass doors; or~~
 - c. Non-anodized aluminum frame doors.

G. Stairways. Stairs shall be designed according to the following techniques:

1. Freestanding stairways shall not make a straight run from upper floors to the ground floors - they must have a landing and make a right angle turn.
2. External stairways should be built into courtyards and entry areas and not simply hung off the sides of buildings.
3. Exterior stairways should employ design features such as insets, reveals, decorative
4. tile, or stucco texturing, and decorative handrails.
5. The use of enclosed staircases is preferred over exterior staircases.
6. External stairway walls shall be smooth or sand finish stucco, block, stone, slate, or other opaque building material with an accent trim cap or banding of tile

7. Exposed prefabricated metal stairs and transparent walls are prohibited.

H. Additional Architectural Elements

1. All antennas shall be placed in attics or interior of the residence. Developments shall be pre-wired to accommodate cable or satellite reception.
2. Metal, canvas or vinyl awnings of solid accent colors are permitted in moderation.
3. Patio trellises, and other exterior structures may be built of stucco or wood or block, with finishes complying with the overall color palette for the project.
4. Chimneys as an architectural form shall be simple and project from main wall surfaces. Stone or tile accents and articulation details are encouraged.
5. Garage doors should appear to be set into the walls rather than flush with the exterior wall.
- ~~4.6.~~ Roof mounted mechanical equipment shall be screened from view in a manner consistent with the building facade.
- ~~2.7.~~ Ground mounted mechanical equipment shall be screened from view with landscaping or solid fencing.

7.8.19. ACCESSORY STORAGE

~~Storage structures:~~ Accessory storage is required for multifamily developments of 240 or more dwelling units in the following manner:

- A. May be constructed as an accessory to a multi-family development for the exclusive use of residents of the multi-family development.
- B. Shall not be located between the multi-family structure and any public street.
- C. Are limited to a single story in height.
- D. Shall use the same siding materials and be designed to reflect the style of multi-family buildings
- E. Shall use the same roofing materials and have rooflines that reflect those of the multi-family buildings
- F. Shall be provided at the rate of 100 square feet per dwelling unit, but not to exceed more than 200 square feet per dwelling unit. ~~not encompass more than 200 square feet of floor area per dwelling unit in the multi family development in which they are located.~~
- G. For multi family developments with 240 or more dwelling units, storage units with between 100 and 200 square feet per dwelling unit shall be required. In

lieu of accessory storage in a separate structure, storage may be attached or incorporated into individual dwelling units.

7.9 CENTER CITY (CC) DESIGN STANDARDS

7.9.1 PURPOSE

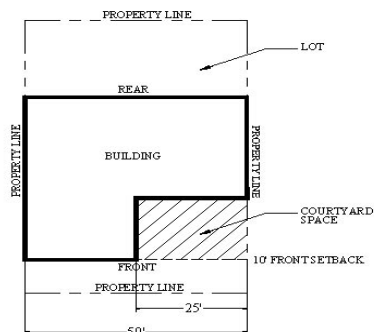
This Article protects the historic and aesthetic character of downtown Concord, by ensuring quality design and appropriate materials are used in the construction of new buildings. In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CC District (Downtown Concord) are regulated in accordance with specific standards described herein.

7.9.2 ~~7.9.2~~ PEDESTRIAN SPACES, BUILDING SETBACKS, AND ENTRIES

A.H. The intent of the pedestrian space is to allow the property owner to develop a usable size space for gathering, including but not limited to, outdoor seating, art displays, eating, or a plaza. The pedestrian space shall be accessible, visible, and easy to use. Substantial grade changes creating isolated or hidden spaces ~~shall be avoided~~ are prohibited.

B.I. Setbacks may be staggered to create a private pedestrian space. The ~~minimum-maximum~~ front yard setback for a portion of the building may be increased to any depth for the purposes of creating a patio or courtyard space so long as at least 50 percent of the total building frontage meets the minimum setback of the associated zoning district. (Example: A building with 50 linear feet of frontage and a 10-foot front setback requirement is allowed to have 25 feet of frontage that could set back greater than 10 feet. (See Figure 7.9-1.) For corner lots, this provision may be used to create a corner public space.

Figure 7.9-1: Illustration Showing Staggered Setback



C. Where the pedestrian space is adjacent to the public right of way, there shall be an architectural (or defined) edge that complies with all requirements of the CC District to define the pedestrian space. All

buildings shall have their principal entrance opening to a street, sidewalk or pedestrian space such as a courtyard, square or plaza. The principal entrance shall not open onto an off-street parking lot. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through appropriate pedestrian paving and landscaping where required.

- D. Landscaping is required and shall include a combination of trees, groundcover and plants as required by Article 11 of this ordinance; however, the following shall supersede the landscape requirements of Article 11:
 - 1. Within the pedestrian space, one (1) canopy tree must be planted for each 500 square feet; or one (1) ornamental tree for each 250 square feet of created pedestrian space.
 - 2. A minimum of one (1) ornamental tree is required for any space of 250 square feet or less.
 - 3. Existing street trees should not be removed as part of the creation of a pedestrian space. Any existing trees or plant material, which is part of a previously approved landscape plan, shall be replaced.
- E. The following permitted amenities within the interior of the non-public pedestrian space include but are not limited to: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, decorative benches, tables and similar structures.

7.9.3 SIGNAGE

- A. Liquid crystal display (LCD), [electronic message centers](#), flashing or blinking signs are not permitted in the CC District. All other signage in the CC District shall comply with Article 12 of the CDO.
- B. Neon signage in the Center City District is permitted under the following conditions:
 - 1. Neon signs shall only comprise 5% of the total allowed signage area.
 - 2. A sign application shall be submitted to the Development Services Department for review, along with a recommendation from the Concord Downtown Development Corporation for all proposed window signs.
- C. All window signs shall come into conformity with the current standards and requirements of this ordinance within 6 months of the date of adoption of this Article.

7.9.4 GENERAL DESIGN STANDARDS

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the following uses shall be regulated as follows:

- A. The first floor (street level) of any new multi-story building shall be devoted to retail, commercial, and service uses, as listed in Section 7.6. Such buildings

shall include said uses along not less than 50 percent of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.

- B. No "auto-oriented" use(s) as defined herein and allowed in the City Center district listed in pursuant to Table 8.1.8 shall be located within 400 feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, which ever is less.
- C. Accessory structures, additions, remodels and rehabilitation projects shall be designed and constructed using the same general form and materials as the principal building, provided that the principal building is architecturally consistent with the general character of the CC District. For the purposes of this ordinance, brick and/or brick with stucco is considered the general character of the buildings in the Center City.
- D. The design requirements of this section apply to all building walls that are visible from any public right-of-way.
- E. The preferred wall material for structures in the CC district is brick or predominantly brick colored material that is complementary to surrounding structures. The administrator may waive the brick requirements based on certain circumstances included, but not limited to:
 - 1. Stucco may be approved to cover damaged or deteriorated brick.
 - 2. Structural wood may be used as decorative elements as trim, in windows or on doors.Any waivers beyond the authority of the Administrator shall be subject to approval by the Planning and Zoning Commission.
- F. ~~Under no circumstances shall metal siding, unfinished concrete block, precast concrete or split-faced block, or vinyl siding shall not~~ be allowed for any building surface unless the Administrator determines that the materials result in a superior design to otherwise allowed materials and the resulting development is compatible with abutting development. The burden of proof relative to superior design and compatibility shall rest with the applicant. Split-faced block may be used as an accent material so long as it does not cover more than 20 percent of the total building surfaces, and vinyl siding may be allowed as soffit material.
- G. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
- H. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e. Fiberglass with a wood grain pattern)

is permitted. All materials shall be identified on the architectural drawings submitted for review.

- I. Glass surfaces must be transparent or lightly tinted, allowing views from habitable areas within the building to the street or property line, and allowing passers-by a view into the habitable area of the building. Shelves and/or fixtures shall not obstruct the view to the interior of the building. Submitted plans shall clearly indicate the type of glass being used and its reflectivity index.
- J. Doors shall be recessed into the face of the building at least three feet (to provide a sense of entry and to add variety to the streetscape). An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
- K. Decorative fences such as those constructed of brick and wrought iron are allowed within the CC District. Screening fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable except around construction sites. Plywood, sheet metal, fiberglass or other such panel fences are also prohibited. Temporary plywood screening fences shall be allowed during construction.
- L. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:
 1. Such appurtenances shall be constructed of material designed to complement the streetscape.
 2. In no instance shall these appurtenances utilize internal illuminated backlights in their design or mounting.
 3. Awnings shall be made of canvas or treated fabric/canvas material. Awnings may also be made of metal with the following conditions:
 - Article 7.a. Any awning on a pivotal or contributing historic property in a National Register District or on any property individually listed on the National Register must be consistent with the Secretary of the Interior's Standards.
 - 1-b. Vinyl or Plexiglas awnings are not permitted.
 - 2-c. An encroachment agreement is required for awnings or signs that hang over the public rights-of-way.
 - d. M. Any such appurtenance may extend from the building to up to 80 percent of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the City. In addition, the property owner shall carry liability insurance in the amount of \$500,000. The City Attorney's office may ask for verification of this coverage when reviewing encroachment permits.
 - e. N. Such appurtenances shall be self-supporting. In no case shall supports for such appurtenances extend to the sidewalk and/or ground within the public right of way.

~~f. Q.~~ In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of streetlights or street signs.

~~a-g. P.~~ A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.

~~QM.~~ Any lot, which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights of way in accordance with the provisions of this ordinance or cleared of rubbish and debris and seeded with grass or other appropriate landscaping material. If the lot is to be used for parking, either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.

~~RN.~~ A site plan is required as per Article 5 along with architectural elevations or perspective drawings.

~~SO. OPEN FLAGS IN THE CC DISTRICT~~

~~"Open Flags" may be utilized in the CC District subject to the following regulations:~~

~~Article 7. A maximum of one (1) Open Flag may be placed on the wall adjacent to a customer entrance.~~

~~Article 8. Open Flags may only be displayed on downtown businesses that generate walk-in traffic and do not require an appointment, registration, or ticket.~~

~~Article 9. Open Flags shall only be displayed during business hours and must be removed daily at the close of business.~~

~~Article 10. An Open Flags application shall be submitted to the Concord Downtown Development Corporation (CDDC). The flags and corresponding hardware shall be issued to the applicant, subject to review and approval of the application by the CDDC.~~

~~Open Flags in the CC District shall not be subject to an encroachment agreement from the City of Concord.~~

7.9.6 PARKING CRITERIA

Uses within the CC are not required to provide off-street parking; however this section is applicable in those instances where surface parking is proposed. Parking for renovated and rehabilitated buildings is exempt from the following requirements unless new rentable gross floor area is added or created.

A. In order to maintain a pedestrian friendly street edge, no off-street surface parking shall be permitted between the principal structure and the street right-of-way. Parking is permitted on the sides of buildings, but the maximum width shall not exceed 60 feet (two rows including drive aisle). Such parking shall be screened with landscaping with evergreen plant material that reaches a mature height of no less than three (3) feet. Off-street surface parking areas, which are screened from the view from public streets by the principal buildings, except for the limited view through the driveway providing access to parking, shall provide one (1) ornamental tree and five (5) shrubs for lots ~~less with fewer~~ than 10 spaces. For lots ~~greater-with more~~ than 10 spaces,

one (1) shade tree or (2) ornamental trees and eight (8) shrubs shall be required per 10 parking spaces. Plantings for more than 10 spaces shall be calculated proportionately, with one tree or shrub being required for each fraction of 0.5 plant or greater. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.

B. The administrator may allow a decorative masonry wall or a combination of a wall with plantings in lieu of parking lot yards if one or more of the following conditions exist:

1. The parking lot contains six (6) or ~~less-fewer~~ spaces
2. The site on which the parking is located contains a designated historic structure
3. The presence of lot yards complicates deliveries necessary for the day-to-day operations of the principle structure.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR ~~NON-RESIDENTIAL~~ COMMERCIAL DISTRICTS

7.10.1 PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of ~~nonresidential commercial~~ buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community (by creating developments that attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.10.2 APPLICABILITY

D. New Construction

This Section applies to all new construction ~~on-in~~ O-1, B-1, C-1, ~~and C-2, I-1, and I-2 properties~~ districts. In addition to all other regulations within this Ordinance, sites and buildings within the O-1, B-1, C-1, ~~and C-2, I-1, and I-2~~ zoning districts are regulated in accordance with specific standards as listed below. These standards shall apply in PUD and site plan controlled districts unless the City finds that the proposed deviation results in a superior design that better achieves the ~~CC district~~ purpose of this sections.

The ~~City Manager~~ Administrator, or his designee, may ~~waive~~ allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or ~~for~~ infill development upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality and compatibility shall rest with the applicant.

E. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth in Article 11.

Additional construction that is more than 25 percent of the floor area of the existing building shall be subject to all of the requirements of this Section. The ~~City Manager~~Administrator, or his designee, may ~~waive~~allow modifications to individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality that is compatible with existing development in the vicinity of the project. The burden of proof relative to design quality and compatibility shall rest with the applicant.

F. Redevelopment

1. Small Projects. For redevelopment or remodeling projects involving buildings with less than 5,000 square feet of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with the City's sidewalk requirements. No more than one project in a 365-day period on the subject property shall be permissible. For redevelopment or remodeling projects involving buildings with 5,000 square feet or more of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with City requirements for sidewalks, curbs and gutters.
2. Large Projects. For redevelopment or remodeling projects costing more than 50 percent of assessed value, all of the provisions of section 7.10 shall apply except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained.
3. Assessed Values. Assessed values shall be the assessed building values in the Cabarrus County tax records.
4. Improvement Values. Improvement values shall be the building permit improvement cost estimates as determined by Cabarrus County.

7.10.8 KEY DESIGN CONSIDERATIONS

The following key design considerations shall be applied to all development subject to this section at the time of site plan review:

A. Compatibility

Adjacent buildings within a development shall relate in similarity of have compatible scales, bulk, heights, architectural styles, and roof styles. Development shall use a combination of plantings, buffers and building design

~~to ensure compatibility with adjacent residential development, and configuration.~~

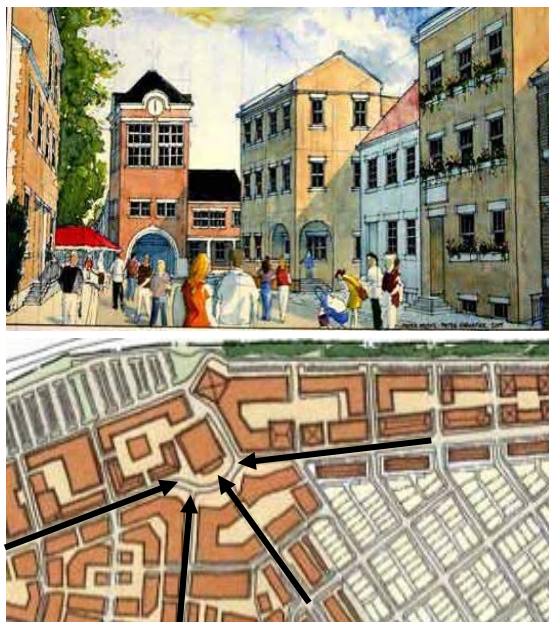
B. Proportions

Windows, doors, columns, piers, projections, ribs, awnings, cornices, parapets, eaves, and other building components shall be proportional to the overall scale of the building. Windows should be greater in height than width, unless otherwise required by a specific design feature or architectural style.

C. Termination of Vistas

Entry drives or drives within the site or from significant adjacent streets shall be terminated in a focal point, such as a building or other significant architectural or landscape feature. (See Figure 7.10-1.)

Figure 7.10-1: Termination of Vistas



~~7.10.9 REQUIRED DESIGN ELEMENTS~~

~~The following design elements shall be incorporated in architectural and site plan:~~

~~7.10.9 7.10.10 BUILDING AND SITE DESIGN STANDARDS~~

~~The following design elements shall be incorporated in architectural and site plan:~~

J. Design Elements

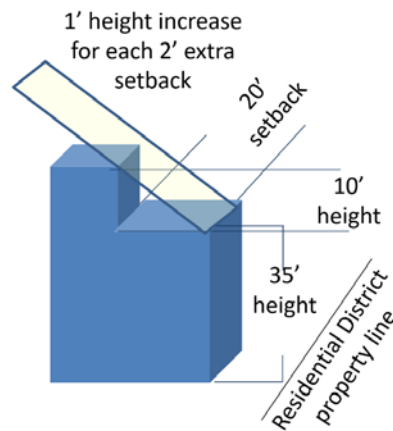
~~Additionally, At~~ least four (4) of the following elements must comprise 60 percent of front façade length and 40 percent of any façade length fronting a public street or parking lot:

1. Parapets

2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods
6. Transoms
7. Bulkheads
8. Awnings or canopies
9. Ribs or columns
10. Changes in texture or masonry

K. Height Transitions

On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty-five (35) feet. For purposes of this provision, the height transition shall be measured from average grade along the nearest building line facing any property line of a residentially zoned lot to the highest point of the non-residential structure.



7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS

7.11.1. PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of industrial buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community (by creating developments that attract quality jobs and businesses), and implement the goals and policies of the Concord Land Use Plan.

7.11.2. APPLICABILITY

A. New Construction

This Section applies to all new construction in I-1 and I-2 districts. ~~In addition to all other regulations within this Ordinance, sites and buildings within the I-1, and I-2 zoning districts are regulated in accordance with specific standards as listed below.~~ The Administrator, or his designee, may ~~waive~~ allow modifications to individual requirements of this

Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or infill development upon finding that the purposes of this section are achieved and the ~~waiver~~modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

B. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth in ~~ins~~ Article 11Q.

Additional construction that is more than 25 percent of the floor area of the existing building shall be subject to all of the requirements of this Section. The Administrator, or his designee, may ~~waive~~allow modifications to individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the ~~waiver~~modification results in a project of equal or better design quality that is compatible with existing development in the vicinity of the project. The burden of proof relative to design quality shall rest with the applicant.

C. Redevelopment

Redevelopment or remodeling that involves construction costs equal to or greater than 50 percent of the assessed value of site improvements according to the most recent property tax rolls shall be brought into conformance with the provision of section 7.10 except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained. The Administrator, or his designee, may ~~waive~~modify individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the ~~waiver~~modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

7.11.3. SIGN REGULATIONS

Signs shall be regulated in accordance with standards set forth in Article 12 of this Ordinance, or by an approved comprehensive sign package.

7.11.4. ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment such as trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes and antennas shall be screened from view from public streets that are external to the development project, internal collector or arterial streets, abutting residential zoning districts, and public parks.

7.11.5. ARCHITECTURAL PLANS

Architectural plans shall depict architectural details outlined in this Section and shall consist of:

- A. Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project; and
- B. Exterior building materials inventory to indicate compliance with this Section.

7.11.6. APPROVALS

The Administrator shall review and decide on all site plans for industrial development. The Administrator may grant relief from modify the specific provisions of the design standards of this section 7.11 upon finding that the alternative design is consistent with other sites within the same industrial development and the purposes of the applicable provision are achieved through the alternative design.

7.11.7. COMPLIANCE

Architectural details and/or drawings shall be submitted to the administrator at the time of site plan submittal. All requirements of this ordinance must be met before a Certificate of Compliance (COC) can be issued.

7.11.8. INTERNAL AND EXTERNAL COMPATIBILITY

Buildings that are visible from streets abutting the development and from internal collector and arterial streets shall have compatible scales, bulk, heights, architectural styles, and roof styles. Development shall use a combination of plantings, buffers and building design to ensure compatibility with adjacent development.

7.11.9. BUILDING AND SITE DESIGN STANDARDS

The following design elements shall be incorporated in architectural and site plan:

A. Building Entrance

Primary building entrances shall be clearly defined and shall be recessed or framed by a sheltering element such as an awning, arcade, overhangs, or portico (in order to provide weather protection for pedestrians). Public entrances flush with the building wall with no cover are not allowed. (See Figures 7.11-2.)

B. Boulevard Entrance

For developments containing total floor area in excess of 250,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median for a depth of at least 100 feet in depth.

C. Transit Stops

Transit bus stop may be required if the development is located on an existing or planned public transit route, which shall be determined by transit plans and the Transit Administrator/Director.

D. Sidewalks

Sidewalks shall be required along all public streets within an industrial development unless a comparably functioning trail system is provided.

Sidewalks

All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use, shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article II section 10.20 of the TSM.

E. Exterior Materials

Exterior building materials may include painted tilt-up concrete, brick, stone, stucco, synthetic stucco, metal wall panels, or cement-board or wood siding. The Administrator may approve alternative materials of equal or better quality and durability. Metal and split-faced concrete block may be used as accent material provided that cumulatively they do not exceed 20 percent of the area of any individual exterior wall visible from an existing or proposed public street or adjacent parcel located outside the industrial development in which the building is located.

Metal may be utilized exclusively on 1) walls not visible from an existing or proposed public street or adjacent parcel located outside the industrial development in which the building is located, or 2) on manufacturing facilities of more than two stories in height.

When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco).

~~Exterior building materials shall include brick, stone, stucco, synthetic stucco, metal wall panels, or cement board or wood siding. The Administrator may approve alternative materials of equal or better quality and durability. Metal and split-faced concrete block may be used as accent material or on walls not visible from an existing or planned public street or an adjacent parcel located outside the industrial development in which the building is located, and cumulatively may not exceed 20 percent of the area of any individual exterior wall visible from a public street or adjacent development. The Administrator or his designee may allow modifications to the required materials on a case-by-case basis. The applicant shall document through photo or photo simulations that areas using alternative materials are not visible from public streets or adjacent developments. The burden of proof in justifying alternative materials shall rest with the applicant. When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco). All windows and doors at the ground floor level on any retail building shall be transparent.~~

F. Parapet Walls

Average parapet height shall not exceed 15 percent of the supporting wall height. Maximum parapet height shall not exceed 33 percent of the supporting wall height. (See Figures 7.11-2.)

G. Facade/Wall Treatment

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable "top" consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets.

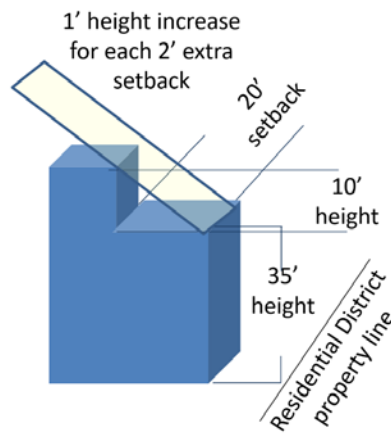
H. Design Elements

For building facades that are visible from streets external to a development or from internal collector or arterials streets, at least four (4) of the following elements must comprise 15 percent of front façade length:

1. Parapets
2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods
6. Transoms
7. Bulkheads
8. Awnings or canopies
9. Ribs or columns
10. Changes in texture or masonry

I. Height Transitions

On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty-five (35) feet. For purposes of this provision, the height transition shall be measured from average grade along the nearest building line facing any property line of a residentially zoned lot to the highest point of the non-residential structure.



ARTICLE 8: USE REGULATIONS

8.1.3. USE TABLE

[insert revised use table here]

8.3.3 RESIDENTIAL USES

D. Temporary Family Health Care Structures

Temporary family health care structures as defined by state law shall be permitted on lots zoned for and developed with single-family detached dwellings, subject to issuance of a temporary use permit and compliance with the following provisions:

1. Any temporary family healthcare structure shall be limited to one mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living, as certified in writing by a licensed physician.
2. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.
3. Only one (1) temporary family health care structure shall be permitted on a lot or parcel of land.
4. Temporary family health care structures shall be limited to a maximum of three hundred (300) square feet of gross floor area and shall meet the minimum setback requirements for single family detached dwellings of the zoning district in which they located.

Temporary health care structures shall be located behind the front building line.

5. Temporary family health care structures shall not be installed on a permanent foundation.
6. Temporary family health care structures shall be subject to applicable building codes.
7. Temporary family health care structures shall be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property.
8. No signs promoting or advertising the existence of the structure shall be permitted on the structure or on the lot.
9. The applicant shall provide evidence of compliance with all requirements of state law and this section on an annual basis as long as the temporary family healthcare structure remains on the property.
10. The City may arrange the inspection of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to the annual compliance confirmation.
11. The following shall be submitted to the City with any application for a temporary family health care structure:
 - a. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
 - b. Address of the property.
 - c. Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with one or more activities of daily living by a licensed physician.
 - d. Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
 - (1) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein.
 - (2) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure.
 - (3) Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section or State Law.
 - (4) A permit for a temporary health care structure may be revoked by the City due to failure of the applicant to comply with any of the above provisions or the provisions of State Law. Additionally, the City may seek injunctive

relief or other appropriate actions to ensure compliance with this Section or State Law.

8.3.5 COMMERCIAL USES

Q. Temporary food trucks

~~B-1.~~ ~~1.~~ LOCATION

Temporary food trucks shall only be located within the Center City (CC) zoning district, except that no food truck may be located on Union Street. All food trucks shall be located within a surface parking lot or within a designated parking space or spaces.

~~2.~~ ~~2.~~ TIME LIMITATIONS

Temporary food trucks shall set up no earlier than 4:30 pm on Fridays and shall be removed no later than 8:00 pm on Sundays.

R. Commercial Uses in RV and RC districts

In the RC and RV districts, authorized commercial uses shall comply with the following standards:

1. Commercial uses shall only be allowed as an accessory use to multi-family development.
2. The commercial use shall face an arterial street that abuts the multi-family development.
3. The cumulative gross leasable floor area of such uses shall not exceed five (5) percent of the gross floor area of the multi-family development in which they are located.
4. Commercial uses shall be limited to convenience retail, O-I, B-1, and C-1 uses, and restaurants.
5. No drive-in or drive-through services are permitted.
6. All such uses shall be limited to the ground floor of the structure in which they are located.

ARTICLE 9: SPECIAL PURPOSE AND OVERLAY DISTRICTS

9.3.14 DESIGN STANDARDS AND GUIDELINES

These following standards and guidelines for MX developments are addressed below.

A. Blocks, Buildings, and Street Networks

The overall layout of a successful mixed-use development is one that generates a high level of pedestrian activity. The framework for a pedestrian-oriented layout has three main components:

1. A block structure that reflects a walkable arrangement and positioning of uses.
2. Building placement, orientation, and design to enhance the pedestrian environment and streetscape within that structure.

3. Internal street patterns that defines block edges, create continuous pedestrian connections, and integrate pedestrian travel with other modes of transportation.

B. Block Design

Standards

1. Block standards shall apply to all development that contains four (4) acres or more of gross land area.
2. All development shall be arranged in a pattern of interconnecting streets and blocks (Figure 9.3-7 and 11-8), while maintaining respect for the natural landscape and floodplain.
3. Each block face shall range between a minimum of two hundred (200) feet and a maximum of six hundred (600) feet ~~(Figure 9.3-8)~~. -This maximum requirement does not apply along State roads.
4. The average block face across each development site and the entire mixed use zone district shall be a maximum of five hundred (500) feet. This average does not have to include block lengths along State roads.
5. For block faces that exceed four hundred (400) feet, a lighted mid-block pedestrian pass-through ~~(Figure 9.3-8)~~ shall be provided connecting opposite sides of block faces. This requirement does not apply to State roads. Pass-through shall remain open at all times.
6. An applicant may submit alternative block standards, provided that such alternative achieves the intent of the above standards and procedures set forth in Alternative Compliance.

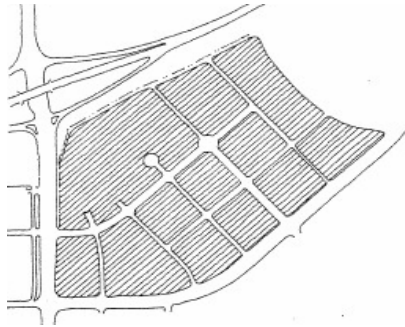


Figure 9.3-7 - Example of an acceptable block pattern

9.11.3 Development Types and Processing Procedures

- ~~A. Residential LID developments shall be allowed by right without a rezoning when determined to be low density development, provided that the proposed residential uses and densities are permissible within the underlying zoning district. Low density development is either no more than two dwelling units per acre or the total built upon area is no more than 24% within a single project area or master planned area.~~
- ~~B. Residential LID developments shall be allowed with a conditional district rezoning when determined to be high density development. High density development is either more than two dwelling units per acre or when the total built upon area is more than 24% within a single project area or master planned area.~~
- ~~C. Non residential developments meeting the LID standards of this Article shall be allowed by right without a rezoning, whether considered low density or high density development, provided that the non residential uses proposed are permissible within the underlying zoning district.~~

LID developments meeting the standards of this Article shall be allowed by right without a rezoning, provided that the proposed uses and densities/intensities are permissible within the underlying zoning district.

9.11.4 Procedures for LID Approvals

~~An LID that requires a rezoning as specified above shall be processed as a conditional district zoning map amendment (rezoning) following the process outlined in § 3.3. Constituent parts of the conditional district may require further approvals, including but not limited to, site plan, subdivision or special use permit. LID projects that do not require a conditional district zoning map amendment shall be reviewed by the Development Review Committee (DRC) and processed as a conventional project.~~

LID projects shall be reviewed by the Development Review Committee (DRC) and processed as a conventional project. Prior to formally submitting an application, the

applicant shall schedule a pre-application meeting with the Administrator and the Stormwater Services Director and/or their designees. This meeting is intended to review the proposed development, review the applicable standards and agree upon the methodology and guidelines for review of the proposed development, and to determine preliminary compliance with the LID standards. Additionally, as part of the pre-application, a meeting on-site shall occur. This meeting is intended to allow the staff to become familiar with the specific site relative to the physical features, and to determine preliminary compliance with the guidelines.

9.11.5 Zoning Map Designation

~~Upon approval of an LID project/related map amendment, the zoning map shall denote the letters LID followed by zoning case number.~~

9.11.8 Specific Requirements

One main feature of Low Impact Development is that the post-construction condition mimics the natural hydrologic functions of infiltration, runoff and evapotranspiration. LID projects are required to demonstrate compliance with the following specific requirements.

A. Stormwater Analysis

Each application for LID shall include an engineering analysis that compares the pre-development and post-development hydrology of the site. This analysis shall demonstrate that the post-development volume of runoff, infiltration and evapotranspiration for each site substantially matches pre-development volumes of runoff, infiltration and evapotranspiration. Specifically, the analysis shall include the pre-development water balance (annual runoff, infiltration, and evapotranspiration volumes or percentages) and post-development water balance (annual runoff, infiltration, and evapotranspiration volumes or percentages.) For the purposes of this Section, substantially similar shall be defined as being within five percent (5%) of the hydrologic fate values for mature forest as illustrated in Table 9.11.8 for residential projects and within fifteen percent (15%) for nonresidential projects.

Table 9.11.8 - Hydrologic Fate for Rainfall in Mature Forested Conditions - Piedmont Region

Hydrologic Fate	
Evapotranspiration	69%
Infiltration	29%
Runoff	3%

Source: "Low Impact Development: A Guidebook for North Carolina- 2009"

B. Compliance with NPDES Phase II Permit

The application materials shall demonstrate compliance with all requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit, issued by the State of North Carolina, including, but not limited to the following:

1. LID development may be permitted as low density projects if it meets the following criteria:
 - A. No more than two dwelling units per acre or 24% built-upon area;
 - B. Use of vegetated conveyances to the maximum extent practicable;
 - C. All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - D. Deed restrictions and protective covenants acceptable to the City are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.
2. High density LID projects shall meet the following criteria:
 - A. Either more than two dwelling units per acre or the total built upon area is more than 24% within a single project area or master planned area;
 - B. The stormwater control measures must control and treat the difference between the pre-development and post-development conditions for the 1-year 24 hour storm. Runoff volume drawdown time must be a minimum of 24 hours, but not more than 120 hours;
 - C. ~~B.~~ All structural stormwater treatment systems must be designed to achieve 85% average annual removal of total suspended solids;
 - D. ~~C.~~ Stormwater management measures must comply with the General Engineering Design Criteria For All Projects requirements listed in 15A NCAC 2H.1008(c);
 - E. ~~D.~~ All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - F. ~~E.~~ Deed restrictions and protective covenants acceptable to the City are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

~~CONSERVATION SUBDIVISIONS (CS) DISTRICT.~~

~~Intent.~~

~~Conservation subdivisions provide the opportunity for property owners to achieve more efficient development than can be achieved through conventional development, while retaining significant open areas that may be used for agriculture, forestry or environmental purposes.~~

~~Purposes.~~

~~This ordinance is adopted for the following purposes:~~

- ~~To guide the future growth and development consistently with the comprehensive plan;~~
- ~~To guide site analysis to plan appropriate areas for development and conservation;~~
- ~~To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;~~
- ~~To preserve scenic views by minimizing views of new development from existing roads;~~
- ~~To preserve prime agricultural land by concentrating housing on land that has low agricultural potential;~~
- ~~To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community. Active recreation areas are intended to be located on previously cleared lands to minimize new clearing of wooded land;~~
- ~~To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;~~
- ~~To provide buffering between residential development and non-residential uses;~~
- ~~To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;~~
- ~~To preserve significant archaeological sites, historic buildings and their settings; and~~
- ~~To meet demand for housing in a rural setting.~~

~~Applicability and Compliance.~~

~~The conservation subdivision district may be applied to all development within the Conservation Residential District identified in Concord's Land Use Plan. The number of new parcels that can be created shall be consistent with the density established in the Central Area Plan as modified herein. The CS district is a site plan controlled district that requires Planning and Zoning Commission review and approval of the preliminary plat.~~

Definitions

(Conservation subdivision definitions are illustrated in Figure 9.13-1).

- Common open space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures but may contain historic structures and archaeological sites including Native American mounds, and/or such recreational facilities for residents or drainage fields as indicated on the approved development plan.
- Conservation easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
- Conservation subdivision. A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible, illustrated in Figure 9.13-2.
- Development envelopes. Areas within which grading, lawns, pavement and buildings will be located.
- Gross acreage. The total area of a parcel prior to creation of the conservation subdivision.
- Homeowners association. A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.
- Nonprofit conservation organization. Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

Application Procedure and Approval Process

Conservation subdivisions shall be approved through the following general process, which is more fully described below:

- Step 1: Meet with the Planning Director (may be combined with site visit)
- Step 2: Inventory and mapping of existing resources for the site, including the identification of primary and secondary conservation areas
- Step 3: Calculate development potential based on the applicable density

Step 4: Prepare a concept map of the conservation subdivision for staff review and recommendations

Step 5: Submit the concept plan and preliminary plat for review through the conventional subdivision process with the exception that Planning and Zoning Commission approval of preliminary plat shall be required.

Figure 9.13-1: Conservation Subdivisions: Definitions

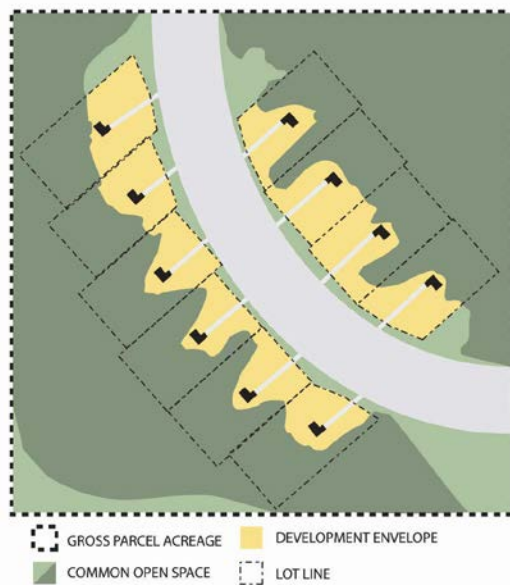
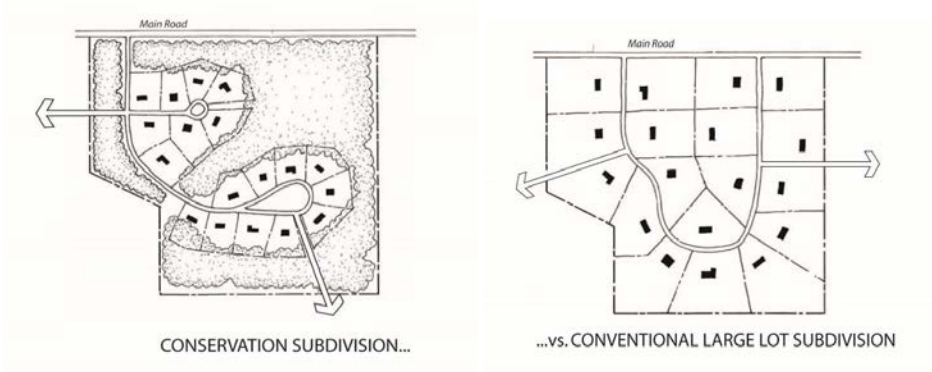


Figure 9.13 2: Conservation Subdivisions: Design



Initial Conference.

Before submitting an application for a conservation subdivision, the applicant shall schedule an appointment and meet with the Planning Director to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards. After the initial conference, the subdivider shall submit a series of maps and descriptive information to the Planning Director according to the following. Mapping for the initial application can be done in any combination of features if individual map components can be distinguished and the relationship between map components can be determined. The initial conference may be conducted in coordination with a site visit.

Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch 50 feet:

- Topographic contours at 2 foot intervals.
- United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems.
- Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
- Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand alone trees with a caliper of more than thirty two (32) inches measured four and one half (4.5) feet off the

- ~~ground. The inventory shall include comments on the health and condition of the vegetation.~~
- ~~— Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.~~
- ~~— Known critical habitat areas for rare, threatened or endangered species.~~
- ~~— Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.~~
- ~~— Unique geological resources, such as rock outcrops.~~
- ~~— Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing local, state and national inventories for historic buildings, archaeological sites, and burial sites.~~
- ~~— Site analysis and concept plan. Using the inventory provided in subsection and applying the design standards specified in . of this ordinance, the subdivider shall submit a concept plan and site analysis on one or more sheets that shall include at least the following information at a scale of no less than one inch to fifty (50) feet and shall be reviewed in accordance with City subdivision regulations for sketch plans:~~
 - ~~— Open space areas indicating which areas are to remain undeveloped and trail location.~~
 - ~~— Boundaries of areas to be developed and proposed general street and lot layout.~~
 - ~~— Number and type (e.g., single family detached, town home, etc) of housing units proposed.~~
 - ~~— Proposed methods for and location of water supply, stormwater management, water quality and sewage treatment.~~
 - ~~— Inventory of preserved and disturbed natural features and prominent views.~~
 - ~~— Preliminary building envelopes showing areas for lawns, pavement, buildings.~~
 - ~~— Proposed methods for ownership and management of open space.~~
 - ~~— General location map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.~~
 - ~~— Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.~~
 - ~~— Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.~~

- The type, width and condition of street improvements; railroad or major utility rights of way; parks and other public open spaces; location and widths of existing trails; and permanent buildings and structures to a distance of 100 feet beyond the site, if any.
- Location, widths, and names of all existing public and private easements to a distance of 100 feet beyond the site.
- Name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
- Topographic data including contours at vertical intervals of not more than two feet.
- Identification of sensitive land preservation areas and common open spaces.
- Existing soil classifications, including hydric soils.
- Legal description of the property.
- Existing zoning classifications for land in and abutting the subdivision.
- Total acreage of the proposed site.
- Graphic scale, north arrow, and date.

— **Subdivision Design Features.**

The following information shall be included with the Preliminary Plat submittal in addition to other preliminary plat information:

- Layout of proposed streets, showing right of way widths, types of improvements, street surface widths, and proposed street names.
- Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
- Layout of proposed blocks and lots within the plat.
- Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
- Minimum front, side and rear yard building setback lines for all lots.
- Indication of the use of any lot.
- Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources.
- Location and size of all proposed and existing storms sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
- Development envelopes showing areas for grading, lawns, pavement and buildings.
- Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size

~~of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.~~

~~— Management plan for restoration and long term management of the open space areas.~~

~~**Requirements for Design and Improvements**~~

~~— **Primary Conservation Areas.** The following lands shall be retained as common open space unless the applicant demonstrates that this provision would constitute an unusual hardship or be counter to the purposes of this article:~~

- ~~— The 100 year floodplain~~
- ~~— Stream buffers~~
- ~~— Slopes above 25 percent of at least 5,000 square feet contiguous area~~
- ~~— Wetlands~~
- ~~— Habitats of endangered or threatened species~~
- ~~— Archaeological sites, cemeteries and burial grounds~~

~~— **Secondary Conservation Areas.** The following are considered Secondary Conservation Areas and shall be included in the retained common open space to the maximum extent feasible:~~

- ~~— Important historic sites, structures or features~~
- ~~— Healthy native forests of at least one contiguous acre~~
- ~~— Individual existing healthy trees greater than eight (8) inches caliper~~
- ~~— Significant natural features and scenic viewsheds such as ridgetines, peaks and rock outcroppings and scenic pastures, meadows and hedgerows~~
- ~~— Prime agricultural lands of at least five contiguous acres~~
- ~~— Existing trails that connect to adjacent areas~~

~~**Performance Standards**~~

~~**General**~~

- ~~— Tree preservation standards shall consider the entire development area rather than being applied upon a lot by lot basis.~~
- ~~— Grading plans shall show all finished floor or pad elevations, general and individual lot drainage patterns and other information to assure~~

~~compliance with City stormwater management and water quality standards.~~

~~**Residential Lot Requirements**~~

- ~~— Minimum lot sizes shall comply with the RC zoning district standards (see Section 7.6).~~
- ~~— Setbacks shall be consistent with the RM 1 zoning district, except as modified through the subdivision approval process.~~
- ~~— All lots shall take access from interior streets. Existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.~~
- ~~— At least 80 percent of residential lots shall abut common open space.~~
- ~~— Lots shall be configured to minimize the amount of road length required for the subdivision.~~
- ~~— Building lots shall be configured to minimize loss of woodlands.~~
- ~~— If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.~~
- ~~— Building lots should not be located on ridges, hilltops, along public roads peripheral to the development or in other visually prominent areas.~~
- ~~— Residential structures shall be oriented to maximize solar gain in the winter months.~~
- ~~— A thirty (30) foot native vegetation buffer shall be maintained around ponds and lakes, except common beaches, grassed areas dams, maintenance easements and other areas approved by the City.~~
- ~~— Stormwater and water quality management shall comply with State and City standards (— Conservation subdivisions shall minimize the use of curb and gutter and maximize the use of open swales. (See Figure 9.13-3).~~

~~**Figure 9.13-3: Conservation Subdivision Standards: Stormwater Management**~~



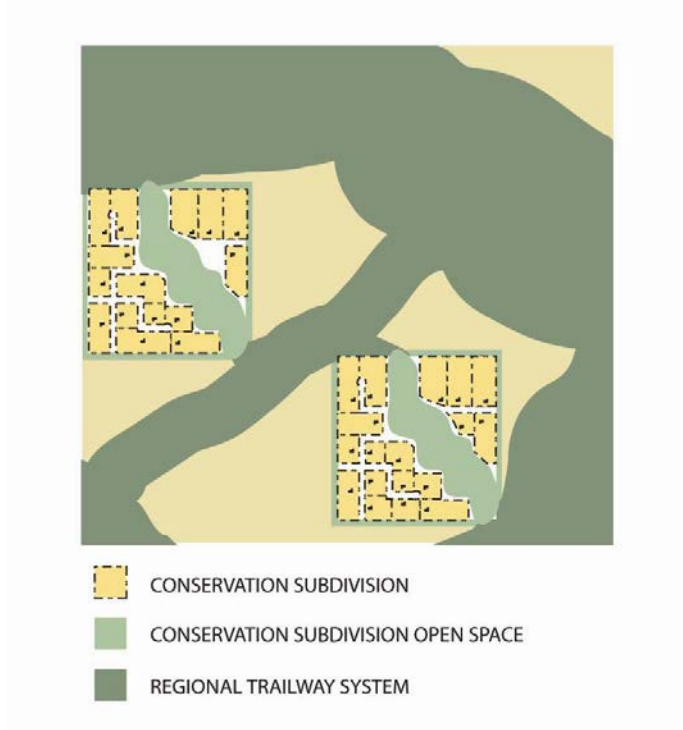
Residential Siting Standards

- Residences shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
- Residences shall avoid encroaching on rare, threatened or endangered species habitats.
- Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and with local or regional

recreational trails and the City's Greenways Plan, as illustrated in Figure 9.13-4.

- ~~— Residences shall be located and designed to achieve the following goals, to the extent practicable:~~
- ~~— Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.~~
- ~~— Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.~~
- ~~— Prevent downstream impacts due to runoff through adequate on-site storm water management practices.~~
- ~~— Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.~~
- ~~— Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.~~
- ~~— Landscaping around residential areas may be necessary to reduce off-site views of residences.~~

Figure 9.13.4: Conservation Subdivision Standards: Open Space Connectivity



Density determination within the Conservation Subdivision District.

To promote the retention of open space, the density ranges established in the following table shall apply to development within the conservation subdivision zoning districts that retains open space or agricultural land. Agricultural land shall be limited to limited to pasture or crop production, with the exception that a single homestead may be retained on any agricultural tract encompassing 20 or more acres. Land retained as open space or limited to agricultural uses shall be designated as a separate parcel or parcels on the subdivision plat and shall be protected by conservation easement. If an existing homestead is retained on an agricultural tract, it shall not be counted when calculating the gross density of the conservation subdivision. The sliding density scale for the Conservation Subdivision District is established in Table 9.13.1.

Table 9.13-1: Open Space Sliding Scale

<u>Maximum Gross Density¹</u>	<u>Minimum Percentage of Gross Acreage Retained for Open Space, Pasture or Crop Production²</u>	<u>Sample Development (100 Acre Site)_T</u>
<u>2.5 dwellings per acre</u>	<u>50%</u>	<u>250 Lots</u> <u>50 Acres Open Space</u>
<u>2 dwellings per acre</u>	<u>40%</u>	<u>200 Lots</u> <u>40 Acres Open Space</u>
<u>1 dwelling per acre</u>	<u>30%</u>	<u>100 Lots</u> <u>30 Acres Open Space</u>

Table Notes:

(1) Gross density is the number of dwellings divided by the total number of acres within the boundaries of the subdivision.

(2) Not more than 50 percent of required open space shall be comprised of primary or secondary conservation areas.

— Sewage and Water Facilities

— Water for a conservation subdivision shall be provided by the City's water system.

— All conservation subdivisions shall be served by the City's sewer system.

— Connectivity Standards. Conservation subdivisions shall have at least two access points that provide connections to distinct roadways and/or an adjacent development. The Planning and Zoning Commission may approve the use of a stubbed out road for future connection as a secondary access if the subdivision has fewer than 50 residences.

— Ownership and Maintenance of Open Space and Common Facilities

— Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:

— A homeowners' association.

— A non-profit conservation organization.

— Public dedication to the City

— An individual who will use the land for open space or agricultural purposes allowed by the conservation easement.

— Homeowners' Association. A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the City as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants,

~~conditions and restrictions of the homeowners association shall contain the following information:~~

- ~~— The legal description of the common land;~~
- ~~— A description of common facilities;~~
- ~~— The restrictions placed upon the use and enjoyment of the lands or facilities;~~
- ~~— Persons or entities entitled to enforce the restrictions;~~
- ~~— A mechanism to assess and enforce the common expenses for the land or facilities (e.g., utility systems, private roads and other public or quasi-public improvements) including upkeep and maintenance expenses, real estate taxes and insurance premiums;~~
- ~~— A mechanism for resolving disputes among the owners or association members;~~
- ~~— The conditions and timing of the transfer of ownership and control of land facilities to the association;~~
- ~~— Any other matter the developer deems appropriate.~~

~~**A Nonprofit Conservation Organization.** If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the City. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.~~

~~**Public Dedication of Open Space and Streets.** The City may at its discretion accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided that:~~

- ~~— The common open space is accessible to the residents of the City and part of the City's Greenway Plan~~
- ~~— The City agrees to and has access to maintain the common open space.~~
- ~~— Streets or other public ways which have been designated on a duly adopted official map or element of the comprehensive plan shall be dedicated or reserved by the subdivider to the City. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.~~

~~**Individual Ownership.** An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.~~

~~**Management Plan.**~~

~~Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long term means to properly manage and maintain all common facilities.~~

~~including any storm water and water quality facilities. A management plan shall not be required for land that is retained for pasture or crop use. The plan shall be approved by the City prior to final plat approval.~~

- ~~— The plan shall do the following:~~
 - ~~— Designate the ownership of the open space and common facilities.~~
 - ~~— Establish necessary regular and periodic operation and maintenance responsibilities.~~
 - ~~— Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.~~
 - ~~— Include a land stewardship plan specifically focusing on the long term management of common open space lands, and describing:~~
 - ~~— Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.~~
 - ~~— The proposed end state for each common open space area; and the measures proposed for achieving the end state.~~
 - ~~— Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.~~
 - ~~— The operations needed for maintaining the stability of the resources, including: stormwater management facilities; mowing schedules; weed control; planting schedules; clearing and cleanup; at the City's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.~~
- ~~— In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Section, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The City may enter the premises and take corrective action.~~
- ~~— Management plans can be amended by the owner with the approval of the City.~~

ARTICLE 10: DEVELOPMENT AND DESIGN STANDARDS

10.1.3. Blocks

The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of

public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum length of any blocks within a subdivision shall not exceed that as shown in Table 10.1-1 (a dash [-] indicates that the requirement is not applicable). [These maximums do not apply along State roads.](#) Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

Table 10.1-1 Block Length Requirements

Zoning District	Maximum Length
AG, RE	-
RM-1, RM-2, RV, RC	1,000 feet¹
RL, RM 1, RM 2, RV, RC , B-1, CC, FG , C-1, C-2	1,800 feet
I-1, I-2	-
PUD, TND	1,500 feet
MX	600 feet²

¹See [Section 7.7.2 for additional requirements and exemptions for streets with structures on only one \(1\) side \(also known as single-loaded streets\).](#)

²See [Section 9.3.14 for additional requirements.](#)

10.2. Street Improvement Standards

10.2.1. Purpose

The purpose of this Section is to prescribe minimum design standards for new public and/or private streets, [as well as certain provisions for existing streets.](#) These requirements may exceed the standards prescribed by NCDOT for the acceptance of streets into the Secondary System of State Highways. The detailed and required engineering design standards supplementing this section are found in the *TSM*, Article II, Streets. This section should be read in conjunction with Article [II of the TSM](#).

10.2.2. Street Classification System

- A. New, existing or proposed streets not already identified on the City of Concord Transportation Plan shall be classified for the purposes of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location of a proposed use into one of the “classes” shown in Table 10-2.1. The Administrator in consultation with the Transportation Director shall determine which of the Transportation Plan designations apply to the street under consideration utilizing the criteria of § 10.2.2., the City of Concord Transportation Plan and the narrative descriptions for each roadway classification provided in the City’s *TSM*.
- B. The street classification system set forth in Table 10.2-1 is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the adopted City of Concord Transportation Plan.

Table 10.2-1 Street Classifications with Right-of-Way Widths

Facility Type	Typical Right-of-Way
Freeway/Expressway	>120'
Major Thoroughfare	120'
Minor Thoroughfare	100'
Collector (Major Residential and Non-Residential Collector)	60-80'
Residential Street Minor Residential and Non-Residential Collector	60-80'
Residential Lane Local Street	50'
Alley	20'

10.2.4. Public Streets

- A. Public streets shall be designed and constructed in accordance with the City's *TSM*, Article II.
- B. All new residential developments shall provide for the installation of traffic calming measure(s) on each residential street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and Transportation Department. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, bulb-outs, chicanes, median islands, and on-street parking (see Appendix A Traffic Calming Reference Guide of the Traffic Calming Policy for definitions and additional details on these measures).
For public streets in existing neighborhoods, traffic calming measure(s) are implemented in accordance with the Traffic Calming Policy.
- CB. Pursuant to NCGS § 136-66.2 where a proposed subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system, the applicant is required to dedicate at least one-half of the land necessary to comply with the minimum right-of-way width requirements referenced in the Transportation Plan and or the City's *TSM*, Article II, §2, or the applicable regulations of the North Carolina Department of Transportation, whichever is greater.
- DC. Where a subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the design requirements of the Transportation Plan and/or the City's *TSM*, Article II or if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation.

10.2.5. Private Streets

- A. Private streets that develop as part of a subdivision, or integrated commercial, industrial, multi-family residential or institutional development shall be designed and constructed to the public street standards set forth in the City's *TSM*. Private streets that develop within a new residential subdivision shall also include traffic calming measures in accordance with public street requirements stated in Section 10.2.4, Part

[B of this Article](#). Private streets (with established right-of-way) shall be designed in accordance with the standards set forth in Article 10 and the TSM. This section shall not include private access ways/driveways as regulated in 10.3.

[For private streets in existing neighborhoods, traffic calming measure\(s\) are implemented in accordance with the Traffic Calming Policy.](#)

- B. A legally responsible organization (i.e. homeowners association, other legally recognized association, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or other legally recognized district shall be approved as to form by the City Attorney (this will constitute a contract)

10.2.6. Street Connectivity Requirements

- A. The City Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare; in order to ensure that streets will function in an interdependent manner; to provide adequate access for emergency and service vehicles; to enhance non-vehicular travel such as pedestrians and bicycles; and to provide continuous and comprehensible traffic routes. [For reference, see Institute for Transportation Engineers, ITE Transportation Planning Council Committee 5P-8, Traditional Neighborhood Development Street Design Guidelines (June 1997).
- B. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- C. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see examples in Figure 10.2-1). One greenway/pedestrian connection per subdivision may be used to substitute one link in order to achieve the connectivity ratio. Such a connection shall be reviewed and approved by the Administrator.

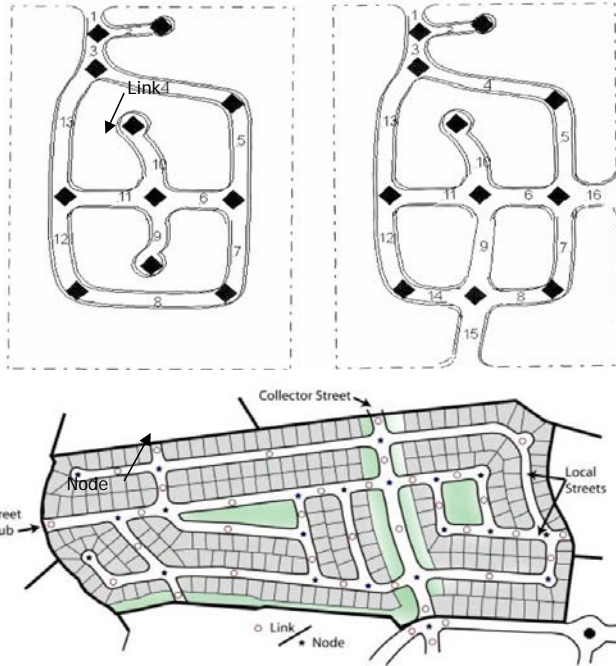
Figure 10.2-1 Examples of Street Connectivity Ratio as applied

[Nodes include 1\) intersections of at least two distinct roadways or the allowed greenway/pedestrian connection with three distinct roadway or greenway/pedestrian branches to each intersection and 2\) the ends of cul-de-sac roads. A link is a connection between nodes except for the connection to a cul-de-sac node.](#) For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

Example 1: Subdivision that does not meet the Ratio (~~437~~ links/~~418~~ nodes = ~~1.180.88~~ ratio) Example 2: Same development modified to meet Ratio (~~4614~~ links/~~417~~ nodes = ~~1.452.00~~



Example 3: Meets Ratio
 $\frac{3928 \text{ links}}{4417 \text{ nodes}} = 1.65 \text{ ratio}$



- C.S.** Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for vehicular and pedestrian traffic.
- E. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 250 feet or one lot width in length, whichever is less. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
- F. **Exemptions.** New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines:
1. No option exists for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors (Cost shall not be considered to be a limiting factor unless the cost of the stub street exceeds 150% of the cost of a street of similar length in the

subdivision. Cost estimates must be certified by a registered N.C. engineer.); and

2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on physical constraints of the property to be developed. Constraints include topography, hydrologic features, and no options to connect to adjacent developed sites. Cost shall only be considered as provided in 10.2.6 F.1. immediately above.
3. Conservation subdivisions shall also be exempt from the connectivity ratio requirements in part C of this section, provided they have at least two access points that provide connections to distinct roadways and/or an adjacent development.

ARTICLE 5. SUBDIVISION PLATS, SITE PLANS AND CONSTRUCTION PLANS

Summary: Many new developments require the creation of new lots or subdivisions. Others require detailed plans showing most of the features of the new development, such as buildings, parking lots landscaping, stormwater ponds and other features. These are called "site plans." Subdivisions and site plans are the two most common and complex types of plans for new development. As such, they deserve their own article. All site plans and subdivisions must be designed with the environmental requirements of Article 4 in mind. Before designing a subdivision or site plan, please consult Article 4. Subdivisions are approved in a two step process. First, preliminary plats are approved (section 5.2). Preliminary plats must conform to the standards for the creation of new lots found in section 5.5. After approval of a subdivision or site plan, plans for the installation of roads, sewers, water lines and stormwater control devices must also be approved. These requirements are found in section 5.6 Construction Plans. After the installation of the improvements shown in the construction plans, comes the final approval of the subdivision in section 5.3, final plats. Site plans (section 5.4 site development) are required for non-residential and more intense residential developments. If new lots are created, a subdivision and site plan may be required for the same development. Typically, lots are subdivided before site plans are made. The details on the inspection of new utility infrastructure and acceptance of utilities by the City Council are found at section 5.7 Construction. References made in this Article to the Manual are to the "City of Concord Technical Standards Manual".

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5.1. PURPOSE

Changes to the population of an area and use of land affect the demand for infrastructure and services. The purpose of this Article is to promote the safe, functional, and aesthetically pleasing development of property. (See also Article 1 for a further statement of the purpose and intent of this Ordinance.) This Article contains the requirements for subdivision plats (at § 5.2) and site plans (at § 5.3). After obtaining approval of a subdivision plat or site plan, the next step is to obtain approval of construction plans and receive appropriate utility permits (See § 5.4 and Code of Ordinances Chapter 62). Finally, this Article concludes with the general rules and polices governing construction and the acceptance of infrastructure improvements for permanent maintenance by the City in § 5.5. In addition, please see the City of Concord Technical Standards Manual (the Manual) for further requirements about required construction practices and standards. The procedures for obtaining all other development-related permits are found at Article 6. Permits and Approval Processes.

5.1.1. SUBDIVISION DEVELOPMENT.

- A. **Purpose.** In accordance with NCGS §§ 160A-371 through 160A-376, the purposes of this Section are to:
1. Ensure necessary infrastructure is adequate to serve areas with new development,
 2. Ensure municipal services are available to new development,
 3. Ensure recreational opportunities are available to new development,
 4. Ensure natural resources are protected,
 5. Ensure necessary easements are created and provisions are made to allow for the proper maintenance of infrastructure, and
 6. Ensure that offers of dedication of infrastructure are properly made and accepted.
- B. **Introduction.** Subdivisions are divided into two types, minor and major. Each subdivisions is approved in 4 phases: first the preliminary plat, second the construction drawings third the final plat and last acceptance of any offers to dedicate infrastructure such as sewer pipes, sidewalks, water lines, streets and others. Minor subdivision preliminary plats are approved by the staff Administrator on the recommendation of the Development Review Committee or the Planning & Zoning Commission (major plats only). The City Engineer or his designees approve construction drawings on the recommendation of the Development Review Committee. Final plats are approved by the staff Administrator (minor subdivisions) on the recommendation of the Development Review Committee or the Planning & Zoning Commission See Table 5.1 below.

Table 5.1: Types of Subdivisions and their Approving Body.

Type of Subdivision(s)	Type of Required Plats	Approved by:
Minor Subdivision	(1) Preliminary Plat	Administrator with Development Review Committee
	(2) Final Plat	Administrator with Development review Committee.
Major Subdivision	(1) Preliminary Plat	Planning & Zoning Commission
	(2) Final Plat	Planning & Zoning Commission
Construction Drawings		Director of Engineering with Development Review Committee
Infrastructure Acceptance		City Council

1. **Minor Subdivisions Defined:** Subdivisions of ten or fewer lots, having no public utility extensions, creating no new public streets and where no lot is taking access from a major or minor thoroughfare.
 2. **Major Subdivision Defined:** All subdivisions other than minor subdivisions.
- C. Plats shall be prepared by registered North Carolina professional engineers, professional land surveyors or other professions approved by the State of North Carolina.

5.1.2. APPLICABILITY

No person shall subdivide land and/or file or record a subdivision plat required by this Ordinance with the Register of Deeds and/or sell or transfer a single lot or a single lot in a subdivision plat required by this Ordinance without making and recording a plat and complying fully with the provisions of this ordinance and all other state and local laws and regulations. No person shall create a minor or major subdivision within the jurisdiction of the City of Concord without preparing a preliminary and final plat verifying that all applicable standards are met. Final and preliminary plats shall be prepared for all minor and/or major subdivisions and combinations of land, including all divisions of a tract or parcel of land into one or more tracts or parcels created for the purpose of sale or building development (whether immediate or future) and all divisions of land involving the creation of a new street or a change to an existing street except the following:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots meet or exceed the lot standards in §5.5;
2. The division of land into parcels greater than ten (10) acres where no right-of-way dedication is required;
3. The purchase of strips of land by a public entity for the widening or opening of streets or for public transportation system corridors; and
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way

dedication is involved and where the resultant lots meet or exceed the lot standards in §5.5 and all of the other standards of this ordinance.

[See also the definition of subdivision in Article 14.]

5.2. PRELIMINARY PLATS

5.2.1 SIZE AND SCALE.

No specific size requirements apply to preliminary plats. Preliminary plats shall be prepared at a standard scale for which one (1) inch equals a distance of one hundred (100) feet or less, such as twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet.

5.2.2. CONTENTS.

The preliminary plat shall depict or contain the information set forth below.

A. General Information.

1. Plat title,
2. Revision number,
3. Legend,
4. Vicinity map depicting the location of the subdivision relative to the municipal limits and the surrounding area,
5. Existing topography with a minimum four-foot contour interval,
6. Boundaries of wetlands, floodways, and one-hundred-year floodplains,
7. Memo describing stream channels as delineated on-site with copies of the Cabarrus County Soil Survey and the applicable 1:24,000 USGS Quadrangle,
8. Existing structures,
9. Existing and proposed built-upon or impervious surface area, given in square feet,
10. Existing and proposed waterbodies, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100 feet, and
11. Anticipated date of final platting.
12. Watershed protection overlay districts,
13. Critical areas of watersheds,
14. Class 1 streams,
15. Class 2 streams,
16. Lakes and impoundments,
17. Jurisdictional wetlands,
18. Undisturbed buffer easements,
19. Vegetated setbacks,
20. Construction limits,
21. Stormwater facility easements,
22. Floodplain protection overlay districts,
23. Floodways,
24. Base flood elevation,
25. All Existing and proposed utilities.

B. Parcel Data.

1. Existing tract boundaries shown by a heavy line along with all bearings and distances,
2. Total number of lots existing before the proposed subdivision,
3. Legal or deed description of the property,
4. Proposed lot lines with scaled dimensions and lot numbers,
5. Lines showing the different phases of the subdivision, if applicable,
6. Names and property identification numbers of adjoining property owners and subdivisions, both of record and proposed (if known), and
7. Location and size of parcels supporting community services, including but not limited to fire stations, parks, schools, open space areas, etc. and their ownership.

C. Right-of-Way and Easement Information.

1. Proposed streets, sidewalks, and pedestrian ways, including vehicular access points, sidewalks, street names, right-of-way widths, pavement widths, centerline curve radii, proposed functional classifications for streets, sight triangle easements and typical cross-sections,
2. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including vehicular access points, sidewalks, right-of-way widths and pavement widths,
3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
4. Labeled proposed and existing public and/or private drainage and stormwater controls, including labels for easement types and widths,
5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easements types and widths.

D. Site Calculations.

1. Total acreage of tract,
2. Total number of lots in the subdivision,
3. Net acreage included in lots,
4. Number of lots in each phase,
5. Total acreage of open space, including subtotals for acreage of passive and active open spaces,
6. Total acreage in street rights-of-way, and
7. Total linear footage of each individual street center-line, measured from the center of an intersection through the center of the street to the next intersection.

E. Zoning-Related Data.

1. Zoning classification and district lines on the tract and adjoining properties,
2. Building setbacks in table format.

5.2.3. OTHER REQUIRED FORMS AND PLANS.

Depending on the type of development, and the timing of development, other plans may be required.

1. Completed Street Name and Review Confirmation Sheet,
2. Completed Stormwater Management Plan as required in Articles 4 and 6.1.
3. Completed Open Space Provision and Maintenance Plan as required in Article 6.5 [new 10], and the location and size of parks, school sites, open space areas, etc. and their ownership, legal instruments showing dedication of open space to a public entity (if necessary), a copy of restrictive covenants regarding open space. Architectural Elevations, in color.

5.2.4. CONSIDERATIONS FOR APPROVAL.

Staff recommendations and/or decisions regarding approval of a preliminary plat shall be based on the following:

1. Whether all applicable information has been submitted confirming that the application adheres to all requirements of this Ordinance; and
2. Whether the preliminary plat has been prepared in accordance with the standards of this Ordinance; and
3. The City's ability to provide the proposed development with capacities for utilities, such as wastewater treatment or potable water and other municipal services. Developers are required to install all required utility infrastructure within subdivisions.
4. Street connectivity shall meet the requirements of Article 10.2.6.

5.2.5. APPROVAL PROCESS.

- A. Subdividers shall submit the following to the Planning Department:
 1. A completed preliminary plat application,
 2. The number of copies of the preliminary subdivision plat specified in the Manual. Preliminary subdivision plats shall meet the size, scale, and content requirements of this subsection,
 3. Other required forms and plans listed in subsection (3) above must be submitted as a part of this approval process, and
 4. A review fee as specified in the most recent annual Budget Ordinance fee schedule.
- B. The Development Review Committee shall examine the preliminary plat and make a recommendation to the Administrator within the time stated in the

schedule adopted by the Development Review Committee (DRC) or in the *Manual*.

- C. Incomplete plats and/or plat applications shall be returned to the applicant and will not be reviewed by City staff until revised and resubmitted.
- D. The applicant shall revise the proposed plat if necessary in accordance with City staff review comments and re-submit revised copies along with any other fees or materials that may be required.
- E. Preliminary subdivision plats that are in accordance with all applicable standards of this Ordinance and the *Manual* shall be placed on the agenda of the Planning & Zoning Commission, in accordance with the procedures and by-laws of the Commission.
- F. Once the Planning & Zoning Commission has taken action on a preliminary plat, it shall be made a matter of record as follows:
 - 1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with Planning.
 - 2. Approved plats shall be indexed and filed by Planning.
- G. One mylar copy of the preliminary plats approved by the Planning & Zoning Commission shall be submitted to the Planning Department. Copies of mylar plats shall not exceed 30 by 40 inches in size.
- H. The preliminary plat shall be valid for three years from the date of Planning & Zoning Commission approval. A preliminary plat shall become void if work on furtherance of plat has not commenced within the three year period and a new application will be required to develop the site. Furtherance of the plat shall be defined as grading or approval of construction plans or erosion and sedimentation control plans. If furtherance of the plat has occurred, the plat will remain valid and in force and may be completed in accordance with the approved plan.
- I. The Administrator may approve an extension of one (1) year for the preliminary plat upon presentation of evidence that the developer is actively working toward furtherance of the plat (such as being involved in the development of or review of construction plan documents). The developer shall request the extension in writing and shall include evidence as required by the Administrator. The Administrator may consult with the Director of Engineering or other members of the DRC as necessary, and shall respond in writing, citing reasons for approval or denial of the extension.

5.2.6. ALLOWABLE ACTIVITIES WITH A VALID, APPROVED PRELIMINARY SUBDIVISION PLAT.

- A. Applicants may submit construction plans to the Development Services Department.

- B. Applicants may proceed with the preparation of the final plat in accordance with Section 5.3.
- C. Applicants may proceed with site preparation and grading provided that the provisions of the land disturbance article are met and that grading and/or construction plans have been approved.
- D. Applicants may proceed with the installation of required improvements provided that the construction plans are approved in accordance with the provisions of this Ordinance, the Code of the City of Concord, the Concord Technical Standards Manual, and all necessary approvals and permits have received.
- E. Applicants may enter into contract(s) to sell some or all of the land subject to the preliminary plat provided that all of the requirements of N.C. Gen. Stat. § 160A-375 (b) are met.

5.2.7. REVISIONS OF THE PRELIMINARY PLAT AFTER PLANNING & ZONING COMMISSION APPROVAL.

If the preliminary plat is modified after the Planning & Zoning Commission approves it, the applicant shall repeat the process in Subsection 5.2 unless the Administrator or his/her designee has been authorized to approve the amendments and approves those amendments. After consultation with the City's Engineer(s) the Administrator shall be authorized to approve the following amendments:

- 1. Changes in the location, size, or configuration of not more than ten percent (10%) of the number of approved lots, provided that all lots comply with the applicable zoning district and the total number of lots is not increased;
- 2. Changes in the location, size, or configuration of open space equivalent to not more than ten percent (10%) of the approved gross open space acreage, provided that the percentage of the subdivision gross land area in open space is not reduced; or
- 3. Changes in the location or configuration of proposed streets equivalent to not more than ten percent (10%) of the approved total street length, provided that the number of external access points is not decreased and the minimum street connectivity ratios are maintained.
- 4. Changes to infrastructure and utility design shall be approved through the construction plan approval process in 5.6.

5.3. FINAL PLATS

5.3.1. SIZE AND SCALE.

Final plats must meet the size requirements of NCGS § 47-30 and the Cabarrus County Register of Deeds. Final plats shall be prepared at a standard scale for which one (1) inch equals a distance of one hundred (100) feet or less, such as twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet.

5.3.2. CONTENTS.

All final plats are subject to mapping requirement of NCGS § 47-30. All the contents required for final plats shall show sufficient data to readily determine and accurately reproduce (on the ground) the location, bearing, and length of every boundary, line, right-of-way, and easement (including the radius and other data for curved lines), to an appropriate accuracy, and in conformance with good surveying practice.

- A. **General Information.**
 - 1. Plat title,
 - 2. Revision number,
 - 3. Legend,
 - 4. Vicinity map depicting the location of the subdivision relative to the municipal limits and the surrounding area,
 - 5. Surveyed boundaries of wetlands, floodways, and one-hundred-year floodplains, and
 - 6. Existing and proposed waterbodies, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100 feet.
- B. **Parcel Data.**
 - 1. Existing tract boundaries shown by a heavy line along with all bearings and distances,
 - 2. Legal or deed description of the property may be submitted in a separate document),
 - 3. Proposed lot lines with scaled dimensions, bearings, and lot numbers,
 - 4. Lines showing the different phases of the subdivision, if applicable,
 - 5. Names and property identification numbers of adjoining property owners and subdivisions, both of record and proposed (if known),
 - 6. Location and size of parcels supporting community services, including but not limited to fire stations, parks, schools, open space areas, etc. and their ownership,
- C. **Right-of-Way and Easement Information.**
 - 1. Proposed and existing streets, sidewalks, and pedestrian right-of-ways and easements, including street names and right-of-way widths on subject and adjacent properties,
 - 2. Site triangle easements meeting the standards shown in the *Manual*,
 - 3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,

4. Labeled proposed and existing public and/or private drainage and stormwater controls, including labels for easement types and widths,
5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easement types and widths.

D. Site Calculations.

1. Total acreage of tract,
2. Total number of lots existing before the subdivision,
3. Total number of lots in the subdivision,
4. Net acreage included in lots,
5. Number of lots in each phase,
6. Total acreage of open space, including subtotals for acreage of passive and active open spaces,
7. Impervious surface area, given in square feet,
8. Proposed utility dedications in linear feet,
9. Total acreage in street rights-of-way, and
10. Total linear footage of each individual street center-line, measured from the center of an intersection through the center of the street to the next intersection.

E. Zoning-Related Data.

1. Zoning classification and district lines on the tract and adjoining properties,
2. Building setbacks in table format.

F. Certificates required on All Final Plats. The following certificates shall be provided and signed as indicated by the signature title.

1. Certificate of Ownership and Offer of Dedication.

I hereby certify that I am owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Concord, and that I hereby submit this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate to public use all areas shown on this plat as streets, sidewalks, greenways, rights of way, easements, and/or open space and/or parks, except any of those uses specifically indicated as private, and I further dedicate all sanitary sewer, stormwater drainage and water lines that are located in any public utility easement or right of way and certify that I will maintain all such areas until accepted by the City of Concord, and further that I hereby guarantee that I will correct defects or failure of improvements in such areas for a period of one year commencing after final acceptance of required improvements. Any streets indicated as private shall be open to public use, but shall be privately maintained. Said dedication shall be irrevocable provided dedications of easements for storm drainage, whether indicated as private or public, are not made to the City of Concord but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit unless specifically designated a drainage easement to the City of Concord.

BY: _____
Owner Date

NORTH CAROLINA
CABARRUS COUNTY

I, _____, a notary public for
said county and state, do hereby certify that _____
_____ personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the _____ day of
_____, 200__.

My commission expires: _____

2. Certificate of Survey and Accuracy.

I, _____, certify that this map was (drawn by me) (drawn under my
supervision) from (an actual survey made by me) (an actual survey made
under my supervision) (deed description recorded in Book _____,
Page _____, Book _____, Page _____, etc.) (other); that the
error of closure as calculated by latitudes and departures is 1:
_____; that the boundaries not surveyed are shown as broken lines
plotted from information found in Book _____, Page _____, that
this map was prepared in accordance with General Statute § 47-30 as
amended.

Witness my hand and seal this _____ day of _____ A.D.
20_____.

Surveyor License or Registration Number

3. Certificate of Final Plat Approval.

I hereby certify that this plat is in compliance with the City of Concord
Code of Ordinances. This final plat for the _____ Subdivision was
approved by the Concord Planning & Zoning Commission / Administrator
with the concurrence of the Development Review Committee at their
meeting on _____, 2__.

Date Planning and Neighborhood Services Director or Designee

4. Certificate of Acceptance of Offer of Dedication.

I hereby certify that the City Council accepted the offers of dedication shown on this plat by resolution at a meeting of the City Council held on _____, 2____.

Date City Clerk

5. **Plat Review Officer Certificate** (as required by NCGS § 47-30.2).

State of North Carolina
County of Cabarrus

I, _____, Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

G. **Additional Certificates Required on Final Plats for Major Subdivisions.** The following certificates shall be provided and signed as indicated by the signature title.

1. **CERTIFICATE OF CONFORMITY WITH PLANS AND SPECIFICATIONS**

CITY OF CONCORD

NAME OF SUBDIVISION

NAME OF STREETS IN SUBDIVISION

SUBDIVIDER

I hereby, to the best of my knowledge, and belief, that all street, storm drainage, water and sewer work to be performed on this subdivision has been checked by me or my authorized representative and conforms with lines, grades, cross-sections, dimensions, and material requirements which are shown on and indicated in the plans which have been reviewed and approved by the Concord Subdivision Administrator or the North Carolina Department of Transportation.

I also acknowledge that falsification of the above certifications may subject me to civil suit and/or criminal prosecution under the General Statutes, including but not limited to, G.S. 14-100 and G.S. 136-102.6 and the Code of Ordinances of the City of Concord.

Signed:

REGISTERED PROFESSIONAL ENGINEER

REGISTRATION NO. DATE

NORTH CAROLINA
CABARRUS COUNTY

I, _____, a notary public for said county and state, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the _____ day of _____, 200__.

My commission expires: _____
Notary Public

2. Certificate of Streets, Water, and Sewer System Approval and Other Improvements.

I hereby certify that all publically maintained streets, storm drainage systems, water and sewer systems and other publically maintained improvements and any privately maintained water quality "Best Management Practice" shown on this plat have been designed and installed, or their installation guaranteed, in an acceptable manner and according to specification and standards of Concord and the State of North Carolina.

Date

Director of Engineering

5.3.3. CONSIDERATIONS FOR APPROVAL

- A. No final plat shall be approved until:
 - 1. A preliminary plat for the property has been prepared and approved in accordance with Subsection 5.2,
 - 2. Construction plans have been approved in accordance with Section 5.6.5, and
 - 3. All applicable permits and encroachments, including but not limited to those required for infrastructure extensions and driveway connections to streets, have been received.
- B. If a preliminary plat is approved subject to conditions or labeling corrections, the final plat shall not be approved until a corrected copy of the preliminary plat has been filed with the Development Services Department.
- C. Minor variations between the preliminary plat and subsequent final plat(s) are permissible as set forth in Section 5.2.7. The Administrator / Development Review Committee may require the applicant to revise the preliminary plat and re-submit it to the Planning & Zoning Commission for approval if a subsequent final plat does not adequately match the approved preliminary plat.
- D. Completion of all required public improvements shown on the City of Concord approved preliminary plat and construction plans, or posting of a performance security in accordance with 5.7.4.6, the Construction section below, and offering a dedication of the improvements to the City.

5.3.4 APPROVAL PROCESS.

- A. The number of copies of the final plat specified in the *Manual* shall be submitted to the Development Services Department after construction plans have been approved in accordance with Sec. 5.6.5. Additionally, all other required forms and plans listed in this subsection shall be submitted.
- B. The appropriate Development Review Committee shall conduct a technical review of the final plat within the time specified in the *Manual*.
- C. Final plats offering property dedication(s) to the City shall be reviewed by the City Council. Only the City Council may accept dedications of property.

5.3.5. ALLOWABLE ACTIVITIES WITH A VALID, APPROVED FINAL PLAT.

Sale or transfer of ownership of lots or parcels of land by reference to a plat of a subdivision PROVIDED THAT such plat has been duly recorded with the Register of Deeds. Final plats not recorded within thirty (30) days of approval are null and void. Subdivider may obtain building permits, zoning compliance permits, and certificates of occupancy.

5.3.6. RECORDATION.

- A. Plats Not Approved by the City.** No final plat shall be recorded with the Cabarrus County Register of Deeds until the City has approved it in accordance with the provisions of this article.
- B. Plats Approved by the City.** All final plats approved by the City in accordance with the provisions of this article shall be recorded with the Cabarrus County Register of Deeds.
- C. Recorded Plats.** Recorded plats shall be submitted to the City. A true original mylar plat as certified by the Register of Deeds must be returned to the City within 24 hours of recordation. Such plat must show the date and time of recordation, the map book and page number, and the signature of the Register of Deeds official.

5.4. SITE DEVELOPMENT

5.4.1. PURPOSE.

The purpose of this Section is to ensure that higher density residential and non-residential developments, including structures, utilities, streets, parking, buffers, and open space receive a more detailed review. In general, these developments are reviewed and approved twice, once by the staff Administrator and then by the Planning & Zoning Commission and/or City Council. In addition, site development review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent developments.

5.4.2. APPLICABILITY.

No person shall develop, grade, or construct buildings or structures for any site development without making an application for, and receiving approval of, a site plan and complying fully with the provisions of this ordinance and all other state and local laws and regulations. Different kinds of site developments are reviewed and approved by different bodies. The kinds of development each body approves are listed in Table 5.2.

TABLE 5.2 Types of Site Development and their Approving Bodies

When Required	Review and Approval Process	Approved by:
Non-residential developments, any multi-family development	Site Plan	Administrator upon the recommendation of the Development Review Committee
Conditional district non-residential, non-residential structures greater than 100,000 square feet or major subdivisions, Planned Unit Development (PUD), Traditional Neighborhood Development (TND), Transit-Oriented Development (TOD), or Mixed Use (MX) Development, applications for rezoning to a conditional district.	(1) First Review / Approval of Proposed Site Plan	Planning & Zoning Commission
	(2) Final Review / Approval of Site Plan	Administrator upon the recommendation of the Development Review Committee

5.4.3. SITE PLANS.

- A. **Size and Scale.** No specific size requirements apply to site plans. Site plans shall be prepared at a standard scale for which one (1) inch equals a distance of twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet.
- B. **Contents.** Site plans shall depict or contain the information set forth below:
- C. **General Information.**
 - 1. Title,
 - 2. Revision number,
 - 3. Legend,
 - 4. Vicinity map depicting the location of the subdivision relative to the municipal limits and the surrounding area,
 - 5. Existing topography with a minimum four-foot contour interval,
 - 6. Boundaries of wetlands, floodways, and one-hundred-year floodplains (These boundaries shall be surveyed in the final site plan.),
 - 7. Memo describing stream channels as delineated on-site with copies of the Cabarrus County Soil Survey and the applicable 1:24,000 USGS Quadrangle,
 - 8. Existing structures,
 - 9. Existing and proposed impervious surface area, given in square feet,
 - 10. Existing and proposed waterbodies, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100 feet, and
 - 11. Anticipated date of final platting.
 - 12. Watershed protection overlay districts,
 - 13. Critical areas of watersheds,
 - 14. Class 1 streams,
 - 15. Class 2 streams,
 - 16. Lakes and impoundments,
 - 17. Jurisdictional wetlands,
 - 18. Undisturbed buffer easements,
 - 19. Vegetated setbacks,
 - 20. Construction limits,
 - 21. Stormwater facility easements,
 - 22. Floodplain protection overlay districts,
 - 23. Floodways,
 - 24. Base flood elevation,
 - 25. All existing and proposed utilities.
 - 26. All proposed utility connections.
- D. **Parcel Data.**
 - 1. Existing tract boundaries shown by a heavy line along with all bearings and distances,
 - 2. Legal or deed description of the property,
 - 3. Proposed lot lines with scaled dimensions and lot numbers,
 - 4. Lines showing the different phases of the subdivision, if applicable,
 - 5. Names and property identification numbers of adjoining property owners and subdivisions, both of record and proposed (if known.) ,

6. Location and size of parcels supporting community services, including but not limited to fire stations, parks, schools, open space areas, etc. and their ownership,

E. Right-of-Way and Easement Information.

1. Proposed streets, sidewalks, and pedestrian ways, including vehicular access points, sidewalks, street names, right-of-way widths, pavement widths, centerline curve radii, site triangles at intersections, proposed functional classifications for streets, and typical cross-sections,
2. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including vehicular access points, sidewalks, right-of-way widths and pavement widths,
3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
4. Labeled proposed and existing drainage and stormwater controls, including labels for easement types and widths,
5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easements types and widths.
7. For PUD, TND, TOD or MX districts and conditional uses, total acreage of open space, including subtotals for acreage of passive and active open spaces.

F. Zoning-Related Data.

1. Zoning classification and district lines on the site and adjoining properties, and
2. Building setbacks.

G. Certificates. The following certificates shall be provided and signed as indicated by the signature title.

1. **Certificate of Site Plan Approval.** Upon approval of the site plan by the appropriate person or body, the applicable certificate below shall be signed on each copy of the plan reflecting such approval:

2. **For PUD, TND, TOD or MX Districts, and Conditional Uses.**

I hereby certify that the City of Concord Planning & Zoning Commission on _____ duly approved this site plan and that this plan is in conformity therein.

Date Development Services Director

3. **For all other Site Plans.** By authority of the City of Concord Development Regulations, this site plan is hereby approved.

Date Development Services Director

Date Director of Engineering

5.4.4. Other Required Forms and Plans.

Depending on the type of development, and the timing of development, other plans may be required.

1. Completed Street Name and Review Confirmation Sheet,
2. Completed Stormwater Management Plan as required in Article 4,
3. Completed Open Space Provision and Maintenance Plan as required in Article 6.5 (new IV), and the location and size of parks, school sites, open space areas, etc. and their ownership, legal instruments showing dedication of open space to a public entity (if necessary), a copy of restrictive covenants regarding open space.
4. Completed Architectural Plans in accordance with Article 7
5. Fire and Life Safety Department Confirmation of Acknowledgement and Acceptance,
6. Electric Systems Load Data Sheet,
7. Underground Electric Service Installation Agreement,
8. Address request form and layout plan,
9. Completed water and sewer permit applications in accordance with Chapter 62 Article III,
10. Contract for Utility Service, and
11. Stormwater Replacement Protection Easement and Access Maintenance Agreement in accordance with Sec. 4.4.6.C.
12. Driveway permits.
13. Completed Traffic Impact Study (TIS), acoustical study, illumination/light impact study, if required by the administrator.

5.4.5. CONSIDERATIONS FOR APPROVAL.

Recommendations and decisions regarding the approval of a site development plan shall be based on the following:

1. Whether all applicable information has been submitted confirming that the application adheres to all requirements of this Ordinance; and
2. Whether the site plan has been prepared in accordance with the standards of this Ordinance; and
3. The City's ability to support the proposed development with utilities and other municipal services; and
4. All necessary state, local, federal permits or approval.

5.4.6. APPROVAL PROCESS.

- A. Developers shall submit the following to the Development Services Department:

1. A completed site plan application,
 2. The number of copies of the completed site plan specified in the Manual. Preliminary subdivision plats shall meet the size, scale, and content requirements of this subsection bearing a signed Certificate of Ownership and Dedication,
 3. Other required forms and plans listed in subsection (3) above must be submitted as a part of this approval process, and
 4. A review fee as specified in the most recent annual Budget Ordinance.
 5. Other Required Forms and Plans. Other required forms and plans listed in this subsection,
 6. Digital Information. A digital vector file of all impervious surfaces using the coordinate system specified in the Manual or alternatively, a spreadsheet listing each impervious surface as specified in the Manual, and
 7. Fee. A review fee as specified in the most recent annual Budget Ordinance fee schedule.
- B. The Development Review Committee shall review the site plan and make a recommendation to the Administrator within the time stated in the schedule adopted by the DRC or in the Manual.
- C. Incomplete site plans shall be returned to the developer and will not be reviewed by City staff until revised and resubmitted.
- D. The developer shall revise the proposed site plan if necessary in accordance review comments and re-submit revised copies along with any another materials that may be required.

5.4.7. RECORD OF APPROVAL.

- A. For PUD, TND, TOD, or MX Districts and Conditional Uses. The Administrator shall present site plans that have been approved by City staff to the Planning & Zoning Commission. Once the Planning & Zoning Commission has taken action on a site plan, it shall be made a matter of record as follows:
1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with Development Services.
 2. Approved site plans shall be indexed and filed by Development Services.
- B. For All Other Site Plans. Site plans that have been approved by City staff shall be made a matter of record as follows:

1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with Development Services.
- C. Approved site plans shall be indexed and filed by Development Services.
- D. The site plan shall be valid for two years from the date of approval

5.4.8. EXPIRATION of APPROVAL

- A. SITE PLAN approval expires automatically and simultaneously with the expiration of the zoning clearance permit.

5.4.9. ALLOWABLE ACTIVITIES WITH A VALID, APPROVED SITE PLAN.

- A. Developers may proceed with the preparation of the final plat in accordance with Section 5.4 if dedication of public easement or right-of-way is required.
- B. Developers may submit construction plans to the Development Services Department.
- C. Developers may proceed with site preparation and grading provided that the provisions of the land disturbance article are met and that both grading plans have been approved in accordance with Article 4, and/or construction plans in accordance with § 5.6 below.
- D. Developers may proceed with the installation of required improvements provided that the construction plans are approved in accordance with the provisions of this Ordinance, the Code of the City of Concord, the Concord Technical Standards Manual, and all other necessary state, local and federal approvals and permits.

5.4.10. REVISIONS OF SITE PLANS AFTER APPROVAL.

If the site plan is modified after the Planning & Zoning Commission approves it, the applicant shall repeat the process in Subsection 5.4 unless the Administrator or his/her designee has been authorized to approve the amendments and approves those amendments. After consultation with the Development Review Committee, the Administrator shall be authorized to approve the following amendments:

1. Changes in the location, size, or configuration of not more than ten percent (10%) of the total gross square floor area of approved buildings, up to 50,000 square feet, provided that all buildings comply with the requirements of this ordinance and the total number of lots is not increased;
2. Changes in the location, size, or configuration of open space equivalent to not more than ten percent (10%) of the approved gross open space acreage, provided that the percentage of the subdivision gross land area in open space is not reduced; or
3. Changes in the location or configuration of proposed streets, driveways and/or parking lots equivalent to not more than ten percent (10%) of the approved

total street length, or parking lot area, provided that the number of external access points is not decreased and the minimum street connectivity ratios are maintained.

4. Changes to infrastructure and utility design shall be approved through the construction plan approval process in 5.6.

5.5. LOT STANDARDS

5.5.1. PURPOSE.

This Section establishes standards to guide the design and review of proposed developments, involving the layout or development of lots and their relationship to streets and other public facilities. Lot size and density shall be determined based on the current zoning district of the development as provided in Table 5.5-1. Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided along with adequate room for required setbacks (see Article 7, table 7.7-1.) and buffer yards (see Article 7).

5.5.2. APPLICABILITY.

The provisions of this subsection shall apply to any newly created or proposed lot or parcel resulting from a subdivision of land as provided for in this Article.

5.5.3. ACCESS.

- A. Every lot resulting from a subdivision of land as provided for in this Article shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided below.
- B. **Exceptions.**
 - 1. Parcels within nonresidential subdivisions, provided that adequate paved access is available for emergency and public safety vehicles and access;
 - 2. Town home lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the town home lots; and
 - 3. Lots fronting on approved private streets.
- C. **Street Frontage.** Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five (5) lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.
- D. **Restrictions on Block and Cul-de-sac Lengths.** The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. In the AG, RE, I-1, and I-2 zoning districts there shall be no maximum block length. In all other zoning districts, the maximum length of any blocks shall be as stated in ~~the Manual~~Section 10.1.3. Cul-de-sac lengths shall be as stated in the *Manual*. Block length shall

be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

5.5.4. GENERAL EXCEPTIONS FOR CERTAIN KINDS OF LOTS.

- A. **Corner Lots.** Side lot lines of lots abutting a public or private right-of-way shall (to the extent practicable) run at right angles to the right-of-way line, or in the case of cul-de-sacs or curvilinear street rights-of-way, radial to the curve.
- B. **Cul-de-Sac Lots.** A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:
 - 1. Lot frontage of at least 50 percent of the minimum required, but in no case less than 25 feet, whichever is greater;
 - 2. Lot area equal to or greater than the minimum lot area (if one is specified); and
 - 3. The minimum required lot width at the actual front setback of the primary structure and not necessarily at the minimum front setback set forth in this Ordinance.
- C. **FLAG LOTS.**
 - 1. **Justification for Flag Lots.** Upon recommendation of the DRC, the Administrator may approve flag lots if evidence is provided that physical hardships prevent development of land using conventional lot design and all other provisions of this ordinance are met..
 - 2. **Minimum Pole Widths.** The minimum width of the "pole" portion of a flag lot shall be twenty-two (22) feet for residential lots and thirty (30) feet for non-residential lots. The "pole" portion of the lot shall have maximum length not to exceed 250 feet.

5.5.5. OPEN SPACES.

Dedicated open space shall comply with the requirements of this Ordinance in addition to the standards set forth herein. Articles 4 and 6.5 [new Article 10].

5.5.6. PERIMETER BUFFER YARD FOR RESIDENTIAL SUBDIVISIONS (THESE STANDARDS SHALL APPLY TO MAJOR SUBDIVISIONS ONLY).

- A. A buffer yard shall be required along the perimeter of a residential subdivision in order to separate residential lots from:
 - 1. Abutting a thoroughfare; and
 - 2. Abutting non-residential uses.
- B. The buffer yard for abutting non-residential uses shall be designed and landscaped per Article 11 of this Ordinance. The buffer yard for abutting a

thoroughfare shall be a Type D buffer as set forth in Table 9.4-2 of this Ordinance.

- C. All required buffer yards shall be platted as common areas and may be included as “open space” subject to the standards and criteria as set forth in § 6.5 of this Ordinance.

Table 5.5-1 Dimensional and Density Standards

Zoning District	A	B	C	E	F	G
	Min. Lot Size (sq. ft.)	Max. Density (per acre)	Impervious Surface Ratio	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Building Height (feet)
AG**	43,560	1	-	200	200	35
RE	43,560	1	-	150	150	35
RL	20,000	2	-	100	125	35
RM-1	15,000	3	-	75	125	35
RM-2	10,000	4	-	75	100	35
RV***	7,500	8	0.5	50	100	35
RC***	5,000	15	0.5	50	100	35
B-1	-	-	0.65	50	100	50
CC	-	-	-	-	-	72
O-I	-	-	0.7	-	-	35
C-1	-	-	0.7	-	-	48
C-2	-	-	0.8	50	100	48 (1)
CD	-	-	0.8	100	100	72
I-1	-	-	0.8	50	100	72
I-2	-	-	0.9	50	100	72

(1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Unified Development projects shall be measured from the overall project boundaries. A Unified Development is defined as properties developed as a single-use where the developments on all the parcels are necessary to meet the requirement of this ordinance.

Building Setbacks

ARTICLE 5: SUBDIVISION PLATS, SITE PLANS AND CONSTRUCTION PLANS

Zoning District	PRINCIPAL STRUCTURES				ACCESSORY STRUCTURES		NOTES:
	Min. Front Setback (feet)	Max. Front Setback (feet)	Min. Interior Sideyard Setback (feet)	Min. Rear Setback (feet)	Min. Interior Sideyard Setback (feet)	Min. Rear Setback (feet)	
AG	50	-	20	30	10	10	<p>* Residences permitted in non-residential districts shall conform to the density and dimensional standards of the RC district.</p> <p>**Rural subdivisions (AG zone) are subject to the additional provisions of Section 5.25.</p> <p>*** Individual duplex lots, as permitted in Table 4.6-1, shall be required 1.5 times the minimum lot area and minimum lot width. Minimum lot depth shall not be required to increase.</p> <p>In the districts where permitted, multi-family and/or single-family attached developments shall only be subject to Columns B, C, , an F. Setbacks for multi-family and single-family attached developments are set forth in Sect. 11.2 of this Ordinance.</p> <p>^ See Sect. 6.6.5 for exceptions.</p>
RE	45	-	20	30	5	5	
RL	35	-	15	30	5	5	
RM-1	25	-	10	25	5	5	
RM-2	25	-	10	25	5	5	
RV	20	-	7	5	5	5	
RC	20	-	7	5	5	5	
B-1	10	-	10	20	10	10	
CC	-	10	-	-	-	-	
O-I	10	-	-	-	-	-	
C-1	10	-	-	-	-	-	
C-2	10	-	-	-	-	-	
CD	30	-	-	-	-	-	
I-1	30	-	-	-	-	-	
I-2	30	-	-	-	-	-	

5.6. CONSTRUCTION PLANS

5.6.1. PURPOSE.

The Purpose of this section is to ensure that any development involving new building, parking, landscaping, utilities, buffers, etc. is done in accordance with all applicable City and State codes and standards.

5.6.2. APPLICABILITY.

No person shall develop, grade, or construct buildings or structures or extend or modify any infrastructure related to any subdivision or site development without making an application for, and receiving approval of, a site plan or subdivision plat and complying fully with the provisions of this ordinance and all other state and local laws and regulations.

5.6.3. SIZE AND SCALE.

Construction plans shall be prepared on 24-inch by 36-inch white paper at a horizontal scale of one (1) inch equals a distance of forty (40) feet and a vertical scale of one (1) inch equals a distance of four (4) feet.

5.6.4. CONTENTS.

Construction plans shall depict all drawings and specifications needed to result in the construction of improvements required by the Code of the City of Concord and Concord Technical Standards Manual as adopted by the City. At a minimum, construction plans shall legibly depict or contain the information set forth below.

A. General information.

1. Development name,
2. Developer and engineer contact information,
3. Distinct title and number for each sheet,
4. Revision number(s) and date(s),
5. Scale,
6. North arrow,
7. Legend,
8. Vicinity map depicting the location of the development relative to the municipal limits and the surrounding area,
9. Licensed professional's seal and signature as required by NC General Statutes,
10. Elevation control markers and monuments,
11. Existing topography with a minimum four-foot contour interval,
12. Labeled boundaries of waterbodies, wetlands, floodways, and one-hundred-year floodplains,
13. Existing and proposed impervious surface areas, given in square feet,
14. All existing and proposed wells, railroads, bridges, culverts, storm drains, and natural features on within 200 feet of the development, and
15. Lines showing the different phases of the development, if applicable.

B. Parcel Data.

1. Names and property identification numbers of adjoining property owners and subdivisions and/or other developments, both of record and proposed, if known, and
2. Location and size of parcels supporting community services, such as parks, schools, open space areas, etc. and their ownership (if any are located in the site planned development).

C. Utility and Drainage Information.

1. Utility location service contact information,
2. Sheet(s) containing both plan views of all proposed waterlines with a center-of-pipe profile of all waterlines with diameters greater than twelve (12) inches at a scale of one inch to forty feet,
3. Sheet(s) containing both plan views of all proposed sanitary sewer lines with a center-of-pipe profile of all proposed sanitary sewer lines at a scale of one inch to forty feet horizontal and one inch equals four feet vertical,
4. Sheet(s) containing both plan views of all proposed stormwater pipes and channels with a center-of-pipe/channel profile of all proposed stormwater pipes and channels at a scale of one inch to forty feet horizontal and one inch equals four feet vertical,
5. And at each crossing of another utility,
6. Existing utilities on and within 100 feet of the development,
7. Note referencing Chapter 62 of the Code of the City of Concord, the WSACC Standard Specifications, and State requirements,
8. Waterline stationing,
9. Sanitary sewer line stationing,
10. Sanitary sewer invert elevations and slopes,
11. Manhole diameters, and
12. Sufficient details.

D. Transportation Information.

1. Proposed street names and State road numbers,
2. Proposed street stationing,
3. Sheet(s) containing both plan views of all proposed streets with a center-of-street profile of all proposed streets, and
4. Traffic control devices.
5. Ramps required by the Americans with Disabilities Act (ADA).

E. Right-of-Way and Easement Information.

1. Proposed streets, sidewalks, and pedestrian ways, including street names, right-of-way widths, vehicular access points, sidewalks, pavement widths, centerline curve radii, proposed functional classifications for streets, typical cross-sections, sight triangles, street centerline stationing.
2. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including right-of-way widths, vehicular access points, sidewalks, pavement widths, center-line distance of each street

measured from the center of intersection to the next intersection and centerline curve radii,

3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, maintenance and access and etc., including labels for easement types and widths,
4. Labeled proposed and existing drainage and stormwater controls, including labels for easement types and widths,
5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easement types and widths.

F. CALCULATIONS.

1. Total number of lots in the subdivision, if applicable,
2. Number of lots in each phase, if applicable,
3. Total acreage of open space, including subtotals for acreage of passive and active open spaces,
4. Total linear footage of each individual street,
5. Total linear footage of each diameter size of waterline,
6. Peak potable water demand in gallons per minute,
7. Total linear footage of each diameter size of sanitary sewer line,
8. Peak wastewater generated with estimated inflow and infiltration for a 5-year storm event in gallons per minute,
9. The information stated in the Manual for pump station cycle times, storage and associated pump curves,
10. Pavement design calculations and associated AASHTO Soil Classification information for streets to be dedicated to a government.

G. Electrical Utility Information.

Electrical riser diagram for service entrance requirements as shown in the *Manual*. (For City owned electrical utilities only.)

H. Other Required Forms and Plans. Depending on the type of development, and the timing of development, other plans may be required.

1. Approved Street Name and Review Confirmation Sheet,
2. Approved Stormwater Management Plans as required in Articles 4 and 6.
3. Approved Open Space Provision and Maintenance Plan as required in Article 6.5 [new 10], and the location and size of parks, school sites, open space areas, etc. and their ownership, legal instruments showing dedication of open space to a public entity (if necessary), a copy of restrictive covenants regarding open space.,
4. Completed Street and Driveway access permit application,
5. Completed Traffic Impact Study (TIS), if required.
6. Copy of the approved preliminary subdivision plat, if applicable.

5.6.5. CONSIDERATIONS FOR APPROVAL.

- A. Conformity with Approved Plat.** The number and configuration of lots on construction plans for subdivisions shall match the number and configuration of lots on the subdivision's approved preliminary plat.

5.6.6. APPROVAL PROCESS FOR CONSTRUCTION DRAWINGS.

- A. Developers shall submit the following to the Development Services Department:
 - 1. The number of copies of the construction plans meeting the size, scale, and content requirements of this subsection and the Manual.
 - 2. Other Required Forms and Plans.
 - 3. Completed Traffic Impact Study in accordance with Article 3, and
 - 4. Completed utility permit applications in accordance with Sec. 62-77 of the Code of the City of Concord.
 - 5. A review fee as specified in the most recent annual Budget Ordinance.
- B. The Development Review Committee shall examine and review the construction plans within the time limit stated in the schedule adopted by the DRC or in the *Manual*.
- C. Incomplete plans shall be returned to the developer and will not be reviewed by City staff until revised and resubmitted.
- D. The developer shall revise the proposed plan if necessary in accordance with Technical Review Committee comments and re-submit revised copies along with any other fees or materials that may be required.
- E. Once the construction plan has been approved by the Director of Engineering or an individual under his/her direct control, it shall be made a matter of record as follows:
 - 1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Engineering Department.
 - 2. Approved plans shall be indexed and filed by the Engineering Department.

5.6.7. REVISIONS OF THE CONSTRUCTION PLAN AFTER APPROVAL.

- A. Deviations from the approved engineering plans and specifications or changes in site conditions shall be submitted in writing by the engineer to the Director of Engineering for written approval prior to any further construction or installation activity.
- B. Modifications to the approved plans requiring federal, state, and local regulatory approval shall be the responsibility of the owner, developer, or their contractor and/or engineer. The owner / developer shall assume full responsibility for acquiring the applicable regulatory permits and approvals, prior to further construction or installation activity.
- C. The developer shall hold the City and its officers and agents harmless of any responsibility or liability, upon the failure of the developer or owner to obtain required regulatory approvals prior to further construction activity and the developers' failure to adhere to regulatory requirements during the construction activities.

5.7. CONSTRUCTION

5.7.1. PURPOSE.

The purpose of this section is to ensure that the construction of infrastructure is properly installed, inspected and documented.

5.7.2. PRE-CONSTRUCTION RESPONSIBILITIES.

- A. Prior to beginning construction, the applicant shall arrange a pre-construction meeting with the City of Concord for the purpose of coordinating construction activities.
- B. It shall be the responsibility of the applicant to notify the Director of Engineering (or his/her designee) at least 48 hours prior to the commencement of construction of improvements the amount of time specified in the Manual.

5.7.3. INSPECTION.

- A. Inspections shall occur at each of the following stages of construction to ensure conformity with the approved plans, specifications, and standards or as otherwise determined through an owner contract or development improvement agreement.
 - 1. Site grading and erosion control completion,
 - 2. Underground utility installation,
 - 3. Subgrade preparation prior to aggregate or asphalt base course installation,
 - 4. Immediately prior to aggregate base compaction,
 - 5. Concrete curb and gutter installation,
 - 6. Bituminous intermediate course(s),
 - 7. Subgrade preparation prior to sidewalk and street tree installation, and
 - 8. Final surfacing course prior to seal coat.
- B. Agents of the City and state may observe at any time during the progress of work.
- C. Where inspections are made by individuals or agencies, other than the Director of Engineering, (or his/her designee), the applicant shall provide the Director of Engineering with written reports of each final inspection.

All inspections of waterline extensions and sanitary sewer extensions shall be conducted in accordance with Section 62-86 of the Code of the City of Concord. All inspections of stormwater control and treatment infrastructure shall be conducted in accordance with the *Manual*, Chapter 60 of the Code of Ordinances and Article 4.

5.7.4. CONSTRUCTION RESPONSIBILITIES.

- A. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state

agency, utility company, or local franchisee.

- B. All installations of improvements shall conform to the approved construction plans. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.6.
- C. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.
- D. If necessary, the applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.
- E. If developments cannot be completed, under certain conditions the City MAY accept a contract and bond for a delay in the installation of certain required improvements. See the next section for the procedures and requirements.
- F. Contracts for Future Installation of Improvements
- G. **Applicability.**
 - 1. The Administrator may delay the requirement for the completion of required improvements (excluding improvements required to provide for emergencies) prior to recordation of the final plat if the applicant enters into an Agreement in which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than two (2) years following the date upon which the final plat is recorded. Such period may be extended for up to an additional one (1) year period upon its expiration at the discretion of the Administrator.
 - 2. At the discretion of the Administrator, the Administrator may recommend an Agreement with the developer for a development containing multiple final plats that specifies the timing and sequence of street, water, wastewater, drainage, and park or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the Infrastructure Development Agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.
 - 3. The City Attorney and City Council shall approve all Infrastructure Development Agreements.
- H. **Performance Security for Improvements**
 - 1. Whenever the Administrator determines that improvements cannot be completed or installed due to adverse weather conditions or other factors determined to be reasonable by the Administrator, or pursuant

to Section 5.7.4(H)(6) below or to an established city policy, a developer may enter into an Agreement. The developer shall be required to provide sufficient security to ensure completion of the required public improvements or private stormwater control measure. The security shall be in the form of an irrevocable letter of credit, surety bond or cash escrow, or another form of guarantee that provides equivalent security.

2. The Director of Engineering shall approve the surety bond, letter of credit or cash escrow in an amount that totals up to 125% of the cost of the improvements in the approved construction plan. The applicant shall provide either a bid from their contractor(s) of record for the Director of Engineering to review and approve or an estimate completed by a professional engineer with reference to average prices for the local market before the amount of the bond is established. The dollar amount shall be sufficient to cover all promises and conditions contained in the Agreement.
 3. If security is provided in the form of a cash escrow, the applicant shall deposit with the City Finance Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Engineering.
 4. The cash escrow account shall accrue to the City for administering the construction, operation, and maintenance of the improvements.
 5. Upon completion, as set forth in Section 5.7.9 below, of all improvements as covered by the Agreement, the Director of Engineering (or his/her designee) shall inspect the work. If the Director determines that the work is satisfactory and complete, the security shall be released. The Director shall also require evidence from the developer that all contractors have been paid in full prior to the release of the performance security. The Director shall permit one reduction of the letter of credit or cash escrow upon approval.
 6. Without limiting the above, for public roads, streets, sidewalks, street trees, and rights of way, the Director of Engineering may collect a performance guarantee to ensure completion, provided that such project shall not be considered complete except as provided in Section 5.7.9.
- I. **Payments - In Lieu of Installation for Curbing, Guttering and Sidewalks Improvements.**
1. In certain cases, upon the request of the applicant, the City may relieve the applicant from the requirement to install curbing, guttering or sidewalks, in return for a payment-in-lieu of the installation. The application procedures and requirements are explained in this sub-section.

2. A written application for a sidewalk, curb, and gutter exception is submitted to the office of the Development Services Department demonstrating:
 - A. That the project meets one or both of the following scenarios:
 - B. Where the topography does not allow for the reasonable or practical installation of sidewalks, curbs, and gutters; and/or
 - C. In instances where the ultimate right-of-way width is not yet determined, and/or
 - D. The developer provides an alternate walkway, trail or greenway that is approved by the Administrator following the recommendation of the Development Review Committee; and
 - E. The developer agrees to pay a fee-in-lieu of the required installation and to provide any required rights-of-way and/or easement dedications.
 - F. The "sidewalk, curb and gutter fee" is set annually in the adopted budget ordinance. The fee is based on actual costs for typical construction during the previous fiscal year, times 110% to cover administrative costs and the cost of inflation.
 - G. The fees collected are held in a Sidewalk, Curb, and Gutter Reserve Account (the "Reserve Account") administered by the City of Concord.
 - H. The Reserve Account is used only for the construction of sidewalks, curbs, and gutters at locations within the same Sidewalk Maintenance Routes/ Zones as the project where the exception was granted.
 - I. **Failure to Comply with Agreement Terms.** If an Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Administrator and/or the Director of Engineering may:
 1. Declare the Agreement to be in default prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
 2. Obtain funds from the surety and complete the public improvements by itself or through a third party;
 3. Assign its right to receive funds from the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public

improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or

- 4. Exercise any other rights available under the law.

5.7.5. AS-BUILT DRAWINGS AND RECORD DRAWINGS.

As-built drawings and record drawings shall document the location of the items required in Sec. 5.6.4. and shall be prepared and delivered in accordance with Sections 60-86, 62-88 and 62-89, respectively of the Code of the City of Concord, and stormwater control facilities required by the Concord Development Ordinance Section §4.4, regardless of whether the City is accepting the infrastructure for public maintenance or not.

5.7.6. CONSIDERATIONS FOR APPROVAL AND ACCEPTANCE.

Approval of the installation of improvements by the Director of Engineering shall not constitute acceptance by the City of the improvement for dedication purposes. The installation of improvements in any subdivision shall, in no case, serve to bind the City to accept such improvements for maintenance, repair or operation. Such acceptance shall be subject to the provisions of this Ordinance concerning the acceptance of each type of improvement.

- 1. Certificates. The following certificates shall be provided and executed:
2. CERTIFICATE OF CONFORMITY WITH PLANS AND SPECIFICATIONS

CITY OF CONCORD

NAME OF DEVELOPMENT

NAME OF STREETS IN DEVELOPMENT

DEVELOPER

I hereby certify to the best of my knowledge, and belief, that all street, storm drainage, water and sewer work to be performed on this site plan development has been checked by me or my authorized representative and conforms with lines, grades, cross-sections, dimensions, and material requirements which are shown on and indicated in the plans which have been reviewed and approved by the Concord Development Ordinance Administrator or the North Carolina Department of Transportation.

I also acknowledge that falsification of the above certifications may subject me to civil suit and/or criminal prosecution under the General Statutes, including but not limited to, G.S. 14-100 and G.S. 136-102.6 and the Code of Ordinances of the City of Concord.

Signed:

REGISTERED PROFESSIONAL ENGINEER

REGISTRATION NO. DATE

NORTH CAROLINA
CABARRUS COUNTY

I, _____, a notary public for said county and state, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the _____ day of _____, 200__.

My commission expires: _____

Notary Public

5.7.7. APPROVAL PROCESS.

The City shall inspect all improvements required by these regulations in accordance with this Ordinance prior to acceptance. The City shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the City has accepted the street or other improvement. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Article, and the applicant has submitted as-built drawings to the Director of Engineering, the City Council may accept the improvements for maintenance by the City, except that this shall not apply to improvements maintained by another entity.

5.7.8. PROCEDURE FOR ACCEPTANCE

1. The developer may call for an inspection of these improvements and for official acceptance of any infrastructure for maintenance by the public by the City Council
2. If all of the conditions of section 5.7.9. below have been met, the Administrator shall put the matter on the agenda for consideration at a future City Council meeting.
3. If accepted, a written acknowledgment of acceptance or conditioned acceptance shall be forwarded to the developer by the administrator.

5.7.9. CONDITIONS OF APPROVAL.

The following conditions shall be met before the City Council of the City of Concord will consider accepting infrastructure improvements:

- A. **Rights-of-Way.** Property owner(s) must offer dedications of rights-of-way of a width approved by the City free of charge and clear of all encumbrances. The specific standards for acceptance of easements shall be subject to the *Manual* and any other adopted policy or manual of the City. All easements shall be in full compliance with this Ordinance prior to acceptance. The City will not accept dedication of any street, road, sidewalk, or public right of way, and no street, road, or public right of way shall be considered complete, until seventy five percent (75%) of the lots in the applicable permitted phase map have been constructed.
- B. **Utilities / Streets / Stormwater Utilities.** When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Article, and the applicant has submitted as-built drawings to the Director of Engineering, the City Council may consider acceptance of the improvements for maintenance by the City. All infrastructure including street signs and markings under consideration for addition to the city system shall be in an acceptable state of maintenance as determined by the Director of Engineering upon the recommendation of the Development Review Committee. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the City is prohibited. The as-built drawings shall include all infrastructure, including those portions of roads and drainage that may be considered private in nature.
- C. **Timing.** All offers of dedication via a subdivision plat or contained on a site plan shall not be accepted until the final plat is approved by the Administrator or Planning & Zoning Commission, and all infrastructure and/or improvements are completed and "as-built" drawings are submitted to the Director of Engineering, and any other conditions imposed by the City Council are met. All utilities and/or infrastructure in a geographic area shall be accepted simultaneously. This sub-section shall not apply to improvements maintained by another entity.
- D. **Private Facilities.** Private streets, roads, travel aisles, parking lots, alleys serving residential, multifamily, commercial, and industrial developments shall not be eligible for acceptance to the City's street system unless they are designed, built, inspected, and dedicated in accordance with the *Manual* and the requirements of this Ordinance. These provisions shall not relieve the developer or the developer's agent or contractor of responsibility in notifying the City of completed work and the developer's request for a City inspection. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any performance guarantees.

5.7.10. POST-CONSTRUCTION RESPONSIBILITIES.

1. The developer shall be responsible for the material and craftsmanship of all donated infrastructure for a warranty period of one year from the date of ACCEPTANCE in accordance with Section 5.7.8 of the project or the phase of the project.
2. The City shall have the right to increase the warranty period for atypical construction materials or construction techniques or sub-standard construction
3. The warranty period shall begin on the date that the City Council accepts ownership of the modification or extension.
4. This warranty shall include any damages that may arise from construction by other utility companies or homebuilders.
5. The City shall relieve the developer of their obligation under the warranty period by performing a one-year warranty inspection, or an inspection at the end of an extended warranty period. Inspections shall include, but are not limited to, a video recording of the interior of all sanitary sewer outfall mains, collection mains, and laterals on a CD, DVD, or equivalent successor media and a recording of the interior of all storm sewer mains, outfalls, and appurtenant items, both within street rights-of-way and in those areas considered to be privately owned and maintained on a CD, DVD, or equivalent successor media. The entire storm drainage system shall be cleaned and be free of mud and debris prior to the video inspection so all defects shall be clearly visible. The mud and debris shall not be discharged into streams or waterbodies, but shall be captured and disposed in a manner acceptable to the City, County, and NCDENR.
6. Any and all defects found at this time that do not conform to the City's standards or this ordinance shall be repaired or replaced at the developer's expense.
7. Any defects in workmanship and/or materials shall be repaired to the satisfaction of the Administrator or Director of Engineering. Developers are required to make all necessary repairs immediately.

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7.1 GENERAL

7.1.1. PURPOSE

The City is hereby zoned and divided into districts. The purpose of establishing these districts is to:

- A. implement the Comprehensive Plan;
- B. promote the health, safety, morals, and the general welfare;
- C. provide for the orderly growth and development of the City and for the efficient use of our resources (land, water, roads, etc.);
- D. lessen congestion in the streets;
- E. secure safety from fire, panic, and other dangers; and
- F. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

7.2 ESTABLISHMENT OF ZONING DISTRICTS

7.2.1. PURPOSE AND INTENT

In accordance with the requirement of NCGS § 160A-382 that zoning regulation be by districts, the City Council, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

BASE ZONING DISTRICTS	
AG	Agricultural District
RE	Rural Estate District
RL	Residential Low Density
RM-1	Residential Medium Density
RM-2	Residential Medium Density
RV	Residential Village
RC	Residential Compact
O-1	Office Institutional District
B-1	Neighborhood Commercial/Office District
CC	City Center District
C-1	Light Commercial and Office District
C-2	General Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District

<u>BASE ZONING DISTRICTS</u>		<u>SECTION REFERENCE</u>
<u>AG</u>	<u>Agricultural District</u>	<u>7.5.1</u>
<u>RE</u>	<u>Rural Estate District</u>	<u>7.5.2</u>
<u>RL</u>	<u>Residential Low Density</u>	<u>7.5.3</u>
<u>RM-1</u>	<u>Residential Medium Density</u>	<u>7.5.4</u>
<u>RM-2</u>	<u>Residential Medium Density</u>	<u>7.5.5</u>
<u>RV</u>	<u>Residential Village</u>	<u>7.5.6</u>
<u>RC</u>	<u>Residential Compact</u>	<u>7.5.7</u>
<u>O-I</u>	<u>Office-Institutional District</u>	<u>7.5.8</u>
<u>B-1</u>	<u>Neighborhood Commercial/Office District</u>	<u>7.5.9</u>
<u>CC</u>	<u>City Center District</u>	<u>7.5.10</u>
<u>C-1</u>	<u>Light Commercial and Office District</u>	<u>7.5.11</u>
<u>C-2</u>	<u>General Commercial District</u>	<u>7.5.12</u>
<u>I-1</u>	<u>Light Industrial District</u>	<u>7.5.13</u>
<u>I-2</u>	<u>General Industrial District</u>	<u>7.5.14</u>

<u>SPECIAL PURPOSE ZONING DISTRICTS</u>	
<u>PUD</u>	<u>Planned Unit Development District</u>
<u>PRD</u>	<u>Planned Residential Development District</u>
<u>MXD</u>	<u>Mixed Use District</u>
<u>TND</u>	<u>Traditional Neighborhood Development District</u>
<u>MHP</u>	<u>Manufactured Home Park District</u>
<u>PID</u>	<u>Public Interest District</u>
<u>R-CO</u>	<u>Residential County Originated</u>

<u>SPECIAL PURPOSE ZONING DISTRICTS</u>		<u>SECTION REFERENCE</u>
<u>PUD</u>	<u>Planned Unit Development District</u>	<u>9.1</u>
<u>PRD</u>	<u>Planned Residential Development District</u>	<u>9.2</u>
<u>MXD</u>	<u>Mixed Use District</u>	<u>9.3</u>
<u>TND</u>	<u>Traditional Neighborhood Development District</u>	<u>9.4</u>
<u>MHP</u>	<u>Manufactured Home Park District</u>	<u>9.6</u>
<u>PID</u>	<u>Public Interest District</u>	<u>9.7</u>
<u>LID</u>	<u>Low Impact Development (LID)</u>	<u>9.11</u>
<u>R-CO</u>	<u>Residential County Originated</u>	<u>9.12</u>
<u>CS</u>	<u>Conservation Subdivision District</u>	<u>9.13</u>

7.2.2. OVERLAY DISTRICTS

In accordance with the authority provided by NCGS § 160A-382, the City hereby establishes the following overlay districts, which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts; additional requirements are imposed on certain properties within one or more underlying general or conditional districts. The symbol for each type of district is as follows:

OVERLAY DISTRICTS	
HPOD	Historic Overlay District Section 9.8
AOD	Airport Overlay District Section 9.9
MHD	Manufactured Home Park District - Section 9.6
WPOD	Watershed Protection Overlay District - Article 4
CBCOD	Copperfield Boulevard Corridor Overlay (CBCOD) District Section 9.10

<u>OVERLAY DISTRICTS</u>		<u>SECTION REFERENCE</u>
<u>HPOD</u>	<u>Historic Overlay District</u>	<u>9.8</u>
<u>AOD</u>	<u>Airport Overlay District</u>	<u>9.9</u>
<u>MHD</u>	<u>Manufactured Home Park District -</u>	<u>9.6</u>
<u>WPOD</u>	<u>Watershed Protection Overlay District -</u>	<u>Art 4</u>
<u>CBCOD</u>	<u>Copperfield Boulevard Corridor Overlay (CBCOD) District</u>	<u>9.10</u>

7.2.3 CONDITIONAL DISTRICTS

In addition to the base zoning districts established in Section 7.2.1, above, the following conditional districts are established which correspond to the above-referenced base zoning districts, and which are identical to the base zoning districts with the exception that more restrictive development standards are required as a prerequisite to any use or development therein, as provided for in this Article and in Section 3.2.8.

CONDITIONAL DISTRICTS	
AG-CD	Agricultural Conditional District
RE-CD	Rural Estate Conditional District
RL-CD	Residential Low Density Conditional District
RM-1-CD	Residential Medium Density Conditional District
RM-2-CD	Residential Medium Density Conditional District
RV-CD	Residential Village Conditional District
RC-CD	Residential Compact Conditional District
B-1-CD	Neighborhood Commercial/Office District Conditional District
O-1-CD	Office Institutional-Conditional District
CC-CD	City Center Conditional District
C-1-CD	Light Commercial and Office District Conditional District
C-2-CD	General Commercial District Conditional District
I 1-CD	Light Industrial District Conditional District
I 2-CD	Heavy Industrial District Conditional District

7.2.3. ADDITIONAL ZONING DISTRICTS

Additional zoning districts may be adopted from time to time by City Council upon recommendation of the Planning and Zoning Commission pursuant to Section 3.3.

7.2.5 ZONING AND COMPREHENSIVE PLAN

The purpose of this Article is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS § 160-A-383, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans of the City Council, if any, as adopted under NCGS Article 19 of Chapter 160A. To the extent that there is any inconsistency between the tabular summary at Section 7.5 and the specific provisions of the Use Table Section 8.1.8 et seq., the provisions of Section 8.1.8. et seq. shall prevail.

7.3 ZONING MAP

7.3.1. BOUNDARIES OF ZONING DISTRICTS

The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the City of Concord. The City Clerk shall certify these maps and all references and dates shown thereon.

7.3.2. LOCATION OF OFFICIAL ZONING MAP

- A. The Official Zoning Map shall be located in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the City Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.
- B. The Official Zoning Map shall bear a stamp showing the effective date of this Ordinance, shall be certified by the Administrator, shall be identified by the signature of the Mayor, shall be attested by the city clerk, and bear the seal of the City under the words: "Official Zoning Map, City of Concord, North Carolina". Said map is composed of a series of sheets properly identified as such, which shall be on file in the office of the Administrator, and shall be the official record of zoning status of areas within the City. Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map, which shall be located in the office of the Administrator, shall be the final authority as to the current zoning status of land, buildings, and other structures.
- C. If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the former Official Zoning Map was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.
- D. If a property is zoned "PUD", "TND", "PID" or "PRD" at the time of adoption of this Ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect when the PUD or PRD classification was approved, including any specific modifications of the then-existing PUD or PRD or general regulations, and any approved final plans, unless and until the zoning classification of such property is amended pursuant to this Ordinance.

In addition to the foregoing districts, "CD" and "MX" districts are subject to site plan-based development regulation.

7.3.3. OFFICIAL ZONING MAP

The Official Zoning Map is hereby incorporated by reference as if set forth in its entirety herein, and may be referred to as Section 7.3.3.

7.4 DISTRICT BOUNDARIES

7.4.1. ZONING DISTRICT BOUNDARIES

Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, township lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights of way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a zoning district boundary line divides a parcel of land at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

7.4.2. BOUNDARY OR LOCATION DISPUTES

Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following:

- A. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the center line of such feature.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- D. Boundaries indicated as separated from but approximately parallel to any of the features indicated above, or any landmarked or monumental line, shall be deemed to be parallel to the aforesaid center line or railroad track mid-point.
- E. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
- F. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control.
- G. Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered above, the Administrator shall determine the district boundaries. Any aggrieved person may appeal such determination to the Board of Adjustment, pursuant to Section 6.3.5.

7.5 BASE ZONING DISTRICT PURPOSE STATEMENTS

7.5.1. AGRICULTURAL (AG) DISTRICT

The AG District is established to provide areas for low intensity agricultural operations, large lot residential development, agri-business with supportive industrial and commercial uses, and some limited general commercial businesses. Certain industrial operations which require large expanses of land area and which generate low traffic levels are also suitable for this district. AG zoning protects and preserves valuable agricultural areas along with some open space.

7.5.2. RURAL ESTATE (RE) DISTRICT

The RE District is established to provide areas for low-density single-family uses, with a maximum of one dwelling unit per acre. Property zoned RE should include only those tracts, which abut or are in close proximity to existing large-lot single family development, making RE an appropriate transition district between rural, agricultural, and suburban uses.

7.5.3. RESIDENTIAL LOW DENSITY (RL) DISTRICT

The RL District is established to provide areas for low-density single-family uses, with a maximum of two dwelling units per acre, which may provide buffers between the AG and RE classifications and the higher density areas of the City. It includes flexible density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.4. RESIDENTIAL MEDIUM DENSITY (RM-1) DISTRICT

The RM-1 District is established to provide areas for medium density, single-family residential uses, with a maximum of three dwelling units per acre, where facilities and services exist with capacity to serve development. RM-1 provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.5. RESIDENTIAL MEDIUM DENSITY (RM-2) DISTRICT

The RM-2 District is established to provide areas for medium density, single-family residential uses, with a maximum of four dwelling units per acre, where facilities and services exist with capacity to serve development. RM-2

provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.6. RESIDENTIAL VILLAGE (RV) DISTRICT

The RV District is established to provide areas for detached and attached single-family homes, with a maximum of eight dwelling units per acre, in areas where large-lot development is discouraged and facilities and services are available. RV supports the principles of concentrating urban growth and reinforcing existing community centers, allowing limited commercial development and mixed-use structures.

7.5.7. RESIDENTIAL COMPACT (RC) DISTRICT

The RC District is established to provide a high-density residential district allowing compact development consisting of the full spectrum of residential unit types where facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of 15 dwelling units per acre except as otherwise provided in this Ordinance. RC may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility.

7.5.8. OFFICE AND INSTITUTIONAL (O&I) DISTRICT

The O&I District is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. To protect the low intensity character of this district, retail and wholesale trade are prohibited as permitted principal uses.

7.5.9. NEIGHBORHOOD COMMERCIAL (B-1) DISTRICT

The B-1 District is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of B-1 districts should include: Lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/collector, except where an

existing building or structure used as permitted in the B-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.

7.5.10. CITY CENTER (CC) DISTRICT

The CC District is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but urban design standards as set forth in Section 10.7 are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The CC District promotes the long-term vitality of the central business districts. No rezoning to a CC or a CC-CD District shall be approved unless the lot, parcel or tract subject to the application adjoins an existing CC, or CC-CD zoning district.

7.5.11. LIGHT COMMERCIAL (C-1) DISTRICT

The C-1 District is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 District is to accommodate well-designed development sites that provide transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Districts should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 Districts should be located on or within proximity to major and/or minor thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.5.12. GENERAL COMMERCIAL (C-2) DISTRICT

The C-2 District is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. Rezoning to the C-2 District should be avoided adjacent to any single-family Residential Zoning District (RE, RL, RM-1 or RM-2). C-2 Districts should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established

prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.5.13. LIGHT INDUSTRIAL (I-1) DISTRICT

The I-1 District is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. I-1 Districts should include areas which continue the orderly development and concentration of light industrial uses, including self-storage facilities. I-1 Districts should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.5.14. GENERAL INDUSTRIAL (I-2) DISTRICT

The I-2 District is established to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 Districts should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 District is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 District. I-2 Districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. I-2 Districts should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.6 STANDARDS FOR BASE ZONING DISTRICTS

7.6.1. GENERAL

- A. Permitted uses are listed in Table 8.1.8. Uses permitted by right, uses permitted as special uses and uses for which there are supplemental use regulations in Section 8.3 are indicated in the table. Accessory uses shall be regulated in accordance with Section 8.4 and 8.2 Temporary uses shall be regulated in accordance with Section 8.8.
- B. Dimensional and density regulations, including setbacks, are listed in Table 7.6.2-A, and Table 7.6.2-B. These standards may be modified for conditional districts, provided that gross densities may not exceed those authorized by the Land Use Plan.
- C. Standards for off-street parking and loading facilities, and vehicular access are described in detail in Section 10.3.
- D. Standards for landscaping and buffering are described in detail in Article 11.
- E. Sign regulations are described in detail in Article 12.

7.6.2. SETBACKS AND HEIGHT STANDARDS

Setbacks for buildings or structures are measured as the area between the furthestmost projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 7.6.2-B.

A. ENCROACHMENTS

The following features may encroach into a required building setback:

- ◆1. Bay windows or other structural overhang, not to exceed three (3) feet;
- ◆2. Chimneys, not to exceed two (2) feet;
- ◆3. Heating and cooling units, not to exceed (3) feet;
- ◆4. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
- ◆5. Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;

- 6. Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five (5) feet to any property line;
- 7. Fences and Garden/Yard Walls;
- 8. Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with Section 8.4 (Accessory Uses).

B. ON STREET FRONTAGE

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped lots, the developer has the option to determine which yard shall be considered the "front" so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to existing developed lots, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards.

C. REDUCED FRONT YARD SETBACK

The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.

D. HEIGHT STANDARDS

Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof. (See Figure 7.7-1)

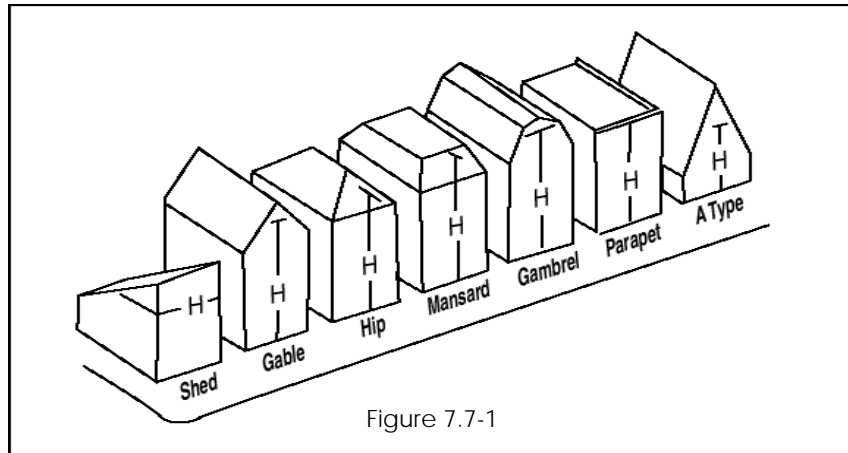
Figure 7.7-1: Measuring Building Height

Figure 7.7-1

E. HEIGHT OF ANCILLARY STRUCTURES

The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited. This not intended to regulate height of structures in the AO Airport Overlay zoning district (see Section 9.9). The AO Airport Overlay zone regulations shall govern the height of all structures within the boundaries of the Airport Overlay zoning district.

F. EXCEPTIONS TO HEIGHT RESTRICTIONS.

Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

G. HEIGHT TRANSITIONS

In the R-C district, multi-family and other attached residential or mixed-use structures or portions of such structures shall be limited to a height of 35 feet or two stories, whichever is less, if located within 100 feet of a lot used for a detached single-family or duplex dwelling.

|

DENSITY AND DIMENSIONAL STANDARDS

TABLE 7.6.2 A -- DENSITY AND DIMENSIONAL STANDARDS

Zoning District	A	B	C	D	E	F	G
	Min. Lot Size (sq. ft.)	Max. Density (per acre)	Impervious Surface Ratio (2)	Min. Public Street Frontage (feet)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Building Height (feet)
AG**	43,560	1	-	30^	200	200	35
RE **	43,560	1	-	30^	150	150	35
RL**	20,000	2	-	15^	100	125	35
RM-1**	15,000	3	-	15^	75	125	35
RM-2**	10,000	4	-	15^	75	100	35
RV***	7,500	8	0.5	15^	50	100	35
RC***	5,000	15	0.5	15^	50	100	35/45
R-CO ³	3,000	15	0.5	15	35	85	40
O-I*	-	-	0.7	-	-	-	35
B-1*	-	-	0.65	30^	50	100	50
CC*	-	-	-	-	-	-	75 (4)
C-1*	-	-	0.7	-	-	-	48
C-2*	-	-	0.8	30^	50	100	48 (1)
I-1	-	-	0.8	30^	50	100	72
I-2	-	-	0.9	30^	50	100	72

NOTES:

* Residences permitted in nonresidential districts shall conform to the density and dimensional standards of the RC district, except that height restrictions may follow (1) below. Residences in the CC district are not subject to maximum density or dimensional limitations.

** See Section 7.7.4-GJ for duplex lots and Sections 7.7.3 and 7.7.4 for alternative single-family lot patterns that allow smaller minimum lot sizes under certain conditions.

*** In the districts where permitted, and subject to Section 7.8 multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G in Table 7.6.2-A. Setbacks for multi-family and single-family attached developments are set forth in Section 7.8. of this Ordinance. Height in the RC district is subject to the transition provisions of Section 7.6.2.G.

^ See Section 5.5.

(1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Mixed Use, PUD, PRD or similar type projects shall be measured from the overall project boundaries.

(2) Developments following the low density option (see §4.4.2-A) may not develop at a total impervious surface ratio greater than 0.24.

(3) Dimensional requirements only applicable if not indicated on recorded final plat. See also Section 9.12.

(4) Measured from the lowest level of the Fire Department vehicle access to the tallest finished floor

level of the building.

TABLE 7.6.2 B. ~~SETBACKS~~ SETBACKS

Zoning District	Min. Front Setback (feet)	PRINCIPAL STRUCTURES			ACCESSORY STRUCTURES	
		Max. Front Setback (feet)	Min. Interior Side Setback (feet) ²	Min. Rear Setback (feet)	Min. Interior Side Setback (feet)	Min. Rear Setback (feet)
AG	50	-	20 ²	30	10	10
RE	45	-	20 ²	30	5	5
RL	35	-	15 ²	30	5	5
RM-1	25	-	10 ²	25	5	5
RM-2	25	-	10 ²	25	5	5
RV	24 ³	-	7 ²	5	5	5
RC	24 ³	-	7 ²	5	5	5
R-CO ¹	8	-	3	5	5	5
O-I	10	-	-	-	-	-
B-1	10	-	10	20	10	10
CC	-	10	-	-	-	-
C-1	10	-	-	-	-	-
C-2	10	-	-	-	-	-
I-1	30	-	-	-	-	-
I-2	30	-	-	-	-	-

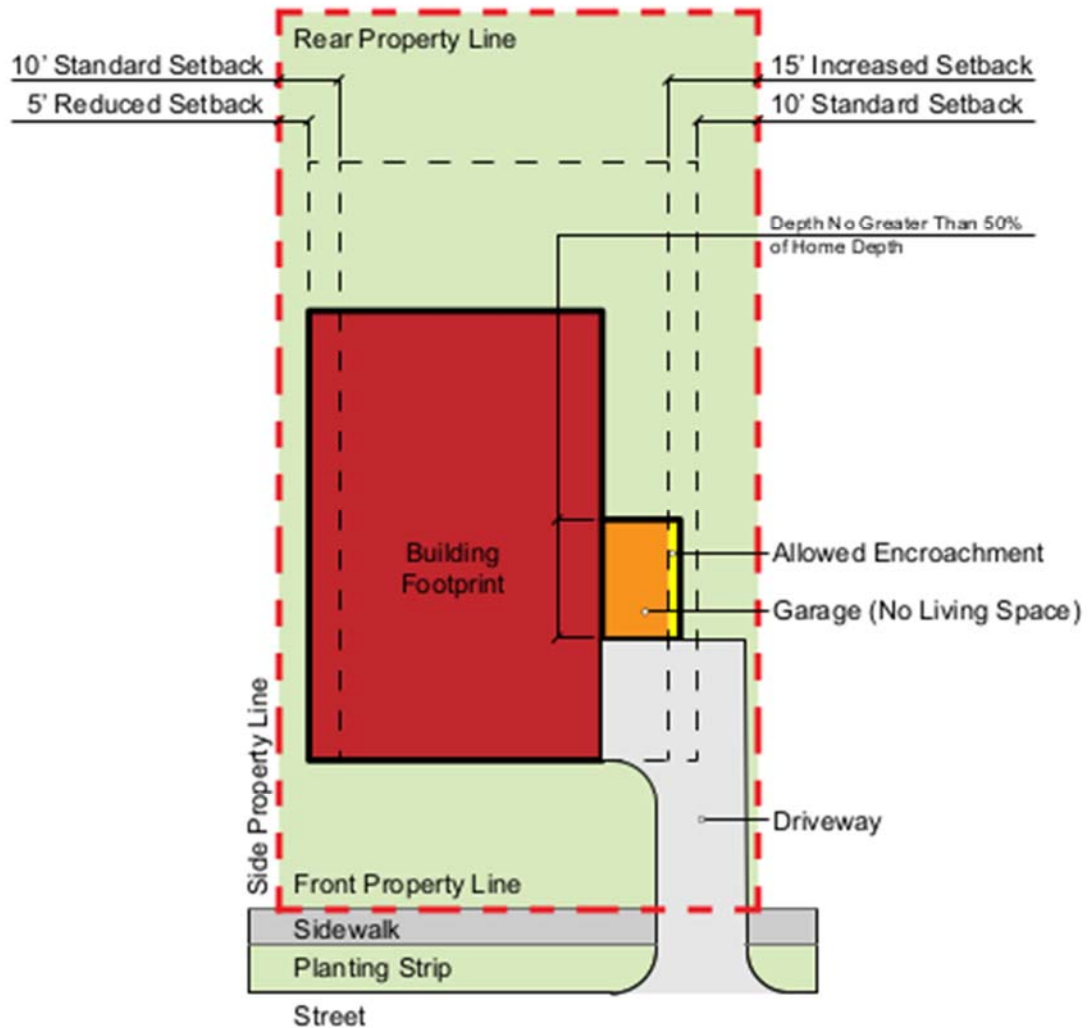
NOTES:

- (1) Minimum setbacks only applicable if not indicated on recorded final plat. See also Section 9.12.
- (2) Minimum interior and street side principal structure setbacks may be reduced in new subdivisions in order to accommodate either rear or side-loaded garages or garages recessed at least four (4) feet behind the front plane of the main structure. The setback on one side may be reduced by one (1) foot for each one (1) foot that it is increased on the other side provided that the reduced site setback is at least five (5) feet. See Section 7.7.4.C and Figure 7.7-2.
- (3) Minimum front setbacks in the RC and RV Zoning Districts may be reduced by (4) feet in new subdivisions if the garage is recessed at least four feet behind the front plane of the main structure in order to increase on-site parking

and minimize pedestrian conflicts. This requirement applies to single family detached and townhouse developments only. Front setbacks for attached residential structures may be reduced pursuant to Section 7.8.

- (4) The Administrator may approve greater setbacks for large buildings occupying an entire block face and for portions of buildings where portes cochere and courtyards are approved through the site plan process.

Figure 7.7-2 – Reduced Setback Allowance



7.7. RESIDENTIAL DESIGN STANDARDS

7.7.1. PURPOSE AND SCOPE

The purpose of this section is to set forth minimum standards for residential development and to allow flexibility in the siting of residences within the context of GS 160A-381(h).

7.7.2. SUBDIVISION DESIGN

Subdivision design for residential development shall be regulated in accordance with the following standards unless otherwise stated in the standards. These standards shall apply to all new residential subdivisions that file an application for preliminary plat approval after September 8, 2005 or a subdivision where lots have not received a Zoning Clearance Permit (ZCP). Open space is required with each subdivision development. See Section 10.5 for Open Space Standards.

A. Block Elements

No block within a residential subdivision in the RM-1, RM-2, RV, or RC districts shall be longer than 800 feet in length unless a mid-block pedestrian and bicycle connection is provided, in which case the block may extend up to 1,000 feet. A street with structures on only one (1) side (also known as a single-loaded street) shall not be restricted in length, provided that mid-block pedestrian and bicycle connections are made at the rate of one (1) for every 600 feet in length. (See Figure 7.7-3). These standards do not apply along State roads.

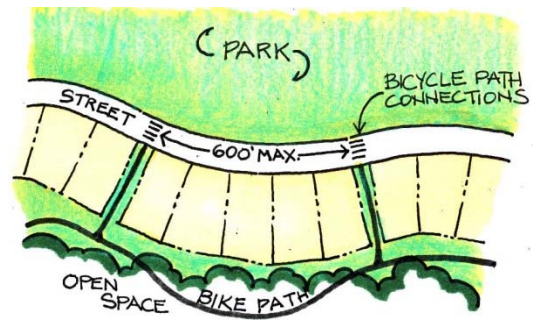


Figure 7.7-3

B. Residential Collector Street

The main collector street entering the development from a major or minor thoroughfare shall be designed as a parkway for a minimum distance of 300 feet. If a street is less than 300 feet functioning as an entry, then it shall be designed with a median. See *Technical Standards Manual* (Driveways).

H. Subdivision Entries

All residential subdivisions of 100 or more lots shall provide at least one

subdivision entry in accordance with the following:

1. No driveway on the proposed entry street may be located any closer than 100 feet from the street that the entry street intersects, as measured from the right-of-way of the existing street. All abutting lots within this area shall be screened from view through a combination of walls, berms and plantings.
2. The entrance shall include at least two (2) of the following:
 - a. A divided roadway with a landscaped median island;
 - b. Alternative paving material such as brick or natural stone;
 - c. Fountain or other water feature;
 - d. Sculpture or public art;
 - e. Prominent plantings that exceed minimum requirements for streetscape buffers equating to 25% of the required plant material, or
 - f. Gatehouse, clock tower or similar structure.
3. A description of and design specifications for proposed entranceway features shall be provided at the time of submission of the preliminary plat. Maintenance of the subdivision entry features shall be provided by a homeowners association and the applicant shall provide documentation establishing legal and financial responsibility for all entryway features in a form approved by the City Attorney. Additional right-of-way may be required to accommodate entranceway features. The design and location of proposed features within or adjacent to public street rights-of-way shall be subject to additional City and/or NCDOT requirements as applicable.
4. All subdivision entries shall include ground mounted signs constructed of brick, rock or other textured masonry.

7.7.3. HOUSING TYPES

The standards for housing developed in the City of Concord are covered in Figure 7.7-5. The housing types are established to provide a common terminology for housing in the City. All drawings are for illustrative purposes only. Subdivisions shall specify the allowable types of housing on all lots. Housing types other than conventional detached single-family housing that comply with applicable zoning district standards may be established through the PUD, PRD, or cluster subdivision approval process (as conditional district rezoning) in any base zoning district. Setbacks, densities and lot dimensions for residential development patterns approved through these processes may deviate from the standards of Section 7.6. Deviations to densities may be approved through these processes provided that they do not exceed the densities specified in the 2030 Land Use Plan

7.7.4. SITE ELEMENTS

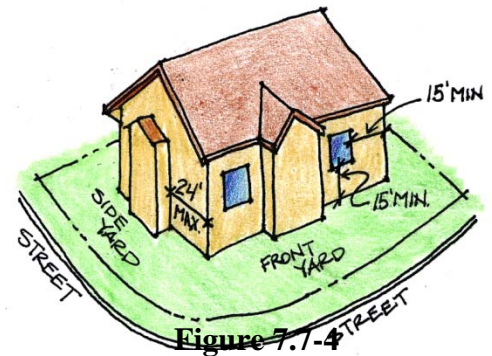
All housing types shall comply with the following site standards. The Administrator, or his designee, may waive individual requirements in this section on a case-by-case basis, provided the intent of this Section is met.

A. Front Yard Fences

Front yard fences, including fences on corner lots, shall not exceed four (4) feet in height. Fences may not be placed within the sight triangle.

B. ~~Front~~ Yard Trees

One (1) ~~canopy~~ tree shall be provided in-within the ~~required front~~ yard. The tree shall have a minimum size (diameter) of 2½-inch caliper at time of planting. Two (2) ornamental trees may be substituted for one (1) ~~canopy~~ tree in a front yard. One (1) additional front yard tree shall be required in any side yard abutting a street. Any existing tree in the required front yard area over six (6) caliper inches shall be credited for one (1) required tree to be planted.



~~C. Interior and Street Side Setbacks~~

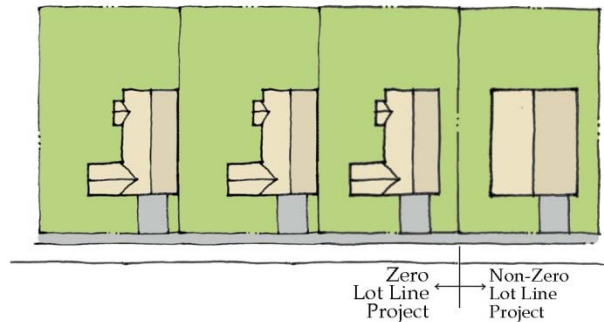
~~In order to facilitate the provision of driveways to serve side and rear loaded garages within new residential subdivisions, interior side and street side setbacks on one proposed lot line may be reduced provided that the setback on the opposite side is increased by the same amount. Such garages (provided they exclude living areas and do not exceed more than 50% of the depth of the principal structure) may encroach into the side with the increased setback area, up to the original setback line (see Figure 7.7-2). The modification of the setbacks shall be clearly shown on the proposed subdivision plat.~~

~~Figure 7.7-5: Illustration Showing Housing Types~~

D.C. Special Standards for a Zero Lot Line House

1. Zero Lot Line houses approved through the PRD, PUD, conditional zoning or cluster subdivision process, shall include at least one A single side yard shall be provided. This reduction shall not be allowed for the street front yard on a corner lot or for the side yard adjacent to lots developed with other housing types. (See Figure 7.7-5.)

Figure 7.7-6: Illustration Showing Zero Lot Line Yards



2. An easement between the two (2) property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat.
3. The minimum side setback required by the applicable zoning district shall be provided between any zero lot line development and a conventional single-family or duplex lot as shown in Figure 7.7-6.

2.

E. Special Standards for an Alley-Loaded House

For dwellings taking access from an alley, the following standards apply.

1. No parking shall be permitted in the required front yard. No driveways are permitted in the front yard. On-street parking is permitted. The City may approve front setback reductions of up to 5 feet through the subdivision process if all lots on the applicable block face take access from a rear alley.

F. Special Standards for a Townhouse

Side yards are not required for interior townhouses, but street and rear yards shall be provided, and building separation requirements shall be maintained for all townhouse structures.

1. The maximum number of units allowed in a single building is eight (8).

G. Special Standards for Duplex Lots

Individual duplexes may be constructed only on lots having 1.5 times the minimum lot area and lot width of the zoning district in which they are located. All other setbacks shall be in accordance with Tables 7.6.2 A. and 7.6.2 B.

H. Special Standards for Single Family Residences in the O-I District

Single family residences shall be permissible only on existing lots of record existing as of August 14, 2014. Subdivision of O-I zoned land solely for the purpose of single family residential subdivisions shall not be permissible.

I. Special Standards for Single Family Attached Residences (Townhomes) in the O-I District

Single family attached residences (townhomes) shall be permissible only as incidental to an institutional use (such as a church or school).

J. Special Standards for Cluster Subdivision

The City may approve subdivisions subject to conditional district zoning approval that do not comply with the minimum lot or area standards of Section 7.6 when the resulting development provides permanent common space for environmental and/or recreational purposes, includes a variety of housing types, and provides for the long-term maintenance of common areas subject to the following provisions:

1. Density. Densities shall not exceed those allowed by the 2030 Land Use Plan.
2. Lot Sizes. The average lot size shall not be reduced by more than 75 percent of the minimum lot size allowed in the base zoning district provided that no lot shall be smaller than the following:
 - a. Single-family detached - 5,000 square feet.
 - b. Patio and zero lot line homes - 4,000 square feet.
 - c. Townhomes - 2,000 square feet per dwelling unit.
3. Preservation Areas. Land located within wetlands, floodways, and stream buffers shall be retained as permanent open space within designated common areas as Preservation Areas.
4. Common Areas. Common Areas, excluding street rights-of-way and buildings, shall comprise not less than 35 percent of the development area. Not more than 50 percent of common areas shall be comprised of Preservation Areas. Common Areas may include space for active or passive recreational facilities, but not more than 20 percent of Common

Areas may be used for active recreation. Buffers measuring at least 100 feet in width shall be provided between active recreation facilities and residential lots. Trails are not considered to be active recreation facilities.

5. Housing Mix. The development shall include a mix of dwelling unit types, such as those illustrated in Figure 7.7-5, with not fewer than 40 percent nor more than 80 percent of the dwelling units shall conventional single-family detached dwellings, with the remainder being zero lot line, patio homes, other detached development patterns or attached dwelling units.

6. Maintenance of Common Areas. Maintenance In conjunction with subdivision approval, the applicant shall provide for the perpetual maintenance of all common and preservation areas in accordance with section 9.13.7 of this CDO.

7.8. STANDARDS FOR MULTI-FAMILY DEVELOPMENTS

7.8.1. PURPOSE



The purpose of this Section is to provide reasonable design standards for multi-family residential developments ~~and single family attached residential developments~~ which:

- A. provide design flexibility that fosters creative integration of buildings and common areas and discourages homogenous building design;
- B. accommodate affordable housing for current and future residents of the City;
- C. protect the health, safety and general welfare of the general public and occupants of the units;
- D. protect the property values of surrounding ~~dwelling units~~properties;
- ~~D-E.~~ retain open spaces to protect the environment and provide opportunities for passive and active recreation or residents;
- ~~E-F.~~ promote a pedestrian-friendly, walkable streetscape; and
- G. provide for aesthetically pleasing development patterns; and;
- H. achieve the design principles of Figure 7.8-1 through compliance with the design standards in this section 7.8.

Figure 7.8-1. Multi-Family Design Principles

<u>Design Principles</u>	<u>Examples</u>	<u>Design Principles</u>
<p><u>Buildings. Create an identity for the project through a consistent design concepts while incorporating design features such as varied wall planes, rooflines and building form to create visual interest. Adjacent buildings should vary in</u></p>		

<u>Design Principles</u>	<u>Examples</u>	<u>Design Principles</u>
<p><u>design while having complementary design. Design and locate parking to minimize its visual impact along streets.</u></p>		
<p><u>Open Spaces. Incorporate the natural habitat into site design and design around natural and recreational amenities to create usable, accessible open spaces</u></p>		
<p><u>Public Spaces. Design public spaces to provide accessible gathering places that encourage social interaction and a sense of community.</u></p>		
<p><u>Screening. Locate and screen loading, service and storage areas as well as mechanical and utility equipment.</u></p>		
<p><u>Mobility. Establish safe and comfortable environment encouraging walking and bicycling.</u></p>		

<u>Design Principles</u>	<u>Examples</u>	<u>Design Principles</u>
<p><u>Landscaping. Use appropriate plantings to soften buildings and create more desirable areas for walking and bicycling within the development</u></p>		

F. -

7.8.2. APPLICABILITY

- A. The provisions of this Section shall apply to multi-family residential developments for five (5) or more dwelling units ~~or single-family attached residential developments~~ as permitted by Table 8.1 of this Ordinance.
- B. Single-family ~~detached~~ homes and duplexes on individual lots are exempt from the standards of this Section, but still must follow Section 7.7.
- C. The City may modify bulk and density and/or parking and access standards for multi-family residential developments and single-family attached residential developments in TND, TOD, MX, PRD, and PUD and conditional zoning districts, or approve open space and other design standards that result in a product that better achieves the design principles in Figure 7.8-1. ~~are exempt from the standards of this Section.~~

7.8.3. RULES OF CONSTRUCTION

For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multi-family residential dwellings on any adjacent property under common ownership shall be counted.

7.8.4. BULK AND DENSITY STANDARDS

Notwithstanding any provision of Section 7.6.2 of this Ordinance to the contrary, the lot size, lot width, setback, and building separation standards shall conform to Table 7.6.2-A and 7.6.2-B.

7.8.5. OFF-STREET PARKING AND ACCESS STANDARDS

All projects shall conform to the parking requirements of Article 10.

A. Access to Public Street(s)

Developments with 40 or more dwelling units should have direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan. Developments for 100 dwelling units shall to have two (2) direct entrances onto at least one (1) major and/or minor thoroughfare as shown on the Thoroughfare Plan.

B. Off-street Parking

Multi family developments shall be subject to the following parking requirements:

1. No parking space shall be located in the required setbacks, except for the rear setbacks.
2. No off-street parking space shall be located closer than 10 feet to any residential building wall.
3. Access/Driveway Design
 - A. No driveway shall be located closer than 15 feet to any wall of a residential building.
 - B. All proposed drives shall be improved in accordance with the Manual.
 - C. For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments.
 - D. Median design shall be in conformity with the Manual.

7.8.6. COMMON OPEN SPACE

Common open space areas shall be required in accordance with Table 10.5 except as provided below:

- A. The Administrator may waive up to 50% percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail or bikeway.
- A. The open space requirements of this Section shall not apply to multi-family residential developments, which are second floor units above first floor commercial development, or to any residential developments in the CC zoning district, which are above the first floor.

7.8.7. OPEN SPACE CHARACTERISTICS

Land designated as open space shall be maintained as active open space and may not be separately sold, subdivided, or developed except as provided below. Open space shall be required in accordance with Table 10.5.

A. Open Space Provisions and Maintenance Plan Required

Any areas reserved as open space shall be indicated on a site plan. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

1. designate areas to be reserved as active open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site; and
2. specify the manner in which the open space shall be perpetuated, maintained, and administered.

B. Spacing and Dimensional Limitations

In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standard shall apply:

Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.

C. Use of Stormwater Detention Basins

Retention areas or detention basins which are required as part of this Ordinance shall not qualify as an open space area unless 50 percent or more of the active and usable area is above the 10-year storm flood elevation and is designed for multiple uses and the area(s) conforms to the requirements of Subsections 1 and 2 below:

1. Retention or detention areas shall meander through the subdivision as a greenbelt, rather than as a single basin. Retention areas shall be improved so as to be useable and accessible. Retention areas shall not be inundated so as to be unusable for their designated recreational purposes.
2. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming, and contouring are required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three-to-one slope.

D. Preservation of Open Space

Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained by the owner(s) of the development or a homeowner's association, which assumes full responsibility for its maintenance. The approved site plan shall provide that, in the event that any private owner of open space fails to maintain the open-space according to the standards of the Ordinance at the time of site plan approval, City Code Enforcement Officers may, following reasonable notice, require that deficient maintenance be corrected and direct appropriate City staff, or a private contractor, to enter the open space for maintenance purposes. The cost of such maintenance shall be charged to those persons or entities having the primary responsibility for maintenance of the open space.

7.8.8. PEDESTRIAN FACILITIES

A. Sidewalks Required:

1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in the *Manual*.
2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets ~~adjacent, which provide access~~ to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer

and/or owner. Design standards shall be subject to review and approval by the City of Concord ~~Transportation. Director of Traffic Engineering.~~ Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Concord Traffic Engineer and the North Carolina Department of Transportation (NCDOT).

B. Bus Shelter Required

A bus shelter is required for multi-family development unless the school system and Concord-Kannapolis Area Transit document in writing that a shelter is not needed. The shelter shall be constructed at the location(s) (including at the perimeter of a development site) where a public school bus(es) pick-up/drop-off of children as established by the Cabarrus County School system. The shelter shall be constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

7.8.9. DIMENSIONAL AND DENSITY STANDARDS

The maximum impervious surface coverage (impervious surface ratio) shall conform to the standards as set forth and described in Article 4 and shown on Table 7.6.2-A for the appropriate zoning district. Multi-family or single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2-A as set forth for the RC district. Where a Watershed Overlay District exists, the more restrictive requirements shall apply.

The minimum spacing between buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet.

7.8.10. BUILDING DESIGN

In order to provide interesting and aesthetically attractive multi-family developments and to avoid monotonous, "barracks"-style buildings, the following standards shall apply:

- A. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. (See Section 7.10.9.)
- B. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous

straight lines. Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.

C. Building designs shall be varied so that adjacent buildings are complementary but clearly distinguishable by a combination of design features, such as building shape, building scale, entry designs, plantings, orientation or other design features.

G.D. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

7.8.11 UTILITIES AND LIGHTING

A. All utility lines shall be located underground.

B. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

7.8.12 LANDSCAPING REQUIREMENTS

A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 11 of this Ordinance.

7.8.13 RECYCLING FACILITIES

Multi-family residential developments or single-family attached residential developments shall be required to provide a container(s) for the collection of recyclable materials. Such a container shall be subject to approval by the City's Director of Environmental Services.

7.8.14 UNIT OWNERSHIP

Developments in which property is conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act. Common areas, parking, landscaping, open space, and driveway facilities shall be under common ownership.

7.8.15 SIGNAGE

Signage for multi-family dwellings and/or single-family attached dwellings shall be subject to the sign standards as set forth in Article 12.

7.8.16 MULTI-FAMILY DEVELOPMENTS IN C-1 AND B-1 ZONING DISTRICTS (NEW)

Apartment (see definition) development in C-1 zoning districts shall include at least 20 percent office or retail square footage as part of the project either in the same structure(s) or as separate buildings.

7.8.17. MULTI-FAMILY DIMENSIONAL STANDARDS

Multi-family development shall comply with the standards in Table 7.8.17

TABLE 7.8.17 - Multifamily Dimensional Standards

Density	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13)
Maximum Building Length	180 feet

Note:

Multi-family or Single-family attached developments that are allowed (by right or as **conditional special** use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A. except as specified above. Multi-family or single family attached developments in the O-1 district shall only be permissible as incidental to an institutional use (such as a church or

school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of floodplain special flood hazard area and stream buffers). Density for multifamily development in the B-1, C-1 and C-2 zoning districts shall be calculated on the 30% of the total land area (less special flood hazard area and stream buffers) and not on the entire parcel.

7.8.18 MULTI-FAMILY BUILDING STANDARDS

- I. Building Length. In attached multi-family projects, buildings longer shall not exceed 160 feet in length. Building facades should be broken up to give the appearance of a collection of smaller buildings. Long, unbroken building facades and simple box forms are prohibited.
- J. Clustering and Massing. Clustering of multi-family units shall be a consistent site planning element. Buildings shall be designed as a series of varied plans that:
1. Vary setbacks within the same building;
 2. Use of reverse building plans to add articulation; and
 3. Vary wall and rooflines.
- K. Unit Entryways. In multi-family and attached housing each unit shall have distinct entries.
- L. Materials and Colors.
1. Buildings shall use distinct, but complementary materials and colors using a combination of the following materials:
 - a. Stucco or EIFS with smooth, sand or light lace finish;
 - b. Engineered fiber cement board, wood, as a primary and/or accent material;
 - c. Brick, as primary or accent material;
 - d. Split-faced block, as a primary and accent material;
 - e. Stacked stone, as an accent material;
 - f. Marble, travertine, or other related stone materials as accent materials; and
 - g. Unglazed tile as an accent and/or roofing material;
 2. The following materials are prohibited:
 - a. Metal or aluminum siding;
 - b. Unfinished concrete block, concrete tilt slab, and painted or white brick or block siding; and
 - c. Vinyl siding (note that vinyl may be used for soffit).
- M. Roofs. Gable, shed, and hip roofs or a mixture of roof types to create articulation and ridgelines is required to break up long roof lines. Large

expanses or flat roofs, gambrel or mansard roofs, and A-frame roofs are prohibited.

N. Windows and Doors.

1. Windows shall be rectangular or round headed with various forms.
2. Arches, gateways, entry courts shall be used to shelter doorways.
3. Windows shall be located to minimize views of the private outdoor space of adjacent units' patio areas.
4. Appropriate openings include:
 - a. Bay windows
 - b. French doors
 - c. Multi-lighted windows
 - d. Rectangular windows
 - e. Clerestory windows
 - f. Round windows
 - g. "Greenhouse" windows
 - h. Wood, or simulated wood, single and double doors
5. Windows and doors shall not include:
 - a. Silver or gold window frames;
 - b. Reflective glass;
 - c. Windows flush with wall surface; or Non-anodized aluminum frame doors.

O. Stairways. Stairs shall be designed according to the following techniques:

1. Freestanding stairways shall not make a straight run from upper floors to the ground floors - they must have a landing and make a right angle turn.
2. External stairways should be built into courtyards and entry areas and not simply hung off the sides of buildings.
3. Exterior stairways should employ design features such as insets, reveals, decorative
4. tile, or stucco texturing, and decorative handrails.
5. The use of enclosed staircases is preferred over exterior staircases.
6. External stairway walls shall be smooth or sand finish stucco, block, stone, slate, or other opaque building material with an accent trim cap or banding of tile
7. Exposed prefabricated metal stairs and transparent walls are prohibited.

P. Additional Architectural Elements

1. All antennas shall be placed in attics or interior of the residence. Developments shall be pre-wired to accommodate cable or satellite reception.
2. Metal, canvas or vinyl awnings of solid accent colors are permitted in moderation.
3. Patio trellises, and other exterior structures may be built of stucco or wood or block, with finishes complying with the overall color palette for the project.
4. Chimneys as an architectural form shall be simple and project from main wall surfaces. Stone or tile accents and articulation details are encouraged.
5. Garage doors should appear to be set into the walls rather than flush with the exterior wall.
6. Roof mounted mechanical equipment shall be screened from view in a manner consistent with the building façade.
7. Ground mounted mechanical equipment shall be screened from view with landscaping or solid fencing.

7.8.19 ACCESSORY STORAGE

Accessory storage is required for multifamily developments of 240 or more dwelling units in the following manner:

- A. May be constructed as an accessory to a multi-family development for the exclusive use of residents of the multi-family development.
- B. Shall not be located between the multi-family structure and any public street.
- C. Are limited to a single story in height.
- D. Shall use the same siding materials and be designed to reflect the style of multi-family buildings
- E. Shall use the same roofing materials and have rooflines that reflect those of the multi-family buildings
- F. Shall be provided at the rate of 100 square feet per dwelling unit, but not to exceed more than 200 square feet per dwelling unit.
- G. In lieu of accessory storage in a separate structure, storage may be attached or incorporated into individual dwelling units.

7.9 CENTER CITY (CC) DESIGN STANDARDS

7.9.1 PURPOSE

This Article protects the historic and aesthetic character of downtown Concord, by ensuring quality design and appropriate materials are used in the construction of new buildings. In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CC District (Downtown Concord) are regulated in accordance with specific standards described herein.

7.9.2 PEDESTRIAN SPACES, BUILDING SETBACKS, AND ENTRIES

- A. The intent of the pedestrian space is to allow the property owner to develop a usable size space for gathering, including but not limited to, outdoor seating, art displays, eating, or a plaza. The pedestrian space shall be accessible, visible, and easy to use. Substantial grade changes creating isolated or hidden spaces are prohibited. shall be avoided.
- B. Setbacks may be staggered to create a private pedestrian space. The minimum-maximum front yard setback for a portion of the building may be increased to any depth for the purposes of creating a patio or courtyard space so long as at least 50 percent of the total building frontage meets the minimum setback of the associated zoning district. (Example: A building with 50 linear feet of frontage and a 10-foot front setback requirement is allowed to have 25 feet of frontage that could set back greater than 10 feet. (See Figure 7.9-1.) For corner lots, this provision may be used to create a corner public space.

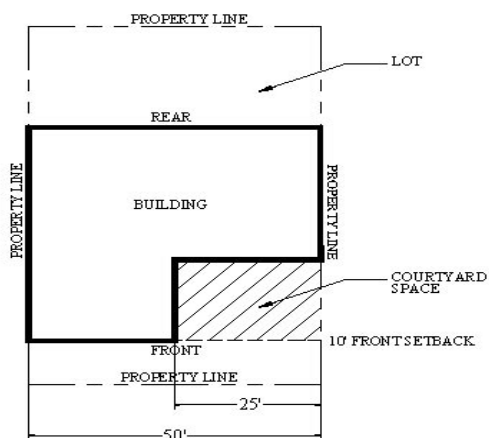


Figure 7.9-1: Illustration Showing Staggered Setback

- C. Where the pedestrian space is adjacent to the public right of way, there shall be an architectural (or defined) edge that complies with all requirements of the CC District to define the pedestrian space. All

buildings shall have their principal entrance opening to a street, sidewalk or pedestrian space such as a courtyard, square or plaza. The principal entrance shall not open onto an off-street parking lot. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through appropriate pedestrian paving and landscaping where required.

- D. Landscaping is required and shall include a combination of trees, groundcover and plants as required by Article 11 of this ordinance; however, the following shall supersede the landscape requirements of Article 11:
1. Within the pedestrian space, one (1) canopy tree must be planted for each 500 square feet; or one (1) ornamental tree for each 250 square feet of created pedestrian space.
 2. A minimum of one (1) ornamental tree is required for any space of 250 square feet or less.
 3. Existing street trees should not be removed as part of the creation of a pedestrian space. Any existing trees or plant material, which is part of a previously approved landscape plan, shall be replaced.
- E. The following permitted amenities within the interior of the non-public pedestrian space include but are not limited to: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, decorative benches, tables and similar structures.

7.9.3 SIGNAGE

- A. Liquid crystal display (LCD), electronic message centers, flashing or blinking signs are not permitted in the CC District. All other signage in the CC District shall comply with Article 12 of the CDO.

Neon signage in the Center City District is permitted under the following conditions:

1. Neon signs shall only comprise 5% of the total allowed signage area.
 2. A sign application shall be submitted to the Development Services Department for review, along with a recommendation from the Concord Downtown Development Corporation for all proposed window signs.
- B. All window signs shall come into conformity with the current standards and requirements of this ordinance within 6 months of the date of

adoption of this Article.

7.9.4 GENERAL DESIGN STANDARDS

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the following uses shall be regulated as follows:

- A. The first floor (street level) of any new multi-story building shall be devoted to retail, commercial, and service uses, as listed in Section 7.6. Such buildings shall include said uses along not less than 50 percent of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
- B. No "auto-oriented" use(s) as defined herein and allowed in the City Center district pursuant to listed in Table 8.1.8 shall be located within 400 feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, whichever is less.
- C. Accessory structures, additions, remodels and rehabilitation projects shall be designed and constructed using the same general form and materials as the principal building, provided that the principal building is architecturally consistent with the general character of the CC District. For the purposes of this ordinance, brick and/or brick with stucco is considered the general character of the buildings in the Center City.
- D. The design requirements of this section apply to all building walls that are visible from any public right-of-way.
- E. The preferred wall material for structures in the CC district is brick or predominantly brick colored material that is complementary to surrounding structures. The administrator may waive the brick requirements based on certain circumstances included, but not limited to:
 1. Stucco may be approved to cover damaged or deteriorated brick.
 2. Structural wood may be used as decorative elements as trim, in windows or on doors.

Any waivers beyond the authority of the Administrator shall be subject to approval by the Planning and Zoning Commission.

- F. ~~Under no circumstances shall m~~ Metal siding, unfinished concrete block, precast concrete, or split-faced block, or vinyl siding shall not be allowed for any building surface unless the Administrator determines that

the materials result in a superior design to otherwise allowed materials and the resulting development is compatible with abutting development. The burden of proof relative to superior design and compatibility shall rest with the applicant. Split-faced block may be used as an accent material so long as it does not cover more than 20 percent of the total building surfaces, and vinyl siding may be allowed as soffit material.

- G. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
- H. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e. Fiberglass with a wood grain pattern) is permitted. All materials shall be identified on the architectural drawings submitted for review.
- I. Glass surfaces must be transparent or lightly tinted, allowing views from habitable areas within the building to the street or property line, and allowing passers-by a view into the habitable area of the building. Shelves and/or fixtures shall not obstruct the view to the interior of the building. Submitted plans shall clearly indicate the type of glass being used and its reflectivity index.
- J. Doors shall be recessed into the face of the building at les (to provide a sense of entry and to add variety to the streetscape). An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
- K. Decorative fences such as those constructed of brick and wrought iron are allowed within the CC District. Screening fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable except around construction sites. Plywood, sheet metal, fiberglass or other such panel fences are also prohibited. Temporary plywood screening fences shall be allowed during construction.

- L. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:
1. Such appurtenances shall be constructed of material designed to complement the streetscape.
 2. In no instance shall these appurtenances utilize internal illuminated backlights in their design or mounting.
 3. Awnings shall be made of canvas or treated fabric/canvas material. Awnings may also be made of metal with the following conditions:
 - ~~a.~~ Any awning on a pivotal or contributing historic property in a National Register District or on any property individually listed on the National Register must be consistent with the Secretary of the Interior's Standards.
 - ~~b. 4.~~ Vinyl or Plexiglas awnings are not permitted.
 - ~~c. 5.~~ An encroachment agreement is required for awnings or signs that hang over the public rights-of-way.
 - ~~d. M.~~ Any such appurtenance may extend from the building to up to 80 percent of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the City. In addition, the property owner shall carry liability insurance in the amount of \$500,000. The City Attorney's office may ask for verification of this coverage when reviewing encroachment permits.
 - ~~e. N.~~ Such appurtenances shall be self-supporting. In no case shall supports for such appurtenances extend to the sidewalk and/or ground within the public right of way.
 - ~~f. O.~~ In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of streetlights or street signs.
 - ~~g. P.~~ A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.

MQ. Any lot, which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights of way in accordance with the provisions of this ordinance or cleared of rubbish and debris and seeded with grass or other appropriate landscaping material. If the lot is to be used for parking, either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.

NR. A site plan is required as per Article 5 along with architectural elevations or perspective drawings.

~~S.~~ OPEN FLAGS IN THE CC DISTRICT

~~“Open Flags” may be utilized in the CC District subject to the following regulations:~~

~~A. A maximum of one (1) Open Flag may be placed on the wall adjacent to a customer entrance.~~

~~B. Open Flags may only be displayed on downtown businesses that generate walk-in traffic and do not require an appointment, registration, or ticket.~~

~~C. Open Flags shall only be displayed during business hours and must be removed daily at the close of business.~~

~~D. An Open Flags application shall be submitted to the Concord Downtown Development Corporation (CDDC). The flags and corresponding hardware shall be issued to the applicant, subject to review and approval of the application by the CDDC.~~

~~E. Open Flags in the CC District shall not be subject to an encroachment agreement from the City of Concord.~~

7.9.5 PROHIBITED ALTERATIONS

In no such case shall any existing window opening be enclosed so as to create a solid wall. In situations where alterations of original windows have been completed prior to the adoption of this Ordinance, restorative measures to return the opening to its original existence shall be made when additions or alterations are made to the existing structure, unless otherwise prohibited by State Building Code.

7.9.6 PARKING CRITERIA

Uses within the CC are not required to provide off-street parking; however this section is applicable in those instances where surface parking is

proposed. Parking for renovated and rehabilitated buildings is exempt from the following requirements unless new rentable gross floor area is added or created.

- A. In order to maintain a pedestrian friendly street edge, no off-street surface parking shall be permitted between the principal structure and the street right-of-way. Parking is permitted on the sides of buildings, but the maximum width shall not exceed 60 feet (two rows including drive aisle). Such parking shall be screened with landscaping with evergreen plant material that reaches a mature height of no less than three (3) feet. Off-street surface parking areas, which are screened from the view from public streets by the principal buildings, except for the limited view through the driveway providing access to parking, shall provide one (1) ornamental tree and five (5) shrubs for lots ~~less-with fewer than~~ than 10 spaces. For lots greater with more than 10 spaces, one (1) shade tree or (2) ornamental trees and eight (8) shrubs shall be required per 10 parking spaces. Plantings for more than 10 spaces shall be calculated proportionately, with one tree or shrub being required for each fraction of 0.5 plant or greater. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- B. The administrator may allow a decorative masonry wall or a combination of a wall with plantings in lieu of parking lot yards if one or more of the following conditions exist:
1. The parking lot contains six (6) or ~~fewer less~~ spaces
 2. The site on which the parking is located contains a designated historic structure
 3. The presence of lot yards complicates deliveries necessary for the day-to-day operations of the principle structure.

7.9.7 LOADING AND UNLOADING AREAS

Where feasible, loading/unloading areas shall be located only in the rear or side yard.

7.9.8 STRUCTURED PARKING FACILITIES

In addition to the above listed requirements, structured parking facilities shall be subject to the following criteria:

- A. Structured parking must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.
- B. In the event that any openings for ventilation, service or emergency access are located at the first floor level in the building wall then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must either be occupied retail space or an architecturally articulated wall designed to screen the parking areas of the structure, to encourage pedestrian activity and to provide for urban open space. Parking garages shall be architectural compatible with those in the CC district.
- C. Cars on all levels of a structured parking deck must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.
- D. The design requirements of this section apply to all building walls, which are visible from any public right-of-way.

7.9.9. STREETScape PROTECTION

- A. Any damage to the existing streetscape design, including street trees, by development, use or condition of private property shall be corrected by the property owner at the owner's expense to the satisfaction of the City of Concord, prior to the release of a certificate of occupancy.
- B. The City, the cost of which is to be billed to the owner, including city administrative costs, shall correct any damage not corrected by the owner.

7.9.10 COMPLIANCE

A site plan is required as per Article 5 along with architectural elevations or perspective drawings compiling with the requirements of this Ordinance. In no case shall a Certificate of Compliance (COC) be issued if the design requirements covered in this Ordinance have not been met.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR COMMERCIAL-NON-RESIDENTIAL DISTRICTS

7.10.1 PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of nonresidential-commerical buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community (by creating developments that attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.10.2 APPLICABILITY

A. New Construction

This Section applies to all new construction on O-I, B-1, C-1, and C-2, I-1, and I-2 properties districts. In addition to all other regulations within this Ordinance, sites and buildings within the O-I, B-1, C-1, and C-2, I-1, and I-2 zoning districts are regulated in accordance with specific standards as listed below. These standards shall apply in PUD and site plan controlled districts unless the City finds that the proposed deviation results in a superior design that better achieves the purpose of this section.

The Administrator City Manager, or his designee, may waive allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or for infill development upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality and compatibility shall rest with the applicant.

B. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth in Article 11.

Additional construction that is more than 25 percent of the floor area of the existing building shall be subject to all of the requirements of this Section. The ~~City Manager~~Administrator, or his designee, may ~~waive~~ allow modifications to individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality that is compatible with existing development in the vicinity of the project. The burden of proof relative to design quality and compatibility shall rest with the applicant.

C. Redevelopment

1. Small Projects. For redevelopment or remodeling projects involving buildings with less than 5,000 square feet of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with the City's sidewalk requirements. No more than one project in a 365-day period, on the subject property shall be permissible. For redevelopment or remodeling projects involving buildings with 5,000 square feet or more of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with City requirements for sidewalks, curbs and gutters.
2. Large Projects. For redevelopment or remodeling projects costing more than 50 percent of assessed value, all of the provisions of section 7.10 shall apply except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained.
3. Assessed Values. Assessed values shall be the assessed building values in the Cabarrus County tax records.
4. Improvement Values. Improvement values shall be the building permit improvement cost estimates as determined by Cabarrus County.

7.10.3 SIGN REGULATIONS

Signs shall be regulated in accordance with standards set forth in Article 12 of this Ordinance, or by an approved comprehensive sign package.

7.10.4 ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment shall be screened from view, or located in such a manner as to not be visible from a

public street. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes and antennas shall be screened from view.

7.10.5 ARCHITECTURAL PLANS

Architectural plans shall depict architectural details outlined in this Section and shall consist of:

- A. Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project; and
- B. Exterior building materials inventory to indicate compliance with this Section.

7.10.6 APPROVALS

For new structures greater than 100,000 square feet, the Planning and Zoning Commission shall approve the plans. All other structures shall comply with the requirements of Section 6.1.

7.10.7 COMPLIANCE

Architectural details and/or drawings shall be submitted to the administrator at the time of site plan submittal. All requirements of this ordinance must be met before a Certificate of Compliance (COC) can be issued.

7.10.8 KEY DESIGN CONSIDERATIONS

The following key design considerations shall be applied to all development subject to this section at the time of site plan review:

A. Compatibility

Adjacent buildings within a development shall have compatible relate in similarity of scales, bulk, height, architectural styles and, roof styles.7 and configuration. Development shall use a combination of plantings, buffers and building design to ensure compatibility with adjacent residential development.

B. Proportions

Windows, doors, columns, piers, projections, ribs, awnings, cornices, parapets, eaves, and other building components shall be proportional to the overall scale of the building. Windows should be greater in height than width, unless otherwise required by a specific design feature or architectural style.

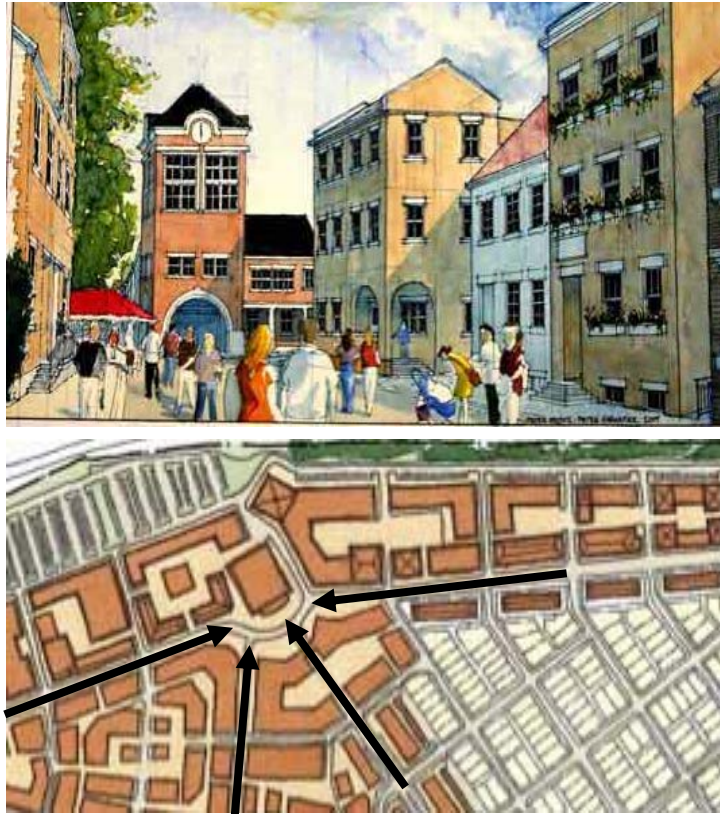
C. Termination of Vistas

Entry drives or drives within the site or from significant adjacent streets shall be terminated in a focal point, such as a building or other significant architectural or landscape feature. (See Figure 7.10-1.)

~~7.10.9 REQUIRED DESIGN ELEMENTS~~

~~The following design elements shall be incorporated in architectural and site plan:~~

Figure 7.10-1: Termination of Vistas



~~7.10.10-9 BUILDING AND SITE DESIGN STANDARDS~~

~~The following design elements shall be incorporated in architectural and site plans:~~

A. Building Entrance

Primary building entrances shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhangs, or portico (in order to provide weather protection for pedestrians). Public entrances flush with the building wall with no cover are not allowed. (See Figures 7.11-2.)

B. Boulevard Entrance

For developments containing total floor area in excess of 80,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median.

C. Transit Stops

Transit bus stop may be required if the development is located on an existing or planned public transit route, which shall be determined by transit plans and the Transit Administrator.

D. Outdoor Space

Each site shall be designed to include public pedestrian walkways throughout the development linking all facilities open to the public, which shall include one (1) or more plazas or courtyards with benches, or patios/ seating areas. For developments containing total floor area in excess of 80,000 square feet, at least one (1) outdoor space or site amenity such as a public square, park, or outdoor playground area on the site, or on adjacent land. All features shall be accessible, useable spaces. Outdoor space or design elements may include, but are not limited to:

1. Window shopping walkway
2. Water feature
3. Clock tower
4. Seating walls
5. Benches
6. Courtyards or plazas
7. Fountains
8. Sculpture or public art

The Administrator may approve any other such deliberately shaped area or focal feature or amenity that, in the judgment of the Administrator, adequately enhances such community and public spaces.

E. Sidewalks

All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use, shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article II section 10.20 of the TSM.

F. Exterior Materials

Exterior building materials shall include brick, stone, stucco, synthetic stucco, or cement-board or wood siding. Metal and split-faced concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. Highly reflective materials such as bright finished metal and tinted glass shall not be used

as the primary building material. When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco). All windows and doors at the ground floor level on any retail building shall be transparent.

G. Roof Pitch

Flat roofs and roofs with a pitch of less than 3:12 require a parapet wall. Eaves a minimum of one (1) foot from the building face shall profile a pitched roof. Roofing for pitched roofs greater than 6:12 shall be wood, tile, slate, architectural asphalt shingles, or low-reflectivity metal (flat or matte finish). Applied mansard roofs shall not be permitted.

H. Parapet Walls

Average parapet height shall not exceed 15 percent of the supporting wall height. Maximum parapet height shall not exceed 33 percent of the supporting wall height. (See Figures 7.11-2.)

I. Facade/Wall Treatment

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable "top" consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets. All sides of a building and any accessory structure shall utilize materials and design characteristics consistent with those of the front facade. In order to prevent large flat expanses of featureless exterior walls, recesses, projections, columns, offsets, or change in building wall plane shall be required every 50 feet of building wall length. No uninterrupted length of any façade shall exceed 50 feet. Projections, recesses, and decorative columns shall be a minimum of one foot wide and one foot deep. Structural columns supporting a portico, porch, or overhang shall meet these requirements. (See Figures 7.11-2.)

J. Design Elements Additionally, a

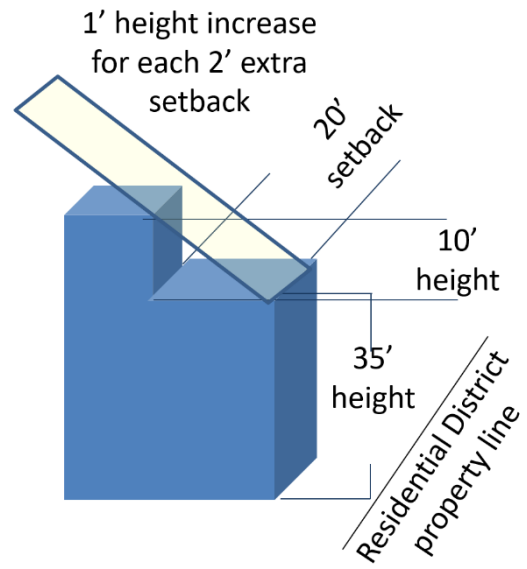
At least four (4) of the following elements must comprise 60 percent of front façade length and 40 percent of any façade length fronting a public street or parking lot:

- Parapets
- Cornices
- Roofline offsets
- Windows or doors
- Window hoods
- Transoms
- Bulkheads

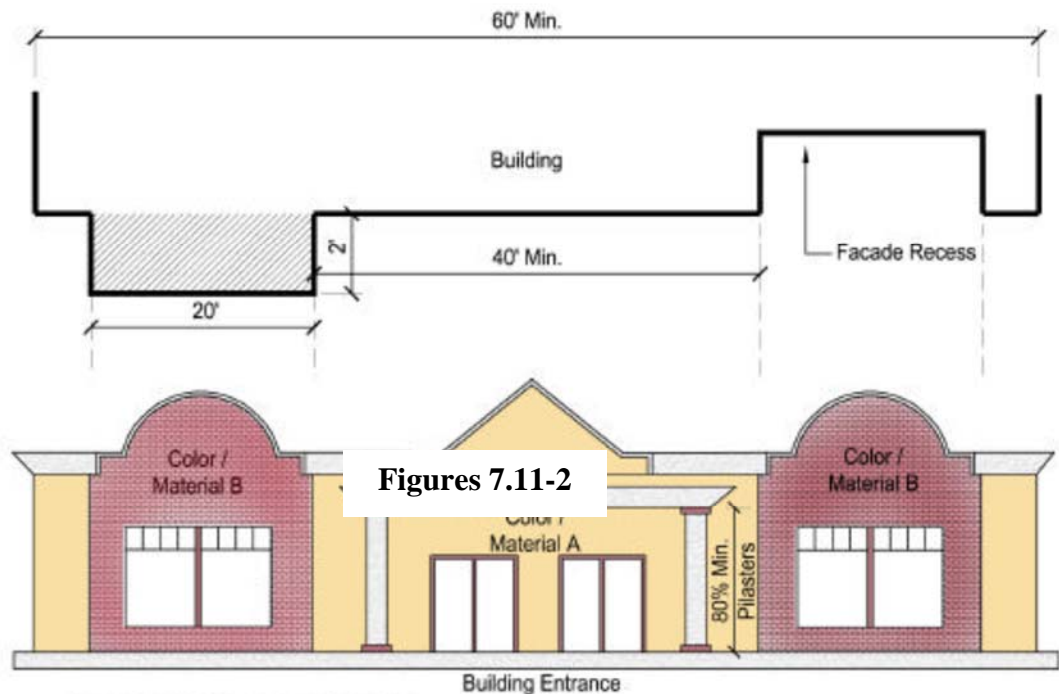
Awnings or canopies
 Ribs or columns
 Changes in texture or masonry

K. Height Transitions

On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty-five (35) feet. For purposes of this provision, the height transition shall be measured from average grade along the nearest building line facing any property line of a residentially zoned lot to the highest point of the non-residential structure.

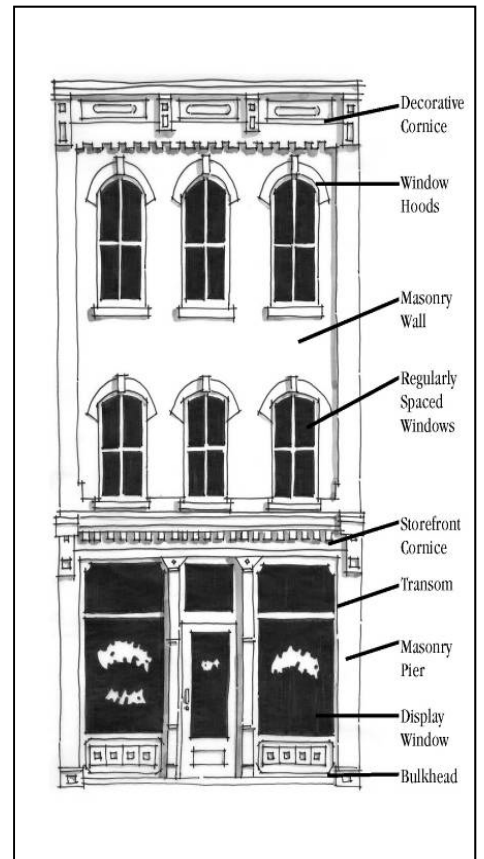
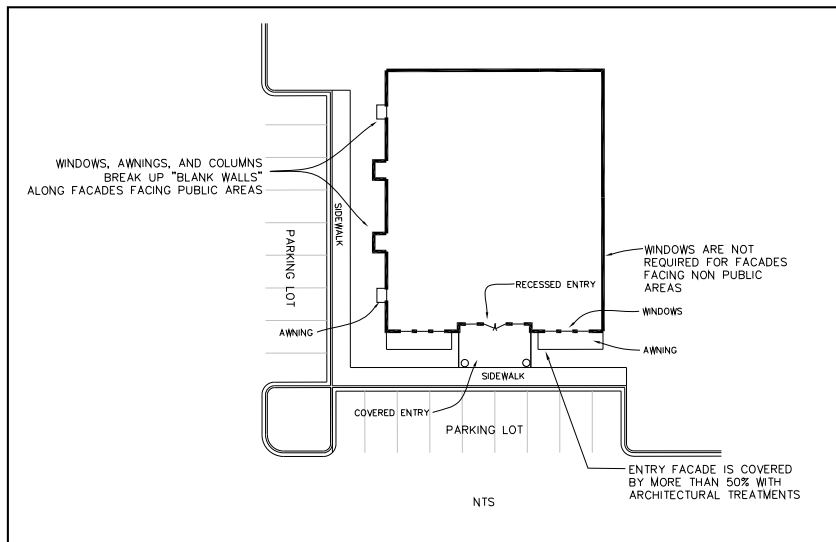
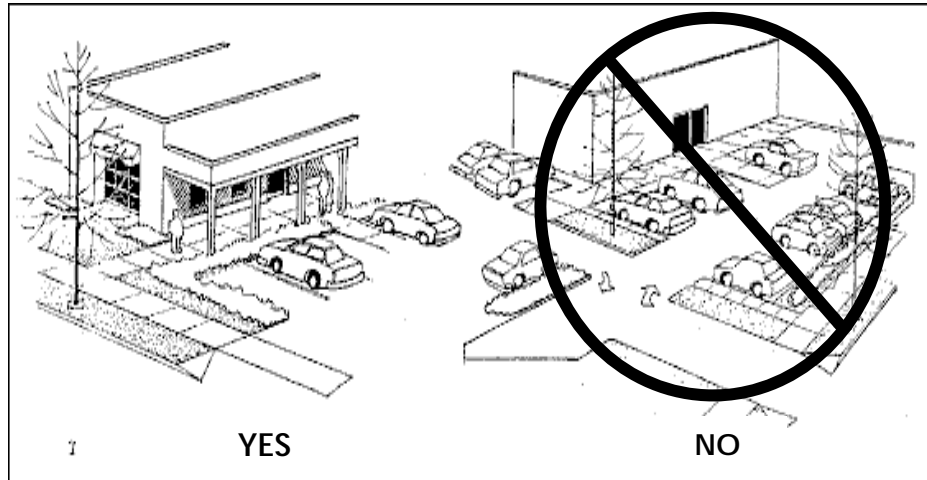


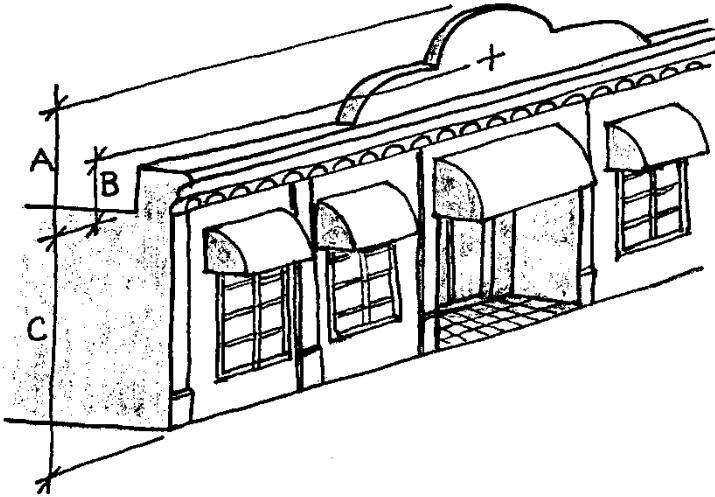
NOTE: THESE GRAPHICS TO REMAIN



Figures 7.11-2

Note: Material changes may be used in lieu of or in addition to facade offsets





7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS

7.11.1. PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of industrial buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community (by creating developments that attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.11.2. APPLICABILITY

A. New Construction

This Section applies to all new construction in I-1 and I-2 districts. The Administrator, or his designee, may allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or infill development upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

B. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth in Article 11.

Additional construction that is more than 25 percent of the floor area of the existing building shall be subject to all of the requirements of this Section. The Administrator, or his designee, may allow modifications to individual

requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality that is compatible with existing development in the vicinity of the project. The burden of proof relative to design quality shall rest with the applicant.

C. Redevelopment

Redevelopment or remodeling that involves construction costs equal to or greater than 50 percent of the assessed value of site improvements according to the most recent property tax rolls shall be brought into conformance with the provision of section 7.10 except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained. The Administrator, or his designee, may modify individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

7.11.3. SIGN REGULATIONS

Signs shall be regulated in accordance with standards set forth in Article 12 of this Ordinance, or by an approved comprehensive sign package.

7.11.4. ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment such as trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes and antennas shall be screened from view from public streets that are external to the development project, internal collector or arterial streets, abutting residential zoning districts, and public parks.

7.11.5. ARCHITECTURAL PLANS

Architectural plans shall depict architectural details outlined in this Section and shall consist of:

- A. Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project; and
- B. Exterior building materials inventory to indicate compliance with this Section.

7.11.6. APPROVALS

The Administrator shall review all site plans for industrial development. The Administrator may modify the specific provisions of the design standards of this section 7.11 upon finding that the alternative design is consistent with other sites within the same industrial development and the purposes of the applicable provision are achieved through the alternative design.

7.11.7. COMPLIANCE

Architectural details and/or drawings shall be submitted to the administrator at the time of site plan submittal. All requirements of this ordinance must be met before a Certificate of Compliance (COC) can be issued.

7.11.8. INTERNAL AND EXTERNAL COMPATIBILITY

Buildings that are visible from streets abutting the development and from internal collector and arterial streets shall have compatible scales, bulk, heights, architectural styles, and roof styles. Development shall use a combination of plantings, buffers and building design to ensure compatibility with adjacent development.

7.11.9. BUILDING AND SITE DESIGN STANDARDS

The following design elements shall be incorporated in architectural and site plan:

A. Building Entrance

Primary building entrances shall be clearly defined and shall be recessed or framed by a sheltering element such as an awning, arcade, overhangs, or portico (in order to provide weather protection for pedestrians). Public entrances flush with the building wall with no cover are not allowed. (See Figures 7.11-2.)

B. Boulevard Entrance

For developments containing total floor area in excess of 250,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median for a depth of at least 100 feet in depth.

C. Transit Stops

Transit bus stop may be required if the development is located on an existing or planned public transit route, which shall be determined by transit plans and the Transit Director.

D. Sidewalks

Sidewalks shall be required along all public streets within an industrial development unless a comparably functioning trail system is provided.

All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use, shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article II section 10.20 of the TSM.

E. Exterior Materials

Exterior building materials may include painted tilt-up concrete, brick, stone, stucco, synthetic stucco, metal wall panels, or cement-board or wood siding. The Administrator may approve alternative materials of equal or better quality and durability. Metal and split-faced concrete block may be used as accent material provided that cumulatively they do not exceed 20 percent of the area of any individual exterior wall visible from an existing or proposed public street or adjacent parcel located outside the industrial development in which the building is located.

Metal may be utilized exclusively on 1) walls not visible from an existing or proposed public street or adjacent parcel located outside the industrial development in which the building is located, or 2) on manufacturing facilities of more than two stories in height.

When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g.,

stucco).

The Administrator or his designee may allow modifications to the required materials on a case-by-case basis. The applicant shall document through photo or photo simulations that areas using alternative materials are not visible from public streets or adjacent developments. The burden of proof in justifying alternative materials shall rest with the applicant.

F. Parapet Walls

Average parapet height shall not exceed 15 percent of the supporting wall height. Maximum parapet height shall not exceed 33 percent of the supporting wall height. (See Figures 7.11-2.)

G. Facade/Wall Treatment

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable "top" consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets.

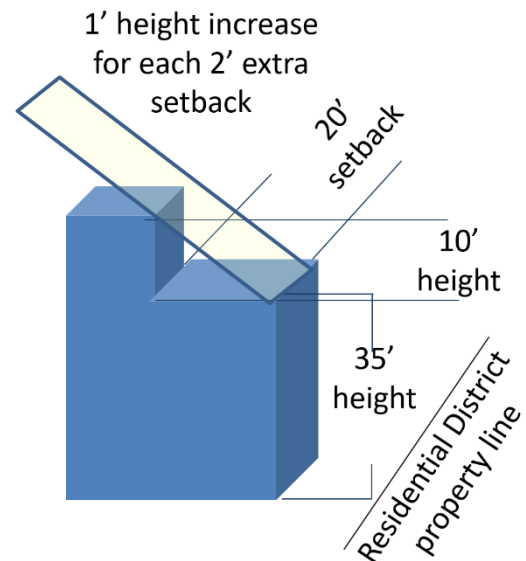
H. Design Elements

For building facades that are visible from streets external to a development or from internal collector or arterials streets, at least four (4) of the following elements must comprise 15 percent of front facade length:

1. Parapets
2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods
6. Transoms
7. Bulkheads
8. Awnings or canopies
9. Ribs or columns
10. Changes in texture or masonry

I. Height Transitions

On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of



thirty-five (35) feet. For purposes of this provision, the height transition shall be measured from average grade along the nearest building line facing any property line of a residentially zoned lot to the highest point of the non-residential structure.

**ARTICLE 8
USE REGULATIONS**

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ARTICLE 8. USE REGULATIONS

8.1 USE TABLE

8.1.1. GENERAL

8.1.2. No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Table 8.1.8

8.1.3. Permitted Accessory Uses are set forth in § 8.4 while permitted Temporary Uses are set forth in § 8.7. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 8.4, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

8.1.4. Notwithstanding any provision of this Article to the contrary, uses which are preempted by state statute may not be listed in the Use Table, and may be permitted in accordance with state law.

8.1.5. Uses in the PUD, PRD, TND, MXD, HPOD and PID districts shall be governed by their respective Sections in this Ordinance and are not included in the Use Table.

8.1.6. The names of uses in the permitted use table and section 8.2.2. are generic and based on common meanings, not on what a use may be called by the public, applicant or owner. The Administrator shall define suggested uses to fit into the definitions found in this Ordinance.

8.1.7. USE TABLE KEY

A. Types of Use

1. USES PERMITTED BY RIGHT (P)

The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

2. PERMITTED USES WITH SUPPLEMENTAL REGULATIONS (PS)

The letters "PS" indicates that the listed use is a use permitted by right within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in the "Standards" column of the use table.

3. SPECIAL USES (S)

The letter "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit in accordance with Article 6.2. Special Uses are subject to all other applicable standards of this Ordinance and any Supplementary Use Regulations which apply to said use.

4. SPECIAL USES WITH SUPPLEMENTAL REGULATIONS (SS)

The letters "SS" indicates that the listed use is a special use within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in "Standards" column of the use table.

B. Uses Not Allowed

A blank cell in the use table indicates that a use is not allowed in the respective district.

C. Use Categories

Characteristics of the various use categories are located in § 8.2.

D. Standards

The "Standards" column on the use table is a cross-reference to any special regulations in § 8.3 below. All uses are also required to comply with the appropriate dimensional standards in Article 7.

E. Outdoor Storage

For any use that will have outdoor storage accompanying the principal use, the standards of 8.3.6. and 8.3.7 shall apply. Screening requirements for solid waste storage areas and containers, and vehicles in need of minor repair are covered separately and are referenced in the use table.

8.1.8. Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
OPEN USES																
Agriculture	Animal Production and Support Facilities	P	PS	PS												8.3.2.A
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Crop Production Support Activities	P												P	P	
	Farm Product Sales, Raw Materials	P													P	
	Farm Supply Store without outdoor storage	P											P	P	P	
	Farm Supply Store with outdoor storage	P											PS	PS	P	8.3.5.J
	Sawmill/lumber processing	S														
	Swine Farm	S														
	Warehousing and Storage, farm related products	P													P	
	Livestock Auction	PS													PS	8.3.2.B
Resource Extraction	All Resource Extraction (except borrow pit)	SS													SS	8.3.2.C
	Borrow Pit	P												P	P	
RESIDENTIAL USES (See 8.2.2(b))																
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P			
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS							7.7
	Single Family Attached Dwelling,							PS	PS	PS						7.7 & 7.7.4.I
	Multifamily Dwelling/Apartment Duplex/Triplex							SS	PS	PS	PS	PS	SS			7.8
								PS	PS							Tables 7.6.2.A & 7.6.2.B
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS								8.3.3.C

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
Group Living	Congregate Care Senior Housing							PS	PS	PS	PS	PS			8.3.3.D	
	Group Home	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS		8.3.3.E	
	Family Care Home	PS	PS	PS	PS	PS	PS	PS	PS						8.3.3.E	
	Homeless Shelter/Soup Kitchen								SS	SS					8.3.4.I	
	Social Service Institution								SS	SS			PS		8.3.4.F	
PUBLIC AND CIVIC USES																
Community Service	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, Public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P		8.3.4.H	
	Convention Center									S	SS	P	P		8.3.4.G	
Day Care	Child Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS		8.3.4.A	
Educational Facilities	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							P	S	S	S	S	S			
	School, Business							P	P	P	P	P	P	P		
	School, Trade								P	P	P	P	P			
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P			
Government Facilities	Animal Shelter	SS											SS	PS	PS	8.3.2.B
	Correctional Institution	S									S					
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	
	Visitor Bureau								P	P	P	P	P	P		
Medical Facilities	Medical Clinic/Urgent Care								P	P	P	P	P			
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P					P	P			
	Hunting, Fishing, Game Preserve	S														
Passenger Terminals	Air transportation and related support facilities	S											P	P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Bus Charter Service, including passenger terminal													P	P	
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand										SS	SS	PS			8.3.4.D
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	SS	SS	SS	SS	SS	SS	PS	SS	SS	PS	P			8.3.4.E
	Religious Institution/House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS	P	P	P	P	P			8.3.4.E
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Water Treatment Facility	P											P		P	
	Solar Farm	S														
COMMERCIAL USES																
Indoor Recreation (see 8.3.5.O)	All Indoor Recreation except as listed below										P	P	P			
	Amusement Arcade, indoors only (less than 4 pool tables)										P	P	P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P			
	Auditorium or Assembly Hall, more than 350 seats								P	P	S	P	P			
	Bowling Center										P	P	P			
	Firing & Archery Range, Indoors												P	P		
	Go-Kart Track												P	PS		8.3.5.P

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio								P	P	P	P	P	PS		8.3.5.P	
	Motion Picture Theater, Indoor										P	P	P				
	Performing Arts Company								P	P	P	P	P				
	Pool Hall, Billiard Parlor (4-16 Pool Tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II	
	Sexually Oriented Business												PS	PS	PS	8.3.5.B	
	Skating Rink, Indoor										P		P	S			
Office	All Offices, except as listed below								P	P	P	P	P	P			
	Advertising & Related Services								P	P	P	P	P	P	P		
	Bail Bonding Office											P	P				
	Collections Agency								P	P	P	P	P				
	Credit Bureau									P	P	P	P				
	Data Processing, News Service									P	P	P	P				
	Detective Agency								P	P	P	P	P				
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage								P	P	P	P	P	P			
	Engineering, Architect, or Surveyor's Office								P	P	P	P	P	P			
	Financial Institution								P	P	P	P	P				
	Industrial Design Service								P	P	P	P	P	P			
	Insurance Agency								P	P	P	P	P				
	Legal Service								P	P	P	P	P				
	Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio								P	P	P	P	P	P			
	Scientific Research & Development Service								P	P	P	S	P	P			
Stock or Security Brokerage Firm								P	P	P	P	P					
Telemarketing, Call Centers								P	P	P	P	P	P				

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL					COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1		I-2
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P	
Outdoor Recreation	Amusement Park	P											P	P	P	
	Baseball Hitting Range, Golf Driving Range											P	P			
	Country Club	P	P	P	P	P	P	P				P	P			
	Equestrian Boarding Riding Arena, Commercial	P	P													
	Miniature Golf Course										P	P	P			
	Motion Picture Theater, drive-in	S												S	P	
	Racetrack and Spectator Sports, including racing test track														P	P
	Recreational Instruction and Camps, Indoor or Outdoor	P								P	P	P	P	P	P	P
Hotel, Motel, Inn	All overnight accommodations except as listed below								P	P	P	P	P			
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.5.C
	Campground	PS														8.3.5.D
Parking, Commercial	Parking lot or deck, principal use						PS	PS	PS	PS	P	P	P	P		8.3.5.E
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P			
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N
	Private Club										SS		SS			8.3.5.F
	Restaurant, carryout, delivery, no seating									P	P	P	P			
	Restaurant, drive-thru or drive-in											P	P			
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery- Large													P	P	
	Winery/Cidery													P	P	8.3.5.O
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Distillery													P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
Retail Sales and Services	All retail sales and service except as listed below									P	P	P	P				
	ABC Store											P	P				
	Animal Clinic/Hospital/Kennel	PS									PS	PS	PS	PS	PS	8.3.4.B	
	Animal Grooming Establishment - no overnight boarding									P	P	P	P	P			
	Animal Obedience School	SS											PS	PS	PS	8.3.4.B	
	Animal and/or Feed Supply Store	P										PS	PS			8.3.5.J	
	Appliance Sales, Rental and Repair										P	P	P	P			
	Auction Sales Establishment													P			
	Blueprinting and Drafting Service								P	P	P	P	P				
	Building Material Supply no outdoor storage												P	P	P		
	Building Material Supply with outdoor storage													PS	P	P	8.3.5.G
	Cemetery Monument Dealer													P	P		
	Check Cashing Establishment													P			
	Cleaning and Maintenance Service									P	P	P	P	P			
	Convenience Store									PS	SS	PS	PS			8.3.5.H	
	Delivery/Courier Service, local (no commercial vehicles)									P	P	P	P	P			
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P			
	Electronics Sales and Repair										P	P	P	P			
	Event Center											PS	PS	PS		8.3.5.R	
	Farmer's Market/Produce Stand	P								PS	PS	PS	PS			8.3.5.I	
	Flea Market	P												PS	PS	PS	8.3.5.I
	Floor Covering Store										P	P	P				
Grocery/Food Store									P	P	P	P					
Fortuneteller, Divination, Palmistry													S				
Funeral Home								P	P		P	P	P				

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L
	Laundromat (self service)									P	S	P	P			
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											PS	PS		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photofinishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Centers, less than 25,000 sq. ft.										P	P	P	P		
	Shopping Centers, greater than 25,000 sq. ft.												P			
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage											P	P	P	P	
	Swimming Pool, Hot Tub Sales and Service													P	P	
	Tattoo Parlor, Body Piercing													PS		8.3.5.K
	Taxidermist													P		
	Weight Loss Centers									P	P	P	P	P		
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H
	Automobile Parts, Tires and Accessories Store									PS		PS	PS	PS		8.3.6.I
	Automobile Repair, Major												PS	PS		8.3.6.H & 8.3.6.I
	Automobile Repair, Minor										PS	PS	PS	PS	PS	8.3.6.D & 8.3.6.I

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Automobile Wash (carwash) including detailing service												P	P	P	
	Manufactured Home Sales												PS	PS		8.3.6.F
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings											PS	PS	PS		8.3.6.G
	Truck Stop, Travel Plaza												P	P		
INDUSTRIAL USES																
Light Industrial Service	Truck/Construction Equipment Rental													P	P	
	Flex/Office Space												P	P	S	
	All light industrial service, except as listed below													P		
	Cabinet and Woodwork Shop											P	P	P		
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A
	LP Gas & Heating Oil Dealer												P	P	P	
	Machine Shop												P	P	P	
	Musical Instrument Manufacturing												P	P	P	
	Pest Control Service												P	P	P	
	Portable Toilet Service														P	
	Small Engine Repair												P	P	P	
	Tire Recap and Repair Facility														P	
	Upholstery Shop												P	P	P	
Warehouse and Freight Movement	Electronic Shopping, Mail Order House													P	P	
	Moving and Storage Facility													P	P	
	Product Distribution Center													SS		8.3.7.F
	Rail Transportation and Support Facilities													P		
	Warehousing and Storage, Non-farm related products													SS		8.3.7.F

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Truck Terminal and Support Facilities														SS	8.3.7.G
Waste Related Service	Hazardous Waste Facility														PS	8.3.7.B
	Sanitary Landfill														PS	8.3.6.B
	Recycling Processing Facility														P	
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P	
	Solid Waste Management Facility												P	P	P	
	Junkyard/Salvage Yard														SS	8.3.7.C
Heavy Industrial	All heavy industrial, except as listed below														P	
	Abrasive Products Manufacturing														P	
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P	
	Chemical Manufacturing														P	
	Coal, Ore Supply with outdoor storage														S	
	Dry Cleaning/Laundry Plant												P	P	P	
	Food Manufacturing with Animal Slaughtering and Processing														S	
	Tobacco Manufacturing														P	
Metal Plating														P		

8.2 USE CATEGORIES

COMMENTARY: The following use categories are not zoning districts. These categories group uses for regulatory purposes. The names of some use categories (for example, "Commercial") may be similar to names for zoning districts (such as "Commercial, General"). A use listed in the examples below is only permitted in accordance with the use table.

8.2.1. IN GENERAL

A. Approach to Categorizing Uses

The use categories found in the use table in § 8.1.8 are set forth in this Section. Specific uses may be further defined in Article 14, Definitions. The Zoning Administrator may determine that uses not listed in Table 8.1.8. are similar to those uses listed in the Table. Where such similar permitted use is subject to special use standards or supplemental standards the proposed use shall also be subject to such standards or approval.

B. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The Use Categories provide a systematic basis for assigning land uses to appropriate zoning districts. The Administrator may consult the North American Industry Classification System (NAICS) for further clarification on a particular use.

C. Principal Uses Not Specifically Listed

Determination of the appropriate category for a proposed principal use shall be made by the Zoning Administrator. The criteria below shall be used to determine both the appropriate category for a use not specifically listed in the Use Table or the examples in the Use Category descriptions, and whether a use is considered principal or accessory.

- A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category.
- B. The relative amount of site area or floor space and equipment devoted to the activity.
- C. Relative amounts of sales from each activity.
- D. The customer type for each activity.
- E. The relative number of employees in each activity.
- F. Hours of operation.
- G. Building and site arrangement

- H. Types of vehicles used and their parking requirements.
- I. The relative number of vehicle trips generated.
- J. Signs.
- K. How the use is advertised.
- L. The likely impact on surrounding properties.
- M. Whether the activity is likely to be found independent of the other activities on the site.

Following a determination that a specific use not listed in these zoning regulations is similar to another listed use, the proposed use shall be subject to any supplemental use standards listed in § 8.3. The Zoning Administrator shall not vary these zoning regulations by adding to or eliminating any use standards in § 8.3 for the proposed use.

Where a use not listed in the use table is found by the Zoning Administrator not to be similar to any other use in the table, the use shall be permitted only following a text amendment of these zoning regulations in accordance with § 3.4, and such a decision shall not be appealed to the Zoning Board of Adjustment .

When considering appropriate districts for a use not listed in the Use Table, the district intent statements in Article 7, Zoning Districts, shall be considered by the Administrator .

D. Developments with Multiple Principal Uses

Developments with multiple principal uses shall conform to the following:

- A. When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category.
- B. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.

COMMENTARY: Where a use has a specific use standard applied in the use table (such as a minimum site acreage), the standard applies even when that use is part of a development with multiple principal uses.

- C. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.

COMMENTARY: If a proposed development includes a convenience store, fuel sales and a restaurant, including outparcels, and one of those uses is only permitted by special use permit in the district, then the entire

development requires special use permit review and approval.

- D. Where a use requiring a special use permit lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use permit review, not the entire project. However, where the separate legal parcel is an outparcel, the Special Use Permit application shall describe the relationship of the outparcel to the remaining site.

COMMENTARY: For example, where a Self Storage Facility in a C-2 District (requiring a Special Use Permit) is an outparcel within a larger retail development, the Special Use Permit shall review the outparcel only - not the entire development. However, where a Special Use Permit is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special use permit review.

E. Principal Uses

The "Principal Uses" portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. The Administrator's determination whether a use is permitted in a particular zoning district shall be final, subject to appeal to the Zoning Board of Adjustment.

COMMENTARY: A use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

F. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use; however, specific accessory uses with parenthetical cross-references in the following tables are permitted subject to additional standards (see §8.4). Some listed accessory uses may also be considered accessory structures.

G. USES NOT INCLUDED

The "Uses Not Included" provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

8.2.2. OPEN USE CATEGORIES

A. Agriculture

Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.		
Principal Uses	Accessory Uses	Uses Not Included
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development Borrow pit Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Animal boarding, outdoor Livestock auction Milk processing plant Plant nursery Plant nursery with landscape supply Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Stable Warehousing and Storage, farm related products	Aircraft landing field or helicopter landing facility (private) Ancillary indoor storage Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 3 meters Dock or pier (noncommercial) Home occupations Housing for ranch or farm labor, including manufactured homes Railroad right-of-way (existing only) Sale of agricultural products U-pick facilities	Animal waste processing (see Waste-Related Service) Commercial feed lot, livestock slaughtering, processing of food and related products (see Heavy Industrial) Commercial hunting or fishing camp, dude ranch (see Outdoor Recreation) Garden center (see Retail Sales and Service) Riding academy or public stable (see Outdoor Recreation) Recyclable construction material storage, solid or liquid waste transfer or composting, (see Waste-Related Service) Railroad right-of-way, new (see Utilities)

8.2.3. RESOURCE EXTRACTION

Characteristics: Characterized by uses that extract minerals and other solids and liquids from land.		
Principal Uses	Accessory Uses	Uses Not Included
Mining Extraction of minerals Extraction of sand or gravel, borrow pit	Ancillary indoor storage Associated offices Equipment storage Resource processing Stockpiling of sand, gravel, or other aggregate materials	Asphalt plant (see Heavy Industrial) Recyclable construction material storage (see Waste-Related Service) Solid or liquid waste transfer or composting (see Waste-Related Service)

8.2.4. RESIDENTIAL USE CATEGORIES

A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Principal Uses	Accessory Uses	Uses Not Included
Assisted living facility with self-contained individual units that meet the definition of a dwelling unit Guest house Retirement center apartment Short-term rental Single-family detached house, lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential	Accessory dwelling unit Accessory structure that does not involve the conduct of business on the premises Ancillary indoor storage Dish antenna under 3 meters Dock or pier (noncommercial) Children's play area or equipment Greenhouse or nursery, Personal (no sales) Home occupation In-home care for six or less persons Off-street parking of occupants' registered vehicles Family day care homes Adult day care homes (As licensed by the State of NC) Private community center Public community center affiliated with a public housing agency or department Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Raising of pets Residential leasing office Storage structure, storage garage or open storage area for RV's or boats (manufactured home park or subdivision only)	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Family care homes (see Social Service Institution) Nursing or convalescent home (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. All Group Living Uses not listed below as Principal or Accessory Uses are Social Service Institutions.		
Principal Uses	Accessory Uses	Uses Not Included
Congregate Care Senior Housing Boarding house, rooming house, fraternity, sorority, orphanage Community residential home Family Care Homes Hospice, nursing or convalescent home Monastery, convent Residential assisted living facility without individual self-contained dwelling units	Ancillary indoor storage Associated office Food preparation and dining facility Off-street parking of vehicles for occupants and staff Recreational facility	Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents, Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions) Assisted living facility where individual units meet the definition of a self-contained dwelling unit (see Household Living) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Membership club or lodge (see Indoor Recreation) Residential occupancy of a self-contained dwelling unit by a family on a month-to-month or longer basis (see Household Living) Rehabilitation Centers

8.2.5. PUBLIC AND CIVIC USE CATEGORIES

A. Community Service

Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not Included
Community recreational facility (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Rural retreat center Senior center Union hall Youth-oriented community service Charitable Club	Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area Off-street parking	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Place of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

B. Day Care

Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

Principal Uses	Accessory Uses	Uses Not Included
Adult day-care program Child care center, nursery school, preschool Intermediate childcare Latch-key program Large Family Day Care Home	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility Off-street parking	Counseling in an office setting (see Office) In-home day care for fewer than six persons (see Household Living: Accessory Use) On-site day care facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

C. Educational Facilities

Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Principal Uses	Accessory Uses	Uses Not Included
Business, driving, vocational, trade and other commercial schools College, community college or university Day facility Martial Arts School Nursing or medical school not accessory to a hospital Public, private, and charter schools School, boarding School, fine arts Seminary	Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Before- and after-school day care Cafeteria or other food service Dormitory, housing for students or faculty Health facility Laboratory, library Maintenance facility Meeting area Off-street parking Play area, recreational or sports facility Support commercial (college-operated bookstore, for example)	Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Preschool or nursery school (see Day Care)

D. Government Facilities

Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses Not Included
Animal Shelter City, county, state, or federal government office Detention center, jail, prison Emergency services, fire, sheriff, or medical station Post office Work camp Visitor Bureaus	Ancillary indoor storage Associated helicopter landing facility Auditorium, meeting room Cafeteria Day care Fleet management Holding cell, infirmary Limited fueling facility Off-street parking Satellite office	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Postal substation (see Retail Sales and Service) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

E. Medical Facilities

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses Not Included
Blood plasma donation center, medical facility, medical or dental laboratory Hospital, out-patient clinic Medical or dental office or chiropractor Medical Clinic	Associated helicopter landing facility Associated office Cafeteria Chapel, ancillary worship space Day care Group living or hospice Housing for staff or trainees Limited support retail Maintenance facility Meeting area Off-street parking Pharmacy Recreational facility Teaching facility Temporary housing for relatives of patients	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities) Rehabilitative clinic (see Social Service Institutions) Urgent care or emergency medical office (see Retail Sales and Service)

F. Parks and Open Areas

Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses Not Included
Botanical garden, nature preserve, recreational trail Cemetery, columbarium, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Golf Course, public or private Hunting, Fishing and Game Preserves, commercial Park, community Park, district Park, linear Park, neighborhood Park, regional Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concession Dock or pier (noncommercial) Maintenance facility Off-street parking Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private, golf course, country club, water park (see Outdoor Recreation) Crematorium (see Light Industrial Service) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water tower, tank, standpipe (see Utilities)

G. Passenger Terminal

Characteristics: Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Principal Uses	Accessory Uses	Uses Not Included
Airport, heliport Bus passenger terminal, taxi dispatch center, train passenger terminal Scenic and sight-seeing tour Limousine / Chauffeur Service Public Transportation System Taxi Company / Taxi Stand	Ancillary indoor storage Associated office Concession Freight handling area Fueling facility Limited retail Maintenance facility Off-street parking Park-and-ride facility	Private helicopter landing facility accessory to another use (see Agriculture, Medical Facilities or Government Facilities)

H. Places of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, temple	Cemetery, columbarium, day care	Revival or gospel tent

I. Social Service Institutions

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Alternative- or post-incarceration facility</p> <p>Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents</p> <p>Neighborhood resource center</p> <p>Rehabilitative clinic such as for alcohol or drugs</p> <p>Social service facility, soup kitchen, transient lodging or shelter for the homeless</p>	<p>Adult educational facility</p> <p>Ancillary indoor storage</p> <p>Associated office</p> <p>Day care</p> <p>Food services and dining area</p> <p>Meeting room</p> <p>Off-street parking</p> <p>Staff residences located on-site</p>	<p>Assisted living facility with individual self-contained dwelling units (see Household Living)</p> <p>Assisted living facility without individual dwelling units, community residential home (see Group Living)</p> <p>Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas)</p> <p>Educational facility (see Educational Facilities)</p> <p>Philanthropic institution (see Community Service)</p>

J. Utilities

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses Not Included
<p>Minor Utilities:</p> <p>On-site stormwater retention or detention facility</p> <p>Neighborhood-serving telephone exchange, gas or electric installation</p> <p>Pipeline Transportation of Petroleum & Natural Gas</p> <p>Water and wastewater pump station or lift station</p> <p>Water Supply System</p> <p>Major Utilities:</p> <p>Aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank</p>	<p>Control, monitoring, data or transmission equipment</p> <p>Off-street parking</p> <p>Storage</p>	<p>Landfill (see Waste-Related Service)</p> <p>Maintenance yard or building (see Light Industrial Service)</p> <p>Utility office (see Office)</p> <p>TV and radio studio (see Office)</p> <p>Cell phone tower</p> <p>Radio and Television towers</p> <p>Reservoir or water supply (see Parks and Open Areas)</p>

8.2.6. COMMERCIAL USE CATEGORIES

A. Indoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not Included
Adult entertainment Auditorium /Assembly Hall, up to 350 seats Auditorium/Assembly Hall, more than 350 seats Convention center Extreme sports such as paintball, BMX facility or skateboarding facility (indoor) Gymnastic facility, indoor sports academy Go-Kart Track (indoor) Health Club & Fitness Center Amusement Arcade (indoor only) including less than 4 pool tables, bowling alleys, game/amusement arcade Indoor firing range Pool/Billiard Hall or Parlor (4 to 16 tables) Membership club or lodge Movie or other theater Performing Arts Company & Artist Sexually-Oriented Business Skating Rink, indoor	Ancillary indoor storage Associated office Concession Food preparation and dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

B. Office

Characteristics: Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses generally have no external access or signs.		
Principal Uses	Accessory Uses	Uses Not Included
Accounting & Tax Service Advertising & Related Services Architectural, Engineering & Related Services Bail Bonding Office Bank Teller Machines, outdoor (principal or accessory use) Counseling in an office setting Collections Agency Computer System Design & Related Services Consulting Office Counseling Office Credit Bureau Data Processing and News Services Detective Agency Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service, and Contractor's Office Employment Agency Engineering, Architect or Surveying Office Environmental Consulting Service Financial Institution Government office Graphic Design Services Industrial Design Services Insurance Agency Interior Design Services Legal Services Motion Picture and Sound Recording Studio Office, general Real Estate Agency Scientific Research & Development Services Stock or Security Brokerage Firm Telemarketing & Telephone Call Centers Television, Radio & Film Studio Travel Agency Utility office	Ancillary storage Cafeteria Health facility Meeting room Off-street parking On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Small retail operation for on-site workers (no external signage) Technical library	Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Bulk mailing service (see Light Industrial Service) Mail-order house (see Wholesale Trade) Medical or dental office (see Medical Facilities) Research, testing, and development laboratory (Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service)

C. Outdoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.		
Principal Uses	Accessory Uses	Uses Not Included
Circus ground Drive-in theater Equestrian Boarding & Riding Arenas, commercial Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility (outdoor) Farmers market or flea market (outdoor) Golf course, country club Outdoor recreation activity such as archery range, baseball hitting range, golf driving range, mini-amusement park, miniature golf facility, outdoor firing range, swimming pool, tennis court water park, riding academy or public stable Recreational vehicle (RV) park, campground, commercial hunting or fishing camp, dude ranch Sports academy for active recreational or competitive sports Stadium or arena, dog or horse track, motor vehicle racing track or facility, commercial amphitheater, ballfield Tourist attraction Winter quarters or training quarters Zoo, public or private	Ancillary indoor storage Associated office Caretaker or security person housing Classroom Clubhouse Concession Day care facility Dock or pier Dormitory Equipment storage Food preparation or dining area Jogging, hiking, fitness and other types of trails. Maintenance facility Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter Restaurant	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

D. Overnight Accommodations

Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not Included
Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Campground	Ancillary indoor storage Associated office Restaurants with or without a bar 5.3.4.M Food preparation and dining facility Laundry facility Meeting facility Off-street parking Restaurant Swimming pool, other recreational facility	Campground, private, hunting/fishing camp, dude ranch, recreational vehicle (RV) park (see Outdoor Recreation) Convention center (see Indoor Recreation) Patient Transient accommodations (see Medical Facilities) Short Term rental (see Household Living) Transient lodging, shelter for the homeless (see Social Service Institutions)

E. Parking, Commercial

Characteristics: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses Not Included
Parking Lot & Decks, principal use Mixed parking lot (partially accessory to a specific use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

F. Restaurants

Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Banquet Home Restaurant, fast-food restaurant, pizza delivery facility, drive-in, take-out, yogurt or ice cream shop Private Clubs Small-scale catering establishment Food Truck, Temporary	Ancillary indoor storage Associated office Deck, patio for outdoor seating or dining Drive-through facility Off-street customer and employee parking Brewery/Winery/Cidery - Micro or Brewpub Valet parking facility Bar (as an accessory use to a restaurant and/or private club)	Bar, tavern (see Indoor Recreation) Recyclable construction material storage (see Waste-Related Service)

F. Retail Sales and Service

Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Sales-Oriented: Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, guns and ammunition, hardware, home improvement, household products, jewelry, medical supplies, monuments, musical instruments, pets and pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, telephones, tobacco and related products, vehicle parts and accessories, videos, full- or self-serve gas, Farmers market or flea market (indoor)</p> <p>Personal Service-Oriented: Animal grooming, animal hospital or veterinarian, with or without animal boarding, doggie day care, obedience school Athletic, tennis, swim or health club Dance, art, martial arts, music or photographic studio or classroom Dry-cleaning or laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy and personal care service Photocopy, blueprint, package shipping and quick-sign service Psychic, fortune teller or medium Security service Taxidermist Urgent care or emergency medical Tattooing or other body art</p> <p>Repair-Oriented: Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair Tailor, milliner, upholsterer Locksmith, gunsmith</p>	<p>Ancillary indoor storage Associated office Automatic one bay car wash facility Crematorium (associated with a funeral home) Food preparation and dining area Repackaging of goods for on-site sale Residential unit for security purposes (single unit) Storage of goods</p>	<p>Boarding for horses (see Agriculture, stable) Car wash (see Vehicle Sales and Service) Stand-alone crematorium (see Light Industrial) Large-scale catering (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering (see Restaurants) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial)</p>

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G. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Principal Uses	Accessory Uses	Uses Not Included
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Mini-warehouse, multi-story enclosed storage facility, storage garage	Associated office Outside storage of boats and campers Residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)
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H. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Vehicle Service, General involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.

Principal Uses	Accessory Uses	Uses Not Included
<p>Vehicle Service, Intensive: Alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service</p> <p>Vehicle Service, General: Quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, provided such repair is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting.</p> <p>Full- or self-service car wash</p> <p>Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles)</p> <p>Towing and wrecker service</p> <p>Storage Building Display and Sales</p> <p>Manufactured housing sales</p>	<p>Ancillary indoor storage</p> <p>Associated office</p> <p>Sale of parts</p> <p>Single-bay, automatic car wash</p> <p>Towing</p> <p>Vehicle fueling</p> <p>Vehicle storage</p>	<p>Earth moving and heavy construction equipment (see Heavy Industrial)</p> <p>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</p> <p>Vehicle parts sale as a principal use (see Retail Sales and Service)</p>

I. Alcoholic Beverage Production

Characteristics: Production and/or distribution of alcoholic beverages such as wine, beer and liquor to include onsite consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Winery/Cidery Winery/Cidery -Micro Distillery Brewery/Brewery-Micro	Restaurant Taproom	Bar Private Club

8.2.7. INDUSTRIAL USE CATEGORIES

A. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not Included
Advertising & related services Blueprinting & design services Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Borrow pit Catering establishment, large-scale Cleaning/maintenance services Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making Crematorium Engineering, Architect, Surveying office Health club, fitness & dance studio HVAC, electrical, plumbing, contractor's office Industrial design services Janitorial and building maintenance service, exterminator, maintenance yard or facility Laundry, dry-cleaning, and carpet cleaning plants Movie production facility Pest control service Photo-finishing laboratory Race cars and parts manufacturing Repair of scientific or professional instruments, electric motors	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	Mining (see Resource Extraction) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
Research, testing, and development laboratory Sheet metal shop, machine shop Small engine repair Soft drink bottling Storage area used for manufacturing Welding, machine, tool repair shop Woodworking, including cabinet makers and furniture manufacturing		

B. Warehouse and Freight Movement

Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses Not Included
Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Commercial packing for fruits and vegetables Outdoor storage yard Parcel services Truck terminal, supply and distribution center, bulk mailing facility Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

C. Waste-Related Service

Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not Included
Animal waste processing Landfill Manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling Facility Solid or liquid waste transfer or composting Septic Tank Cleaning Service and Vehicle Storage Facility Solid Waste Management Facility Land Clearing and Inert Debris Landfills Junkyards / Salvage Yards	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials derived from mining (see Resource Extraction)

D. Heavy Industrial

Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited

Principal Uses	Accessory Uses	Uses Not Included
<p>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause</p> <p>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, citrus concentrate plant, processing of food and related products, production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill</p> <p>Borrow pit</p> <p>Bulk storage of flammable liquids</p> <p>Commercial feed lot</p> <p>Concrete batching and asphalt processing and manufacture</p> <p>Earth moving and heavy construction equipment</p> <p>Landfill, hazardous solid waste</p> <p>Mining (see Resource Extraction)</p> <p>Primary Metal Processing & Manufacturing</p> <p>Tobacco Manufacturing</p> <p>Truck, Heavy Duty; RV & Self-propelled Heavy Construction Equipment, sales, service and rental</p>	<p>Ancillary office</p> <p>Associated office</p> <p>Cafeteria</p> <p>Off-street parking</p> <p>Product repair</p> <p>Repackaging of goods</p> <p>Warehouse, storage</p> <p>Residential unit for security purposes (single unit)</p> <p>Day Care facility if part of a service offered by an employer</p>	<p>Animal waste processing (see Waste-Related Service)</p> <p>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)</p> <p>Store selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)</p>

E. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses Not Included
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Water softening, commercial Wholesale of food, clothing, auto parts, and building hardware Metal & Pipe Supply, with no outdoor storage Metal & Pipe Supply, with outdoor storage	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Minor fabrication services Off-street parking Product repair Repackaging of goods Residential unit for security purposes (single unit) Showroom Warehouse	Store selling, leasing, or renting consumer, home or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

8.3 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

8.3.1. GENERAL PROVISIONS

A. Applicability

The provisions of this Article are supplemental to the general provisions of the other Articles of the Concord Development Ordinance. All Uses and Structures shall comply with the all other applicable provisions of this Ordinance in addition to the provisions of this Article.

B. Relationship to Use Table

The zoning district in which a particular use is permitted is controlled by Use Table, and in the event of any inconsistency between the provisions of this Section and the Use Table, the provisions of the Use Table shall control.

C. Distance Measurements

All horizontal distance measurements referred to in this Article shall be measured from closest parcel line to closest parcel line, unless otherwise noted.

8.3.2. OPEN USES

A. Animal Production and Support Facilities

1. PURPOSE AND SCOPE

The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets.

2. USE REGULATIONS

The use of land for the keeping of agricultural animals of other livestock shall be permitted as set forth in the use table, subject to the criteria below.

3. AGRICULTURAL ANIMALS

- A. No livestock shall be kept, maintained or stabled within any Residential Zoning District on any lot not exceeding two (2) acres.
- B. On parcels of two (2) acres or more and as set forth in the use table, certain livestock shall be permitted subject to the following provisions:
- C. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than one-

hundred fifty feet (150') from a dwelling unit. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.

- D. Not more than one (1) Animal Unit shall be kept, maintained or stabled per six thousand (6,000) square feet of land.
- E. No equine stable operated as a principal use shall be within three hundred (300) feet of an existing single-family detached dwelling on a different lot.

B. Livestock Auctions

1. LAND AREA AND SETBACKS

The minimum acreage for a livestock auction facility is 20 acres. A minimum setback of no closer than three hundred feet (300') from a dwelling unit or residential zoned or used property is required.

C. Resource Extraction

1. PURPOSE

To establish consistent guidelines covering review of applications for mining and quarrying operations where an approved site plan is considered necessary to protect any adjacent residential property from smoke, dust, and noise, and to minimize the effect of scarification of the landscape.

2. APPLICABILITY

The provisions of this Section apply to any mining or extractive uses. The use of land for quarrying and/or mining shall be permitted as set forth in the Use Table subject to the criteria below.

3. COMPLIANCE WITH STATE REGULATIONS

All proposed mining and quarrying activities must conform to the "North Carolina Mining Act of 1971" as amended, (NCGS § 74-46 et seq.) NCAC, Title 15, Chapter 5. The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Environment and Natural Resources Regional Office. Wherever conflicts exist between federal, state, or local laws, the more restrictive provisions shall apply.

4. REVIEW AND APPROVAL

Submission requirements to obtain complete review and approval for mining and quarrying operations on sites with a disturbed area

of one acre or more include a special use permit application, a reclamation plan, and a Preliminary Site Plan detailing the minimum general standards as set forth in the City's *Technical Standards Manual* .

5. SETBACKS

Minimum setbacks in § 7.6 shall apply to the extent of land disturbing activity and the placement of mining machinery or structures.

6. BARRIER REQUIRED

- A. A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence, landscaping, existing topographical features or any combination of the above. Existing vegetation may also be considered in accordance with Article 11. The barrier shall be constructed so as to block the view of the extraction operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress. For the purposes of this section, the view shall be defined as a perpendicular linear view from the edge of the property line toward the interior of the mine or quarry site. The Planning & Zoning Commission, through the issuance of a Special Use Permit, shall have the authority to grant exceptions where a barrier as required by this section is not practical or feasible. Landscaping shall be in accordance with Article 11.
- B. The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.

7. EXEMPTIONS

- A. Earth moving activity disturbing less than one acre of land shall be exempt from the provisions of this Section.
- B. Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Section, regardless of the area disturbed.
- C. Borrow pits are exempt from the provisions of this Section.

8.3.3 Residential Uses

A. Single-Family Attached Dwelling

[See § 7.7]

B. Multifamily Dwelling

[See § 7.8]

C. Accessory Dwelling

1. ZONING DISTRICTS

Accessory Dwellings and Accessory Apartments are conditionally permitted in those zoning districts where such use is permitted in accordance with the Use Table.

2. HOUSING STANDARDS

Accessory Dwellings must comply with all applicable local, State and Federal housing codes.

3. NUMBER

Only one (1) Accessory Dwelling or Accessory Apartment shall be permitted per lot.

4. SIZE OF UNIT

The Accessory Dwelling or Accessory Apartment shall not exceed fifty (50) percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.

4. PLACEMENT OF THE ACCESSORY DWELLING ON THE LOT

An Accessory Dwelling shall be sited to the rear of the principal building. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds ten (10) acres in size.

5. SETBACKS

The Accessory Dwelling shall meet all setback requirements as established for principal uses within the zoning district within which it is located.

6. COMPATIBILITY

The exterior of the Accessory Dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance. Manufactured homes shall not be pulled up to or attached to a primary residence and considered an Accessory Apartment or Accessory Dwelling Unit. Manufactured homes, as principal or accessory dwelling units, shall be permitted only in the MH Manufactured Home Overlay District.

7. PARKING

Adequate off-street parking shall be provided for any vehicles owned by occupants of the Accessory Dwelling or Accessory Apartment.

8. UTILITIES

Where there is no public sanitary sewer service to the Accessory Dwelling unit, County Health Department shall approve sanitary sewer services provided to such Accessory Dwelling unit prior to its construction.

9. OWNER-OCCUPIED RESTRICTION

Accessory dwelling units shall only be allowed on parcels that contain owner-occupied single-family dwelling units that are allowed as a principal permitted use.

D. Group Living

1. APPLICABILITY

The provisions of this Section apply to any Congregate Care Senior Housing or Residential Care Facility. The Provisions of this section shall not apply to a Family Care Home as defined in this Ordinance.

The use of land for a residential care facility shall be permitted as set forth in the Use Table subject to the criteria below.

2. STATE LICENSING

A. Prior to submission of an application for a certificate of zoning compliance, an owner/operator of a group living facility shall have received a license from the State of North Carolina for the operation of such a facility.

3. LOCATION

No group living facility shall be located within one thousand (1,000) feet from any Hazardous Waste Facility.

4. SECURITY FENCING

Group living facilities that provide care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five (5) feet, along the perimeter of any portion of the site that is accessible to these patients.

E. Family Care Home

1. CITY REGISTRATION

No family care home shall operate until it has registered its location with the City of Concord Development Services Department. Family care homes must obtain and maintain any and all applicable federal, state, local or other licenses required for such facilities before registering. The registration shall include the address of the residence, the name, address and telephone number of the "operator representative," and the number of

occupants permitted to dwell there. The registration shall also include an affirmation that the residence is not located in violation of applicable distance separation requirements for such facilities. Any changes in licensure status or designated "operator representative" must be reported to the Development Services Department immediately. For purposes of this section, "operator representative" shall mean an individual who represents the operator or residents of a supportive housing residence or family care home who is responsible for addressing problems with the operation of such a facility, if any, whenever they arise. The "operator representative" may live on-site at the facility or off-site, but must be available to the public.

2. LOCATION

- A. No family care home shall be located within 2,100 feet of any other existing family care home established prior to, or after, the effective date of this ordinance. The distance shall be determined by a straight-line measurement from property line to property line.
- B. No family care home shall be located within 1,000 feet of any hazardous waste facility (as determined by a straight-line measurement from property line to property line).

3. SECURITY FENCING

Family care or group homes that provide care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five feet, along the perimeter of any portion of the site that is accessible to these patients.

F. Temporary Health Care Structures

Temporary family health care structures as defined by state law shall be permitted on lots zoned for and developed with single-family detached dwellings, subject to issuance of a temporary use permit and compliance with the following provisions:

1. Any temporary family healthcare structure shall be limited to one mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living, as certified in writing by a licensed physician.
2. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the

legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.

3. Only one (1) temporary family health care structure shall be permitted on a lot or parcel of land.
4. Temporary family health care structures shall be limited to a maximum of three hundred (300) square feet of gross floor area and shall meet the minimum setback requirements for single family detached dwellings of the zoning district in which they located. Temporary health care structures shall be located behind the front building line.
5. Temporary family health care structures shall not be installed on a permanent foundation.
6. Temporary family health care structures shall be subject to applicable building codes.
7. Temporary family health care structures shall be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property.
8. No signs promoting or advertising the existence of the structure shall be permitted on the structure or on the lot.
9. The applicant shall provide evidence of compliance with all requirements of state law and this section on an annual basis as long as the temporary family healthcare structure remains on the property.
10. The City may arrange the inspection of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to the annual compliance confirmation.
11. The following shall be submitted to the City with any application for a temporary family health care structure:
 - a. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
 - b. Address of the property.
 - c. Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with one or more activities of daily living by a licensed physician.
 - d. Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
 - (1) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein.

- (2) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure.
- (3) Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section or State Law.
- (4) A permit for a temporary health care structure may be revoked by the City due to failure of the applicant to comply with any of the above provisions or the provisions of State Law. Additionally, the City may seek injunctive relief or other appropriate actions to ensure compliance with this Section or State Law.

8.3.4 PUBLIC AND CIVIC USES

A. Child Care Center

4.1. APPLICABILITY

The provisions of this Section apply to any:

- A. Child Care Center.
- B. Family Day Care Homes. Day care homes are also Home Occupations (see Accessory Uses)

5.2. PERMIT APPLICATION

The following shall be submitted with the application for a Zoning Clearance Permit or Certificate of Compliance:

- A. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility (may submit copies).
- B. Such centers shall be enclosed with a fence, with a minimum height of four (4) feet.
- C. The following shall be submitted upon receipt from the N.C. State Licensing Board:
- D. A copy of the N.C. State letter of approval for religious childcare facilities, or
- E. A copy of the N.C. State temporary license (issued for the first six months of operation) and permanent license issued to all childcare facilities, excluding religious childcare facilities.
- F. A letter from the applicant indicating the number of residents that will be cared for and how many staff will be employed.

6-3. ACCESS AND LOADING/UNLOADING

- A. This provision of this § 8.3.4 shall not apply to Family Day Care Homes.
- B. Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children. Standards for access and off-street parking/loading are set forth in Article 10.3.
- C. The use shall front a street classified as a collector or a thoroughfare.

F.B. Animal Shelter, Boarding, Clinic/Hospital Uses

1. APPLICABILITY

The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels. Animal boarding/storage uses shall be permitted as set forth in the Use Table subject to the criteria below.

2. CRITERIA

- A. Facilities for the boarding of all dogs and other household pets shall conform to the following:
- B. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
- C. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.
- D. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.
- E. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

G.C. Cemetery

1. APPLICABILITY

The provisions of this Section apply to any Cemeteries or crematories as allowed by Table 8.1.8 and subject to the provisions below.

2. CRITERIA

- A. Pursuant to NCGS § 90-210.43, any crematories may be established in commercial or industrial zoned district so long as it is adjacent to a funeral establishment.

- B. Minimum setback for all structures, excluding gatehouses, abutting residentially zoned property is (50) feet from any side or rear property line, (25) twenty-five feet if abutting commercially zoned property, and a minimum of (25) twenty-five feet from any right-of-way. Gatehouses shall be excluded from any minimum building setback.
- C. Minimum setback for any grave or burial plot is fifty (50) feet from any exterior property line, except that any grave or burial plot shall be allowed within three (3) feet of a property line of an abutting parcel that contains an existing cemetery.
- D. Buffering and Landscaping shall be regulated in accordance with Article 11.

H.D. Limousine/Chauffeur Service/Taxi Company

1. VEHICLE STORAGE

- A. Automobiles stored on such premises shall be at least fifty (50) feet from any residential district boundary and at least ten (10) feet from any property line. No automobile shall be stored or stand outside of such paved area.
- B. When located within one hundred and fifty (150) feet of a residential zone boundary line, such vehicles shall be stored within an enclosed building or in an area screened on all sides by a opaque wall or fence, or compact evergreens screen not less than six (6) feet in height.
- C. No service or repair of such vehicles shall be conducted on the premises.
- D. The entrance and exits, driveway aisles, parking and storage spaces shall be increased in size to accommodate the size of the vehicle for which the storage is intended.

H.E. Religious Institution/Place of Worship

1. MULTI PURPOSE CAMPUS:

- A. Religious institutions/places of worship are permitted as shown in the Use Table, provided that additional uses and buildings beyond the sanctuary or other actual place of worship that house other regulated facilities such as schools, gymnasiums, community centers, transient shelters and other associated uses shall be considered multiple principal uses of the property - not accessory to the religious institution or place of worship.

2. RELIGIOUS INSTITUTIONS SHALL:

- A. Be located on a parcel or site that fronts an arterial or collector street (for churches over 350 seats);
- B. Design any accessory child day care center or overnight child care center associated with the religious institution to comply with the standards of Section 8.3.4 A. Child Day Care Center; Pre-School;
- C. The Development Services Director shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000), as amended. In granting such a modification, the Development Services Director may require conditions consistent with the federal act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

J.F. Social Service Institution

1. DESCRIPTION

Social Services may include but not be limited to Assisted Living Facility; Nursing Home; Psychiatric Treatment Facility

2. SUPPORTING USES

Any supporting retail sales and services uses accessory to the principal use shall be enclosed within the principal structure, shall not exceed twenty percent (20%) of the heated floor area of the principal structure, and shall only be accessed through the principal structure.

K.G. Convention Center

1. PURPOSE

The purpose and intent of this section is to ensure that future development within close proximity of the convention center will contain uses that are compatible and complimentary, and promote pedestrian as well as tourist activities.

2. MINIMUM LOT AREA

Be no less than five (5) acres in area;

3. DISTANCE FROM RESIDENTIAL DISTRICT

The building shall be located a minimum of five hundred (500) feet from any residential district, as measured from all property lines; and

4. VEHICULAR ACCESS

Locate all points of vehicular access from an arterial or major collector street. The access points shall be located to minimize vehicular traffic to and through local streets in residential areas.

5. LOCATION

Only the following permitted uses from Table 8.1.8 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become non-conforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property.

- ABC Store
- Accessory uses (customarily incidental to the permitted primary use as approved by the Administrator)
- Accounting & Tax Service
- Advertising & Related Services
- Amusement Arcade, indoors only
- Amusement Park
- Animal Grooming Establishment (no overnight boarding)
- Antique Store
- Architectural, Engineering & Related Services
- Art Dealer
- Art Supply Shop
- Auditorium/Assembly Hall, up to 350 seats
- Auditorium/Assembly Hall, more than 350 seats
- Bakery/Snack Shop, no drive-thru
- Bank Teller Machines, outdoor (principal or accessory uses)
- Barber/ Beauty Shop
- Baseball Hitting Range
- Beauty Supply and Cosmetic Store
- Bed and Breakfast Inn
- Bicycle Sales and Service
- Blueprinting and Drafting Service
- Botanical Gardens/Nature Preserves
- Book Store
- Bowling Center
- Bus Charter Service Company (including passenger terminals)

- Camera and Photography Store
- Candle Shop
- Candy and Nut Store
- Card Shop
- Child Care Center
- China and Tableware Shop
- Clock and Watch Sales and Repair
- Cloth/Piece Goods store
- Clothing and Clothing Accessories
- Clothing Alterations and Repairs
- Coin and Stamp Shop
- Computer System Design & Related Services
- Convention Center
- Costume Rental Shop
- Counseling Office
- Consulting Office
- Country Club
- Craft Studio and Store
- Credit Bureau
- Dance School Studio
- Data Processing and News Services
- Delivery/Courier Service, local, (no commercial vehicles)
- Detective Agency
- Drapery and Linen Shop
- Electronics Sales and Repair
- Electronic Shopping and Mail-Order Houses
- Employment Agency
- Engineering, Architect or Surveying Office
- Environmental Consulting Service
- Extended Stay Lodging Facilities
- Financial Institution (no drive up windows)
- Floral and Christmas Shop
- Florist
- Food Catering Facility
- Food Store, (excluding convenience stores)
- Formal Wear
- Funeral Home
- Furniture & Home Furnishings store
- General Merchandise Store (less than 25,000 sq. ft.)
- Gift, Novelty and Souvenir Store
- Glass and Mirror Shop
- Golf Course, public or private
- Golf Driving Range
- Governmental Buildings (excl. correctional institutions)
- Graphic Design Services

- Gun and Ammunition Sales
- Gunsmith
- Hardware Store
- Health Club & Fitness Center
- Hobby, Toy, and Games Stores
- Home Electronics Sales and Repair
- Home Occupations
- Hospital
- Hotel
- Industrial Design Services (general office)
- Insurance Agency
- Interior Design Services
- Jewelry Sales and Repair Store
- Legal services
- Library, public
- Limousine/Chauffeur Service
- Martial Arts School
- Massage Therapist
- Medical clinic
- Medical Supply Shop
- Micro-Brewery (less than 5,000 sq. ft.)
- Miniature Golf Course
- Motel
- Motion Picture and Sound Recording Studio
- Motion Picture Theater, indoor
- Museum
- Music Store
- Nail Store
- Newsstand (principal use)
- Nursery, plants
- Office, general
- Office supplies, Equipment and Stationary Store
- Park, community
- Park, district
- Park, neighborhood
- Park, linear
- Park, regional
- Parking Lot & Decks, principal use
- Performing Arts Company & Artist
- Pet Shop
- Photocopy Service
- Photofinishing Laboratory
- Photography Studio
- Picture Frame Shop
- Post Office

- Postal store and Contract Station
- Printing and related Support Activities
- Public Transportation System
- Real Estate agency
- Recreational Instruction and Camps
- Religious Institution / House of Worship (up to 450 seats)
- Religious Institution / House of Worship (more than 450 seats)
- Restaurant
- School, boarding
- School, business or trade
- School, private & parochial
- School, public, elementary & secondary
- School, university or college
- School, fine arts
- Scientific Research & Development Services
- Sewing, Needlework & Piece Goods Store
- Shoe Sales and Repair Shop
- Shopping Center, less than 25,000 sq. ft.
- Shopping Center, 25-100,000 sq. ft.
- Shopping Center, over 100,000 sq. ft.
- Skating Rink, indoor
- Social Assistance (excl. child care centers)
- Sporting Goods Store
- Stationery Shop
- Stock or Security Brokerage Firm
- Tanning Salon
- Television, Radio & Film Studio
- Tobacco Shop
- Travel Agency
- Trophy & Plaque Shop
- Video Rental & Sales
- Visitor Bureaus
- Wedding Chapel

L.H. Museums and Non-Profit Foundation Offices

1. MUSEUM IN RESIDENTIAL DISTRICTS

For a museum to be located in any residential district, the structure must have a direct link with an individual who inhabited the structure or event that transpired in the structure.

2. NON-PROFIT FOUNDATION IN A RESIDENTIAL DISTRICT

For non-profit foundation office to be located in any residential district, there must be a documented historic link between the

structure and the non profit foundation wishing to set up the non-profit foundation office.

3. DESIGN

The structure must remain residential in character and may not be altered in a way that detracts from the surrounding neighborhood and must meet all CDO and any overlay district requirements.

M.I. Homeless Shelter/Soup Kitchen

Homeless shelters/soup kitchens shall have a minimum lot area of one (1) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

8.3.5. COMMERCIAL USES

A. Pool Hall, Billiard Parlor

Pool or billiard parlors having a minimum of four but not more than sixteen pool or billiard tables, shall have, under the same roof and developed integrally with the pool or billiard parlor, an eating establishment with full restaurant kitchen and dining facilities, including a minimum of 36 seats for dining tables and/or booths.

1. Obscuring View of Interior

It shall be unlawful for any person to place or keep any kind of stain, paint, curtains, or other things on or in front of any glass which obscures the view into any place or building where a pool or billiard hall or parlor is maintained.

N.B. Sexually Oriented Businesses

1. PURPOSE & FINDINGS

- A. The City Council of the City of Concord finds that this Ordinance is necessary in order to protect the City from the potential secondary effects of sexually oriented businesses including crime, the protection of the City's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the City's neighborhoods and the City's commercial districts, the protection of the City's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually oriented businesses. Experience in this City as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden

Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The City recognizes and relies upon the experience of these other cities and counties in adopting sexually oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County Commissioners* 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Ordinance. The City also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977; (5) the 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study on effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

- B. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
1. Crime rates tend to be higher in residential areas surrounding sexually oriented businesses than in industrial areas surrounding sexually oriented businesses;
 2. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented businesses;
 3. Sexually oriented businesses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually oriented businesses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with

respect to a potential sexually oriented business site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and sexually oriented business operators with respect to potential adult use sites.

4. The image of the City as an attractive place to reside will be adversely affected by the presence of sexually oriented businesses in close proximity to residential uses, schools, religious institutions and parks;

5. The existence of sexually oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;

6. A reasonable regulation of the location of sexually oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses an opportunity to do so in appropriate areas in the City; and

7. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

C. The City Council recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.

D. The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

1. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually oriented businesses

(collectively referred to as “performers”) have been found to engage in sexual activities with patrons of sexually oriented businesses on the site of the sexually oriented business;

2. Evidence has demonstrated that performers employed by sexually oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

3. Evidence indicates that performers at sexually oriented businesses have been found to engage in acts of prostitution with patrons of the establishment;

4. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually oriented businesses.

E. The City Council has determined that the establishment of a sexually oriented business development permit process is a legitimate and reasonable means of ensuring that:

1. Operators of sexually oriented businesses comply with the reasonable regulations of this Ordinance;

2. The recognized secondary impacts of a proposed sexually oriented business in a specific location are mitigated; and

3. Operators of sexually oriented businesses have specific guidelines with respect to where they can establish or operate a sexually oriented business.

F. It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral ordinance which addresses the secondary effects that sexually oriented businesses have on the City.

G. The City Council desires to protect the rights conferred by the United States Constitution to sexually oriented businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually oriented businesses.

H. The City Council and Planning and Zoning Commission have held duly noticed public hearings, to receive input and

testimony from the public concerning the adoption of this proposed Ordinance.

- I. These regulations are authorized by NCGS § 160A-181.1.

2. APPLICABILITY

The provisions of this Section apply to any Sexually-Oriented Business/Adult Establishments. The use of land for a sexually-oriented business or adult establishment shall be permitted as set forth in Table 1.1.2 subject to the criteria below.

3. LOCATION STANDARDS

- A. No sexually-oriented business shall be located within two thousand (2,000) feet of any other sexually-oriented business.
- B. No sexually-oriented business shall be located within two thousand (2,000) feet of a school, day care or adult day care center, public or private recreation center, a church or a park used by the public for recreational purposes.
- C. No sexually-oriented business shall be located within two thousand (2,000) feet of any Residential Zoning District or residentially developed property. The distance shall be measured radially from the subject property to the nearest point of the Residential District or property, whether such district or use is located within the City of Concord or not.

4. SIGNS AND DISPLAYS

Signage shall be regulated in accordance with Article 12, except that no sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

~~0-C.~~ Bed and Breakfast Inn

1. LOCATION

Bed and breakfast inns shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. A Historic Preservation Overlay District or;
- B. On a parcel with frontage on a major or minor thoroughfare;
or
- C. Within a PUD Planned Unit Development.

2. STRUCTURE

A structure which shall be used for a bed and breakfast inn shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. Off-Street Parking. See § 10.3.
- B. Receptions/Private Parties. No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit or Site Plan application.
- C. Room Rental. No long-term rental of rooms shall be permitted. The maximum length of stay shall be thirty (30) days.
- D. Guest Rooms. All guest rooms shall be located within the principal structure.
- E. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit. No cooking facilities shall be permitted in the guest rooms.
- F. Accessory Uses. Accessory uses associated with a bed and breakfast inn include those as set forth in § 8.3.
- G. Area Regulations. Area regulations for minimum lot size, applicable setbacks, building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.
- H. Maximum Number of Guest Units. The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be five (5), unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.
- I. Landscaping and Buffering. See Article 11.
- J. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- K. Signage. Signs for bed and breakfast inns shall meet the requirements of the Sign Regulations and the requirements set forth below.
 - 1. Signage shall be limited to one ground sign per establishment.

2. Ground signs identifying bed and breakfast inns shall not exceed five square feet in area nor five feet in height. Such signs shall not be illuminated.
3. No additional advertising signs shall be permitted on the property.

P.D. Campgrounds

1. CRITERIA

This section applies to Campgrounds as permitted by the Use Table and subject to the following standards:

- A. Campgrounds shall not be used as permanent residences except for one (1) owner or manager and up to three (3) permanent maintenance personnel.
- B. Towed vehicles within the Campground shall not exceed eight feet (8') in width.
- C. No person, other than the owner or operator shall stay in any Campground more than ninety (90) days per calendar year.
- D. Camp sites shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least twenty five feet (25') in width.
- E. Camp sites shall be spaced so that there is at least: ten feet (10') between sites; eight (8') feet from the interior roadways; fifty feet (50') from exterior roadways; and fifteen (15') feet from property lines.
- F. Parking spaces and interior roadways shall be paved or treated to reduce dust.
- G. Sewage facilities, if provided, shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.
- H. All utilities shall be located underground.
- I. At least one public telephone shall be provided.
- J. Walkways to concentrated activity areas (such as bathhouse, restrooms, etc.) within the campground area shall be at least four feet (4') wide with an all weather surface.
- K. All unpaved areas within the campground must have vegetative ground cover, which is adequate to prevent erosion and blowing dust.
- L. One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces. The Applicant shall comply with the requirements of the Landscaping Standards.

- M. All trash collection areas shall be completely screened from view at any public right-of-way or property line.
- N. Adjoining residential zoned or developed areas shall be screened by a minimum Class "C" buffer yard as described in Article 11.
- O. Each campground shall provide at least one full time attendant.

Q.E. Parking Deck

[See Article 7.9]

R.F. Private Clubs

1.4. The provisions of this section shall apply to any private club to the extent not preempted by NCGS § 18B-901. Private clubs located completely within motels and hotels shall be exempt from the provisions of these regulations, provided that they encompass no more than 25 percent of the gross floor area of the motel or hotel.

2.5. No private club shall be established within 1,000 feet of any of the following:

- A. Any Residential Zoning District, any Elementary School, Middle School, or High School;
- B. Any Child Care Center or Child Care Facility;
- C. Any Religious Institution; or
- D. Any other existing establishment of the same kind.

The distance provisions above shall not apply in the Center City Zoning District.

3.6. An application for development approval for a private club shall include a floor plan of the building or structure in which the private club is located. The floor plan shall delineate separately the areas of the building or structure, which are used for the dispensing of food and beverages, entertainment, and dancing.

B.G. Building Material Supply

General Provisions

In the AG, B-1, , C-1, C-2, I-1 and I-2 districts, outdoor storage areas shall comply with the following.

4.7. Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 100 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts.

- ~~5-8.~~ Outdoor storage areas shall be screened by a Type C buffer yard in accordance with the Article 11. This provision shall not apply to Junk Yards/ Salvage Yards. (see § 8.3.6.B.).
- ~~6-9.~~ Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2.A for the zoning district within which the item is located.
- ~~7-10.~~ No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6-D
- ~~8-11.~~ Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen outdoor storage areas or operations.
- ~~9-12.~~ The provisions of this § 8.3.5 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

~~S-H.~~ **Convenience Store (With or Without Gasoline Sales)**

1. APPLICABILITY

The provisions of this Section shall apply to Convenience Stores and Gas Stations as allowed in the Use Table and subject to the provisions below.

2. ACCESSORY USES

The following uses shall be considered accessory to Convenience Stores or Gas Stations:

- A. Car washes.
- B. Gasoline pumps and canopies.
- C. Automatic teller machines (ATM's).
- D. Restaurants located within the Primary Building.
- E. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise, and rental of video tapes and video cassette recorders.

3. APPROVAL CRITERIA

A. LOCATION.

- 1. Principal Structure - The site shall have frontage on a thoroughfare or collector road.
- 2. Service Equipment - No above-grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any

exterior property line. Pump island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.

B. MAXIMUM SQUARE FOOTAGE FOR PRINCIPAL STRUCTURE.

1. In C-2 District: No maximum.
2. In all other districts that allow convenience stores: 2,000 leasable square feet for enclosed structure.

C. LIGHTING.

1. All exterior lights must be shielded to direct light and glare only onto the Lot or Parcel where the convenience store is located, and may be of sufficient intensity to discourage vandalism and theft.
2. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

D. SIGNS. See Article 12 Signs.

T.I. Farmers Market and Flea Market (Outdoor)

1. ACCESS

Direct access to the site shall be provided by major or minor thoroughfares only, as depicted on the most up-to-date version of the City of Concord throughfare plan.

2. LOCATION

For outdoor flea markets only, the lot shall be 300 linear feet from any lot located in a residential district.

U.J. Lawn and Garden Supply, Nursery With Outdoor Storage, Outdoor Animal and Feed Supply

1. LOCATION

With the exception of the landscape plants offered for sale, all materials shall be contained with a building, except that open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to the building and are encircled by a fence of a design which is in harmony with the adjacent building.

2. SCREENING

A solid fence shall be designed as to screen all material and supplies from public view.

V.K. Tattoo Parlor

1. SEPARATION

Tattoo parlors shall be separated by at least three hundred (300)

feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at their closest points.

W-L. INTERNET/ELECTRONIC GAMING

1. PERMITTED ZONING DISTRICT

Internet/electronic gaming shall be permitted only in the B-1 (Neighborhood Commercial/Office) District and the C-1 (Light Commercial and Office) Districts as accessory uses and the C-2 (General Commercial District) as either a principal or accessory use, subject to the following requirements.

2. ACCESSORY USE

Internet/electronic gaming is allowed as an accessory use to the extent that the use functions are a use accessory, incidental, and subordinate in area, extent, and purpose to the principal use of the premises. Such accessory uses are allowed in convenience stores and restaurants. Accessory uses shall be limited to no more than four (4) individual machines or terminals. Within the B-1 and C-1 zoning districts, internet/electronic gaming is permitted as an accessory use only, and only provided that the associated principal use is permitted within the zoning district.

3. SEPARATION FROM CERTAIN USES

Internet/electronic gaming shall not be located within 200 feet in any direction from other internet/electronic gaming, or from any cemetery, congregate care facility, religious institution, municipal government facilities, including but not limited to municipal public parks, public or private child care center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.

4. MAJOR GATEWAY SETBACKS

Internet/electronic gaming shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile from the city limit line. For the purposes of this section, a major gateway is identified as an entry way into the City limits along any of the following transportation corridors: NC-3, NC-73, NC-49, Concord Parkway, US 601, Poplar Tent Road, George W. Liles Parkway, and Christenbury Parkway.

5. MEASUREMENT

All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures. In the event that separate internet/electronic gaming establishments are proposed to be located on the same parcel, measurement shall be from the outer building walls of the proposed use to the outer building walls of the existing use. A survey may be required to verify compliance with this provision.

6. ACCESS AND VISIBILITY

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

7. AGE RESTRICTIONS

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

8. SIGNAGE

Signage shall meet all the requirements of Article 12 and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulating, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the internet/electronic games shall be displayed prominently within the establishment.

9. COMPLIANCE WITH OTHER REGULATIONS

The internet/electronic gaming establishment shall be subject to City of Concord privilege license fees, and shall be subject to all other standards of the City of Concord and State of North Carolina as applicable.

10. EFFECTIVE DATE

This ordinance shall be effective upon adoption.

~~X.M.~~ **BODY PIERCING**

1. SEPARATION

Body piercing establishments shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at the closest point.

2. SIGNAGE

All signage to comply with Article 12, Signs Regulations.

~~Y.N.~~ **BANQUET HOME**

1. LOCATION

Banquet Homes shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. On a parcel with frontage on a major or minor thoroughfare;
- B. On a parcel or combination of parcels in common ownership totaling no less than two (2) acres.

2. STRUCTURE

A residential structure which shall be used for a banquet home shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. All required off-street parking shall be provided in the rear yard and shall be located in such a manner as to not be visible from the public right-of-way. For minimum off-street parking requirements see § 10.3.
- B. Other than event guests, no meals shall be served to the general public.
- C. A Class "C" buffer shall be required adjacent to all residentially zoned or developed properties. For additional landscaping and buffering requirements, see Article 11.
- D. **Lighting.** All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded and focused away from any adjoining residential property. A lighting plan illustrating compliance with these requirements shall be submitted as part of the special use permit application.
- E. **Signage.** Signs for banquet homes shall meet the requirements of the Sign Regulations, Article 12, and the supplemental requirements set forth below.

1. Signage shall be limited to one ground sign per establishment.
2. Ground signs identifying banquet homes shall not exceed nine (9) square feet in area, nor four (4) feet in height. Such signs shall not be illuminated.
3. No additional advertising signs shall be permitted on the property.

4. SEPARATION

Banquet homes shall be separated by at least five hundred (500) feet from any existing banquet home. This measurement shall be calculated from property line to property line. Additionally, the minimum separation from the banquet home structure and any adjacent single family residence shall be at least fifty (50) feet.

Z.O. BREWPUBS AND BREWERIES-MICRO

1. Brewpubs are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:
 - A. In the CC, PUD and MX districts, a brewpub and shall comply with the regulations for the CC district Section 7.9. and any supplemental regulations associated with a PUD or MX district approval.
 - B. No outdoor amplified sound will be permitted after 11:00 pm. All activities shall comply with the City of Concord Noise Ordinance.
2. Breweries-Micro are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:
 - A. In the CC district a brewerie-micro shall comply with the regulations for the CC district Section 7.9
 - B. In the C-1, C-2, CC, MX, and PUD districts brewerie-micro shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is operating.
 - C. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the brewerie-micro is located within 200 feet of any residential or institutional use.

G.P. INDOOR RECREATION

1. Only one indoor recreation facility (go-kart or fitness/martial

arts) shall be permitted per Combined Development and shall be located inside the structure adjacent to the primary entrance road.

AA-Q. 1. LOCATION

Temporary food trucks shall only be located within the Center City (CC) zoning district, except that no food truck may be located on Union Street. All food trucks shall be located within a surface parking lot or within a designated parking space or spaces.

2. TIME LIMITATIONS

Temporary food trucks shall set up no earlier than 4:30 pm on Fridays and shall be removed no later than 8:00 pm on Sundays.

BB-R. EVENT CENTER

With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

S. COMMERCIAL USES IN RV AND RC DISTRICTS

In the RC and RV districts, authorized commercial uses shall comply with the following standards:

1. Commercial uses shall only be allowed as an accessory use to multi-family development.
2. The commercial use shall face an arterial street that abuts the multi-family development.
3. The cumulative gross leasable floor area of such uses shall not exceed five (5) percent of the gross floor area of the multi-family development in which they are located.
4. Commercial uses shall be limited to convenience retail, O-I, B-1, and C-1 uses, and restaurants.
5. No drive-in or drive-through services are permitted.
6. All such uses shall be limited to the ground floor of the structure in which they are located.

8.3.6 OUTDOOR STORAGE AND STORAGE FACILITIES

A. Outdoor Storage and Solid Waste Storage Standards in Residential Zoning Districts

1. GENERAL PROVISIONS

In the RE, RL, RM-1, RM-2, RV, RC, TND, PID, PUD, PRD, CC districts, open storage of junk, salvage or equipment including but not limited

to scrap metal, used boxes, or crates, used appliances, salvaged furniture or glassware, salvaged automobiles or parts is prohibited. The provisions of this paragraph shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in § 13.1, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein.

B. Outdoor and Solid Waste Storage Standards in Non-Residential Zoning Districts

1. GENERAL PROVISIONS

In the AG, B-1, C-1, C-2, CI, PUD, I-1 and I-2 districts, outdoor storage areas shall comply with the following, except that allowed under §§8.3.6 C., 8.3.6 E.

2. LOCATION

Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 500 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts. No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6.E.

1.3. SCREENING

Outdoor storage areas shall be screened by a Type C buffer yard in accordance with Article 11. This provision shall not apply to Junk Yards/ Salvage Yards (see § 8.3.6.B.). Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2 A. for the zoning district within which the item is located. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen outdoor storage areas or operations.

2.4. STORAGE AS PART OF AGRICULTURAL OPERATIONS

The provisions of this § 8.3.6 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

C. Solid Waste Storage Areas

1. LOCATION

Solid waste dumpsters or other large containers for solid waste storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), should be of solid opaque construction, with

latching gates providing access. The applicant shall indicate on the site plan the choice of materials and color so that the Administrator can determine that they are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback as described in Table 7.6.2 A and 7.6.2 B. or any street yard or buffer yard as set forth in Article 11.

2. MATERIALS

Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

3. CONTAINER TYPE

Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff.

4. FENCING

Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen solid waste storage areas.

5. APPLICATION

The provisions of this § 8.3.6.C. shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

D. Outdoor Storage Standards as Part of Retail Uses

1. GENERAL PROVISIONS

The provisions of this section shall apply to any retail use that includes the sale or storage of merchandise in an open or unenclosed area except as provided in §8.3.5.G. The provisions of this section § 8.3.6.D. shall not apply to the CC district or to sidewalk vendors permitted under the temporary use regulations of § 8.7.

2. DISPLAY LOCATIONS

No booths, stalls, or materials on display may be located within any required setback area. Outdoor display areas shall not be located in such a manner as to displace or otherwise interfere with any required parking spaces and maneuvering areas.

Non-enclosed areas for the storage and sale of seasonal inventory shall be:

- A. permanently defined on an approved site plan;
- B. completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences; and
- C. comprised of materials, colors, and design of screening walls and/or fences which shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

3. TRUCK TRAILERS

Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.

E. Mini-Warehouse/Self-Service Storage

1. PURPOSE

This Section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. The use of land for mini-warehousing/self-service storage shall be permitted as set forth in the Use Table subject to the criteria below.

2. MINIMUM/MAXIMUM LOT SIZES

- A. Minimum lot size - one (1) acre
- B. Maximum lot size - none in the I-1 and I-2 Districts. All other districts have a maximum lot size of five (5) acres.

3. BUILDING ARTICULATION

- A. The building height shall not exceed 48 feet and comply with the setbacks of Table 7.6.2 B.
- B. A parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.
- C. The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, brick, stone, EIFS, etc. and painting of surfaces. Split-faced concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. The colors selected shall be compatible with the character of the neighborhood. Metal may not be used on any perimeter wall of any building. The front façade of all structures shall comply with Article 7.10.

- D. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public street.

4. LANDSCAPING SCREENING AND BUFFERING

- A. A type "B" buffer yard as prescribed in Article 11 shall be provided around the perimeter of the mini-warehouse development.
- B. Signs or other advertising mediums shall not be placed within the buffer yard.
- C. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) and shall conform to the standards and planting requirements of Article 11.
- D. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence, masonry wall, or type no less than eight (8) feet in height. The Administrator may permit a landscaped buffer that provides complete visual screening with a berm in some cases.

5. ON-SITE MANAGER OR SECURITY SYSTEM REQUIRED

No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.

6 .COMMERCIAL ACTIVITY PROHIBITED

It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units or other associated activities, or to permit same to occur upon any area designated as a storage warehouse.

7. PROHIBITED USES

- A. No portion of any Mini-Warehouse/self-service storage shall be used, on a temporary or permanent basis, as a dwelling.
- B. Repair of Autos, Boats, Motors and Furniture Prohibited; Storage of Flammable Liquids Prohibited
- C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is

prohibited within any structure on a tract of land designated as a mini-warehouse. All mini-warehouse units shall be made available for inspection by the Fire Marshal for uses of the property for purposes other than dead storage.

8. LIGHTING

All outdoor lights must be shielded to direct light and glare only onto the Lot or Parcel which the Mini Warehouse is located. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

9. OUTSIDE STORAGE

No outside storage shall be permitted except for the storage of recreational vehicles per paragraph 13.d. Outdoor Storage areas shall not be permitted within a required setback or perimeter buffer;

10. ACCESSIBILITY

Vehicular ingress-egress locations into the property shall provide for the safe access of customers and emergency vehicles.

11. OFF-STREET PARKING STANDARDS

- A. Location of Customer Parking. Parking shall be provided by parking/driving lanes adjacent to the buildings.
- B. Interior Travel Lanes. Interior travel lanes shall have a minimum width of (12) feet for one way travel lanes and (24) feet for two way travel lanes.
- C. Off-street Parking. One parking space is required for every 200 storage units with a minimum of two spaces required. The parking spaces shall be provided adjacent to the manager's office.
- D. Vehicular Storage. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage so long as it complies with 8.3.6.E.6.

12. ACCESSORY USES

The sale of customary equipment and supplies, such as hand trucks, straps, and tape, are permitted on site.

13. DEVELOPMENT IN C-2 DISTRICTS

Mini warehouse facilities may be developed in C-2 zoning districts provided that visibility from the public right-of-way is minimized. This standard may be accomplished through a combination of landscaping, screening, fences/walls or through the placement of an intervening use between the public right-of-way and the mini-warehouse use.

F. Manufactured/Modular Home and Storage Building Sales

1. APPLICABILITY

The provisions of this Section shall apply to any tract of land designed or intended for the display and sale of bulky items including manufactured homes, modular homes, and/or enclosed storage (accessory) buildings and boats.

2. CRITERIA

- A. Site Plan Requirements.** In addition to the site plan requirements found elsewhere in this ordinance, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Section) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.
- B. Setbacks.** All display pads shall be located at least thirty (30) feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with the underlying district.
- C. Type of Manufactured Home.** All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.
- D. Required Paving.** All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Display, storage and repair areas may be gravel.
- E. Storage and Repair Areas.** Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views.
- F. Sidewalks.** Four (4) foot wide sidewalks shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.
- G. Signs.** Signs shall conform to the sign regulations of the zoning district in which the use is located. In addition, each display

item may have a sign not to exceed three square feet in area which gives information about the item.

- H. **Display Pads.** All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120 percent of the structure's footprint. Display pad may be paved and/or graveled.
 - I. **Manufactured or Modular Home Display Areas.** A minimum separation of at least ten (10) feet shall be maintained between display pads. Display homes shall be level and blocked. Display homes which are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - J. **Storage Building Display Areas.** A minimum separation of at least five (5) feet shall be maintained between display pads.
 - K. **Landscaping Requirements.** In addition to the landscaping requirements found elsewhere in this Ordinance, the display area for manufactured and modular home sales shall include the installation of one ornamental tree or shade tree, two medium shrubs and six small shrubs per display pad. The location of the plantings shall be determined by the Administrator but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.
- G. **Motor Vehicle and Boat Sales, Lease, Rental**
- 1. **APPLICABILITY**

The provisions of this Section shall apply to any Automobile/Boat Sales or Rental establishment as allowed by the Use Table.
 - 2. **ACCESSORY USES**
 - A. In addition to the accessory uses set forth in § 8.4, the following accessory uses are permitted for any Automobile/Boat Sales Establishment:
 - B. Sales, office, parts, service, storage, and body shop facilities accessory to new Automobile/Boat Sales establishments.
 - C. Storage, body shop, washing, fueling, painting facilities, and air quality certification.

- D. Temporary automobile sales offices and display areas (interior or exterior). Such uses shall be allowed for a period not to exceed two years from the date approved by the City. The period may be extended for up to an additional one year if the permanent facility is under construction prior to expiration of the initial two-year period but not yet complete.

3. DISPLAY AREA

- A. The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface. For sales or rental operations occupying space in a combined development of 25,000 square feet or less, a maximum of six vehicles for sale shall be stored or displayed on site. For sales or rental operations occupying space in a combined development of more than 25,000 square feet, the maximum number of vehicles shall be restricted by the available spaces on site that are in excess of the off-street parking requirements established in Article 8.
- B. For purposes of this Section, a paved surface shall not be considered "continuous" if it is separated by a Type A buffer yard (as set forth in Article 11) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than twelve (12) or more than eighteen (18) feet in width for every one hundred fifty (150) feet in buffer yard length.
- C. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.
- D. Paved areas reserved for the storage or display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of §10.3. No vehicle for sale shall occupy a required space per § 10.3.

H. OUTDOOR STORAGE OF JUNK OR NON-OPERATING VEHICLES

- 1. For outdoor display of vehicles for sale, see § (8.3.6.G).
- 2. For outdoor storage of vehicles in need of major repair, such vehicles shall be located within an area screened from view from a public right-of-way or an adjacent property line. Storage of vehicles in need of minor repair are exempt from the requirements of this section. Minor repair shall include vehicles scheduled for immediate repair and shall be stored on-site for no more than five working days (unless evidence can be provided to the Administrator to indicate circumstances, such as

part availability, prevent repair in within the five day period)
All screening shall follow the requirements below.

3. Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.

4. SCREENING REQUIREMENTS

- A. **SCREENING LOCATION** - Storage areas shall be completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences and placed outside of all site triangles.
- B. **COVERED STORAGE AREA** - Covered storage areas shall be composed of materials and colors that are compatible with those used on the principal structure.
- C. **CUSTOMARY MATERIALS** - Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, brick, or products designed to resemble these materials. If a structure exists on the property, design of screening walls and/or fences shall be compatible with those used on the principal structure. Where specific materials are specified for particular types of screening fences or walls, all other fence materials are prohibited (i.e. in a Conditional District)
- D. **FINISHED SIDE TO OUTSIDE** - Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.
- E. **UNIFORMITY OF MATERIALS ON A SINGLE LOT SIDE** - All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.
- F. **LANDSCAPE SCREENING** - Landscaping is required in front of screened areas facing public right of ways and along conforming residentially zoned property boundaries that touch the subject tract. Fences and walls that exceed two-and-one-half (2½) feet in height and are located within twenty (20) feet of a public right-of-way shall meet the following landscaping standards:
 - One (1) evergreen shrub shall be installed for each five (5) feet of frontage along the public right -of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion, and all plantings shall be installed on the side of

the fence that faces the public right-of-way. The minimum shrub size shall be 3' at the time of planting.

- G. **INTEGRATION WITH OTHER REQUIRED LANDSCAPING** - Required landscape screening for fences or walls may be integrated into the landscaping required for streetscape landscaping, vehicular use area screening, or perimeter landscape buffers provided the standards in Article 11, Landscaping Standards, are maintained. In no case shall fencing or required walls be placed between the edge of the right-of-way and any required streetscape landscaping.
- H. **MAINTENANCE REQUIRED** - All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

5. SIGHT TRIANGLES AND SIGHT DISTANCE TRIANGLES

Fences and walls shall not be placed in site triangles and shall comply with the TSM.

6. PROHIBITED FENCES

- A. **CHAIN LINK AND METAL-SLAT FENCING** - Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all zone districts, except the Industrial zone districts, when the landowner can demonstrate through a security plan that such fencing is necessary to maintain public safety or on-site security.
- B. **BARBED WIRE AND ABOVE GROUND ELECTRIFIED FENCES PROHIBITED** - Barbed wire fences and above ground electrified fences are prohibited in all zone districts. Underground electric fences designed for control of domestic animals are permitted.
- C. **DEBRIS, JUNK, ROLLED PLASTIC, SHEET METAL, PLYWOOD, OR OTHER WASTE MATERIALS** - Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

8.3.6.I AUTOMOBILE REPAIR (MAJOR/MINOR)/TIRE SALES

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

8.3.7 INDUSTRIAL USES

A. Catering

1. APPLICABILITY

~~I.A.~~ The provisions of this Section shall only apply to any Catering operation as a Home Occupation (see §8.5)

2. MAXIMUM AREA.

~~J.A.~~ Area set aside for catering as a home occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the dwelling unit.

3. OUTDOOR STORAGE

~~K.A.~~ No outdoor storage or display of items associated with catering as a home occupation is permitted.

4. OPERATION.

~~L.A.~~ Catering as a home occupation shall be conducted entirely within a dwelling unit exclusive of a garage or carport. It shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the outward appearance of the residence. Catering as a home occupation is not permitted in a detached garage or in any other accessory structure.

~~M.B.~~ All food items created as part of a catering home occupation shall be served and consumed at locations other than the home.

~~N.C.~~ In accordance with § 8.5, no more than one (1) non-resident shall be employed on site. All other persons who are not occupants of the dwelling may be employed in connection with the home occupation provided they:

- do not work at or on the site of the dwelling;
- do not report to work at or near the dwelling;
- do not go by the dwelling to pick up orders, supplies or other items related to the catering home occupation;
- do not report to the dwelling for pay;
- do not associate with the dwelling in a manner which could be interpreted as part of a normal employer/employee relationship.

~~O.D.~~ Catering home occupation activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or

electrical interference beyond what normally occurs in the district in which it is located

P-E. Only one vehicle owned by the operator of the home occupation and used in coordination with the business may be stored on site. This does not preclude occasional deliveries by parcel post or similarly sized vehicles consistent with normal use of the property for residential purposes that do not impede the safe flow of traffic.

5. COMPLIANCE WITH OTHER REGULATIONS.

A. All catering home occupations shall comply with all applicable Federal, State and local regulations.

B. Hazardous Waste Facilities / Sanitary Landfill

1. PURPOSE AND INTENT

The purpose and intent of this Section is to provide supplementary guidance and standards for the issuance of permits for hazardous waste facilities. State law restricts the extent to which local zoning may regulate hazardous waste facilities. To the extent not preempted by NCGS § 130A-293, *et seq.* hazardous waste facilities shall be permitted only in the zoning districts indicated in the Use Table.

2. CRITERIA

Consistent with NCGS § 130A-293, no zoning compliance permit shall be approved until a special use permit application has been approved. Prior to the filing of any application for a zoning compliance permit, the designated North Carolina state agency shall examine the criteria for issuance of a special use permit and shall submit its recommendation to the North Carolina Environmental Management Commission. No special use permit or zoning compliance permit shall be issued unless the applicant first:

- A. Obtains a permit from the State of North Carolina; and
- B. Obtains a franchise from the City of Concord pursuant to NCGS § 160A-319; and
- C. Submits a copy of the State permit and all applications to the Administrator.

C. Junkyard / Salvage Yard

No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, or a North Carolina route except the following:

1. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway at any season of the year or otherwise removed from sight or screened in accordance with the rules and regulations contained in this ordinance.
2. No yard or storage lot shall be placed or maintained within a required yard setback or buffer.
3. No material may be stacked so that it is visible off of the site.
4. All existing junk yards and salvage yards shall be in compliance with this ordinance no later than January 1, 2008

D. Land Clearing / Inert Debris (LCID) Landfills and Storage Yards

1. GENERAL

- A. The owner of the land where the storage yard (temporary or permanent) or landfill is located must notify the Administrator on a prescribed form, duly signed, notarized, and recorded as per section (b) below. The operator of the landfill, if different from the land owner, shall also sign the notification form.
- B. The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Administrator.

2. FOR LANDFILLS ONLY

When the land on which the Land Clearing and Inert Debris Landfills sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

An individual permit is required for the construction or expansion and operation of a Land Clearing and Inert Debris (LCID) landfill or storage yard when:

- A. The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the City of Concord solid waste management plan as approved by the Division of Solid Waste Management, and

B. The total disposal area is greater than one-half acre in size.

3. PERMITS

Individual permits for land clearing and inert debris landfills shall be issued for not more than five years.

A. Landfills that are currently permitted as demolition landfills are required to comply with the following:

1. Only waste types as described in section 2.A. above may be accepted for disposal, as of the effective date of this ordinance unless otherwise specified in the existing permit.
2. Operations must be in compliance with the Operational Requirements for LCID Landfills (below).
3. Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 2012 or cease operations and close in accordance with this ordinance.
4. Existing storage yards shall comply with all the requirements of this Ordinance by July 1, 2007 or cease operation and close in accordance with this ordinance.

4. SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS AND STORAGE YARDS

A. The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:

1. Facilities or practices, shall not be located in the 100-year floodplain.
2. Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
3. Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 or at the offices of the Administrator, where copies can be obtained at no cost.
4. Facilities or practices shall not damage or destroy an archaeological or historical site.
5. Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve

6. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
 7. It must be shown that adequate suitable soils are available for cover, either from on or off site.
- B. Land Clearing and Inert Debris landfills and storage yards shall meet the following surface and ground water requirements:
1. Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.
 2. Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.
 3. Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 4. Waste in landfills and storage yards with a disposal area greater than one-half acre shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division.
 5. Waste in landfills and storage yards with a disposal area less than one-half acre shall be placed above the seasonal high water table.
- C. The facility shall meet the following minimum buffer requirements:
1. 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 2. 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 3. A Type D [See Art. 11] buffer is required, but may be adjusted as necessary to insure adequate protection of public health and the environment.
- D. The facility shall meet all requirements of any applicable zoning ordinance.
- E. **Operational Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards**
1. Land Clearing and Inert Debris (LCID) landfills and storage yards shall meet the following operational requirements:

- A. Operational plans shall be approved and followed as specified for the facility.
- B. The facility shall only accept those solid wastes which it is permitted to receive.
- C. Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
- D. For landfills ONLY; Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
- E. For landfills ONLY; 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The City may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
- F. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- G. For landfills ONLY; Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- H. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill or storage yards is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- I. Access roads shall be of all-weather construction and properly maintained.
- J. Surface water shall be diverted from the working face and shall not be impounded over waste.
- K. Solid waste shall not be disposed of or placed in water.
- L. Open burning of solid waste is prohibited.
- M. The concentration of explosive gases generated by the facility shall not exceed:
- N. Twenty-five percent of the lower explosive limit for the gases in facility structures.
- O. The lower explosive limit for the gases at the property boundary.
- P. Leachate shall be properly managed on site through the use of current best management practices.

Q. Should the City deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under 15A N.C.A.C. 13B.0601 and .0602.

R. A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number.

2. Approval Process

A. Site Plan Approval is required. See the Site Plan Approval requirements in Article 5.

B. Zoning Map Amendment and Special Use Permit are required, if applicable. Refer to the Use Table in § 8.18 and the procedures for zoning map amendments in Art. 3.

C. Zoning Clearance. No demolition landfill shall be established until a zoning clearance permit is obtained from the Administrator.

D. Duration of Permit. A zoning clearance permit shall be effective for a twelve-month period. The demolition landfill is presumed to be an adjunct to an ongoing construction process and, as such, is permitted only for the life of the construction project. The Administrator shall renew the zoning clearance if a written finding is made that the construction project is ongoing.

E. Application Requirements. In addition to the requirements for a site plan found at §5.4 the following information must be submitted at the time of application for such permit:

- Survey. A survey showing the exact location of the proposed demolition landfill or storage yards within the entire project.
- Contents of Landfill. A statement detailing all contents of the landfill or storage yard.
- Reclamation of Landfill Area. A statement detailing the plans for reclaiming the landfill at the end of its use.
- Future Building Plans. A statement describing plans for future building, if any, on the landfill or storage yard site.

3. Additional Application Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards (i.e. in addition to site plan info)

A. The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:

1. Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on site test borings, test pits, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility.
 2. A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name.
 3. Any other information pertinent to the suitability of the proposed facility.
- B. The following shall be provided on a map or aerial photograph with a scale of at least one inch equals four hundred feet showing the area within one-fourth mile of the site:
1. Entire property or portion thereof owned or leased by the person providing the disposal site.
 2. Location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.
 3. Historical or archaeological sites, if any.
 4. Park, scenic, or recreation area boundaries, if any.
 5. Existing pertinent on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and sewer utilities, septic fields, and storm drainage features.
 6. Springs, streams, creeks, rivers, ponds, and other waters and impoundments.
 7. Wetlands, if any.
 8. Boundary of the proposed waste area.
 9. Existing topography with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify existing topographic conditions.
 10. **FOR LANDFILLS ONLY:** Proposed excavation, grading, and final contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).
 11. Where on site borrow for operational and final cover is proposed, indicate the borrow excavation and grading plan with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading.

12. Location of test borings or test pits, if used to determine the seasonal high water table elevation, shall be shown on the plans.
13. A minimum of two cross-sections, one each along each major axis, per operational area showing:
 - Original elevations.
 - Proposed excavation.
 - Proposed final elevations.
14. A copy of the operational plan approved by NC DENR under 15A NCAC § 13B.0566

F. PRODUCT DISTRIBUTION CENTER, WAREHOUSING AND STORAGE, NON-FARM RELATED PRODUCTS

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

G. TRUCK TERMINALS AND SUPPORT FACILITIES

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. All loading areas shall be designed in such a manner as to not be visible from residential property. Overnight idling of trucks is prohibited and all repair operations shall be conducted inside an enclosed structure. Outside storage of spare or dismantled parts is prohibited. Outdoor storage of goods shall be completely screened from adjacent property and from the public right-of-way.

8.4 Accessory Uses

8.4.1 PERMITTED ACCESSORY USES

CC-A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts

DD-B. Establishment

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as provided in section 8.8.3-D. Accessory buildings shall not be used for dwelling purposes, except as provided in section 8.3.3-C.

8.3.3.8.4.2. LOCATION

- A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Section 7.6.3 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.
- B. For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.
- C. For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard but not closer than seventy-five feet (75') from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.
- D. The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
- E. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

8.3.4.8.4.3. HEIGHT

- A. Accessory buildings shall not exceed:
 - 1. The standard height regulations of the zoning district as set forth in Section 7.6.3 where accessory structure is located within the buildable lot area;
 - 2. Shall not exceed fifteen (15) feet in height, where accessory structure is located within a principal structure setback yard.

8.3.5.8.4.4. SWIMMING POOLS

A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district provided:

- A. The swimming pool and incidental installations are located in other than the front yard.

- B. If any pool contains at least four hundred fifty (450) square feet of water surface area or has a depth of thirty-six (36) inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four (4) feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.
- C. The swimming pool shall be set back from all lot lines a distance of not less than five (5) feet.

~~8.3.6~~8.4.5. **LIGHTING**

Exterior lighting for accessory uses and/or structures shall be placed so as to not direct or reflect light upon adjoining land.

~~8.3.7~~8.4.6. **EXEMPTIONS TO ACCESSORY USE AND STRUCTURE REGULATIONS**

- A. The following uses/structures shall be exempt from the provisions of this § 8.4:
 - 1. Fencing and walls;
 - 2. Mailboxes;
 - 3. Plant materials;
 - 4. Any structure or improvement, once installed, is at grade or less than 1 foot above grade.

8.5 HOME OCCUPATIONS

8.5.1 PURPOSE

A home occupation is permitted as an accessory use in the districts shown in 8.4.1-A and in the PUD, PRD, and TND Districts. The purpose of the home occupation regulations and performance standards are:

- A. to establish criteria for operation of home occupations in dwelling units within residential districts;
- B. to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- C. to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- D. to ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- E. to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
- F. to enable the fair and consistent enforcement of these home occupation regulations; and
- G. to promote and protect the public health, safety and general welfare.

No home occupation, except as otherwise provided herein, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this Section.

8.5.2 LIST OF HOME OCCUPATIONS

The following list specifies those occupations that may be conducted at home. The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

- A. Accounting, bookkeeping
- B. Appraisal
- C. Legal services
- D. Real estate sales
- E. Insurance sales

- F. Childcare / Family Daycare Home (see)
- G. Drafting services
- H. Tailoring (dressmaking, alterations, etc.) services
- I. Engineering, architecture and landscape architecture
- J. Financial planning & investment services
- K. Fine arts studio (creation of individual works only, no mass production)
- L. Interior decoration (no studio permitted)
- M. Lawn Care Services
- N. Mail order business (order taking only, no stock in trade)
- O. Musical instruction, voice or instrument
- P. Tutoring
- Q. Office work
- R. Catering (see 8.3.7-A for catering as a home occupation standards) (includes home-cooking and preservation of foods for the purpose of selling the products for off-premise consumption)
- S. Similar, low impact endeavor as determined by the Administrator

8.5.3 PERFORMANCE STANDARDS

Home occupations are authorized if they comply with the performance standards set forth in Table 8.6-1. A mark "X" indicates that the performance standard applies in the applicable district.

8.5.4 HOME OCCUPATIONS NOT PERMITTED

The following Uses shall not be permitted as home occupations in Residential Zoning Districts: medical/dental office, motor vehicle repair or similar uses, temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion, engine repair, furniture refinishing, gymnastic facilities, studios or outdoor recreation activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, commercial food preparation (excluding catering pursuant to §8.3.7-A), contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, or any type of physical or psycho therapy, or any other use not allowed in accordance with § 8.1.8.

8.5.5 EXEMPT HOME OCCUPATIONS

No Home Occupation Permit shall be required for the home occupations listed below, provided that they comply with all applicable home occupation regulations and standards of this Section, and provided

further, that all persons engaged in such activities reside on the premises and the following conditions are satisfied:

- A. artists, sculptors, composers not selling their artistic product to the public on the premises;
- B. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- C. home offices with no client visits to the home permitted;
- D. telephone answering and message services.

8.5.6 UNSAFE HOME OCCUPATIONS

- A. If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to § 1.5 of this Ordinance.

8.5.7 EXPIRATION OF HOME OCCUPATION PERMIT

The Home Occupation Permit shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, or if the home occupation is discontinued for a period of 180 days or more and is not renewed within thirty (30) days after written notice from the Administrator.

8.6 TABLE 8.6-1

HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

PERFORMANCE STANDARDS	AG	All other districts
The use shall be clearly incidental and secondary to residential occupancy.	x	x
The use shall be conducted entirely within the interior of the residence.		x
The use shall not change the residential character of the dwelling.	x	x
The use shall conform with applicable state and local statutes, ordinances and regulations and is reviewed by Administrator.	x	x
A full-time resident operator shall be employed.	x	x
Obtain permits before operating home occupation, except those exempted under § 5.12.7.	x	x
No more than one (1) non-resident employee shall be permitted.		x
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between the 8:00 AM and 8:00 PM.	x	x
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation	x	x
Music, ¹ art, craft or similar lessons: (12 or fewer clients per day)	x	x
Childcare (maximum of 8 or fewer children); see § 5.16	x	x
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	x	x
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	x	x
Parking shall be provided only in driveway and shall not create hazards or street congestion	x	x

¹ provided all electronically amplified sound is not audible from adjacent properties or public streets.

Outside storage of heavy equipment or material shall be prohibited.		X
No more than three (3) commercial vehicles are to be stored on site, provided, the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.		X
Mechanized equipment shall be used only in a completely enclosed building		X
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	X	X
Deliveries and pickups shall be those normally associated with residential services and shall <ul style="list-style-type: none"> a. not block traffic circulation b. occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday 	X	X
Accessory Buildings shall not be used for home occupation purposes.		X
Signage shall comply with the following: <ul style="list-style-type: none"> a. Limited to one sign of four (4) square feet in area. b. Must be mounted flush against the wall of principal dwelling unit c. Shall not be illuminated. 	X	X

8.7 Wireless Communications Facilities Generally







8.7.1 Purpose and Applicability

- A. This Section 8.7 applies to all telecommunications facilities except as specifically noted otherwise. Special procedures for qualifying small wireless facilities, qualifying utility poles, and qualifying city utility poles are addressed separately in Section 8.9.
- B. The purpose of this section is to:
 - 1. Minimize the impacts of wireless communication facilities (WCFs) on surrounding areas by establishing standards for location, structural integrity and compatibility;
 - 2. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
 - 3. Encourage coordination between suppliers of wireless communication services in the City of Concord;
 - 4. Respond to the policies embodied in the Telecommunications Act of 1996 and section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a) and in accordance with the rules promulgated by the Federal Communications Commission;
 - 5. Protect the unique natural beauty and rural character of the City while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
 - 6. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the City.
- C. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of telecommunications facilities on privately-owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property

8.7.2 SITING

WCFs and associated equipment shall be permitted in accordance with the use table in Section 8.2 subject to the following:

A. Siting of a non-qualifying WCF shall be in accordance with the following siting alternatives hierarchy:

Priority	Facility/ Structure Type	Location	Example
Ideal 	Concealed Attached Wireless Communication Facility	City or County Owned Site	
		Other Publicly Owned Site	
		Non-Publicly Owned Site	
	Collocation or Combining on Existing Antenna Supporting Structure	City or County Owned Site	
Other Publicly Owned Site			
Non-Publicly Owned Site			
Freestanding Concealed or Nonconcealed Attached WCF	City or County Owned Site	 or 	
	Other Publicly Owned Site		
	Non-Publicly Owned Site		
Less Desired	Freestanding WCF	City or County Owned Site	

B. In determining the order of ranking preference, the facility/structure type shall be evaluated first, and only after the facility/structure type has been identified shall the location be evaluated. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated below, including, but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to

the established hierarchy within the Geographic Search Area, as determined by a qualified radio frequency engineer, higher ranked options are not technically feasible, practical, or justified given the location of the proposed WCF and the existing land uses of the subject property and surrounding properties within 300 feet of the subject property.

- C. In all residential districts, non-qualifying WCFs shall only be permitted on parcels with a minimum lot size of five acres.
- D. Nonconcealed attached non-qualifying WCFs shall only be allowed on transmission towers, buildings, water towers, subject to approval of the Administrator.
- E. In addition to locations authorized for non-concealed, attached WCFs in subsection D., concealed, attached WCFs shall be allowed on transmission towers, buildings, water towers, utility poles in city right-of-way, city utility poles, and light stanchions, subject to approval of the Administrator.
- F. WCFs, wireless support structures, and associated equipment shall be constructed and maintained in conformance with all applicable building code requirements.
- G. WCFs and associated equipment shall not interfere with normal radio and television reception in the vicinity.
- H. Lighting shall not exceed the FAA minimum standard. Any lighting required by the FAA shall be of the minimum intensity and the number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Dual lighting standards shall be required and strobe lighting standards prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- I. Commercial messages shall not be displayed on any WCF.
- J. The WCF equipment compound shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WCF equipment compound.
- K. The WCF shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.

Qualifying WCFs shall not be required to meet the siting requirements listed in subparts A. through D.

8.7.3 DIMENSIONS

When permitted, a WCF shall conform to the following dimensional requirements:

A. Heights

1. Attached WCF: The top of the WCF shall not be more than 20 feet above the building.
2. Freestanding Concealed or Nonconcealed WCF: In all residential zoning districts, the maximum height shall be limited to 25 feet above the allowable building height of the underlying zoning district. In all nonresidential districts the maximum height shall be 199 feet. This measure shall include the foundation of the WCF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.
3. Mitigation of an existing WCF: The maximum height of a new WCF arising from mitigation shall not exceed 115% of the height of the tallest WCF that is being mitigated, to a maximum height of 199 feet.
4. Regardless of whether the facility is a qualifying WCF or a non-qualifying WCF, in no instance in an area zoned single family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a mitigation waiver or a variance approving a taller utility pole, city utility pole, or wireless support structure. For the purposes of this subsection, single family residential shall mean properties with the following zoning designation, unless otherwise defined by law: RE, RL, RM-1, RM-2, RV, or RC.

B. Setbacks

1. Attached WCF: The building or structure to which the WCF will be attached shall maintain the normal setbacks of the district. The attached, WCF may encroach into the setback not more than 5 feet.
2. Freestanding WCF: Setbacks for WCFs shall be determined according to the underlying zoning district, plus an additional eighteen inches for every one-foot of tower height. The approving authority may grant reductions to this setback requirement as a part of the special use permit approval. Qualifying freestanding WCFs shall be exempt from this provision.

3. Mitigation of an existing WCF: A new WCF approved as mitigation shall not be required to meet setback requirements so long as the new WCF is no closer to any property lines or dwelling units as the WCF being mitigated.

C. Buffers

1. A landscaped buffer shall surround the base of the WCF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator. Grading shall be minimized and limited only to the area necessary for the new WCF.
2. If the proposed WCF is the principal use of the property then landscaping per Article 11, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the WCF equipment compound.
3. If the proposed WCF is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
4. In addition to the required landscape buffer, on sites in residential districts adjoining public rights-of-way an opaque fence shall surround the WCF equipment compound.

D. Aesthetics

1. Concealed attached WCFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.
2. Freestanding concealed WCFs shall be designed so as to be compatible with adjacent structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.
3. Freestanding non-concealed WCFs, including those used for mitigation, shall be limited to monopole type antenna support structures.

E. Collocation Capacity

New non-qualifying wireless support structures must provide for collocation capacity as set forth herein:

- Freestanding nonconcealed structures up to 120 feet in height shall accommodate at least two antenna arrays.

- Freestanding nonconcealed structures between 121 feet and 150 feet shall accommodate at least three antenna arrays.
- Freestanding nonconcealed structures between 151 feet and 199 feet shall be engineered and constructed to accommodate at least four antenna arrays.

8.7.4 APPLICATION REQUIREMENTS

In addition to all of the requirements of site plan and Special Use Permit review (if required), the following information must be supplied with the site plan and use permit (if required) application for WCFs:

- A. For an eligible facilities request:
 1. Existing equipment on the wireless tower or base station
 2. Proposed new equipment
 3. Copy of lease agreement. Such submissions need not disclose financial lease terms.
 4. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
 5. Application fee
- B. For a substantial modification or a new non-qualifying wireless support structure:
 1. A complete site plan, certified by a professional engineer or other qualified professional, which demonstrates that the site and the wireless support structure complies as proposed with the standards set forth in this Section 8.7. The site plan shall include:
 - a. Height
 - b. Configuration
 - c. Location
 - d. Mass and scale
 - e. Materials and color
 - f. Illumination
 - g. Information addressing the following items:
 - i. The extent of any commercial development within the search ring of the proposed facility
 - ii. The proximity of the antenna support structure to any residential dwellings;

- iii. The proximity of the antenna support structure to any public buildings or facilities;
 - iv. For a new wireless support structure, certification by a registered engineer that the facility has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated.
 - 2. Identification of the intended user(s);
 - 3. Documentation from the FAA that the lighting is the minimum lighting required by the FAA;
 - 4. Documentation that the power output levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards for power density, whichever provides the stricter requirements.
 - 5. A statement of the number of collocation sites and documentation regarding structural integrity
 - 6. A copy of the lease agreement. Such submissions need not disclose financial lease terms.
 - 7. Documentation consisting of a certificate of insurance showing evidence of general liability coverage of at least \$1,000,000 and the certificate shall contain a requirement that the insurance company notify the city 30 days prior to the cancellation, modification, or failure to renew the insurance coverage required.
 - 8. Certification from a professional engineer that the structure has been designed to and will withstand 100 miles per hour wind velocity.
 - 9. Relevant FCC licensing;
 - 10. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
 - 11. Application fee.
- C. In addition to the requirements listed in subsection B. above, for a new non-qualifying wireless support structure:
- 1. A written report demonstrating applicants' meaningful efforts to secure shared use of existing wireless support structures. Copies of written requests and responses for shared use shall be provided with the application, along with any letters of rejection stating the reasons for rejection. The applicant shall

provide information necessary to determine whether collocation is reasonably feasible. Collocation is not reasonably feasible if it is technically or commercially impractical to locate on an existing wireless support structure or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value.

2. Seismic analysis of the tower, stamped and sealed by a professional engineer or other qualified professional.
3. Delineation of the fall zone for the structure;
4. Simulated photographic evidence of the proposed structure's appearance from all residential areas within 1,500 feet, and from other vantage points chosen by the city.
5. Supplemental information may be required by Section 8.7.4.B.

8.7.5 THIRD PARTY REVIEW

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Administrator may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

8.7.6 MITIGATION

To qualify as WCF mitigation, a proposal shall accomplish a minimum of one of the following:

- A. Reduce the number of overall WCFs;
- B. Reduce the number of nonconforming WCF types; or,
- C. Replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this section.

8.7.7 APPROVAL AUTHORITY

- A. The Administrator shall be responsible for the approval of eligible facilities requests, substantial modifications, concealed attached WCFs, collocations or combining on existing antenna supporting structures, and non-concealed attached WCFs, and mitigation of existing WCFs.
- B. All freestanding non-qualifying WCFs shall be subject to a special use permit. In addition to the requirements for use permits, the approving authority, in determining whether a non-qualifying WCF is in harmony with the area or the effects and general compatibility of a non-qualifying WCF with adjacent properties may consider the

aesthetic effects of the non-qualifying WCF as well as mitigating factors concerning aesthetics. The Planning and Zoning Commission may disapprove an application on the grounds that the non-qualifying WCFs aesthetic effects are unacceptable, or may condition approval on changes in non-qualifying WCF height, design, style, buffers, or other features of the non-qualifying WCF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of non-qualifying WCFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed non-qualifying WCF could be modified to have a less intrusive visual impact. The approving authority, when considering a use permit for freestanding non-qualifying WCFs, shall not be required to make a determination of the electromagnetic field (EMF) effects of the non-qualifying WCF on the health of the public. The documentation required by this section that stipulates that the non-qualifying WCF not exceed the federal limits for power density requirements shall satisfy the applicant's compliance with this required finding. If the approving authority determines that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed non-qualifying WCF can be achieved by use of one or more alternative non-qualifying WCF or by one or more non-qualifying WCFs sited in alternative locations that better serve the stated purposes set forth in this section, it may disapprove the proposed non-qualifying WCF application.

8.7.8 EXEMPTIONS

- A. Satellite earth stations (satellite dishes).
- B. Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.
- C. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City, except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.

- D. Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- E. Routine maintenance of existing telecommunications facilities, including activities associated with regular and general upkeep of transmission equipment, and the replacement of existing telecommunications facilities with facilities of the same size
- F. Public safety facilities.
- H. Any telecommunications facility below sixty-five (65) feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.
- J. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities as defined in N.C.G.S. Chapter 160A, Part 3E, that are suspended on cables strung between existing utility poles or city utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the City rights-of-way and who is remitting taxes under G.S. 105-64.4(a)(4c) or (a)(6).
- K. Any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, to the extent consistent with applicable codes. This exemption does not apply to a stadium or athletic facility owned or otherwise controlled by the city.

8.7.9 INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS

- A. In order to facilitate the City's regulation, placement, and construction of WCFs and their interaction with the City's Public Safety Communications Equipment, all applicants requesting a permit for a WCF under this section shall agree in a written statement, to the following:
 1. Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
 2. Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and

3. In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the City's Public safety Communications Equipment.
- B. When a specific base station is identified as causing RFI with the City's and the County's Public Safety Communications Equipment, the following steps shall be taken:
1. Upon notification by the City and/or County of interference with Public Safety Communications equipment, the owners of the WCF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WCF owner fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take steps to contact the FCC to eliminate the interference.
 2. If there is a determination of RFI with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the City and/or County to determine the source of the interference.

8.8 TEMPORARY USES

8.8.1 PURPOSE

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Development Services Department is required pursuant to Article 6 of this Ordinance.

8.8.2 APPROVAL CRITERIA

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified below. The following criteria in this Section 8.8.2 shall not apply to Temporary Uses in the Charlotte Motor Speedway Public Interest District (PID), except for (E) Property Line Setbacks.

A. Compatibility With/Effect On Surrounding Area

The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

B. Location (Permission Required)

The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.

C. Traffic

The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

D. Parking and Access

Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

E. Property Line Setbacks

Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street.

In no case shall items be displayed, or business conducted within the public right-of-way.

This sub-section shall not apply to the CC district.

F. Signs

Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Article 13 for specific standards for signs.

G. Number Per Parcel

Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.

H. Period of Time Between Permits

The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that same parcel shall be at least three (3) months. This restriction shall not apply to real estate development and constructed related temporary uses.

8.8.3 TEMPORARY RETAIL SALES USES (IN ALL ZONING DISTRICTS)

A. Seasonal Sale of Agricultural Products (including Christmas Trees).

Temporary Use Permits are required for all Roadside Stands in non-residential zoning districts. Such sales are limited to a period of time not to exceed three (3) consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

B. Sale or Display of Food, Beverages, or Merchandise

Such activities may be conducted from a stand, motor vehicle, or from a person in a business or commercial zoning district, outside of the public right of way, for a period of not more than twenty-one (21) consecutive days upon issuance of a temporary use permit per vendor. If the private sidewalk or a pedestrian way is used, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A temporary use permit may be renewed once during a calendar year, for a maximum of forty-two days per calendar year

C. Real Estate Development and Construction-Related Temporary Uses

1. Contractors Office and Equipment/Storage Sheds Accessory to a Construction Project (Residential or Non-Residential).
2. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.
3. Real Estate Office in a Construction Trailer or Temporary Modular Unit
4. Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid until the project is completed or for a period of 2 years from the time of the recording of the most recent final plat.
5. Real Estate Office in a Model Home Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

D. Single Family Dwelling in Temporary Structure

During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Compliance for a non-residential structure or the first residential unit if within a residential development.

8.8.4 NO RECREATIONAL VEHICLES

No Recreational Vehicles shall be permitted as a Temporary Use or Structure.

8.8.5 AMUSEMENT ENTERPRISES

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed thirty (30) days within any ninety (90) day period, which shall not include two (2) consecutive thirty (30) day periods. This classification excludes events conducted in a permanent entertainment facility.

8.8.6 RELIGIOUS EVENTS

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days.

8.8.7 SPECIAL EVENTS AND ACTIVITIES

Special events and activities conducted on public property such as school sites and public parks or in a Public Interest Development (PID) District shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency.

8.8.9 SIMILAR AND COMPATIBLE USES NOT SPECIFIED

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a "similar and compatible use". Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Board of Adjustment in accordance with Article 6 of this Ordinance.

8.9. Special Regulations for Eligible Facilities Requests and Collocations Qualifying Wireless Communications Facilities; Access to City Right of Way; Access to City Equipment

8.9.1 ELIGIBLE FACILITIES REQUESTS. Collocation and eligible facilities requests, as defined in G.S. 160A-400.51 or 47 U.S.C. 1455, shall be processed in accordance with G.S. 160A-400.52, 160A-400.53, and/or federal laws and regulations as appropriate. In approving any eligible facilities request, the City solely intends to comply with a requirement of federal law or state law and not to grant any property rights or interests except as compelled by federal or state law. Without limitation, approval does not exempt applicant from, or prevent City from, opposing a proposed modification that is subject to complaint under the National Historic Preservation Act or the National Environmental Policy Act. Collocations are only permitted as provided in CDO Section 8.7.

8.9.2. COLLOCATION OF QUALIFYING SMALL WIRELESS FACILITIES

- A. A Qualifying Small Wireless Facility shall mean, for the purposes of this section, a Small Wireless Facility, as defined in G.S. 160A-400.51, that meets the height requirements of 160A-400.55(b).
- B. Qualifying Small Wireless Facilities are subject to administrative review if collocated (i) in a city right-of-way within any zoning district or (ii) outside the city rights of way on property other than single family residential. Qualifying Small Wireless Facilities are generally subject to the requirements of 8.7 and 8.7.4.
- C. Qualifying Small Wireless Facilities shall only be subject to administrative review and shall not be subject to the Siting Requirements of 8.7.2 A. through D.
- D. Applications for Qualifying Small Wireless Facilities shall include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- E. The City shall process Qualifying Small Wireless Facility applications in accordance with the time frames and requirements set forth in G.S. 160A-400.54(d).
- F. Collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- F. Applications for Qualifying Small Wireless Facilities shall be subject to a fee as set forth in the City's Adopted Fees, Rates and Charges schedule, provided that such fee shall be in compliance with G.S. 160A-400.54(d). Applications may be subject to a technical consulting fee, provided that such fee shall be in

compliance with G.S. 160A-400.54(f).

- G. An abandoned small wireless facility shall be removed within 180 days of abandonment.

8.9.3 Small Wireless Facilities Standards.

Small Wireless Facilities shall meet the following standards:

- A. To protect the unique aesthetics of the City, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures, the City prefers that small wireless facilities be located outside the public right-of-way; collocated on existing non-city utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.
- B. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.
- C. No portion of a small wireless facility, to include a utility pole or city utility pole associated with a small wireless facility, may be placed in the public right-of-way in a manner that:
 - a. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference; or
 - b. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than eight (8) feet above ground level.
- D. An abandoned small wireless facility shall be removed within one hundred eighty (180) days of abandonment.
- E. Small wireless facilities located in designated historic districts or on property designated as a historic landmark shall be required to obtain a Certificate of Appropriateness.
- F. Small wireless facilities, and associated utility poles or city utility poles, shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.
- G. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed. All radios, network equipment, and batteries will be enclosed in a pedestal cabinet near the pole, or in a pole-mounted cabinet, or under a pole-mounted shroud

- H. The top of a qualifying WCF shall not be more than 10 feet above the building, utility pole, city utility pole, or wireless support structure on which it is collocated.
- I. Utility poles and city utility poles associated with small wireless facilities: Each modified or replacement utility pole or city utility pole shall not exceed (i) forty (40) feet above ground level on property zoned for or used as single-family residential property, or in the right-of-way adjacent to such property, where existing utilities are installed underground, unless a variance is granted; or fifty (50) feet above ground level on all other property.
- J. Where a new pole must be installed to support a small wireless facility in a city right of way, these additional standards apply:
 - 1. Wireless installations shall be on poles that meet or exceed current NESC standards and wind and ice loading requirements of ANSI 222 Version G.
 - 2. Wireless installations shall be on non-conductive poles.
 - 3. Cabinets should be consistent in size and no larger than standard DOT streetlight signal cabinets.
 - 4. Any new poles installed shall be on an inert material, so as not to rust or corrode and not leach any compounds or toxic substances into the ground.

8.9.4. ACCESS TO CITY RIGHT OF WAY

- A. Subject to GS 160A-400.54 and other applicable requirements, wireless providers may collocate small wireless facilities along, across, upon, or under any City right of way. Subject to GS 160A-400.55 and other applicable requirements, wireless providers may place, maintain, modify, operate, or replace associated utility poles, city utility poles (to the extent required by law), conduit, cable, or related appurtenances and facilities along, across, upon, and under any City right of way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of Qualifying Small Wireless Facilities shall be subject to the review process outlined in Section 8.9.2 or 8.9.3 as applicable; however the City may require additional information to evaluate loading on city utility poles, evaluate the credentials of contractors working on city utility poles, and ensure that proposed replacement poles are consistent and compatible with other city utility poles in the area. If replacement of a city utility pole is necessary to accommodate a small wireless facility, all costs shall be borne by the applicant.
- B. A Wireless Provider may apply to place utility poles in the City rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of-way, to support the collocation of small wireless facilities. Such applications shall be processed in accordance with Section 8.9.3. Proposals for new utility

poles may also be evaluated for separation from existing poles in accordance with city policies and procedures.

- C. The City of Concord is an excluded entity as defined under NCGS 160A-400-56(i). Nothing in the section shall be construed to require that the City approve collocations on city utility poles or electric poles, and such collocations shall not be permitted except in accordance with City code and policy including, without limitation, the City of Concord Technical Standards Manual.
- D. Applicants for access to City Rights of Way shall comply with policies and procedures for encroachments in City rights of way, including applicable undergrounding procedures.

8.9.5. ACCESS TO CITY UTILITY POLES, CITY-OWNED ELECTRIC POLES, AND OTHER CITY OWNED EQUIPMENT

- A. Nothing herein shall be construed to require that the City provide access to City-owned utility poles, city-owned electric poles, or other City owned equipment except in accordance with City code, City policy, and applicable safety requirements, including without limitation, the City of Concord Technical Standards Manual.

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For the Watershed Overlay Districts - See Article 4. There are three water related overlay districts. The water shed around the Coddle Creek Reservoir (Lake Howell) and Coddle Creek is a WS II watershed, and is discussed at section 4.2. The watershed around Lake Concord is a WS IV watershed and can also be found at section 4.2. All of the rest of Concord is located in the watersheds controlled by the National Pollution Discharge Elimination System Phase II Stormwater Permit issued by the State of North Carolina. Sections 4.3 through 4.7 contain the standards for the balance of Concord outside of the Coddle Creek and Lake Concord watersheds.

Article 9 Special Purpose Districts

9.1 Planned Unit Development (PUD)

9.1.1 Purpose

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensities. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments. While the conventional zoning districts and the requirements of those districts set forth in the CDO are reasonable in most cases, there may be circumstances in which it is in the community's best interests to allow unique and/or creative designs and techniques that:

- A. promote the most appropriate use of a parcel,
- B. allow diversification of use,
- C. facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities,
- D. preserve and utilize open space,
- E. offer recreational opportunities close to residential uses,
- F. enhance neighborhood appearance,

9.1.2 Processing Procedures

A PUD shall be processed as a conditional district zoning map amendment (rezoning) following the process outlined in § 3.3. Constituent parts of the PUD may require further approvals by the Planning and Zoning Commission and/or City Council, including but not limited to, site plan, subdivision or special use permit. Most specifically, a PUD which specifies only uses and densities and does not include specific site plan detail as specified in Section 5.4, shall require site plan approval by the Planning and Zoning Commission in accordance with Article 5.

9.1.3 Permitted Uses

- A. The uses permitted in a PUD district shall be the permitted uses as set forth in the approved master plan. The master plan shall designate land use categories consistent with the zoning district classifications of this Ordinance. Within each land use category, proposed uses shall be subject only to the permitted uses in Tables 8.1.7 for each land use category.

9.1.4 Land Use Composition

- A. The following percentages of land uses shall be considered when developing a PUD and will be used by the Administrator when evaluating proposals. Land uses already provided or that will be provided within 1,000 feet of the boundaries of the PUD may be considered by the Administrator providing there is direct, internal vehicular and pedestrian access from the proposed

PUD to the neighboring commercial and other non-residential uses (if any).
Figure 9.1-1 illustrates a well designed PUD

1. Moderate density residential (4-7 units per acre) = 20%
2. High density residential (8 or more units per acre) = 10%
3. Commercial uses as permitted in the B-1, C-1 or C-2 zones = 10%

COMMENTARY: If a proposed development is located on a smaller infill parcel, the administrator may allow variances to these ratios so long as the intent of the ordinance is not compromised.

- B. Open space shall be required in accordance with § 10.5.

9.1.5 Design Standards

- A. The land uses within a PUD shall not be subject to any of the dimension and density provisions of Table 7.6.2. A, except that a perimeter buffer of 25 feet shall be maintained.
- B. PUD designs shall be subject to the design criteria of Article 9.1.9.

9.1.6 Professional Design Team Required

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of each of the following professions was used in the planning and design process for the proposed development:

- A. Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect planner certified by the American Institute of Certified Planners (AICP), or a registered land surveyor;
- B. Landscaping design by a certified nurseryman or licensed North Carolina landscape architect; and,
- C. Site engineering by a North Carolina Registered Engineer.

9.1.7 Modification of Approved Final Master Plan

Following approval of the zoning district, no modification of the land use category designations, design standards, uses, densities or any other condition of the master plan shall be permitted unless a new master plan is approved. However, the Administrator may approve the following modifications in writing without a new master plan:

- A. A change in the location of not more than 10 percent of the dwelling units or floor area;
- B. A change in the location of any part of open space acreage of not more than 10 percent of the gross acreage;
- C. A change in the location of any part of proposed street alignment and lot configuration of not more than 10 percent of the gross acreage;
- D. An increase or decrease of any setback by not more than 5 feet for setbacks of less than 50 feet, or 10 percent for setbacks exceeding 50 feet.

9.1.8 Sign Standards

Sign standards shall be governed by Article (12) or by a Comprehensive Sign Package. The Comprehensive Sign Package shall be processed in accordance with Article 12. The Comprehensive Sign Package must show the proposed signage for the overall development and that it meets the intent of the Ordinance.



Figure 9.1-1
Example of a well-designed large PUD

9.1.9 Recommended Design Elements for a PUD Planned Unit Development

As indicated in § 9.1.1, PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. However, certain minimal architectural standards shall apply and each project and will be reviewed considering the below items.

A. Architectural elements

1. Building height, rhythm, articulation, massing and bulk are compatible with the individual site attributes and are compatible with the surrounding neighborhoods.
2. Distinctive architectural details shall be in accordance with Articles 7.7 and (commercial design standards formally 12.5)
3. Significant architectural differences in the choice of elevations, roof lines, and exterior colors for each residential floor plan should be provided and meet the requirements of Article 9.25. .
4. Developer shall provide a pattern book in accordance with Article 9.25 E.
5. Garage fronts should be de-emphasized and not be the most prominent architectural feature of the house See Article 7.7 F

B. Recreational elements

1. At least 20 percent of the residential units shall be located within 660 feet of a pedestrian, equestrian and/or bicycle trail. Not including sidewalks or on-street bicycle lanes.
2. Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any locally adopted land use plans or parks and recreation master plans.
3. Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities shall be designed in accordance with the Stormwater Management Standards of this Ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.
4. Gateway treatments may be incorporated at appropriate locations along an open space network.

C. Transportation elements

1. Park-and-ride lots may be incorporated with planned facilities.
2. Bicycle lanes should be included along at least 70 percent of the linear frontage of all planned collector streets.
3. Bicycle parking facilities should be provided for all uses except single family detached and duplex residences.
4. A customized entrance may be provided at the entry street intersecting a thoroughfare or collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median or other similar treatment.

D. Landscaping and Buffering elements

Higher density or intensity developments abutting lower density or intensity areas shall include buffering that will substantially mitigate any negative impacts consistent with the Article 11.

E. Other design considerations

1. Homeowner or property owners associations are required to maintain all roadway/right-of-way landscaping, pedestrian-bicycle, and equestrian paths (arterial, collector and local as proposed) and stormwater infrastructure to the standards of this Ordinance.
2. Areas designated solely for industrial land uses shall be designed to create a campus-style environment.

9.2 Planned Residential Development (PRD)

9.2.1 Purpose

The purpose of the Planned Residential Development District (PRD) is to permit flexibility in the design, construction, and processing of residential developments to a quality that could not be achieved under conventional zoning approaches. Specifically, a PRD is designed to:

- A. Advance the goals of the Comprehensive Plan;
- B. Permit greater flexibility in terms of lots size and housing type;
- C. To best utilize the physical features of the site;
- D. Encourage the provision and preservation of accessible open space;
- E. Protect significant environmental features such as (but not limited to) streams, wetlands, rare plant species, large trees, and wildlife habitat;
- F. Encourage the assembly of multiple parcels of land into one large parcel for the purpose of applying a PRD. The adopted land use plan or any adopted small area plan shall be consulted in order to determine the most appropriate design and housing product mix.

9.2.2 General Requirements

PRD projects shall be evaluated with respect to the following:

- A. The project is developed to an equal or higher standard than otherwise required by the strict application of district regulations that would otherwise govern; and
- B. The project shows an innovative arrangement of buildings and open spaces that provide efficient, attractive, flexible, and environmentally sensitive design; and
- C. The project produces a development that functions as a cohesive, unified project; and
- D. The project does not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development

of surrounding property in accordance with adopted plans and policies of the City.

9.2.3 Minimum Standards

The Planned Development Residential (PRD) subdivision projects shall adhere to the following minimal standards.

A. Minimum Size

A PRD district shall be a minimum of three (3) acres in area. The Administrator may waive this minimum area requirement based on a finding that creative site planning through rezoning to a PRD district is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development or subdivision would be difficult or undesirable given the constraints on development.

B. Product Mix Described

The PRD is designed to encourage a mixture of housing product. Developer's choosing to use the PRD option shall provide a technical data sheet that clearly indicates the number of units or lot sizes within each area of the development. For the purposes of this Section, a housing product shall include:

1. Any one from Figure 7.7-9 in Article 7
2. Single Family Detached structures with various lot sizes
3. Structures with more than 3 dwelling units
4. Congregate Care Home
5. Retirement Home

C. Lot Size Reduction Bonus

For single-family detached portions of the development, lot sizes may be reduced in exchange for open space at the following rate. One (1) square foot of lot for one (1) square foot of open space. Lots may not be reduced to less than 4,500 square feet and the frontage may not be less than 50 feet. All perimeter lots shall be at least 70 feet in width, or designed to be the same dimension as lots on adjacent parcels, whichever is less. If the perimeter lots are designed at 70 feet, they may be used to satisfy the 10% requirement outlined in 9.2.3 E., Lot Size Option below. In no case shall the allowable density of the underlying zoning be increased. All created lots shall conform to the standards outlined in Article 5.5 Lot Design Standards.

D. Product Mix Options

The premise behind the PRD is to provide a variety of housing sizes, types, styles, or products in a development. In order to achieve this the developer may choose one of the following options.

E. Lot Size Option

No single lot size shall comprise more than 60% of the lots in the development. This option does not allow an increase in the density of the

underlying zoning district. Lot size variations must be in increments of 5 feet. No lot may be less than 50 feet in width and at least 10% of the development shall have lots 70 feet wide or greater.

Below is an example calculation:

Total lots proposed in the development: 200

70' wide lots required (10%): 20

60' wide lots proposed (60%): 120

50' wide lots proposed (30%): 60

F. Dwelling Unit Type Option

As an alternative to lot size, a developer may choose different housing types. This option does not allow an increase in the density of the underlying zoning district. Similar to the lot size option, no single type shall comprise more than 60% of the dwelling unit types in the development. The adopted Land Use Plan shall be consulted to determine the most appropriate housing type product and how it fits into the character of the area. All supplemental standards found in Articles 7 and 8 shall apply.

G. Small Parcel Allowance

For parcels that are between 3 and 5 acres in size one or two different housing types may be used, so long as the project is meeting the other design requirements of this Article 9.2

9.2.4 Design Standards

In additional to the design standards described in Article 8.28, the following design standards shall be applied to all single-family dwellings or buildings containing more than one dwelling unit.

A. Garages

Garage fronts shall be de-emphasized and not be the most prominent architectural feature of any dwelling in the development. This should be accomplished by providing side access garages, detached "in-line" garages, and/or L-shaped floor plans on not less than fifty percent (50%) of the lots. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation shall prominently feature an entrance for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front façade. See Article 7.7 for acceptable garage placement alternatives.

B. Front Porches

At least fifty percent (50%) of all single family, patio style, duplex, or townhome units in the development shall have a useable front porch measuring at least eight (8) feet in depth covering at least 30 percent of the building width.

C. Recreation

At least seventy percent (70%) of all residential units shall be located no further than 660 feet from a pedestrian (excluding sidewalks), equestrian or bicycle trail measured from the boundary of the lot. Recreation and open space facilities shall be aligned with the community parks and open space network, as provided in any locally adopted land use plans or parks and recreation master plans. For infill PUD's the Administrator may consider other elements, such as sidewalks, in order to meet this requirement.

D. Multi-Modal Requirements

Bicycle lanes shall be included along at least seventy percent (70%) of the linear frontage of all planned collector streets.

E. Development Entrances

Customized entrances shall be provided at all streets intersecting a thoroughfare or collector. Such locations may include a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence or wall details, boulevard median or other similar treatment. The extent of such features shall match the scale of the proposed development (more significant features shall be required for larger developments).

F. Preservation of Tree Cover

At least one third (1/3) of the tree canopy shall be protected for property covered with forest. Existing tree locations shall be clearly marked on the master plan.

9.2.5 Anti Monotony Standards

A. In addition to the design standards, the following standards shall apply to all single-family dwellings or buildings containing more than one dwelling unit to prevent monotony.

B. A variety of building sizes or scales shall be provided. No more than three buildings in a row shall have more than a 30 percent difference in scale between the largest and smallest building as measured by the building floor area (See Figure 8.28-1).

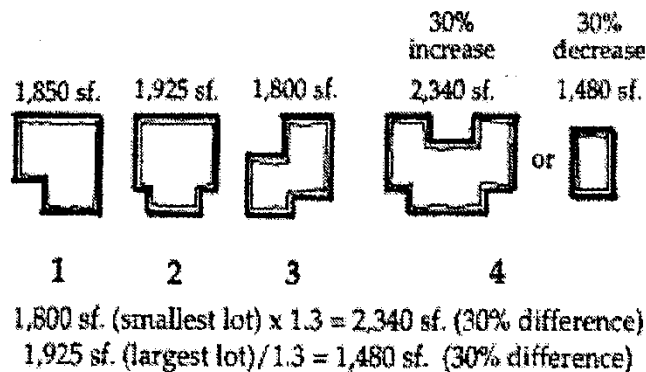


Figure 9.2.5-1
Size and Scale Variations

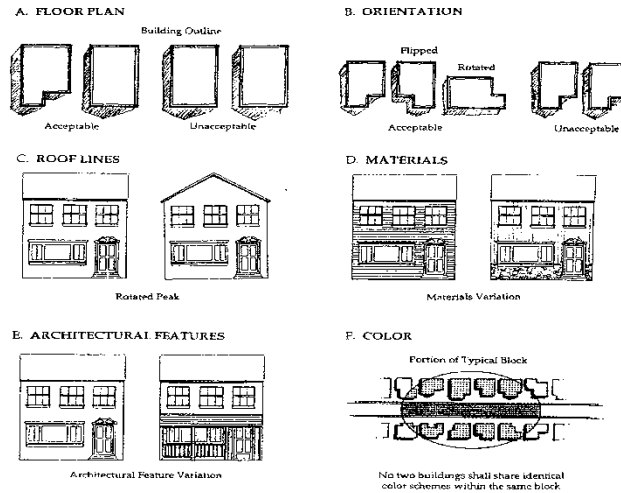


Figure 9.2.5-2

- C. No two dwellings or buildings on a street face shall be identical in floor plan or color unless differing by at least two of the following (See Figure 8.28-2).
1. Rotated or reverse lot orientation
 2. Different roof configuration
 3. Different materials or exterior walls.
 4. The addition of architectural features that alter the appearance of the building.
- D. No single house directly across the street shall have the same floor plan. Identical color schemes shall require the addition of another differentiating feature (total of 3) from numbers 1 through 4 above to offset the similarity in color.
- E. **Pattern Book**
The developer shall provide a pattern book (See Figure 9.2.5-3) indicating the style of homes to be built, materials, and their locations within the proposed district.



Figure 9.2.5-3
Example of a Pattern Book/Plan

9.2.6. Landscaping and Buffering Requirements

Class "C" Buffer yards are required around the development in accordance with Article 11 (current Article 9) with the following exceptions.

- A. A Class "B" buffer may be used if the rear yard setback of the adjoining developed residential parcels is matched.
- B. All perimeter buffer yards shall contain at least 60% evergreen plant material that reaches a mature height of no less than 6 feet. The Administrator may modify this requirement in situations where additional screening may be warranted.
- C. Buffer yards shall be designated as undisturbed, conservation easements, or common open space on a subdivision plat and may be used in calculating the required common open space.
- D. The use of existing vegetation to meet the requirements will be judged based on field observation by the Administrator.
- E. Except in active recreation areas, existing healthy trees over twelve (12) inches in diameter in the common open space shall be preserved. The use of temporary fencing shall be employed to protect such trees during site

development. The Manual shall be consulted for proper tree protection fencing practices.

9.2.7 Professional Design Team Required

Project planning and design shall be prepared by a licensed North Carolina architect, licensed North Carolina Landscape Architect, or Planner certified by the American Institute of Certified Planners (AICP), or a registered land surveyor; Landscaping design by a certified nurseryman or licensed North Carolina Landscape Architect; and, site engineering by a North Carolina Registered Engineer.

9.2.8 Approval Procedure

A PRD shall be processed as a Conditional District as set forth in Article 3.3. A set of Restrictive Covenants and Design Codes shall be established for each PRD by the Developer and shall be binding on all property owners after review and approval by the City in consultation with its attorneys.

9.2.9 Zoning Map Designation

Upon approval of a PRD, the zoning map shall denote the letters PRD followed by zoning case number.

9.3 MIXED USE DISTRICTS.

9.3.1. PURPOSE

The primary purpose of the Mixed Use Districts is to promote and protect public health safety, and general welfare. The goals of this ordinance include:

- A. Promote the best use of the land and buildings in accordance with the Comprehensive Plan
- B. Create a pedestrian scale urban environment with that support multiple modes of transportation
- C. Integrate a mix of uses
- D. Provide a variety of housing opportunities.

Mixed use zoning shall consider all future adopted small area plans.

9.3.2. MIXED USE DISTRICTS

Four districts specifically tailored for mixed use development are established under this Section.

- A. **MX-NC - Mixed Use-Neighborhood Center**
- B. **MX-CC1 - Mixed Use-Commercial Center Small**
- C. **MX-CC2 - Mixed Use-Commercial Center Large**
- D. **MX-IB - Mixed Use Industrial/Business Center**

MX-NC - Mixed Use-Neighborhood Center District

Summary

- A. Location: Adjacent to collector/arterial, collector/local, collector/collector street intersection (Figure 9.3-1) that encourages daily activity patterns for nearby residents
- B. Size: 10 Acres or smaller
- C. Building footprint: 50,000 SF max.; 25,000 SF for anchor tenant; 5,000 SF max. subsequent tenants.
- D. Building Height: 50% shall be 2-story or greater
- E. Uses: Residential, accessory, and small business uses as permitted by Table 4.6-1.



Figure 9.3-2
Neighborhood center examples

Mixed Use Neighborhood centers are small walkable communities with ample amenities

(Figure 9.3-2) that directly serve adjacent neighborhoods.

Auto-related uses or other uses that produce noxious fumes or excessive light and noise are prohibited within a neighborhood center (See Table 4.6-1). Single-family lots exceeding 10,000 SF are prohibited. Open Space is required and shall comply with § 6.5.



Figure 9.3-1
Neighborhood center corner as part of the Roberta Church Road/US-29 Small Area Plan

MX-CC1- Mixed Use-Commercial Center Small District

Summary

- A. Location: Adjacent to the intersection of a collector/arterial or arterial/highway intersection.
- B. Size: 10-30 acres
- C. Building footprint: based on permitted uses
- D. Max Tenant Size in Multiple Tenant Building: 8,500 SF
- E. Building Height: 50% shall be 2-story or greater
- F. Uses: Residential and commercial businesses as permitted by Table 8.6-1.

This district shall permit a wider range of commercial uses as compared to the MX-NC district and public facilities allowed by Table 4.6-1. The district shall have a residential component.

MX-CC1 districts shall balance automobile access from arterial and collector streets with transit orientation, pedestrian and bicycle access and circulation, and provide good vehicle and pedestrian connectivity to surrounding residential areas. These districts shall be located in areas that serve multiple neighborhoods with access from arterial and collector streets.

Depending upon their size, aging, single, limited-use local commercial centers and "greyfield" corridors are candidates for the MX-CC1 district.



Figure 9.3.-3
Commercial center corner as part of the Roberta Church Road/US-29 Small Area Plan

MX-CC2- Mixed Use-Commercial Center Large District

Summary

- A. Location: Intersection of a collector/arterial or arterial/highway intersection.
- B. Size: Greater than 30 acres
- C. Building footprint: based on permitted uses.
- D. Building Height: 50% shall be 2-story or greater

E. Uses: Residential and commercial businesses as permitted by Table 8.1.8.

This district shall permit a wider range of commercial uses as compared to the MX-CC1 district and public facilities allowed by Table 8.6-1. The district shall have a residential component.

Example uses in this district may include large-scale retail uses that provide major durable goods shopping, restaurants and services to multiple residential areas. A variety of integrated uses should be provided, including concentrated office, research and development, medical, institutional, and civic uses.

Depending upon their size aging, single, limited-use local commercial centers and "greyfield" corridors are candidates for the MX-CC2 district.

MX- IB - Mixed Use-Industrial/Business Center District

MX-IB - Summary

- A. Location: Adjacent to two arterial streets or within a ¼ mile limited access freeways and highways.
- B. Size: Greater than 30 Acres
- C. Building footprint: based on permitted uses.
- D. Uses: Residential, commercial, and industrial uses as permitted by Table 4.6-1

This district shall permit higher intensity uses than those described for MX-CC1 and MX-CC2 districts with a residential component. Examples uses may include corporate headquarters, class "A" office spaces, research and development, some warehousing and light industrial, and major educational facilities.



Figure 9.3-4
Regional employment center and supporting activity as part of the Roberta Church Road/US-29 Small Area Plan Concept

The MX-IB is the largest of the mixed use districts and is designed to accommodate the development of major employment, business, or light industrial facilities (Figures 9.3-4 and 9.1-5). This district is intended for large, higher intensity activity centers that combine the uses of commercial, business, and industrial centers with a residential component that and serve the city and region as a whole.



Figure 9.3-5
Corporate Office Example

9.3.3. PERMITTED, CONDITIONAL, AND ACCESSORY USES

Table 8.1.8 specifies allowed uses in MX zone districts. If a listed use is not marked in a particular zone district, it is prohibited in such zone unless otherwise allowed through a zoning map amendment (rezoning).

9.3.4. MIXED USE CONCEPT PLAN

Establishing a MX zone district begins with a concept plan. The concept plan shall describe and illustrate, in written and graphic formats, the intended locations and quantities of proposed uses, the layout of proposed vehicle and pedestrian access and circulation systems, provision of transit facilities, and areas designated to meet requirements for open space, parking, on-site amenities, utilities and landscaping. It shall include statements or conceptual plans describing how signage and lighting will be designed in a unified and integrated manner on site. In addition, the concept plan shall indicate how the proposed uses will relate to the surrounding properties. The submittal of a concept statement in lieu of a concept plan is not permitted. The requirement for a concept plan is waived if a complete development plan, which includes a request for rezoning (a zoning map amendment), is submitted for the entire zone district.

9.3.5. CONCEPT PLAN AMENDMENTS

The following review criteria shall apply to MX zone concept plan amendments. A mixed use concept plan amendment shall be submitted when:

- A. There is a proposed change in the general location of an approved principal use, or
- B. There is a proposed change in the amount, type or density of residential uses, or
- C. There is a proposed change in pedestrian or vehicular circulation systems, right-of-ways, utility corridors or easements; or
- D. There is a proposed change of use that would change the location or amount of required parking; or
- E. There is a proposed change in uses that would change trip generation calculations greater than 10%; or
- F. There is a proposed change to an existing phasing plan.

A MX concept plan amendment request shall include maps of the entire MX zone district, and shall update all development information in written and graphic format since adoption of the MU concept plan or the most recent amendment.

9.3.6. EXPIRATION OF THE CONCEPT PLAN

A concept plan shall expire under any of the following circumstances:

- A. Six (6) years have occurred since approval of the concept plan and no development plan that implements the concept plan has been approved; or
- B. Six (6) years have occurred since approval of a development plan that implements the concept plan.

- C. Extension of a concept plan; A one (1) year extension may be issued by the Administrator, provided that a written request has been received prior to the expiration of the concept plan, and the Administrator determines that no major changes in the city's development standards, or changes in the development pattern of the surrounding properties has occurred.

9.3.7. PHASING PLAN

An application to establish an MX zone district shall include a phasing plan that describes and illustrates, in written and graphic format, implementation of the concept plan and when development is anticipated over the life of the project. A phasing plan shall be a working document used to identify the sequence, timing and responsibility for construction of necessary utilities and infrastructure. The requirement for a phasing plan is waived if a complete development plan for the entire zone district is submitted. The phasing plan shall show the phasing of principal uses, transition tools, pedestrian improvements, streets, utilities, drainage improvements, building areas, parking, and interim uses. It shall relate the development phases to infrastructure requirements for each phase. If a phased project proposes a disproportionate share of the mix of uses, open space, landscaping, recreational facilities or other common amenities to future phases, assurances are required so that if the future phases are not developed, a sufficient mix of uses, open space, landscaping, recreational facilities or common amenities shall be provided for the phases actually developed.

- A. Assurances shall be in the form of a letter of credit, escrow payment, surety bond or recorded agreement by the mortgage holder, or if none, by the property owner guaranteeing the development of common amenities, in form and content acceptable to the Administrator after review by the City Attorney.
- B. Assurances shall be submitted before a phasing plan for the mixed use zone district is approved.
- C. Finally, an amendment to a phasing plan shall be processed as an amendment to a concept plan.

9.3.8. SITE DEVELOPMENT PLAN

Before building permits may be issued in an MX zone district, a site development plan that implements the approved concept plan, if any, and appropriate MX zoning must be approved. Diversification of ownership shall not be considered a valid basis or justification for an amendment to a previously approved development plan. All development in MX zone district shall be in conformance with the approved development plan.

9.3.9. DEVELOPMENT AND REVIEW CRITERIA

A concept plan is required prior to any development within a MX zone district (see§9.19.4.) Other than approval of a concept plan, development within an MX zone district shall follow the procedures outlined in Article 4 and Article 5 of the Zoning Ordinance In addition, the following review criteria shall apply to mixed use zones.

General

- A. The proposed MX concept plan is consistent with the Comprehensive Plan and all applicable elements of the Comprehensive Plan.
- B. The proposed MX concept plan is consistent with any City-approved master or small area plan(s) that apply to the site.

Mix of Uses

- A. The mix and location of principal uses is consistent with the intent and standards of the applicable mixed use zone district.
- B. The residential use is well integrated with other uses, and the proposed housing types and densities assure activities that support the mix of uses in the development.
- C. The open space serves as an amenity that supports walking and bicycling.
- D. Build-to lines established along perimeter streets are located in such a way as to support a pedestrian-oriented streetscape.

Access and Circulation Systems

- A. Vehicular and pedestrian ways provide logical and convenient connections between proposed uses, and to existing or proposed uses located adjacent to the proposed MX center, and establish a high level of connectivity.
- B. The hierarchy of perimeter and internal streets should disperse development-generated vehicular traffic to a variety of access points, discourage through traffic in adjacent residential neighborhoods, and provide neighborhood access to onsite uses.
- C. Existing or proposed transit routes should be incorporated into the MX center through the location of appropriate transit facilities, and related pedestrian improvements.

Parking

- A. Automobile and bicycle parking areas are located in such a way as to support principal uses, minimize potential negative impacts on adjacent properties, discourage an exclusive automobile orientation and provide a safe environment for pedestrians, motorists, cyclists and transit users.

General Utility Infrastructure

- A. The general utility layout, proposed right-of-ways, utility corridors and easements show appropriate points of connection for water, wastewater, natural gas, electric and telecommunication utilities.
- B. The capacity, age and condition of utility infrastructure shall be sufficient to meet the needs of the MX center at build-out, and if not, then proper relocation, replacement or other modifications shall be shown.
- C. The general location and type of on-site amenities and landscaping provides desirable open space, creates an inviting image, enhances the pedestrian environment and offers spaces for people to gather, interact, and rest.
- D. Landscaping that relates to individual streetscapes, internal parking lot landscaping and buffers and contributes ecologically and aesthetically

to the character of the MX center and supports a pedestrian-friendly environment.

- E. Areas of unique or significant natural features are integrated into the MX development.
- F. Signage and lighting systems unify the development and are compatible with and complement surrounding neighborhoods.
- G. Signage themes designed in such a way so as to unify the MX center.
- H. The proposed transitions shall ease the progression from more intense to less intense land uses.
- I. Building masses mitigate visual impact for uses or activities that could be reasonably regarded as nuisances by neighbors.

9.3.10. INCENTIVES

Incentives are provided in the mixed use zoning districts to encourage and facilitate creative development. The following items summarize the incentives:

1. Greater flexibility allowed in the design as opposed to single use zoning requirements.
2. A greater number and variety of uses allowed in the mixed use districts versus in the other base zone districts.
3. Modifications of certain standards that reflect less demand in mixed use projects, such as off-street parking requirements.
4. An applicant may propose alternative compliance to the strict application of design standards, such that the alternative:
 - A. Achieves the intent of the subject design standard to the same or better degree than the subject standard;
 - B. Achieves the mixed use goals and policies in the comprehensive plan to the same or better degree than the subject standard; and
 - C. Results in equivalent or better benefits to the community than compliance with the subject design
 - D. Standard features which may be substituted or modified to achieve alternative compliance include but are not limited to:
 1. Pedestrian walkways through parking lots; §9.3.14.15.
 2. Pedestrian pass-through requirement, §9.3.14.13.
Maximum block length requirements, §9.3.14.2.
 3. Alternative site layout and building orientation, §9.3.14.4.
 4. For infill development and redevelopment sites bordered by developed land along at least 50% of the perimeter of the tract, consideration may be given for offsite features that are equivalent in function in order to meet the use requirements of the MX district.
 5. The procedures and criteria for alternative compliance are presented in Article 9.3.11.

9.3.11. ALTERNATIVE COMPLIANCE, DESCRIPTION AND PROCEDURE

Alternative compliance is a procedure that allows development to occur where the intent of the Zoning Code and the design standards for mixed use are met through an alternative design. It is not a general waiver of regulations, but rather permits a site-specific plan to

incorporate an alternative design equal to or better than the strict application of the design standards covered under this ordinance. If a concept plan or development plan is to include a request for approval of alternative compliance, a pre-submittal conference with the administrator is required. Applications for concept plans or development plans shall include sufficient explanation and justification, in both written and graphic forms, for the alternative compliance requested. A request for approval of alternative compliance may include proposed alternatives to one or more design standards.

To grant a request for alternative compliance the following criteria must be met:

1. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
2. The proposed alternative achieves the mixed use goals and policies in the Comprehensive Plan to the same or better degree than the subject standard.
3. The proposed alternative results in benefits to the community equivalent to or better than compliance with the design standards under this ordinance.

Alternative compliance shall apply to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

9.3.12. ADDITIONAL STANDARDS FOR SPECIFIC LAND USES AND ACCESS COMPONENTS IN A VERTICAL MIXED USE BUILDING:

1. *Pedestrian Access:* Separate pedestrian access and entrances shall be provided for the different uses within a vertically mixed use building.
2. *Accessory Dwelling Units:* Accessory dwelling units are allowed in any MX district as an accessory use to a principal single-family detached, duplex and townhouse dwelling. Accessory dwelling units within a MX district shall comply with the accessory dwelling unit standards in §5.2. (*update 5.2.1.3.in final CDO*)
3. *Accessory Retail Services:* Limited general retail services are allowed as an accessory use to a principal industrial use type only. They may be operated on the same lot as the principal industrial use and in conjunction with uses that are specifically allowed in a specific district. In the MX-IB zone district, accessory retail sales must be conducted within the same building as the principal permitted use.
4. *Automobile Service and Repair:* This use shall meet the following conditions:
 - A. Body and fender repair service is a conditional use only in the MX-CC1, MX-CC2, and MX-IB zone districts;
 - B. All work is done within an enclosed building; Outside storage of automotive parts or junk vehicles is prohibited; and, the nearest point of the building in which the activity occurs is more than one hundred (100') feet from the boundary of a residential district or use measured in a straight line.

5. *Live/Work Units*: Live-work units are subject to these standards as well as those covered in remaining parts of this ordinance:
 - A. Multiple live-work units may occur in one (1) structure. Signage shall comply with Article 12 (*update Art. 12 to cover signs in the MX's in final CDO*).
6. *Private Clubs*: Private Clubs shall be governed by the supplemental use requirements in §5.18 with the following exceptions. On-premise private clubs in the specified zone districts shall be located no closer than two hundred feet (200') from any residentially used or zoned property. The measurement shall be from the property/lot line of the liquor establishment to the property/lot line of the residentially zoned/used property. The distance requirement shall not apply if the residentially zoned property is separated from the property of the club establishment by a major street as defined in the City's Transportation Plan.
7. *Outdoor Storage*: In the MX-NC zone district, outdoor storage of any materials related to nonresidential uses is prohibited. In the MX-CC1, MX-CC2, and MX-IB zone districts, outdoor storage is allowed as an accessory use to a non-residential use if it is enclosed on all sides by an opaque wall or fence which is at least six feet (6') in height. In no event shall materials be stacked or stored to exceed the height of the screening fence or wall.
8. *Veterinary Clinics and Animal Hospitals*: All activities must be conducted within a totally and permanently enclosed, soundproofed building and are restricted to small animal care with boarding of animals overnight only due to the animal's medical condition and associated treatment at the clinic/hospital. No other animal boarding is allowed.

9.3.13. REQUIRED MIX OF USES

To ensure a balance between housing, retail, office, and other commercial development within the MX zone districts, the following standards shall apply:

The concept and phasing plan in an MX zone district shall include a mix of approved principal uses either in each phase, so that no one type of use is developed exclusively in the district at any one time, or in successive phases, so that the required mix is developed with the sequential completion of successive phases. If the first phase includes only one of the proposed mix of uses, then the completion of one or more subsequent phases with another of the proposed mix of uses must occur within six (6) years from the approval date of the original concept plan. For purposes of this provision, the land area of a site or parcel developed with a vertical mixed use building containing two non-residential uses shall be allocated proportionately according to the square footage of the different non-residential uses contained in the building. For residential uses, the total acreage of the site developed in a vertical mixed use building containing multifamily dwellings above the first floor shall be credited toward the meeting the residential use requirement.

The minimum requirement for use types is shown in Table 9.3-2.

Table 9.3-2, Required Mix of Uses

Standard	Mixed Use Zone District			
	MX-NC	MX-CC1	MX-CC2	MX-IB
Minimum Number of Use Types [2] [3]	2	3	3	3
Residential Use required as Part of the Mix?	Yes	Yes	Yes	Yes
Minimum Percentage (total gross district-wide acreage) for Residential Use [1] [2]	N/A	N/A	10%	10%
Maximum Percentage (total gross district-wide acreage) Occupied by a Single Use Type	N/A	80%	80%	80%

[1] *Credit for Residential Units and a Vertical Mixed Use:* Credit for residential units in a vertical mixed use building: As applicable, the total acreage of a site developed with a vertical mixed use building containing multi-family dwelling units above the first floor shall be credited as residential use in meeting the minimum 10% standard.

[2] *Substitution of Adjacent Residential Uses:* As applicable, existing residential uses immediately adjacent to the mixed use zone district that meet the same standards for minimum density and vehicular, pedestrian and bicycle connectivity as residential uses within the zone district, and area within at least a quarter mile distance from the boundary of the zone district, shall be credited towards meeting the required residential use and the minimum 10% standard.

[3] *Residential is a required use type in all mixed use districts.* Other principal use types are listed in Table 4.6-1 as Permitted, Conditional, and Accessory Use.

9.3.14. DESIGN STANDARDS AND GUIDELINES

These following standards and guidelines for MX developments are addressed below.

A. Blocks, Buildings, and Street Networks

The overall layout of a successful mixed use development is one that generates a high level of pedestrian activity. The framework for a pedestrian-oriented layout has three main components:

1. A block structure that reflects a walkable arrangement and positioning of uses.
2. Building placement, orientation, and design to enhance the pedestrian environment and streetscape within that structure.
3. Internal street patterns that defines block edges, create continuous pedestrian connections, and integrate pedestrian travel with other modes of transportation.



Figure 9.3-7 - Example of an acceptable block pattern

B. Block Design

Standards

1. Block standards shall apply to all development that contains four (4) acres or more of gross land area.
2. All development shall be arranged in a pattern of interconnecting streets and blocks (Figure 9.3-7 and 11-8), while maintaining respect for the natural landscape and floodplain.
3. Each block face shall range between a minimum of two hundred (200) feet —and a maximum of six hundred (600) feet ~~(Figure 9.3-8)~~. This maximum requirement does not apply along State Roads.
4. The average block face across each development site and the entire mixed —use zone district shall be a maximum of five hundred (500) feet. This average does not have to include block lengths along State roads.
5. For block faces that exceed four hundred (400) feet, a lighted mid-block pedestrian pass-through ~~(Figure 9.3-8)~~ shall be provided connecting opposite sides of block faces. This requirement does not apply along State Roads. Pass-through shall remain open at all times.
6. An applicant may submit alternative block standards, provided that such alternative achieves the intent of the above standards and procedures set forth in Alternative Compliance.

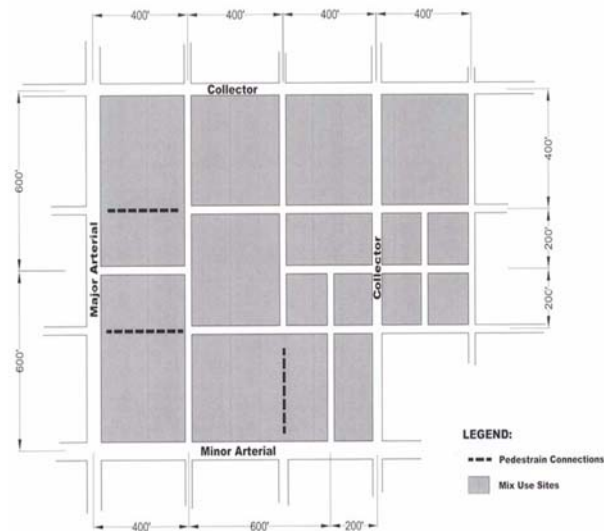


Figure 9.3-8 - Example of block standards

Guidelines

1. Enhanced drive aisles should be used to frame block frontages that consist entirely of surface parking areas. Enhanced drives isles are regarded as those with medians on either side containing sidewalks and street trees 40' on center. In general, the adjacent medians should be 12 feet in width.
2. In blocks that contain non-residential uses, mid-block through-alleys are encouraged to enable secondary vehicle access.
3. Pedestrian pass-throughs should incorporate artwork or display windows and should be designed so they cannot be closed or locked.
4. Pedestrian pass-throughs should be used to connect separate buildings or link customer parking in front of buildings.
5. A block is defined as a tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad right of way, shorelines of waterways, or boundary lines of municipalities. (Define Block in final CDO)
6. For multiple lot developments incorporating internal streets, important street vistas (such as along gateways and primary pedestrian streets) should terminate in a focal point, such as a building, architectural or landscape feature



Figure 9.3-10
Appropriate building entrances

C. Building Entrance Orientation

Standard

All buildings must have at least one building entrance oriented toward an abutting internal or perimeter street with on-street parking, or toward an on-site pedestrian walkway connected to a public sidewalk or toward a square or common open space.



Figure 9.3-9

Typical mixed use streetscape meeting the intent of this ordinance

Guidelines

1. The primary public entry to the building should be obvious and emphasized through the use of such architectural treatments as differing colors or materials, arches or arcades (Figure 9.3-9).
2. A building adjacent to on-street parking should have an entry on that side.
3. A building adjacent to an internal street or perimeter street with a sidewalk should have an entry on that side.
4. Other building entrances may face other streets, off-street parking areas, or loading areas.
5. Building entrances should be covered for weather protection for pedestrians. Overhangs should be at least 48 inches deep. Arcades, roofs, porches, alcoves, porticos, awnings, or any combination of these features are acceptable (Figure 9.3-10).
6. When a building has frontage on more than one street, it should have an entrance on each frontage.
7. When a building is located on the corner of a block, it should have an entry at the corresponding corner of the structure.

D. Site Design for Multiple Building Developments

Standards

1. All buildings shall be arranged and grouped so that their primary orientation complements adjacent buildings.
2. Adjacent buildings shall relate in similarity of scale, bulk, height, architectural style, and/or configuration to existing development, as applicable, and consistent with one of the following site layouts:
 - A. Buildings orient toward, frame and enclose a main pedestrian and/or vehicle access corridor within the development site, including an entry/spine street (Figure 9.3-11); or

B. Buildings orient toward, frame and enclose on at least three sides, parking areas, public spaces or other on-site amenities (Figure 9.3-12); or

C. Buildings orient toward and frame the corner of a perimeter or internal street intersection (Figure 9.3-13); or

D. Buildings orient to adjoining development, respecting adjoining exterior street alignment(s).

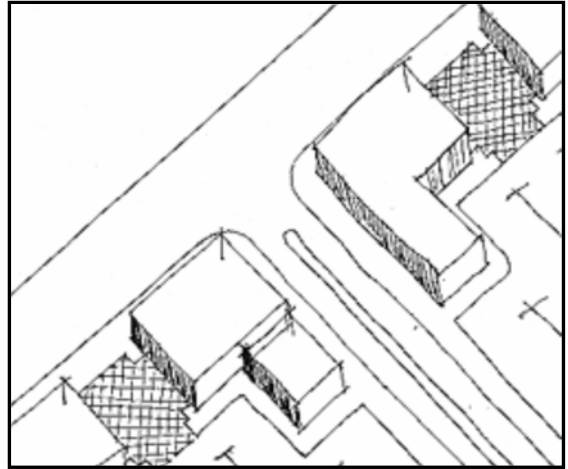


Figure 9.3-13
Buildings framing an entrance

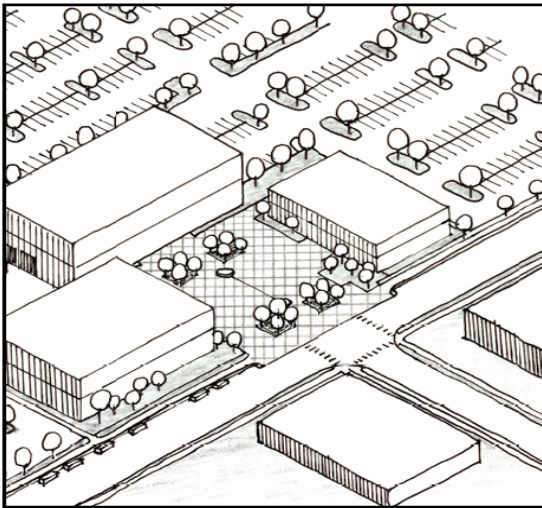


Figure 9.3-12
Buildings framing a space

3. For similarly used properties, the grade of adjacent lots shall match where the properties meet. If there is a significant grade difference, development shall create an attractive transition using creative grading and landscaping or a decorative retaining wall, incorporating vehicular and pedestrian cross-access.
4. Unscreened concrete retaining walls or rock covered slopes (i.e. rip-rap) are not permitted.

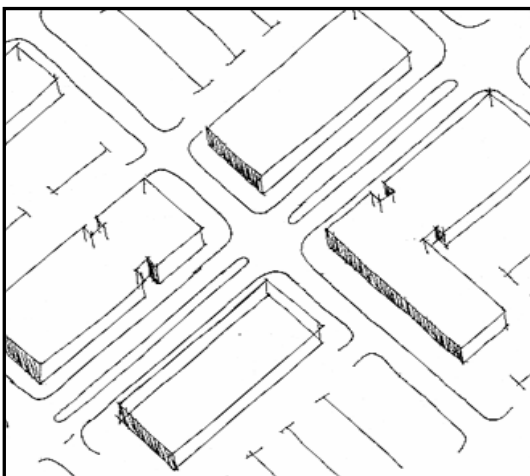


Figure 9.19-11
Buildings oriented towards a spine street

5. Applicants may submit an alternative site layout and building orientation pattern, provided such pattern achieves the intent of the above standards.
6. Strictly linear or "strip" commercial development are prohibited.
7. Minimum lot area: None

E. Building and Streetscape Design

Standards

1. *Building Design:* All building facades that face a public street other than an alley, or face a plaza or other public space, or contain the building's primary customer or user entrance, shall be designed according to the following standards. As applicable, such features shall be applied, at a minimum, to the first fifteen (15) vertical feet of building façade. For every thirty feet (30') of building façade length, the building shall incorporate modulated and articulated building wall planes through use of:
 - A. Projections, recesses and reveals expressing structural bays or other aspects of the façade, with a minimum change of plane of six inches (6"); and
 - B. Changes in color or graphical patterns, changes in texture, or changes in building material. When two or more materials are used on a façade, the heavier material (i.e. brick or stone) should be placed below the lighter material (i.e. siding) to give the sense of support and grounding.
 - C. A continuous pedestrian walkway across the full length of the building façade shall be provided. Walkways shall be at least six feet (6') wide.
 - D. Roof pitches less than 3:12 require a parapet wall. A pitched roof shall be profiled by eaves a minimum of 6 inches from the building face or with a gutter.

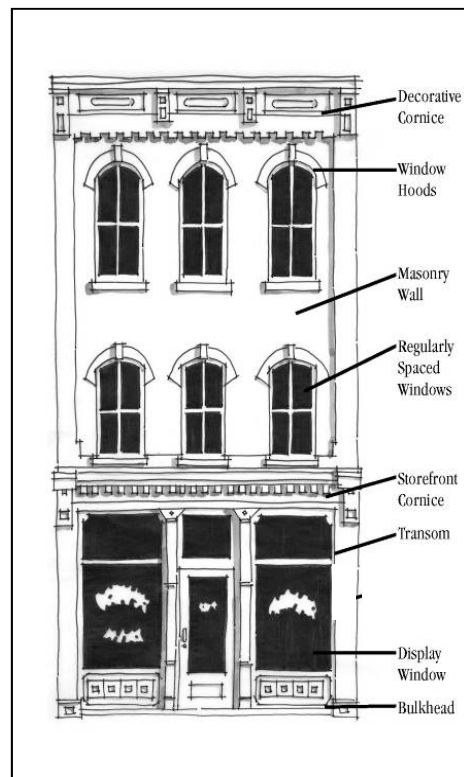


Figure 9.3-14
Example of building with appropriate articulation

2. *Fenestration*: Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned whenever possible (Figure 9.3.14). Reflective glass is prohibited.
3. *Building Entrance Design*: The primary public entry to the building shall be clearly defined and shall incorporate elements that provide shade from the sun and weather protection for pedestrians.
4. *Underground Utilities*: Underground utilities (and associate pedestals, cabinets, junction boxes and transformers) shall be located in alleys, where possible. To reduce the visual impact of overhead wiring, utility services shall be located underground.
5. *Signs*: A comprehensive sign plan shall be submitted at the time of site plan submittal. Such a plan shall include the location, type, size, and height of all proposed signs in accordance with Article 12.
6. *Mechanical and Utility Equipment*: Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible off-site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.
7. *Screening Dumpsters*: All dumpsters shall be screened in accordance with Article 11.
8. *Second Floor Uses*: At least 50% of the buildings in the mixed use district shall have least 2 stories.

Guidelines

1. *Site Layout & Building Orientation*: Buildings should be arranged and grouped so that their primary orientation complements adjacent, existing development, where applicable. The pattern of building location should be consistent with one of the following site layouts.
 - A. Buildings should orient toward and frame, or enclose a main pedestrian and/or vehicle access corridor within the development (such as an Entry or Spine Street) (Figure 9.3-15);
 - B. Buildings should orient toward, frame and enclose on at least three sides, parking areas, public spaces, or other on-site amenities;
 - C. Buildings orient toward and frame the corner(s) where a perimeter street intersects with an Entry or Spine Street.

- D. A “wrap” of smaller buildings around a large format buildings (buildings exceeding 80,000 square feet) is encouraged



Figure 9.3-15
Example of buildings oriented towards an entry street

2. *Build-to-Lines*: Encourage pedestrian-friendly streets by bringing buildings close to pedestrian sidewalks and ways, the City encourages principal, nonresidential buildings to be built to the back edge of the public sidewalk (0 foot build-to line) except as necessary to allow room for outdoor seating and service areas, outdoor sales and displays, landscaping, entryways, and similar pedestrian and customer amenities. The build-to area between the front property line and the front building wall of residential structures may be used to provide space for privacy, landscaping, private courtyards/open areas/entryways, and similar amenities.

- 3. *“T” Intersections*: The terminus of an intersecting internal street or the main enhanced drive aisle through a parking area that meets a block at a “T” intersection should be located at approximately the mid-point of the block. It should create a focal point (Figure 9.3-16).



Figure 9.3-17
Façade articulation

4. *Buildings*:

A. *Visual Interest and Compatibility*: New buildings should create visual interest in ways that are compatible with the architectural character of the surrounding area. This may be accomplished through the use of such elements as similar rooflines, materials, colors, fenestration, and other architectural details. (Figure 9.3-17).

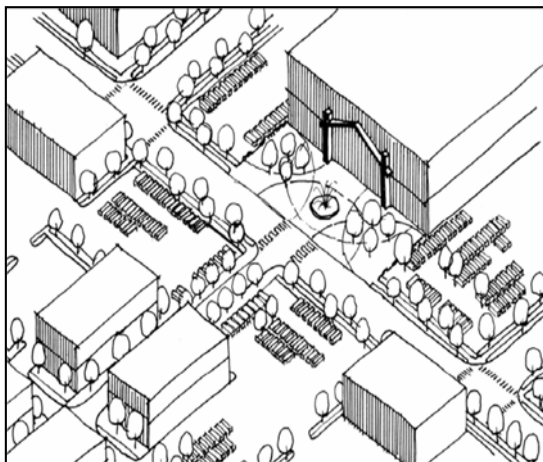


Figure 9.3-16
Building terminating at the end of main axis

B. *Texture and Relief*: All buildings should create texture and relief in facades and should avoid large, flat, unbroken, wall planes (Figure 9.3-17). They should take advantage of the sun to highlight changes in plane, material, and detail, using light and shadow.

C. *Human Scale Detailing*: Facades of buildings that face the street should incorporate human-scale detailing through the use of reveals, belt

courses, cornices, expression of structural or architectural bays, recessed windows or doors, material or material module changes, color and/or texture differences, or strongly expressed mullions.

D. Weather protection elements (Figure 9.3-18) should be complementary to the building's design and the design of contiguous weather protection elements on adjoining buildings. Materials and design should be durable and permanent.



Figure 9.3-18
Example of a retail mixed use building

E. The horizontal length of the façade (Figure 9.3-19) of the ground floor of buildings should include awnings, transparent display windows, entry awnings, or other similar pedestrian-friendly features.

F. Each building housing a principal non residential use should incorporate at least two (2) of the following additional features on all building facades facing a public street, public plaza, or public open space:

1. Arbors;
2. Arcades
3. Contrasting building materials or textures;
4. Incorporation of street furniture at the ground floor;
 - A. Incorporation of outdoor eating or seating areas at the ground floor;
 - B. Variations in rooflines along a single block face; or transparent windows that allow views into and out of the building; black, mirrored, or other opaque surfaces should never be used.

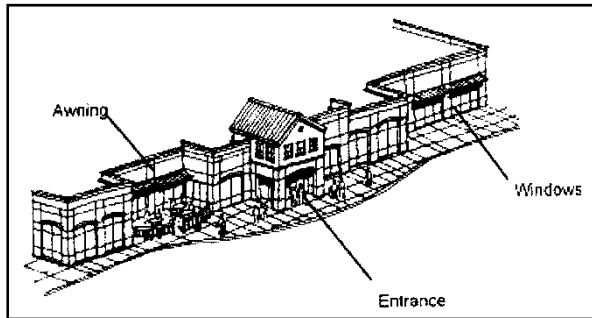


Figure 9.3-19
Large building with broken wall plane

11. MULTI-FAMILY RESIDENTIAL STRUCTURES

The following standards and guidelines apply to residential structures in MX's.

Standards

All residential structures shall comply with Article 5.28 Residential Development Standards, and 11.2 Multi-Family Residential Design Standards. Additional standards are as follows:

1. *Entries:* To provide privacy, all residential entrances within 15 of the sidewalk shall be raised from the

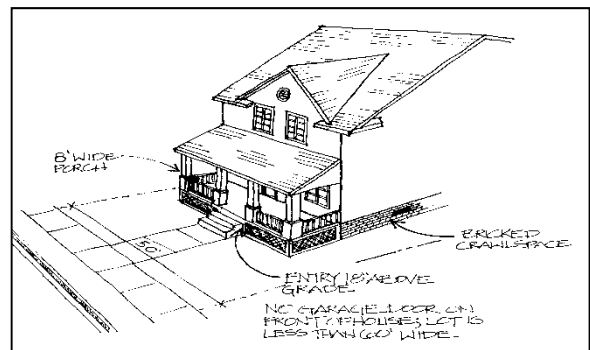


Figure 9.19-20
Example of a single family detached home meeting the requirements of this ordinance

finished grade (at the building line) a minimum of 1½ feet (Figure 9.3-20).

2. *Porches:* Useable porches and stoops shall form the predominate motif of the building design and be located on the front and/or side of the building. Useable front porches shall be at least 8 feet deep and twelve (12) feet in width (Figure 9.3-20 and 11-21).



Figure 9.3-21
Group of single family detached
homes meeting the requirements of
the ordinance.

may be used.

3. *Garages:* Garage doors are not permitted on the front elevation of any detached house on a lot less than 60 feet wide. A single car driveway shall be placed on the side of the house accessing a detached garage in the backyard of the property. Rear entry garages may be placed on any width lot. Otherwise, garage placement shall conform to Article 5.28. All garages with more than two bays shall be turned such that the bays are not visible from the street. The width of attached garages shall not exceed 40% of the total building façade.

4. *Crawlspace:* The crawlspace of buildings shall be enclosed (Figure 9.3-20). Brick, rock, stone, or stucco comprise the visible portion of the crawl space. Under no circumstances shall gray smooth face concrete block be visible. For the space beneath front porches, lattice material

5. *Townhome Detailed Design:* All building elevations visible from the street shall provide doors, porches, balconies, and/or windows (Figure 9.3-21/22). A minimum of 60% of front elevations, and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.

¹ For lots less than 60 feet wide and multi-family uses, alley/rear lane access to all off-street parking areas is required. For lots greater than 60 feet wide, access to off-street parking is permitted from the fronting street or rear lane/alley.

² Unless setbacks for specific streets are established by an approved area plan.

³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback so long as they do not interfere with traffic and pedestrian movement, utilities, or recorded easements that provide other services or access.

⁴ For lots that provide access to off-street parking from a rear lane/alley

⁵ Upper story balconies may encroach into the right-of-way (over sidewalk only) with written permission from the City Council.

⁶ In new developments, the entire setback may be allocated to one side with a minimum of 6 feet of total building separation, providing the setback condition is consistent with the block

Table 9.3-3 Dimensional Standards			
Item	Detached House, Duplex	Townhouse	Flat/Loft Building
Lot Width ¹ (Minimum)	30 ft	16 ft	n/a
Front Setback ² (Minimum)	10 ft	0 ft	0 ft
Front Setback ² (Maximum)	20ft	10 ft ⁵	8 ft ⁵
Front Yard Encroachment ³	Allowed	Allowed	Allowed
Side Setback (Minimum)	5 feet	6 ft between buildings	6 ft between buildings
Rear Setback (Minimum)	20 ft	5 ft	5 ft
Rear Setback from Alley ⁴ (Minimum)	5 ft	5 ft	5 ft



Figure 9.3-22

Townhomes that meet the requirements of the ordinance

6. Setbacks: Setbacks shall adhere to Table 9.3-3. All dimensions are subject to fire code restrictions and may vary. For lots fronting on 4 lane roads or expressways, additional setback depth may be required.

7. Rooftop Equipment: All rooftop equipment shall be screened from view.

8. Mailboxes: Community mailboxes shall provide a covered area for users and have 4 dedicated on-street or off-street parking spaces. Individual mailboxes for detached homes shall be architectural compatible with the house and utilize similar materials and colors.

9. Driveway Width: Single lane driveways serving detached homes shall be 12' in width.

Guidelines:

1. Driveways serving detached homes should be dual tread, leaving a grass strip in between.

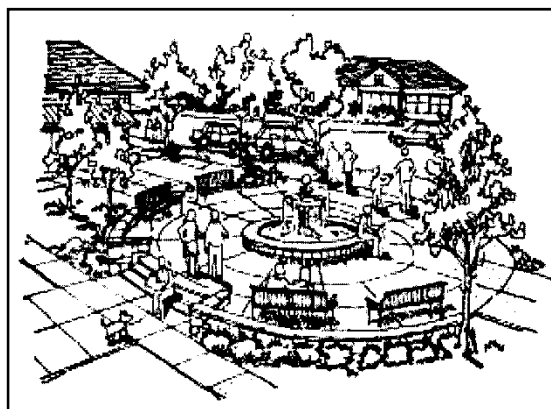


Figure 9.3-24
Pedestrian Plaza

F. REQUIRED PUBLIC AMENITIES

Standards

1. *Minimum Requirements:* All developments 5 acres or greater shall incorporate at least two (2) of the following on-site amenities or features:

- A. Patio or plaza with seating areas. Such a space shall have a minimum depth and width of ten (10) feet, and a minimum total area of three hundred (300) square feet.
- B. Asphalt is prohibited as a surface material; use of decorative pavers or textured, colored concrete is required.
- C. Patios and plazas shall include pedestrian amenities intended to support these places as gathering areas.
- D. Landscaped mini-parks, squares, or greens, provided such park or green has a minimum depth and width of ten (10) feet and a minimum total area of six hundred fifty (650) square feet, and shall include pedestrian amenities intended to support these places as gathering areas (Figure 9.3-23 and 11-24).
- E. Protected customer walkways, arcades, or easily identifiable building pass-throughs containing window displays and intended for general public access.
- F. Water feature, such as a lake, pond, or fountain (Figure 9.3-24), provided the feature is easily accessed by pedestrians and includes or integrates seating areas for pedestrians.
- G. Outdoor public art in an area that is visible from an adjacent public sidewalk or street, and easily accessed for viewing by pedestrians.



Figure 9.3-23
Pedestrian plaza

2. Any other, well-designed area and/or focal feature that the administrator finds is consistent with the intent of this subsection, substantially enhances the development and serves as a gathering place for residents, visitors, customers, and employees.

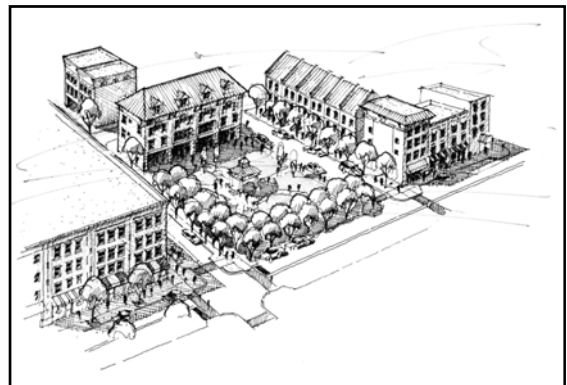


Figure 9.3-25
An "outdoor room" is created by surrounding an open plaza or

3. When a building will be adjacent to a pedestrian plaza, patio, mini-park, square or green as provided under this part (Figure 9.3-25), the building wall facing such outdoor amenity shall contain at least one (1) of the following

elements:

- A. A building entry;
- B. Windows facing onto the outdoor amenity;
- C. Arcades along the edges of the outdoor amenity
- D. Outdoor seating areas; or
- E. A similar feature that the Administrator finds will bolster security and encourage pedestrian use of the outdoor amenity.

4. If the proposed development contains an existing or proposed transit stop, the development shall include a covered structure compatible with the surrounding architecture. A minimum of two 6-foot benches shall be incorporated into the transit stop.

Guidelines

1. Patios, plazas, mini-parks, squares and greens should be proportionate in size to the development. Small-scale amenities are appropriate for small developments, and large-scale amenities are appropriate for large developments.
2. Temporary stormwater detention ponds should not be regarded as a water feature.
3. In order to serve as a focal point, a feature should be visible, become a functional part of the development, and easily recognizable as an area that encourages outdoor assembly. It may be framed by a view corridor, be placed on a high point, or be visually related to a multi-use trail or other walkway.
5. Pedestrian amenities for patios and plazas, and for landscaped mini-parks, squares or greens may include seating, lighting, special paving, planting, food and flower vendors and artwork.
6. A minimum of 25 linear feet of seating should be provided for every 1,000 square feet of open space.
7. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double.
8. Moveable chairs are encouraged.

G. MIXED USE VEHICLE ACCESS, CIRCULATION, AND CONNECTIVITY

Standards

1. *General Design:* Vehicle access, circulation, and connectivity for development in all MX zone districts shall be governed by the street standards for mixed use centers as set forth in the *City of Concord Technical Standards Manual*.
2. *Vehicle Access:* Primary vehicle access to MX's shall be provided from

perimeter arterial streets and from perimeter collector streets. Vehicle access from surrounding residential areas and adjacent neighborhoods shall be provided via perimeter collector streets and adjacent local streets.

3. *Cross Access*: Within a MX, cross access easements are required whenever necessary to ensure that adjacent parcels have adequate access to accommodate existing or future ownership patterns.
4. *Enhanced Drive Aisles*: Where the entire frontage along an internal block face consists of a parking area, an enhanced drive aisle may be utilized in lieu of a street to provide access to the parking area and circulation along the block face.
5. *Block Structure*: Development in an MX shall be based on a block structure consistent with § 9.8.19.2 in order to provide connectivity both within the mixed use development and with adjacent street systems.
6. *Street Connections*: Internal streets in MX's shall be aligned to connect with existing or planned external streets of equivalent functional classification in order to create through street connections from mixed use development to adjacent development. Where it is necessary to prevent cut-through traffic from entering residential areas, street alignments shall be discontinuous and traffic calming improvements shall be utilized.
7. *General Circulation Standard*: For all new MX development on sites that are four (4) acres or more in total gross land area, internal circulation shall be provided through an internal street system and multiple blocks.
8. *Street System*: Internal streets provided according to this section may be public or private. All public and private streets shall be designed and constructed according to the policies, standards, and guidelines governing street design in MX's outlined in the *City of Concord Technical Standards Manual*.

9. *Circulation Drives*: Along major thoroughfares, a one-way circulation drive may be permitted around the front of the building but may not encroach into the front setback or any required landscape area. If provided, this drive shall be designed to be the minimal width required (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as pavers or stamped concrete.

H. PEDESTRIAN AND BICYCLE ACCESS CIRCULATION

Developers shall provide a complete network of pedestrian paths that interconnect building entrances, parking, transit stops, public sidewalks and crosswalks, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site. Connection to adjoining parcels for bicycles shall also be provided. If no immediate benefit can be derived from pedestrian links between adjoining properties, a future at-grade link shall be provided for through a construction easement to the adjoining property.

Standards

All new development shall provide pedestrian and bicycle systems that provide continuous connections with off-site destinations according to the following standards:

1. Safe and convenient bicycle and pedestrian access from the development site shall be provided to existing and designated public bike paths or greenways located on or adjacent to the development site.

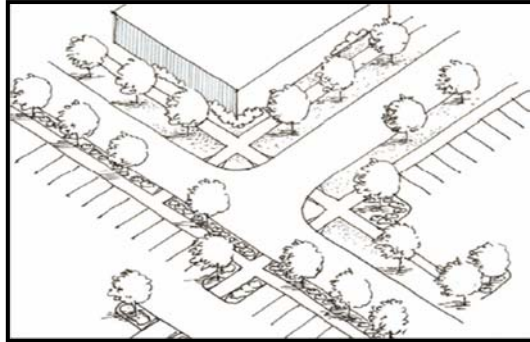


Figure 9.19-26
Pedestrian Connections

2. Connections shall be made to provide direct pedestrian and bicycle travel from within the development to adjacent uses, transit stops, perimeter sidewalks, and to major pedestrian destinations located within an adjacent neighborhood. Pedestrian access shall be provided by connection to any sidewalks or walkways on adjacent

properties that extend to the boundaries shared with the development site (Figure 9.3-26). In order to provide efficient pedestrian connections to adjacent destinations, the City may require additional sidewalks, walkways, or bike paths not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway.

3. Where a MX is located adjacent to a signalized street intersection, a pedestrian walkway shall connect the on-site pedestrian system with the intersection and shall be connected at a distance of no further than

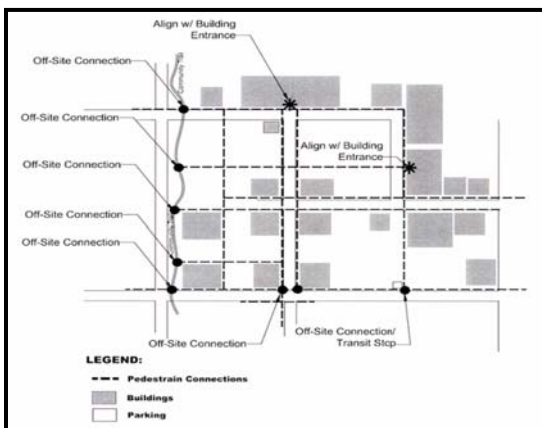


Figure 9.3-27
Pedestrian Circulation System

two hundred (200) feet from the intersection. The Administrator may grant an exception where there are no existing or planned perimeter sidewalks.

4. Connections from a perimeter public sidewalk system to the on-site sidewalks shall be made at the same block length interval as exists within the development site.
5. Bicycle lanes shall be included along collector streets where the projected motor vehicle volumes based on the traffic impact study are above 4500 vehicle trips per day and the street's posted speed limit is above 25 mph. Bicycle lanes should also be provided on any thoroughfares in

accordance with bicycle components of the adopted transportation plan bicycle master plan. Connections to adjoining bicycle paths or lanes shall be made. Bicycle lane widths shall conform to those outlined in the City of Concord Technical Standards Manual.

Guidelines

1. The intent for perimeter connections is that they be frequent and consistent with the internal (and if possible external) block pattern. For example, if a 400-foot block face exists internally, the same should apply to connect to the external walkway system.
2. When necessary to assure the public's safety in using on-site or connecting pedestrian and bike ways, the City may require the developer to provide on-site or off-site pedestrian and/or bicycle overpasses, underpasses, transit stops or traffic signalization.

I. INTERNAL PEDESTRIAN CIRCULATION AND CONNECTIONS

Standards

1. *Required Connections:* Each development shall provide an on-site system of pedestrian walkways and/or public sidewalks throughout the zone district (Figure 9.3-27) The on-site pedestrian circulation system shall provide the most efficient access route between the intended points of travel. Specifically, onsite pedestrian connections shall be provided to and between the following points:
 - A. The primary entrance or entrances to each building housing a principal use;
 - B. Existing or planned transit stops, stations, and park-n-ride locations;
 - C. Greenways or trail systems, where determined appropriate
 - D. either by the City or County Parks and Recreation Director, Livable Communities Blueprint of Cabarrus County, Transportation Plan or by the Administrator
 - E. On-site amenities

Guideline

It is important to create a pedestrian walkway system that provides direct linkages with primary destinations, otherwise alternative means of access will be used, such as short cuts through parking lots, or driving. Sidewalks and walkways should be planned early in the site design process and given a high priority, so that access is provided as efficiently as is reasonable, to destinations within and outside the site.

J. CONNECTIONS TO ON-SITE PARKING

Standards

1. All developments served by on-site parking in surface lots or parking structures shall provide either a sidewalk along the perimeter of the block or a designated pedestrian walkways through the parking lot, extending from the rows of parking furthest from the building served to either a

building entrance or to a sidewalk or walkway leading to such entrance (Figure 9.3-28). A minimum of one (1) connecting walkway or sidewalk shall be provided for every four hundred (400) lineal feet of vehicle parking area.

Where an internal block face exists or is proposed greater than four hundred feet (400'), a pedestrian walkway shall be included through the parking lot, separate from streets, such that the four hundred foot (400') minimum distance between walkways is achieved. Alternative compliance may be allowed as described in §11.8.5.5.

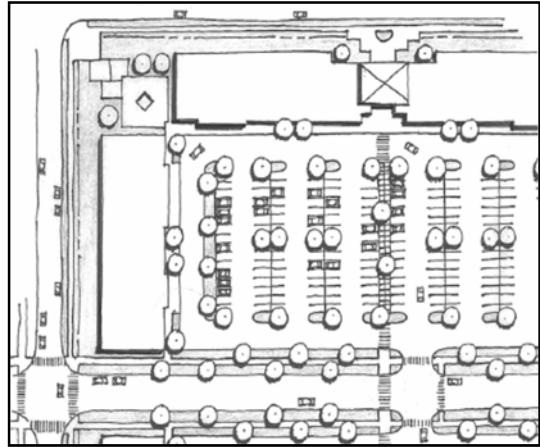


Figure 9.3-28
Pedestrian connections

2. Where an enhanced drive aisle forms the perimeter of a block, sidewalks shall be provided on both sides of the drive aisle (Figure 9.3-29).



Figure 9.3-29
Primary destination link

K. SIDEWALK/WALKWAY DESIGN

Standards

Sidewalks and walkway shall be designed according to the standards shown in the *City of Concord Technical Standards Manual*.

1. All internal pedestrian walkways and sidewalks shall have a minimum unobstructed width of six feet (6'), except that walkways for both pedestrian and bike use shall provide an unobstructed minimum pathway width of twelve feet (10'). Pedestrian and bicycle pathways connecting to greenways or trail systems are subject to standards in the *Livable Communities Blueprint for Cabarrus County*.

2. Walkways shall be designed to create a safe and uninterrupted pedestrian way, and shall avoid frequent crossings by driveways or streets.
3. Perimeter or walkways sidewalks shall be a minimum of 5 feet in width.

4. Sidewalks or walkways adjacent to a parking area where cars will overhang shall be a minimum width of 7 feet.
5. Sidewalks or walkways along the full length of a building façade, where customer entrances are located, shall be no less than 8' feet in width.
6. At each point where a sidewalk or walkway crosses a street, the walkway shall be clearly marked using a change in paving material and color.
7. Sidewalks shall be provided on both sides of the street excluding alleys.
8. Internal sidewalks and walkways shall be well lit and constructed to provide an unobstructed line-of-sight to other pedestrians, motor vehicles, and other site users.

Guideline

Walkways should provide relief from the paved expanses of parking lots and streets. A way to do this is to design pedestrian walkways as amenity areas with landscaping, benches, lighting, signage and attractive street furniture.

L. PEDESTRIAN PASS-THROUGH DESIGN

1. Where a block face is greater than four hundred (400) feet, pedestrian access shall be provided through the block or building(s) at a distance no greater than four hundred (400) feet. The pedestrian passthrough (Figure 9.3-30) must stay open, regardless of whether businesses are open or closed. Alternative compliance may be allowed as described in §9.3.11 The administrator may waive the requirement for pedestrian pass-through in cases where there is limited viability for pedestrian access such as adjacency to an expressway or freeway.
2. Alleys and service areas shall not be considered to be pedestrian pass-through, although alleys may be designed with pedestrian walkways.



Figure 9.3-30
Pedestrian pass-through

M. STREET CROSSINGS

Standards

All pedestrian street crossings shall comply with the applicable policies, standards, and guidelines governing street crossings for MX shown in the Technical Standards Manual.

Guideline

Pedestrian crosswalks across major streets should be signalized and developed with a different treatment in the crosswalk to differentiate it from the street paving and parking areas and emphasize the presence of a crosswalk. Mid-block crossings, where necessary for good access, should include similar design characteristics.

N. VEHICLE PARKING

Requirement of a Parking Master Plan: A parking master plan showing the proposed parking, for the overall development shall be approved at the time of rezoning.

All uses in an MX shall meet the motor vehicle parking requirements of Article 8, Off-street Parking and Private Driveway Standards. Due to the pedestrian nature of mixed use development, minimum parking requirements for retail, service, and institutional uses may be reduced by 25% for any use-related parking standards established in Article 8.

Supplemental Parking Standards

Minimum off-street parking amounts required for uses in MX zone districts are subject to the additional parking allowances and standards displayed in the following table by use type.

Use Type	Minimum Required Off-Street Parking Spaces within a Mixed Use Zone District
Residential Use Types	Per Article 8
Accessory Dwelling Unit	1 space per dwelling unit
Live Work Structure Residential Portion Only Non Residential Portion	1 space per dwelling unit The lesser of: a.) 1 space per 400 SF or; b.) 1 space for each non-residential employee
Commercial Use Types	1 space per 400 SF
Civic Use Types	1 space per 300 SF
Industrial Use Types	1 space per 1000 SF
Transportation Use Types	1 space per 300 SF

In additional to the standards outlined in Article 8, the following parking standards shall be applicable to all development within a MX zone district:

1. *On-Street Parking:* On-street parking is required where a particular land use will generate regular patrons for a business establishment. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation. On-street parking shall count toward any minimum parking requirements.

2. *On-Street Parking – General:* The Administrator may allow on-street parking spaces located within four hundred (400) feet of the subject use to be credited to meet up to twenty-

five percent (25%) of the minimum required off-street parking spaces. On-street parking allowed by this provision shall not be counted toward the maximum amount of parking allowed. This provision shall not apply when a new MX is created, unless the district includes newly created public streets that can accommodate on-street parking or where it can be demonstrated through a parking utilization study that the existing on-street capacity on adjacent streets is underutilized.

3. *Credit Reductions:* The administrator may reduce the minimum off-street parking requirements by up to fifteen percent (15%) for MX developments if the development is one-quarter (¼) mile of a high-frequency transit stop or a public parking deck or lot.

4. Location of Off-Street Parking lots/decks shall be located to the side or behind buildings or in the interior of a block whenever possible. Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building. No off-street parking shall be located within any front yard except for single-family residential uses or existing buildings not serviced by a rear alley. All off-street parking spaces for multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear. Figure 9.3-31 illustrates an acceptable parking configuration.

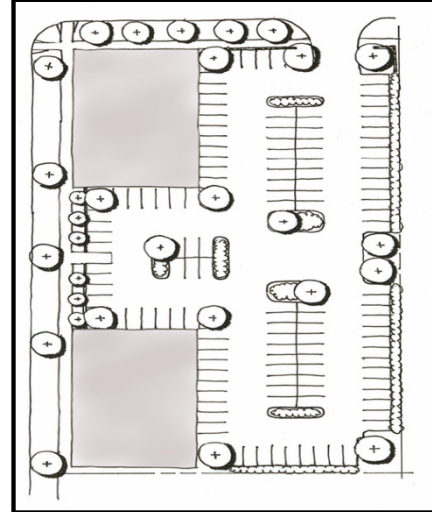


Figure 9.3-31
Acceptable off-street parking

Primary parking lots (over 24 spaces) and parking garages shall not:

- A. Abut street intersections;
- B. Be located adjacent to squares or parks; or,
- C. Occupy lots which terminate a street vista

5. *Enhanced Pedestrian Access in Parking Lots:* All off-street surface parking areas shall be located within a designated block. For block faces that are composed entirely of surface parking lot areas, a street or enhanced drive aisle (Figure 9.3-32) that provides a detached sidewalk, defined pedestrian crossings, and street or parking lot trees along the block face shall border the block face.

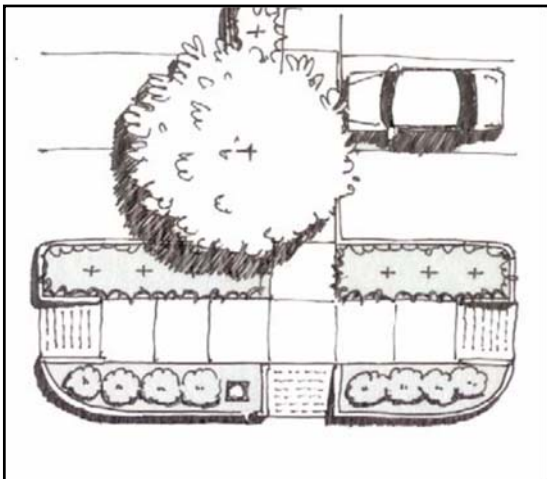


Figure 9.3-32
Enhanced pedestrian walkway

6. *Maximum Off-Street Parking Amount:* The maximum amount of off-street parking permitted for all uses in a MX shall be one (1) space per one hundred, seventy five (175) square feet of gross floor area.

7. *Exemption for Off-Street Parking in Structures:* Required off-street parking spaces provided within a parking structure (either above or below-grade) shall be exempt from the maximum off-street parking amount established above.

8. *Shared Parking Standards:* The amount of off-street parking required for a mixed use development may be reduced by an amount determined by the Administrator when it can be demonstrated through a parking demand study that sufficient parking is or can be met by the

subject uses through shared parking. The parking demand study shall provide information and evidence about the anticipated parking demand at peak times during a day and the

distance relationship between available shared parking spaces and the specific uses served.

9. *Shared Parking Required:* To promote an overall reduction in parking, the use of shared parking shall be required when the development is under the control of a single owner/developer and contains commercial, retail, office, institutional, or public uses with staggered peak parking demands.
10. *Shared Parking and Cross Access Agreements:* Where shared parking is provided, a shared parking and cross access agreement between the cooperating property owners shall be approved by the Planning Director and recorded prior to issuance of a building permit. This agreement must be recorded as a deed restriction on both properties and cannot be modified or revoked without the consent of the Administrator. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the Administrator or provide the full amount of required parking for each use, in accord with the requirements of this part.
11. *Maximum Total Reductions:* Total cumulative reductions to the minimum off-street parking requirements shall not exceed twenty-five percent (25%).

Supplemental Parking Guidelines

1. *Parking Encouraged:* The use of shared parking is strongly encouraged to reduce overall parking amounts for the following types of mixed use developments:
 - A. Residential uses in close proximity to complementary uses, such as residential adjacent to grocery stores or office uses, or uses in vertical mixed use buildings, and
 - B. Land uses with staggered peak parking demands when the individual uses are not under the control of a single owner/developer.
2. *Repair Bays:* For automobile service stations, repair garages, or other similar uses repair bays should not be counted as part of the required off-street parking spaces.
3. *Drive-up Restaurant Parking:* For restaurant types in which food is ordered from, delivered to and consumed within a vehicle, the parking requirements should be based upon the gross floor area of the building in which the food is prepared as well as the area of the parking stalls designed to accommodate in vehicle food consumption.

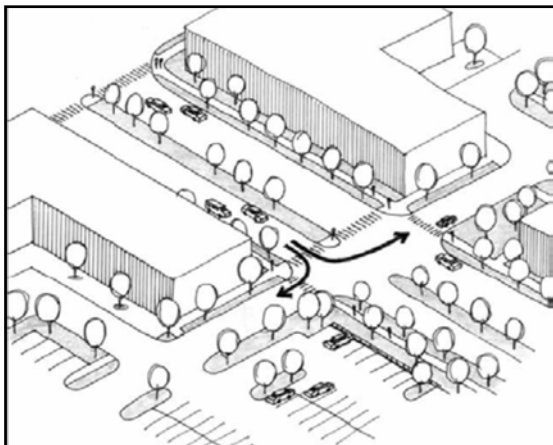


Figure 9.3-33
Dispersing incoming traffic.

4. *Dispersing of Incoming Traffic:* Off-street surface parking areas that serve buildings fronting on an entry/spine street should be located to provide the earliest possible access to automobiles after they have entered the site (Figure 9.3-33 and 11-34).

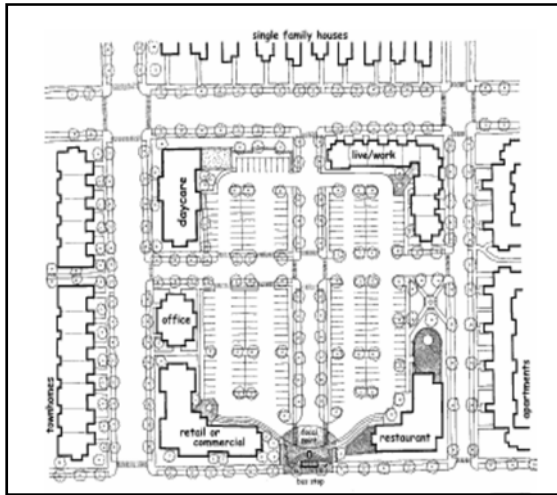


Figure 9.3-34
Example of an acceptable parking arrangement

O. PARKING STRUCTURES AND DRIVES

Standards

1. Design: The design of a parking deck (Figure 9.3-35) shall comply or include the following:

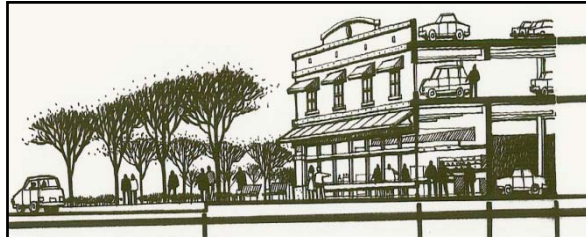


Figure 9.3-35
Example of a properly designed parking deck.

A.
The
ground
level

of a parking structure Should be wrapped by retail, office or some other active use along at least the primary façade.

B. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars.

C. No blank walls

2. Vents and Utility Openings: In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design. Decorative elements shall be used to soften openings. In no case shall cabling be sufficient to meet this requirement.

3. Vehicle Entry: The entry locations for vehicles shall be oriented away from the primary street frontage. Entry/exit locations shall be located in areas that minimize pedestrian conflicts.

4. Ground Floor Treatment: Parking structures that integrates non-residential uses on the ground floor, shall build to a sufficient depth to allow such uses. The façade of the first floor shall incorporated the same design features as required for other building facades in MX's

5. Integration with Residential Uses: When a parking deck provides parking for residential uses or is integrated with residential uses shall either:

- A. Follow the design standards outlined for non-residential uses; or
- B. Use the ground floor of the structure for parking provided the ground level façade of the structure is at least 12 feet in height and contains a false façade that integrates the same design elements as required for non-residential structures.

6. High-Quality Materials: Along pedestrian-oriented streets, parking structure facades shall be treated with high quality materials and given vertical articulation and

emphasis compatible to the principal structure. Materials shall compliment existing and planned buildings.

P. Bicycle Parking

1. Bicycle parking is required based on the use of the building and the percentage of motor vehicle parking provided for each use, as indicated in the following table below. Bicycle parking is not required for single-family houses, townhouses, and apartments of less than 4 units per building. Where fewer than 2 spaces are required, at least two bicycle parking spaces or one rack shall be provided.

2. An "Inverted U" (Figure 9.19-36) or other bicycle parking rack that supports the bicycle at two points on the bicycle frame is the minimum standard for fulfillment of the bicycle parking standards. A single inverted U rack will count as two bicycle parking spaces. Long term bicycle parking, which protects the entire bicycle and its components from theft, vandalism, and weather (such as bike lockers, locked rooms) may be provided for use by employees and students and may count toward fulfillment of the bicycle parking requirements.

3. Bicycle racks shall be located no closer than three feet from any wall to provide adequate space for access and maneuvering. Bicycle parking for customers and visitors shall be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement shall allow for visual monitoring by people within the building and/or people entering the building. Uses with several major, actively used entrances shall locate a portion of the bicycle parking at each entrance.

Use Type	Bicycle Parking Spaces per 100 Auto Spaces
Multi-family Residential (>4 bldg. units) Office/Business Services Retail Trade (except Lodging) Institutional/Civic (Non-Assembly Uses)	5
Lodging Wholesale/Manufacturing/Industrial Institutional/Civic (Assembly Uses Only)	2
Institutional/Civic (Schools)	10

Q. LANDSCAPING AND SCREENING

Standards

1. General Requirements: With the exception of the following additional standards, all landscaping shall meet the requirements of Article 11.
2. Parking Area Screening: All parking areas adjacent to public rights-of-way shall be screened from view using one of the following methods.
 - A. A berm 3 feet in height with max. side slopes of 3:1 in combination with

- evergreen and deciduous trees and shrubs
 - B. A continuous hedge of evergreen shrubs that will reach a mature height of 3 feet and provide an opaque screen.
 - C. A decorative or ornamental fence 36 to 42" high in combination with shrubs and trees planted on the inside of the wall. The amount of plant material shall meet the requirements under Article 7.
 - D. Any combination of the aforementioned methods.
3. All linear shrub beds shall be a minimum of 4 feet in width.
 4. Street trees are required on all streets in the MX zone district.

R. SITE LIGHTING

Standards

1. *Shielding*: All exterior lighting shall be arranged to reflect away from any adjoining premises and any public right of way, and shall be shielded to contain all direct rays on the site. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield. When a canopy (freestanding or attached) is illuminated, the lighting fixture shall not extend below the ceiling of the canopy. All exterior lighting within a MX, including signage lighting, shall meet the following additional standards:
2. *Lighting Plan: Plan required*: Applicants shall submit a detailed lighting plan with final site plan applications. Plan shall indicate fixture types, pole design, location, and footcandle spread. A development-wide lighting plan shall address at a minimum the general location and general types of lighting to include the following:



Figure 9.3-37
Example of appropriate light fixtures

- A. Public and private street lighting, pedestrian lighting, parking lot lighting, residential area lighting, signage lighting, and lighting for service and delivery areas.
- B. Street lighting in residential and retail areas shall include pedestrian-scale, decorative streetlights no taller than 20 ft.
3. *Shielded Lights*: Fully shielded lighting fixtures shall be used in all parking areas, in service and delivery areas, (Figure 9.3-37) in residential areas, and for signage.
4. *Minimum Lighting Standard*: Ornamental light fixtures may be used in streetscapes; however, public street lighting shall meet

the standards of and be approved by Concord Transportation Department.

Guidelines

1. The character of a development should be reflected in its lighting. The light fixtures along

streets should contribute to a coordinated, attractive streetscape that works well with street trees, curb cuts, signage, street furniture and other features to create continuity in the streetscape.

2. A mixed use development should be designed to create compatibility between commercial and residential uses. The types of issues that would be addressed are glare, safety, illumination levels, clear designation of pedestrian ways, and aesthetic appeal.
3. Pedestrian circulation is encouraged and therefore pedestrian oriented lighting is encouraged. Pedestrian area lighting should emphasize the location of pedestrian ways and be in character with the architectural and landscape design of the center.
4. The use of a greater number of low fixtures is preferred over fewer taller fixtures.
5. Parking area lighting should complement the lighting of adjacent streets and properties, with consistent fixtures, source colors and illumination levels. When adjacent to pedestrian circulation and gathering areas, parking area lighting should not overpower the quality of pedestrian area light

S. STREET NETWORKS

Mixed use centers are intended to incorporate all modes of transportation (motorized vehicles, bicycles, transit and pedestrians) both safely and efficiently by meeting the design standards for streets in *Mixed Use Developments* outlined in *City of Concord Technical Standards Manual*.

Since mixed use developments tend to create higher traffic impacts than single use development, mixed use centers will be limited to locations along arterial and collector streets, with the cross-street for an arterial being no less than a collector. This minimizes the impact on adjacent residential neighborhoods. A mixed use center has the potential to reduce traffic impacts by providing alternatives to automobile trips within the neighborhood and convenient connections to the regional transit and bicycle systems. Additionally, a mixed use development will produce more internal automobile trips than a convention development. Except as expressly waived, the Traffic Engineering Department will adhere to standards set forth in the *City of Concord Technical Standards Manual*.

Standards

1. *Basic Design*: All streets shall be designed to meet City of Concord street found in the *City of Concord Technical Standards Manual*.
2. *Driveways*: Driveways spacing shall comply with Concord Transporting Engineering requirements and the *City of Concord Technical Standards Manual*.
3. *Access*: A minimum of one access point per property ownership shall be permitted, which may be jointly shared with adjacent properties.
4. *Traffic Study*: A traffic impact study may be required if the City Traffic Engineer determines a need.

5. *Connectivity*: The Connectivity Ratio set forth in the adopted small area plan or concept plan shall apply to all new development. Streets shall interconnect within the development and with adjoining development. Street stubs shall be provided with development adjacent to open land to provide for future connections. Streets shall be planned with due regard to the designated corridors on the adopted Thoroughfare Plan.
6. *On Street Parking*: All on-street parking should be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted speed is 20 mph or less.
7. *Street Pattern*: Streets shall be laid out in a pattern that conforms to an adopted small area plan or concept plan.
8. *Curbs and Drainage*: Standard curbing is required along all streets with on-street parking. Mountable curbing is permitted around center medians, roundabouts, and other features in order to facilitate the infrequent use by vehicles with larger turning radii. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).
9. *Cul-de-sacs*: The use of cul-de-sacs in place of complete through street connections is strongly discouraged. However, when a cul-de-sac is determined to be the most practicable option, it shall not exceed (500) feet in length.
10. *Signalization*: Signalized access will only be allowed when agreed to by the Traffic Engineer or his designee and only when traffic impacts are forecast to meet signal warrants as identified in the Manual on Uniform Traffic Control Devices (MUTCD). Pedestrian signals will be allowed when traffic and/or pedestrian impacts are forecast by the Traffic Study to meet signal warrants as defined in the MUTCD. The installation of traffic and pedestrian signals for proposed development will not be the responsibility of the City of Concord. Signalized access will only be allowed for streets constructed to City standards.
11. *Blocks*: Mixed use developments will be based on a block structure in order to provide connectivity and to allow block length combinations that provide flexibility in providing pedestrian access and signalized access when warranted. Block lengths, as measured from curb face to curb face, will be a minimum of two hundred (200) feet and a maximum of six hundred (600) feet, with the average of all block lengths in a mixed-use development not to exceed five hundred (500) feet. No vehicular access will be allowed into MX within six hundred (600) feet of two intersecting principal arterials or higher classified roadways or as allowed by the City Traffic Engineer.
12. *Pedestrian Access*: Pedestrian and/or bicycle access into the site will be required within two hundred (200) feet of two intersecting principal arterials.
13. *Driveway Length*: Driveways that provide access to parking lots from perimeter streets into MX's shall be of sufficient length to allow vehicles to enter the center and not be obstructed from on-site conflicts in which traffic queues (Figure 9.19-

38) onto the public or private street system. Typical stem lengths can be found in following table.

General Guide for Driveway Length

Peak Hour Driveway Entering Volume	Unsignalized Minimum Driveway Length (x)	Signalized Minimum Driveway Lengths (x)
0-25	25	75
25-50	50	100
50-75	75	125
75-100	100	150
100-125	125	175
>125	150	200

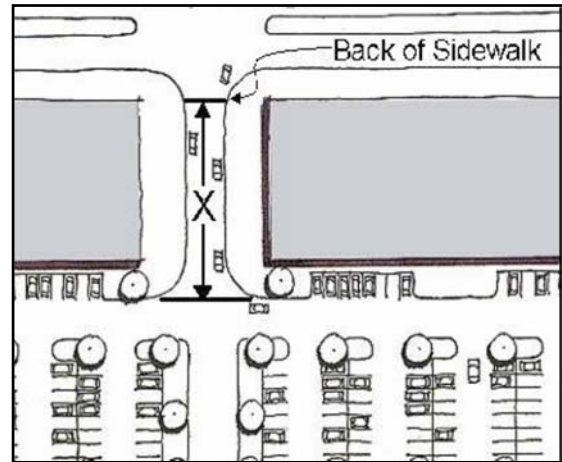


Figure 9.3-38
Illustration of an Entry Drive

14. *Main Entry*: Entry/spine streets are required for all Commercial Center (MX-CC1 and MX-CC2) and Regional/ Employment Center (MX-IB) mixed use developments. Entry/spine streets shall provide their main access from arterial streets into the center and are intended to clearly identify a driver has entered a “unique” area.
15. *Curb Extensions*: Curb extensions/Bump Outs shall be required on all public and private street intersections where on- street parking is allowed (Figure 9.19-39). Curb extensions will not be allowed to extend across an on-street bicycle lane or across a right-turn lane.
16. *Sight Distance*: Clear sight distances free from obstructions must be *maintained* to allow vehicles to safely make turns at intersections and for pedestrians to have adequate time to cross the street. Intersection design shall meet MUTCD the Transportation Department guidelines and may include enhanced crosswalks with directional ramps, pavement treatment, median refuge islands and pedestrian indicators (Figures 11-40).
17. *Pedestrian Safety*: Pedestrian refuge areas or medians are required on all roadways classified as major collector and above. All pedestrian crossings (Figure 9.19-40) shall comply with the standards set forth in the Americans with Disabilities Act (ADA) and/or City of Concord Technical Standards Manual, whichever is the stricter rule. Pedestrian ramps shall be oriented directional only.



Figure 9.3-39
Curb Extensions

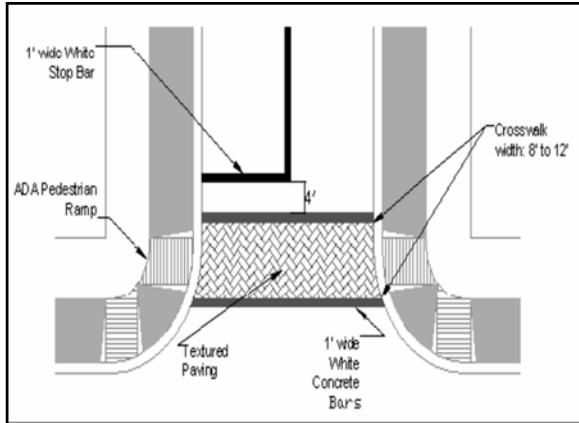


Figure 9.3-40
Acceptable Pedestrian

Guidelines

1. **Traffic Calming:** The use of traffic calming devices such as raised intersections, landscaping bulb-outs, horizontal speed bumps, and traffic circles are encouraged as alternatives to conventional traffic control measures.

2. **Curb-Return Radii:** Curb should be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In

general, curb radii should not exceed 20 feet.

3. **Crosswalk Patterns:** Delineated crosswalks with patterned surface can be effective traffic control devices; however, they should not be used indiscriminately. It has been shown that pedestrians may develop a false sense of security regarding their use of a marked location and step into the crossing without adequately checking for oncoming vehicles. Information from the

5. **Storage Lanes:** Left- or right-turn storage lanes may be required along arterials or parkways and along entry/spine streets that provide access to a MX. The specific design of such lanes shall meet the criteria established by the Transportation Department.

9.4 Traditional Neighborhood Development (TND)

9.4.1 Purpose and Intent

- A. The TND option is designed to permit the development of land in a manner consistent with traditional neighborhoods. Its provisions adapt the urban conventions which were normal in the United States from colonial times until the 1940's. The TND ordinance prescribes the following physical conventions:
1. The neighborhood is spatially consistent and limited in size.
 2. Residences, shops, workplaces, civic buildings and parks are interwoven within the neighborhood, all in close proximity and connected by a system of sidewalks.
 3. The hierarchy, design and detailing of streets, serves equitably the needs of pedestrians, bicycles and automobiles.
 4. Carefully placed civic buildings and squares reinforce the identity of the neighborhood.
 5. Spatially defined squares and parks are distributed and designed as specialized places for social activity and recreation.
 6. Civic buildings provide places of assembly for social, cultural and religious activities, becoming symbols of community identity through their architectural clarity.
 7. Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.
 8. Architecture and landscape respond to the unique character of the region and traditional design principles with attention toward a classic sense of timelessness. Designs shall preserve the charm and unity of the neighborhood as a whole.
 9. By providing a full range of housing types and workplaces, residents of all ages are blended together, forming the bonds of an authentic community.
 10. The provision of comfortable public spaces such as streets and squares, residents may come to know each other to watch over their collective security.
 11. By bringing within walking distance most of the activities of daily living, including dwelling, shopping and working, the elderly and the young gain independence of movement.
 12. The compact layout of TND reduces the requirements for infrastructure, automobile use and traffic congestion. By organizing appropriate building densities, public transit becomes a viable alternative mode for local travel.

- B. A set of restrictive covenants and design requirements shall be established for each TND by the developer and shall be binding on all properties and their property owners.
- C. A property owners association, shall be formed to guide the growth, enforce the restrictive covenants, and preserve the unique characteristics of the TND.
- D. This section contains procedures and standards for the processing of TND's both in new subdivisions and site plan applications on large, undeveloped parcels (referred to as "Greenfield" sites), and on existing parcels surrounded by developed areas (referred to as "infill" sites)

9.4.2 TND District Described

- A. The TND district is hereby established as a special purpose district and shall be processed as a Conditional District zoning under section § 3.3 and is eligible to be reviewed under the procedures for expedited rezoning pursuant to § 3.4.
- B. Applications for a TND district shall be classified as either (a) TND GREENFIELD (b) TND INFILL.

9.4.3. Application Procedures

- A. There are two procedures for approval of a TND:
 1. First, the applicant may seek approval of a TND district as a Conditional District re-zoning pursuant to § 3.3, with site design and architectural guidelines, which supplement this Section.
 2. Second, the applicant may seek approval of a TND subdivision in accordance with the guidelines set forth in this Section and Article 5. Such applications shall be labeled "TND Subdivision" and may be processed and approved in accordance with the subdivision plat approval procedures set forth in Article 5 without first seeking a rezoning to the TND District.

9.4.4 TND Greenfield

All applications for a TND Greenfield site shall comply with the following development parameters.

- A. **Size and Location of Site.**
 1. The minimum size of the site shall be forty acres and the maximum size shall not exceed 640 acres excluding areas devoted to peripheral parks, open space, and internal or peripheral greenways. Larger parcels shall be developed as multiple TNDs, each individually subject to all the provisions of this subsection. A TND may be located adjacent to, but shall not be bisected by, a thoroughfare.
 2. **The Site shall be divided into the following subareas:**
 - A. A Town Center consisting of civic, retail, office, and multi-family uses. The size of the Town Center is based on the size of the entire site (see § 9.4.4.B., below).

B. A Neighborhood or series of neighborhoods consisting of blended multi-family and single-family uses, small-scale Retail and workshop uses, and public outdoor gathering places. It is the intent of this Ordinance that all areas within a Neighborhood are within a five-minute walking distance from edge to center (radius of 1320 feet).

C. Greenway areas which provide a greenway system for the community, open space for community residents, and natural areas for stormwater management. Greenways may border and/or traverse the TND site.

B. Land Use

1. Carefully blended land uses form the essence of Traditional Neighborhood Development. Uses within different land use categories, may abut at rear lot lines or at side lot lines (subject to § 9.4.4B, below). Open space, such as parks, squares, greens and plazas shall be considered similar land uses with all TND use categories.
2. The following land use categories may abut at side lot lines or face across a street, square, park or common space:
 - A. Single family may abut multi-family and small scale institutional;
 - B. Multi-family may abut single-family, office, civic, institutional or retail;
 - C. Retail may abut multi-family, office, civic or institutional;
 - D. Retail uses include shops, restaurants, entertainment and lodging .
 - E. Office may abut retail, institutional, civic, or multi-family.
 - F. Institutional may abut single family (if the institutional use is small in scale), multi-family, office, civic or retail.
 - G. Institutional uses include privately owned uses including religious buildings, non-profit institutions, private recreational facilities, clubhouses, museums, cultural societies, visual and performance arts buildings.
 - H. Civic may about institutional, multi-family, office or retail.
 - I. Civic uses include governmentally owned or funded uses that include public schools, libraries, post offices, municipal offices and meeting halls. EMS, fire and police stations are also civic uses, but due to noise considerations are more restricted in their location.

3. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from Multi-family or Single-Family land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design measures are ineffective.
4. Land use for corner lots which front on streets of dissimilar use shall be designated within the more intensive use category.
5. Prohibited Uses anywhere within a TND:
 - A. Automatic food and drink vending machines placed outside;
 - B. Any commercial use which encourages patrons to remain in the their automobile while receiving goods or services, except gasoline stations;
 - C. Chemical manufacturing, storage or distribution as a primary use;
 - D. Enameling, painting or plating, except artist's studios;
 - E. Outdoor advertising or billboard as a principal use;
 - F. Carting, moving or hauling terminal are yard, except delivery goods to businesses within a TND;
 - G. Correctional institutions, detention centers or halfway house;
 - H. Manufacture, storage, or disposal of hazardous waste materials;
 - I. Scrap yards;
 - J. Manufactured homes;
 - K. Sand, gravel, or other mineral extraction;
 - L. Kennels;
 - M. Any use or business controlled under the Adult Entertainment use category;
 - N. Any use which produces any of the adverse impacts defined as prohibited under the definition of light and heavy Industrial Uses.
 - O. Any use listed in the I-1 and I-2 Zoning Districts of Table 7.6-1 under Manufacturing and Industrial Uses or Transportation, Warehousing and Utilities Uses, as well as the following uses listed as special uses in the I-1 district:
 - Correctional Institutions
 - Heavy Truck, RV and Semi-Trailer Rental & Leasing
 - Building Material Supply (with outdoor storage)
 - Equipment Rental & Leasing (with outdoor storage)
 - Lawn & Garden Supply (with outdoor storage)
 - LP Gas & Heating Old Dealers
 - Racetracks/Spectator Sports (includes racing test tracks)
 - Chemical, PlastiSS & Allied Products

- Lumber & Construction Materials (with outdoor storage)
- Metal & Pipe Supply (with outdoor storage)

C. Lots and Buildings

1. All lots shall include frontage abutting a street, square or common open space.
2. The main entrance of all buildings (excluding outbuildings) shall open to a street, square or common open space of at least 20 feet.
3. All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.
4. Front or side yard porches of at least eight feet in depth and 12 feet in width shall be provided on not less than 70 percent of all dwelling units within the Single-family land use allocation.
5. The height of the eave or parapet wall of buildings facing across streets shall be sufficient to achieve an Enclosure Ratio for buildings, excluding buildings which face a Park, Square or common open space (of at least 20 feet in width), shall conform to the following ratios (the first number is the building height, the second number is the measurement from face of building to face of building.) The ground floor use shall designate the ratio:
 - A. Civic, Retail, Office Uses - 1:3.5
 - B. Multi-family, 1:4
 - C. Single Family Uses shall have their building front elevation set according to a single family "Build-To" line along the frontage established on the approved TND plan . Adjacent houses shall vary their setback slightly (no more than 2 feet) so as not to perfectly align with the adjacent dwelling.

D. Retail and Office Uses

1. Retail and Office use buildings within or fronting on the Town Center shall conform to the Master Plan approved at the time of rezoning. Retail and Office Uses shall be situated on the Master Plan such that the buildings create a walkable pedestrian friendly streetthrough building design and placement. Major changes to the building Master Plan shall be approved by the Planning and Zoning Commission.

E. Street, Alleys, Sidewalks, Street Trees, Street Furnishings and Utilities

1. The Connectivity Ratio set forth in the Article 10 shall apply to the TND. The street standards for TND roadways are based on proven techniques for traffic calming and acceptable levels of vehicular circulation. Streets shall be designed in accordance with the Traditional Neighborhood Development Guidelines from the N.C. Department of Transportation, Division of Highways (August, 2000 or most current edition).
2. There shall be a continuous network of alleys to the rear of building lots within the TND, except when topography or physical feature makes

impractical and as otherwise permitted herein. Dead end alleys are strongly discouraged, but in no circumstances shall an alley have a dead end length of over 100 feet.

3. An on-site transit stop shall be provided where the proposed TND is within the service area of a City bus system, a Public Transportation Authority or a Regional Public Transportation Authority.
4. Sidewalks in residential areas shall be located on both sides of the street and shall be separated from the roadway by a planting strip and/or designated parallel parking. If a planting strip is provided, it shall be a minimum of 6 feet in width. Sidewalks located in the Retail/Office/Town Center area may extend from the back of curb to the buildings and/or plaza areas. Where this option is used by the developer, planting beds for trees and/or designated areas of landscaping shall be incorporated into sidewalk areas to create a "downtown streetscape". All proposed sidewalks shall be included on the Master Plan at the time of rezoning.
5. Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in Article 11, Landscaping and Buffering. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the TND commercial district or within an area subject to heavy foot traffic, design measures (such as tree grates) shall be installed as a measure to protect the tree root system.
6. Street furnishings shall include but not limited to:
 - A. Commercial Areas: Pedestrian scale decorative street lights, decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features.
 - B. Residential Areas: Pedestrian scale decorative street lights, decorative street signs.
7. To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located within the alley ROW and not along the streetscape frontage. It is assumed that domestic water service and sanitary sewer will serve from the streetscape frontage, but will be located in such a way to cause the least impact on the planting strip and required street trees. Public Utility Departments, Companies and their contractors shall be required to cooperate with this effort.

F. Parking

1. A Parking Master Plan showing the proposed parking for the overall development shall be approved at the time of rezoning.
2. On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking

(such as within a single family area) can be accommodated without additional pavement width or delineation.

3. On-street parking shall be provided on streets abutting squares, small parks or other urban open spaces.
4. For interior commercial parcels, no less than 75 percent of the parking space shall be located to the rear of the building being served. Commercial parcels fronting on non-pedestrian oriented major arterials may locate primary parking lots along this frontage. Where primary parking abuts streets within the interior of the TND, screen walls shall be erected on the frontage line where primary parking lots are located.
5. Primary parking lots (over 24 spaces) and parking garages shall not:
 - A. abut street intersections;
 - B. be located adjacent to squares or parks; or
 - C. occupy lots which terminate a street vista.
6. Adjacent parking lots shall have vehicular connections from an alley.
7. Parking for retail and service uses shall not require on-site parking provided, however, that: (1) the required parking, in accordance with § 10.3, is available within a six-hundred-foot radius of the activity; (2) the total floor space for the individual uses does not exceed 2,500 square feet of gross floor area; and (3) such uses are restricted to Retail and multi-family areas. Due to the pedestrian nature of the TND, parking requirements for retail, service and institutional uses may be reduced by 25 percent of any use related parking standards established in § 10.3. On-street parking shall count toward any minimum parking requirements.
8. Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.
9. Shared parking may be used for multiple sites if a written agreement between the owners and lessees is executed for a minimum of 10 years, approved by the Administrator, and recorded at the Cabarrus County Registry with a copy maintained for the project file. A recorded subdivision final plat showing the shared parking may be submitted in lieu of the written agreement.

G. Landscaping and Buffering

1. A Landscape Master Plan shall be approved at the time of rezoning for the overall development. The Master Plan must show that the proposed landscape meets the intent of the ordinance and includes the different types of planting yards, as defined in Article 11, for each project area or parcel, whichever is applicable. In instances where the buffer width and intensity defined in Article 11 may not be appropriate, the Administrator may make reductions or adjustments as

deemed necessary. However, the adjustment or reduction may not be such that it includes the deletion of any of the planting yards.

2. The purpose of this Section is to ensure that trees are used as a design element to provide visual identity to the TND and to reinforce the public function of streets. Street trees shall be planted along all streets at a average center to center spacing based on the mature spread of the particular street tree.

H. Town Center

1. Land Allocation and Location. The Town Center shall have a minimum area of square foot of Town Center for each 500 square feet per of gross site area of the entire TND site (excluding Greenway areas). Commercial areas shall only be permitted where designated on the Site Plan. A town center shall be located only on a street with adequate capacity to serve it.

Example: A proposed TND has a gross site area of 300 acres, with an additional 8 acres of greenway running through the site, for a total of 38 acres?. The minimum square footage for the Town Center is 26,136 square feet (13,068,000 square feet gross site area divided by 500 square feet = square feet in Town Center).

2. Retail and Office. The character of the Town Center is primarily aimed at small-scale retail, service and office uses. However, larger anchor stores or uses may be included as part of an overall commercial package. Such proposals will be evaluated on a case-by case basis.

I. Open Space

1. The proposed development shall include at least the amount of open space as prescribed in Table 10.5.13. Open Space shall comply with the design requirements of § 10

J. TND Site Plan

1. In addition to the preliminary plat and/or conditional district re-zoning requirements specified in Articles 5 and 6, the TND Site plan shall also include all aspects of the spatial relationships proposed for the Traditional Neighborhood Development including:
 - A. layout and dimensions of lots, setbacks (build-to-lines) roadways, alleys, underground utilities, open spaces and all information required to define the relationships within the streetscape;
 - B. designated land uses and associated building heights with proposed streetscape enclosure ratios;
 - C. proposed streetscape furnishings including the pedestrian lighting plan;
 - D. proposed street tree landscape plan;
 - E. outline covenants and design codes;

K. Sign Standards

Sign standards shall be governed by Article 12 or by a Comprehensive Sign Package. The Comprehensive Sign Package shall be processed in accordance with § 6.2. The Comprehensive Sign Package must show the proposed signage for the overall development and that the proposed signage meets the intent of the Ordinance.

9.4.5 TND Infill

All applications for a TND Infill site shall comply with the following development parameters:

A. Land Allocation and Density

A single land use category, as set forth in Table 9.2-1, may be approved as a TND Infill site. The requested densities shall conform to § Table 7.6.2.A.

B. Land Use

1. Land use category may be determined from Table 9.4-1, below. Adjacent sites may count towards the land use allocation providing it falls into one the categories listed in Table 9.4-1.

(A)	(B)
TND Land Use Category	Zoning Category
Civic	C-1, C-2
Retail	B-1, C-1
Office	O&I ? C-2

Table 9.4-1

2. Carefully blended land uses form the essence of Traditional Neighborhood Development. Uses within different land use categories, may abut at rear lot lines or at side lot lines (subject to § 9.4.5.C.3. below). Open space, such as parks, squares, greens and plazas shall be considered similar land uses with all TND use categories.
3. The following land use categories may abut at side lot lines or face across a street, square, park or common space:
 - A. Single family may abut multi-family, office, and small scale institutional;
 - B. Multi-family may abut single-family, office, civic, institutional or retail;
 - C. Retail may abut multi-family, office, civic or institutional. (Retail uses include shops, restaurants, entertainment and lodging.);
 - D. Office may abut retail, institutional, civic, or multi-family.
 - E. Institutional may abut single family (if the institutional use is small in scale), multi-family, office, civic or retail. (Institutional uses include privately owned uses including religious buildings, non-profit institutions, private recreational facilities, clubhouses, museums, cultural societies, visual and performance arts buildings.);

F. Civic use may abut institutional, multi-family, office or retail. (Civic uses include governmentally owned or funded uses that include public schools, libraries, post offices, municipal offices and meeting halls. EMS, fire and police stations are also civic uses, but due to noise considerations are restricted to locations where their potential nuisance impacts on other land uses are less.

4. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from Multi-family or Single-Family land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design measures are ineffective.

5. Land use for corner lots which front on streets of dissimilar use shall be designated within the more intensive use category.

A. Prohibited Uses. (See 9.4.4.B.5)

C. Retail and Office Uses

1. Due to the limited scale of the infill TND, Retail and Office uses should be located at the edges of the TND development, but spatially well connected to the TND residential areas.

2. Retail and Office use buildings within the TND shall conform to the standards outlined in § 9.3

D. Open Space

The proposed development shall include at least the amount of open space as prescribed in Table 10.5.13. Open Space shall comply with the design requirements of Column (F) of Table 9.2.5-2.

Table 9.4.5-2 Design Standards for a TND

(A) <i>OPEN SPACE USES</i>	(B) Minimum Land Allocation	(C) Maximum Land Allocation	(D) Minimum Floor Area Ratio (FAR)	(E) Maximum FAR	(F) Design Standards
<i>Open Space</i>	Greater of 5% Gross Land Area (GLA) or 5 acres	40% GLA	n/a	n/a	Open space should be bounded by streets on at least 25% of their perimeter.
<i>Square</i>	15,000 sq. ft.	70,000 sq. ft.	n/a	n/a	Square shall count toward required open space A minimum ½ acre square should front or be located within the Town Center. Squares should adjoin streets on at least two sides. Squares should be distributed throughout the TND so as all dwelling units are located within 1,000 feet (walking distance) of a square.
<i>Greenbelts</i>	May be provided at the perimeter of a TND if adjacent land is incompatible	n/a	n/a	n/a	Greenbelts differ from other types of open space in that existing natural vegetation and wildlife is undisturbed except for bikeways and walking trails. Greenbelts should average at least 100 feet in width and not less than 25 feet at any point.

- E. TND Master plans shall be processed as a conditional district and processed in accordance with § 3.3.
 - 1. In addition to the preliminary plat and special use requirements specified in Articles 5 and 6, the TND Site plan shall also include all aspects of the spatial relationships proposed for the Traditional Neighborhood Development including:
 - A. layout and dimensions of lots, setbacks (build-to-lines) roadways, alleys, underground utilities, open spaces and all information required to define the relationships within the streetscape;
 - B. designated land uses and associated building heights with proposed streetscape enclosure ratios;

- C. proposed streetscape furnishings including the pedestrian lighting plan;
- D. proposed street tree landscape plan;
- E. an outline of covenants and design codes.

F. Sign Standards

Sign standards shall be governed by Article 12 (New Article 13) or by a Comprehensive Sign Package. The Comprehensive Sign Package shall be processed in accordance with § 6.2. The Comprehensive Sign Package must show the proposed signage for the overall development and that the proposed signage meets the intent of the Ordinance.

9.6 Manufactured Home Park (MHP) District

9.6.1 Purpose

The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in for-lease parks in order to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate income persons.

9.6.2 Classification of Manufactured Homes

- A. The following classification system is hereby adopted for purposes of this Section:
 - 1. Manufactured Home - Type I. A single-section manufactured home less than 17 feet in width.
 - 2. Manufactured Home - Type II. A multi-section manufactured home greater than or equal to 17 feet in width.
- B. The width of a manufactured home shall be determined by mean width when all sections are in a final assembly arrangement.

9.6.3 Design and Installation Standards for Manufactured Home Parks

- A. Each application for a manufactured home park as a Special Use Permit if there is a choice shall be accompanied by a master plan. The master plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements that may be considered essential by the Planning and Zoning Commission. The master plan shall show how all proposed improvements will meet the following minimum standards.
- B. The minimum land area for the entire site shall be 5 acres.
- C. In lieu of the dimensional and density requirements of §7, Table 7.6.2.A, spaces for manufactured homes shall comply with the criteria set forth in Table 7.6.2- A and 7.6.2-B.
- D. All manufactured home spaces shall abut upon a paved internal street not less than 24 feet in paved width exclusive of parking.
- E. All manufactured home spaces shall be served by at least a three-foot all-weather surface sidewalk.
- F. Four-foot wide all-weather surface sidewalks must serve all common spaces.
- G. Two off-street paved parking spaces shall be provided for each manufactured home space.
- H. Each manufactured home park shall have a minimum of 5 percent of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed - the fence is required by the Health Dept anyway
- I. Operators of manufactured home parks must provide adequate solid waste refuse and recycling containers. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home unit and at least 10 feet away from internal residential streets. Recycling containers shall be emptied on a regular basis and shall be the responsibility of the park operator.

- J. A manufactured home park must be served by an approved community or public water service. Approved community or public sewer shall be required.
- K. Adequate illumination shall be provided to ensure the safe movement of pedestrians and vehicles at night. Permanent buildings designed for and used by park residents shall remain illuminated to at least the level of 40-foot candles at all times.

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<i>STANDARD</i>	<i>MANUFACTURED HOME TYPE I (SINGLE-SECTION)</i>	<i>MANUFACTURED HOME, TYPE II (DOUBLE-SECTION)</i>
Area of Space (square feet)	4,000	5,000
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent buildings)	25	25

9.7 Public Interest Development (PID) District

9.7.1 Purpose

It is the purpose and intent of this Section to permit the creation of Public Interest Development Districts (PID) in areas designated by the City Council as having special and substantial public interest, by virtue of unique environmental, economic, cultural, entertainment, or other characteristics or conditions not generally shared by other areas of the City. It is further intended that such districts and the regulations established therein shall be in accord with and promote the policies set forth in the City's Comprehensive Plan. Because the PID addresses situations which affect the entire region, which create intermittent or unusual impacts and public benefits, and which require flexibility in the administration of land use regulations, and in order to avoid the potential for abuse of the PID rezoning process, it is the intent of this Section that only the existing PID districts, will be permitted within the jurisdiction of the City. The three PID districts are:

- Charlotte Motor Speedway as adopted in City Council ordinance # 99-13 that incorporated zoning case Z-37-98. The standards and provisions of the ordinance and zoning case are incorporated into this ordinance by reference as if written out herein
- Carolinas Medical Center Northeast
- Cabarrus County Arena and Events Center

9.7.2 Permitted Uses

The uses and signage permitted in a PID district shall be regulated as set forth in the PID application, as amended and approved by the Planning and Zoning Commission and/or Concord City Council. Additionally, signage/banners that have been approved through licensing agreements between Concord City Council and the property owner(s) and have received NCDOT approval are permitted.

9.7.3 Effect of PID Designation

A PID may be created as either a new district which completely replaces the existing zoning for a specific area, or may be created as an overlay district which supplements the existing underlying zoning districts. Subsequent to designation as a PID, all property within the district shall be developed in accordance with the standards of the district and other applicable requirements of the City of Concord.

9.7.4 Application of A PID Designation

Application for a PID may be initiated by the City Council or the Planning & Zoning Commission, or by the owner of a property for which a PID district is sought to be designated. Each application shall include a unique designation which clearly identifies the proposed district and shall include the information listed below:

- A. Statement of Intent specifying the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations.
- B. Proposed District boundaries, including any subareas, which must include a map of the proposed district and may utilize narrative descriptions and /or other references to further define the proposed area.
- C. A statement as to whether the proposed district is a replacement district or an overlay district.
- D. Proposed regulations and/or modifications to regulations, which by virtue of the unique characteristics of the district, are appropriate and reasonable to protect the public's interest in the area.
- E. Procedures for the administration of the regulations in the district which may include processes unique to the district.
- F. A conceptual plan which depicts the general nature of the proposed district and the general distribution of the uses allowed in the district.

9.7.5 Limitations

Applications for PID classification shall only be considered for tracts larger than 25 acres, unless the petition would add land to a previously established PID.

9.8 Historic Preservation Overlay (HPOD) Districts

9.8.1 Purpose

Concord's designated historic districts, hereinafter referred to as the "districts," and historic landmarks, hereinafter referred to as "landmarks" are some of the most valued and important assets of the City of Concord. They are established for the purpose of protecting and conserving the heritage of the City of Concord, County and State; for the purpose of safeguarding the character and heritage of the districts by preserving the districts as a whole and any property therein that embodies important elements of their social, economic, cultural, political, or architectural history; for the purpose of promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the City of Concord, County and State as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the City of Concord and the residents of the districts.

9.8.2 Historic District Establishment

- A. The historic districts are hereby established as districts which overlap and overlay existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the City of Concord. The boundaries of the districts are as shown on the Official Zoning Map of the City of Concord.
- B. Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:
 1. An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and;
 2. The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the City Council within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the City Council of any responsibility for awaiting such analysis, and

the City Council may at any time thereafter take any necessary action to adopt or amend its Zoning Ordinance.

- C. The City Council may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.
- D. With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (1) of this section shall be prepared by the Commission and shall be referred to the Planning and Zoning Commission for its review and comment following review by the State Historical Planning Office (SHPO). The P&Z C shall review and comment on the proposal in 60 days from the date the P&Z Commission first receives the proposal. If the Commission makes no recommendation in 60 days, the matter shall be returned to the HPC for further action, including forwarding to the City Council without a recommendation. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of subsection (2) of this section.
- E. Upon receipt of the Concord Historic Districts Handbook and recommendations, the City Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provisions.

9.8.3 Historic Landmark Establishment

- A. Upon complying with the required landmark designation procedures set forth herein, the City Council may adopt and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.
- B. The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.
- C. As a guide for the identification and evaluation of landmarks, the Commission shall use: 1.) the inventory of properties of historical, prehistorical and cultural significance established by the City of Concord in conjunction with the creation of the city's historic preservation districts and 2.) nomination materials developed for successful local landmark

designations. The local inventory of historic properties shall be updated at regular intervals as resources permit.

- D. No property shall be designated as a landmark until the following steps have been taken:
1. An applicant shall submit or the Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. After review by the Historic Preservation Commission, such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
 2. The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his/her designee, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission, Planning and Zoning Commission, and the City Council shall be relieved of any responsibility to consider such comments.
 3. The Planning and Zoning Commission shall review and comment on the proposal in 60 days from the date the Planning and Zoning Commission first receives the proposal. If the Planning and Zoning Commission makes no recommendation in 60 days, the matter shall be returned to the Historic Preservation Commission for its review.
 4. The Historic Preservation Commission shall hold a public hearing on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. Following the public hearing the Commission will forward a recommendation to the City Council regarding the proposed ordinance.
 5. Following receipt of the Commission's recommendation, the City Council shall hold a public hearing on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. As a result of this hearing the City Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
 6. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Cabarrus County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file

in the office of the Concord City Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Cabarrus County for such period as the designation remains in effect.

7. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Commission to give notice thereof to the tax supervisor of Cabarrus County. The tax supervisor in appraising it for tax purposes shall consider the designation and any recorded restrictions upon the property limiting its use for preservation purposes.

9.8.4 Permitted Uses

The districts contain several zoning classifications. All uses permitted in any such district, whether by right or as a special exception, shall be permitted in the historic districts according to the procedures established for such uses.

9.8.5 Dimensional Regulation

- A. Structures within the historic districts shall observe the dimensions and other regulations of this Ordinance, except as follows:
- B. No structures or part thereof shall extend nearer to or be required to be set back further from the front lot line than the average distance of the setbacks of the nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.
- C. Building height and setbacks shall be governed by the underlying zoning district and table 7.6.2.B.

9.8.6 Authentic Restoration or Reconstruction

Permitted Subject to Approval of Historic Preservation Commission and Planning and Zoning Commission, Although Not Complying with Dimensional Regulations.

A. Initial Approval

Where it is found by the Historic Preservation Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Planning and Zoning Commission, following the approval by the Historic Preservation Commission.

B. Approval Subject to Conditions

The Planning and Zoning Commission, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

C. Limitation on Approval

1. The Planning and Zoning Commission shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special exception use within the district in which the property is located.
2. In addition to any other condition the Planning and Zoning Commission may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Concord blameless against any and all liability, cost, damage, or expense suffered by the City of Concord as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, 10 feet above the travel way.

9.8.7 Parking Waiver

Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by the zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the district, it shall recommend to the Planning and Zoning Commission a waiver, in part or in whole, of the off-street parking requirements. The Planning and Zoning Commission may authorize a lesser number of off-street parking spaces, provided: (1) the Commission finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking, and (2) will not constitute a threat to the public safety.

9.8.8 Recommendations on Special Exception Applications

All special exception applications within the historic districts shall be reviewed by the Historic Preservation Commission at its next regular meeting after the application has been submitted in accordance with the requirements of this Ordinance. The Historic Preservation Commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the Planning and Zoning Commission which has final decision responsibility on applications for special exceptions.

9.8.9 Historic Preservation Commission

Refer to § 2.5.

9.8.10 Certificate of Appropriateness

A. Required

1. From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, or other

appurtenant features) no above-ground utility structure nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished on such landmark or within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. The municipality shall require such a certificate to be issued by the Commission prior to the issuance of a compliance permit or building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A Certificate of Appropriateness shall be required whether or not a building permit or compliance permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

2. The City of Concord and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the City of Concord or public utility companies.

B. Procedures

1. An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Director. Applications for Certificates of Appropriateness shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content, at least 28 days prior to the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting.
2. The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
3. Upon receipt of an application, the Administrator shall notify the Historic Preservation Commission at least seven calendar days before its regularly scheduled meeting.
4. Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall conduct a public hearing in accordance with § 3.1.7. The Administrator shall be responsible for notifying the affected parties per § 3.1.5.
5. The Commission shall take action on the application and in doing so shall apply the Review Criteria, contained in § 4.12.11.
6. The Commission's action on the application shall be approval, approval with modifications, or disapproval.

7. Prior to final action on an application, the Commission, using the guidelines in § 4.12.11, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.
8. The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications, or denial.
9. If the Commission fails to take final action upon any application within 180 days after the complete application is submitted to the Planning Director, the application shall be deemed to be approved.
10. If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

9.8.11 Review Criteria

A. Intent

1. It is the intention of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district or of landmarks shall be harmonious with the special character of the district or landmark. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of same or to impose architectural styles from particular historic periods. In considering new construction, the Commission shall encourage contemporary design which is harmonious with the character of the district.
2. In granting a Certificate of Appropriateness, the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.
3. The Commission shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the historic district or landmark.

B. Exterior Form and Appearance

1. The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness

shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:

- A. lot coverage, defined as the percentage of lot area covered by primary structures;
- B. setback, defined as the distance from the lot lines to the building(s);
- C. building height;
- D. spacing of buildings, defined as the distance between adjacent buildings;
- E. exterior building materials;
- F. proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- G. surface textures;
- H. roof shapes, forms and materials;
- I. use of local or regional architectural traditions;
- J. general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- K. expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- L. orientation of the building to the street;
- M. scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- N. proportion of width to height of the total building facade;
- O. archaeological sites and resources associated with standing structures;
- P. appurtenant fixtures and other features such as lighting;
- Q. structural condition and soundness;
- R. walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- S. ground cover or paving;
- T. maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- U. color (new construction only and not for existing residences); and
- V. effect of trees and other landscape elements.

2. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.
- C. Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

9.8.12 Certain Changes Not Prohibited

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature which the Building Inspector, Zoning Enforcement Officer or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance, or (b) in the event of an emergency, the immediate restoration, of any existing above-ground utility structure with approval by the Commission.

9.8.13 Delay In Demolition

- A. An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a designated landmark or a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The period of delay shall be reduced by the Commission if it finds that the owner should suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.
- B. In the case of action initiated by the City, the application for such a certificate will first be reviewed by the Commission and secondly by the City Council for final order of demolition or removal. The Commission shall consider the Housing Code Officer's inspections and recommendations for demolition or removal of the building or structure.
- C. If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the City Council, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to 180 days

or until the City Council takes final action on the designation, whichever occurs first.

9.8.14 Application Review by Commission

As part of its review procedure, the Commission may view the premises and seek the advice of the Department of Cultural Resources or other expert advice as it may deem necessary under the circumstances.

9.8.15 Appeal of Decision

- A.** In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.
- B.** Written notice of the intent to appeal must be sent to the Commission, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. The Superior Court of Cabarrus County shall hear appeals of decisions of the Board of Adjustment.
- C.** The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision within 30 days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

9.8.16 Compliance

- A.** The Administrator shall enforce compliance with the terms of the Certificate of Appropriateness. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of six months shall be considered as a failure to comply with a Certificate of Appropriateness.
- B.** Nothing contained in this Ordinance shall prohibit, impair, or limit in any way the power of the City Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of the provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (See General Statute 160A-175 and 160A-389.)

9.9 Airport Overlay (AOD) District

9.9.1 Purpose

This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Concord Regional Airport, the property and occupants of land in the vicinity and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards.

9.9.2 Location

The AO Overlay District shall overlap and overlay the base zoning districts. The former City of Concord Airport Overlay District (AO) designated pursuant to the former City of Concord Zoning Ordinance § 790, is hereby designated as the AO Overlay District. Said overlay district may be expanded by adding additional land area from time to time by an amendment to this Ordinance.

9.9.3 Principal and Accessory Uses

Permitted principal uses, special uses and accessory uses shall be those within the underlying zoning district as set forth in Table 8.1.7, provided that no use shall be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

9.9.4 Use Restrictions

Notwithstanding any other provisions of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

9.9.5 Area Regulations

Dimensional requirements such as lot size and building depth shall be governed by the underlying zoning districts. Height requirements shall be governed by the General Development Standards § 9.9.6, but in no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

9.9.6 General Development Standards

In order to carry out the provisions of these regulations, there are hereby created and established within the Concord Regional Airport certain zones which include

all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones, as they apply to the more restrictive height limitation. Such zones are shown on the Official Concord Regional Airport Hazard Zoning Map which is attached to these regulations and made a part hereof. An area located in more than one of the following zones shall be subject to the Airport Overlay District. The various zones are hereby established and defined in Column (B) of Table 9.5-1. Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow or be maintained in any of the zones created by these regulations to a height in excess of the applicable height limit herein established for such zone. Unless otherwise specified, the height shall be measured from mean sea level. Such applicable height limitations are hereby established for each of the zones in Column (C) of Table 7.13-1.

Table 9.5-1

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
PRECISION INSTRUMENT RUNWAY APPROACH ZONE	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its center line being the continuation of the center line of the runway.	Slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line, then at a slope of 40:1 for an additional 40,000 feet.
LOCAL BUFFER APPROACH ZONE	The extent of this zone coincides with the PRECISION INSTRUMENT RUNWAY APPROACH ZONE as described above.	Uses shall not exceed the maximum height specified for the PRECISION INSTRUMENT RUNWAY APPROACH ZONE less ten (10) feet on southern approach only. Uses encroaching into this zone shall be allowed only as special uses, and shall not be constructed, erected, or otherwise established unless and until a special use permit has been issued.

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
TRANSITIONAL ZONES	<p>These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway center line and the runway center line extended a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway center line.</p>	<p>Slopes upward and outward seven feet horizontally for each foot vertically beginning at all the sides of and at the same elevation as the primary surface and the approach zones and extending to a height of 150 feet above the airport elevation, or 840 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument run approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface and extending to a horizontal distance of 5,000 feet from the edge of the approach surface measured at 90-degree angles to the extended runway center line.</p>
HORIZONTAL ZONE	<p>The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connection the adjacent arcs by drawing lines tangent to those arcs</p>	<p>One hundred fifty feet about the airport elevation or a height of 840 feet above mean sea level.</p>
CONICAL ZONE	<p>The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.</p>	<p>Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or 1,040 feet above mean sea level.</p>

9.9.7 Nonconforming Uses

- A. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of a nonconforming

use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration which was begun prior to the effective date of these regulations, and is diligently prosecuted.

- B. No zoning clearance permit shall be granted that would allow the expansion of a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.
- C. Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no zoning clearance permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator after consultation with the Concord Regional Airport Aviation Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Concord.

9.9.8 Public Notification of Potential Aircraft Noise Impacts

Public notification of the potential aircraft noise impacts made to prospective purchasers of property within the Airport Overlay District shall be made in accordance with the provisions of this subsection.

- A. Where public notification statements are required or provided for property within the district, the following statement shall be used: "This property is located within the City of Concord Airport Overlay District and is subject to aircraft over flights and to aircraft noise that may be objectionable dependent upon the use and location of the property."
- B. In accordance with the N.C. Residential Property Disclosure Act (NCGS 47E), all owners of property and their agents shall provide a public notification statement to all prospective purchasers through a written disclosure statement.
- C. A public notification statement shall appear on the recorded final plat for all subdivisions and approved site plans for residential development of land within the district. In addition, the developer/owner shall provide public notice to all prospective dwelling unit purchasers through a written disclosure statement.

9.10 Copperfield Boulevard Corridor Overlay (CBCOD) District

A. Purpose

This district is established to provide flexibility for nonresidential-zoned areas that abut established residential neighborhoods along Copperfield Boulevard. The district shall function to flexibly limit the uses which have undesirable characteristics of smoke, odor or noise emission, storage of hazardous materials, high traffic generation, or other characteristics which may adversely affect the aesthetic appearance of the area, or the health, safety, and general welfare of nearby residents, or motorists traveling through the area. The Copperfield Boulevard Corridor Overlay District shall overlap and overlay existing zoning districts.

B. District Boundaries

The boundaries of the Copperfield Boulevard Corridor Overlay shall be that which is displayed on the Official Zoning Map for the City of Concord. The boundaries of the Copperfield Boulevard shall be those of the former Use Restricted Overlay District (UROD) as adopted on the 11th day of February, 1993.

C. Permitted Uses

Permitted uses and/or Special Uses shall be those within the underlying zoning districts and is listed in Table 8.1.7, except that the following uses shall be prohibited within the CBCOD as established by Ordinance on the 11th day of February, 1993: Accessory Uses shall be those permitted in the underlying zoning districts as set forth in § 5.2.

Use

Animal Services, except Veterinary
Automobile Repair Shops
Car Washes
Cemeteries
Coin Operated Amusement Devices
Contractors, General Building and Special Trade (with outside storage only)
Drycleaning Plants, Except Rug Cleaning
Heavy Construction Equipment Rental and Leasing
Industrial Launderers
Karate and JCDO Instruction
Miscellaneous Repair Services (of any item not sold on the premises)
Mobile Homes on Individual Lots
Mobile Home Parks
Motorcycle Sales
Multifamily
Pawn Shops
Rehabilitation Hospitals: Drug Addiction and Alcoholism
Reupholstery and Furniture Repair
Self-storage and Mini-warehousing (self-service storage facilities)
Taxicab Stands and Operations

Truck Driving Schools

D.

Dimensional Regulations

All dimensional regulations shall be governed by the underlying zoning district as set forth in Table 7.6.2.

E. Off-Street Parking/Loading and Vehicular Access

Standards for off-street parking/loading spaces and vehicular access areas shall be determined by the minimum requirements as set forth in Article 8.

F. Sign Regulations

Sign shall be regulated in accordance with the standards set forth in Article 12.

G. Landscaping and Buffering

Standards for landscaping and buffering areas shall be determined by the minimum requirements as set forth in Article 11.

9.11 Low Impact Development (LID)

The use of LID site design techniques is encouraged in residential and non-residential development throughout the City of Concord. LID is encouraged by allowing innovative site design and flexibility in combination with traditional means of controlling stormwater runoff.

9.11.1 Purpose

The goal of the LID Zoning Overlay is to develop site design techniques, strategies, Best Management Practices (BMPs), and other criteria to store, infiltrate, evaporate, transpire, retain, and detain storm water runoff on the site to replicate pre-development runoff characteristics and mimic the natural and unique hydrology of the site. Because multiple aspects of site development impact the hydrologic response of the site, LID runoff control techniques also can address many aspects of site development. There is a wide array of impact reduction and site design techniques that allow the site designer to create storm water control mechanisms that function in a similar manner to natural control mechanisms. The net result is to resemble as closely as possible, the site's pre-development hydrology by preserving and/or recreating the watershed's natural hydrologic functions or water balance between runoff, infiltration, storage, ground water recharge, and evapotranspiration. With the LID approach receiving waters experience little change in the volume, frequency, or quality of runoff or in the base flows fed by ground water and precipitation. Specifically, LID is designed to:

- A.** Promote storm water management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain storm water close to its source;
- B.** Protect natural resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
- C.** Protect other properties from damage that could be caused by storm water and sediment during construction activities and post-construction conditions on the development site, while insuring that detention measures do not negatively effect the overall hydrology of the site;
- D.** Reduce and disperse, throughout the site, the storm water from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces, and minimize the storm water's impact on the environment;
- E.** Protect public safety by minimizing flooding and stream bank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure caused by inadequate stormwater controls; and
- F.** Complement and assist in implementing Article 4 (Environmental/Land Disturbing Activities) and the City's current Phase 2 National Pollution Discharge Elimination System (NPDES) Stormwater Permit and NCGS §143-215.1 et seq.

9.11.2 Grading and Clearing Prohibited Without Prior Approval

No land disturbance shall occur on a site proposed for an LID project prior to its approval. Proposed LID projects on recently cleared land shall demonstrate hydrology comparable to its pre-cleared status.

9.11.3 Development Types and Processing Procedures

- ~~A. Residential LID developments shall be allowed by right without a rezoning when determined to be low-density development, provided that the proposed residential uses and densities are permissible within the underlying zoning district. Low density development is either no more than two dwelling units per acre or the total built upon area is no more than 24% within a single project area or master planned area.~~
- ~~B. Residential LID developments shall be allowed with a conditional district rezoning when determined to be high-density development. High-density development is either more than two dwelling units per acre or when the total built upon area is more than 24% within a single project area or master planned area.~~
- ~~C. Non-residential developments meeting the LID standards of this Article shall be allowed by right without a rezoning, whether considered low-density or high-density development, provided that the non-residential uses proposed are permissible within the underlying zoning district.~~

LID developments meeting the standards of this Article shall be allowed by right without a rezoning, provided that the proposed uses and densities/intensities are permissible within the underlying zoning district.

9.11.4 Procedures for LID Approvals

~~An LID that requires a rezoning as specified above shall be processed as a conditional district zoning map amendment (rezoning) following the process outlined in § 3.3. Constituent parts of the conditional district may require further approvals, including but not limited to, site plan, subdivision or special use permit. LID projects that do not require a conditional district zoning map amendment shall be reviewed by the Development Review Committee (DRC) and processed as a conventional project.~~

LID projects shall be reviewed by the Development Review Committee (DRC) and processed as a conventional project. Prior to formally submitting an application, the applicant shall schedule a pre-application meeting with the Administrator and the Stormwater Services Director and/or their designees. This meeting is intended to review the proposed development, review the applicable standards and agree upon the methodology and guidelines for review of the proposed development, and to determine preliminary compliance with the LID standards. Additionally, as part of the pre-application, a meeting on-site shall occur. This meeting is intended to allow the staff to become familiar with the specific site relative to the physical features, and to determine preliminary compliance with the guidelines.

9.11.5 Zoning Map Designation

Upon approval of an LID project/related map amendment, the zoning map shall denote the letters LID followed by zoning case number.

9.11.6 Low Impact Development Stormwater Management Application Materials

For all LID projects, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary. This information may also be incorporated into a preliminary subdivision plat or site plan, as required by Article 5.

- A.** An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients, soil types, tree canopy and other vegetation, natural water bodies, wetlands and sensitive natural communities, and site features that aid in stormwater management including natural drainage ways and forested and vegetated lands located on stream and wetland buffers.
- B.** A site plan illustrating the proposed development of the subject property.
- C.** A conceptual erosion and sediment control plan that incorporates accepted management practices as required by the State of North Carolina.
- D.** A conceptual stormwater management plan identifying the limits of grading, clearing and construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan (or supporting materials) shall also demonstrate how the proposed post-development hydrology of the site compares with the pre-development hydrology. The plan shall demonstrate that the soils best suited for infiltration (if any are present) are retained and that natural areas consisting of tree canopy and other vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment. The plan shall also clearly indicate proposed tree protection zones necessary to protect the root systems from construction traffic.
- E.** Additional information deemed necessary by the Administrator and/or the Stormwater Services Director as a result of the pre-application meeting.
- F.** For reference purposes and technical guidance, the applicant shall refer to “Low Impact Development – A Guidebook for North Carolina,” published in June 2009 (as amended) by the North Carolina Cooperative Extension.

Specific components of the above application materials shall be prepared by an expert team consisting of (but not limited to) a number of following professionals, licensed to practice in the State of North Carolina (as applicable): Architect, Landscape Architect, Civil Engineer, Land Surveyor, Land Planner, Biologist, or Botanist.

9.11.7 General Requirements

- A.** The use of LID design approaches is required and shall be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors.

- B. All applications for development are subject to Sections 4.2 (Water Supply Source Watershed Protection) and 4.4 (Stormwater Control) and to the following post-construction stormwater management standards and guidelines to ensure that stormwater management approaches that maintain natural drainage patterns and infiltrate precipitation are utilized to the maximum extent practical. Additionally, all LID projects shall meet all minimum standards of the Concord Development Ordinance, unless specified otherwise in Section 9.11. LID projects are also subject to the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit issued by the State of North Carolina.
- C. Construction of all stormwater control measures and devices shall be in accordance with the most recent edition of “The Division of Water Quality Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual). Maintenance of stormwater control measures and devices shall be governed by Section 4.4.6.

9.11.8 Specific Requirements

One main feature of Low Impact Development is that the post-construction condition mimics the natural hydrologic functions of infiltration, runoff and evapotranspiration. LID projects are required to demonstrate compliance with the following specific requirements.

A. Stormwater Analysis

Each application for LID shall include an engineering analysis that compares the pre-development and post-development hydrology of the site. This analysis shall demonstrate that the post-development volume of runoff, infiltration and evapotranspiration for each site substantially matches pre-development volumes of runoff, infiltration and evapotranspiration. Specifically, the analysis shall include the pre-development water balance (annual runoff, infiltration, and evapotranspiration volumes or percentages) and post-development water balance (annual runoff, infiltration, and evapotranspiration volumes or percentages.) For the purposes of this Section, substantially similar shall be defined as being within five percent (5%) of the hydrologic fate values for mature forest as illustrated in Table 9.11.8 for residential projects and within fifteen percent (15%) for nonresidential projects.

Table 9.11.8 – Hydrologic Fate for Rainfall in Mature Forested Conditions - Piedmont Region

Hydrologic Fate	
Evapotranspiration	69%
Infiltration	29%
Runoff	3%

Source: “Low Impact Development: A Guidebook for North Carolina- 2009”

B. Compliance With NPDES Phase II Permit

The application materials shall demonstrate compliance with all requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit, issued by the State of North Carolina, including, but not

limited to the following:

1. LID development may be permitted as low density projects if it meets the following criteria:
 - A. No more than two dwelling units per acre or 24% built-upon area;
 - B. Use of vegetated conveyances to the maximum extent practicable;
 - C. All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - D. Deed restrictions and protective covenants acceptable to the City are required by the locally issues permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

2. High density LID projects shall meet the following criteria;

- A. ~~Either more than two dwelling units per acre or the total built upon area is more than 24% within a single project area or master planned area;~~
- B. The stormwater control measures must control and treat the difference between the pre-development and post-development conditions for the 1-year 24 hour storm. Runoff volume drawdown time must be a minimum of 24 hours, but not more than 120 hours;
- C. ~~B.~~ All structural stormwater treatment systems must be designed to achieve 85% average annual removal of total suspended solids;
- D. ~~C.~~ Stormwater management measures must comply with the General Engineering Design Criteria For All Projects requirements listed in 15A NCAC 2H.1008(c);
- E. ~~D.~~ All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
- F. ~~E.~~ Deed restrictions and protective covenants acceptable to the City are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

C. Compliance with Low Impact Development Design Standards and Guidelines

Standards are statements that express the development and design intentions of this bylaw. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the City of Concord when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed and alternative standards that meet the intent of the Ordinance and aid in achieving the required post-development hydrologic balance specified in Section 9.11.8 (A) may be considered by the Administrator and the Stormwater Director. These options shall be clearly stated in the application materials, and will be reviewed with the applicant at the pre-application meeting.

Proposed LID projects shall demonstrate substantial compliance with the following four sets of standards. It is recognized that some of these individual

guidelines are applicable either only to single family residential or commercial/multifamily development. It is also recognized that each individual guideline may not be feasible or necessary to comply with each standard and to achieve the hydrologic balance specified in Section 9.11.8(A). Additionally, all LID projects shall meet the minimum requirements of Article 4.

Standard 1: Vegetation and Landscaping

Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.

Guideline 1.1. Utilize two-track surfaces with grass in-between drive aisles for driveways, “turf-stone” type pavers and pervious asphalt/concrete systems for overflow parking areas or shoulders, and landscape medians within roads, parking lots and other drivable or walkable surfaces to provide for water infiltration.

Guideline 1.2. Design parking lot and roadway landscaping to function as part of the development’s stormwater management system utilizing vegetated islands with bioretention functions.

Guideline 1.3. Incorporate existing natural drainage ways and vegetated channels within street rights-of-way and parking areas, as an alternative to standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, and direction to the appropriate drainage areas on site, as applicable.

Guideline 1.4. Divert water from the majority of downspouts on each structure away from driveway surfaces and into bioretention areas, rain gardens or other devices (such as rain barrels or cisterns) to capture, store, and infiltrate stormwater on-site, for future landscape watering. This guideline shall be clearly specified on the site plan/subdivision plat, and shall be indicated on the plot plan prior to issuance of a zoning clearance permit.

Guideline 1.5. Utilize vegetative LID stormwater controls (bioretention, swales, filter strips, buffers) as specified in Section 4.43, on land held in common.

Standard 2: Development on Steep Slopes

Development on steep slopes equal to or in excess of 25% shall be sited and constructed, and slopes stabilized to minimize risks to surface and ground waters and to protect neighboring properties from damage. For the purposes of these regulations, slope shall be calculated as a ratio of horizontal distance to vertical distance, multiplied by one hundred (100). In instances where the property contains distinct sections of differing slope, the slope of each distinct section may be calculated separately. Calculation of slope will be discussed at the on-site meeting with staff that is required as part of the pre-application process.

Guideline 2.1. Minimize development, re-grading and clearing of vegetation on

land where the slope is greater than 25%.

Guideline 2.2. Encourage development of home sites, subsurface sewage systems and parking areas on the flattest portion of the site, provided that the flattest portion of the site is not environmentally sensitive, such as a 100 year floodplain, floodway or wetland.

Guideline 2.3. Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance.

Standard 3: Reduce Impervious Surfaces

Stormwater shall be managed through land development strategies that reduce impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.

Guideline 3.1. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform to safety and traffic concerns and requirements. For local streets right of ways in the range of forty (40) feet wide should be considered with as little as eighteen (18) foot wide road cross sections, provided that these sections have a minimum passable way of twenty (20) feet with reinforced shoulders. Alternatives to typical curb and gutter should be considered and curb and gutter should be eliminated altogether, as feasible on a case by case basis. Any other minimum rights-of-way widths and pavement/gravel widths will be evaluated for other type of cross section classifications as well. Design for specific terrain classifications shall be consistent with the most recent version of the North Carolina Department of Transportation (NCDOT) Subdivision Manual. If the right-of-way width is not sufficient for utilities placement, additional easements may be necessary elsewhere on the site. Sidewalks may be permitted on only one side of new streets. When pedestrian areas are provided in an alternate location, they should be constructed of permeable materials.

Guideline 3.2. Reduce the total length of residential streets by utilizing some of the following design principles: reducing lot widths by incorporating narrower housing styles and utilizing “flag lots” or “pie-shaped lots”, shared driveways and access easements to reduce total lot frontage. Maximum driveway widths may also be reduced on a case-by-case basis. New developments shall meet the minimum connectivity ratio required in Section 10.2.6 (Street Connectivity Requirements), unless exempted as specified in Section 10.2.6(F).

Guideline 3.3. Minimize the number of residential street cul-de-sacs and incorporate vegetated islands (as common open space) to reduce

total impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Consider alternative turn-around areas that require less impervious area, such as “hammerheads”. Rain gardens (vegetated depressions) should be considered in the vegetated islands, and shall be constructed below the subgrade in order to prevent failure of the road structure.

Guideline 3.4. Reduce driveway lengths on a case-by-case basis by reducing or eliminating front building and side yard setbacks. Reduced setbacks shall be considered at the time of site plan or preliminary plat approval and shall be part of the approval of the zoning overlay.

Guideline 3.5. Utilize shared driveways for multiple building sites, and construct driveways only to the minimum width permitted for the specific use, as specified in the Technical Standards Manual (TSM).

Guideline 3.6. Use permeable pavement or gravel for parking stalls, sidewalks, driveways and bike/pedestrian trails. Overflow parking (facilities with more than the minimum number of spaces, but less than the maximum number of spaces specified in Section 10.3) and parking for assembly uses shall also utilize permeable pavement or turf.

Guideline 3.6. Design impervious areas that are “disconnected” or non-contiguous that minimize transfer of stormwater from one impervious area to another, in order to more efficiently disperse stormwater throughout the site.

Guideline 3.7. Utilize shared parking for uses with different peak demand periods. Maximum parking limits shall apply, in accordance with Section 10.3 (Parking and Loading)

Guideline 3.8. Reduce building footprints by building more than one habitable floor level, and when possible, construct buildings to the maximum permissible building heights. Buildings may also be constructed with parking inside of the building footprint by placing some or all of the living space over the parking.

Guideline 3.9. Maximize retention of vegetative cover by grading and clearing only enough land area to accommodate the individual building footprints and street networks. The general areas of grading, clearing and vegetation retention shall be indicated on the conceptual grading and clearing plan. Grading and clearing on individual lots shall be reviewed at the time of permit issuance to insure reasonable compliance with the conceptual grading and clearing plan.

Standard 4: Low Impact Integrated Management Practices (LIMPs)

Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source. All stormwater controls shall be compliant with Article 4, the most recent version of "The Division of Water Quality Stormwater Best Management Practices Manual" (NCDENR Stormwater BMP Manual) and the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit issued by the State of North Carolina.

Guideline 4.1. Create vegetated depressions, commonly known as bioretention areas or rain gardens that treat runoff from storms of one inch or less and collect runoff and allow for short-term ponding and slow infiltration. Utilize drainage swales as an alternative to standard curb and gutter.

Guideline 4.2. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.



Guideline 4.3. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to water bodies provide erosion control, sediment filtering and habitat. Utilize level spreaders and plunge pools to disperse water throughout the site in lieu of discharge into a single point source.

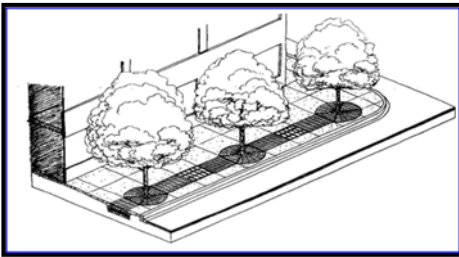


Guideline 4.4. Utilize shallow grass-lined channels to convey and store runoff.

Guideline 4.5. As an option, incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane. It is recognized that rooftop gardens will not be feasible in every proposed LID project.

Guideline 4.6. Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts, for future use for landscape watering. Rain barrels or cisterns shall be utilized on greater than fifty percent (50%) of the overall number of downspouts within the project. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system. The areas of the site or lots where rain barrels and cisterns shall be utilized shall be indicated on the conceptual plans. At the time of permit application for individual structures, the locations shall be specifically indicated on the required plot plan.

Guideline 4.7. Evaluate soils on the site post-grading, and if necessary, amend in areas of proposed planting by adding minerals, pea gravel and organic materials to increase its capacity to properly drain, while still being able to absorb moisture and sustain vegetation. The commitment to evaluate the soils shall be placed on the preliminary site plan / subdivisions plat and the soil evaluation information shall be provided to the staff prior to, or during submission of construction plans. It is recommended that amended soils be re-tested annually and re-amended as necessary.



Guideline 4.8. Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

Guideline 4.9. Utilize numerous and smaller detention and retention areas dispersed throughout the site, in lieu of larger detention and retention areas, in order to encourage a balance of infiltration and evapotranspiration throughout the site.

9.11.9 Tree Protection Guidelines

The clustering of existing trees and native vegetation should be incorporated into all LID site and building designs in order to protect natural and environmentally sensitive areas, open spaces, trees vegetation, natural terrain and drainage. Retained trees shall be credited towards the minimum landscaping and buffering requirements specified in Article 11. All retained trees that are proposed to be credited toward meeting the minimum requirements of Article 11 shall be clearly identified by species and size on the proposed site plans. Individual trees located within areas that are not proposed to be credited toward meeting the requirements of Article 11 are not required to be identified by species and size.

Clearing of trees on the site shall be the minimum necessary to support construction of the streets and infrastructure, and the driveways and building pads for each structure. The areas of tree removal shall be clearly indicated on the overall site plan for the development, and on subsequent site plans submitted for individual permits.

Removed trees exceeding ten (10) inches diameter at breast height (dbh) shall be replaced at a rate of one-half inch for each inch removed, within the overall project boundary, provided that such replacement practice meets acceptable horticultural and forestry standards. To the greatest extent possible, replacement trees shall be native trees, as illustrated in Table 9.11.11. Alternate species may be substituted upon the approval of the Administrator, provided that evidence is submitted as to their appropriateness. Areas where replacement trees are proposed shall be clearly indicated on the project site plan and on subsequent site plans submitted for individual permits. In lieu of conducting an inventory of individual trees to be removed at the initial site plan stage, the inventory may be conducted during the construction plan

stage.

In order to provide maximum design flexibility in subdivision development, replacement trees may be transferred to a different parcel (or proposed parcel) from where trees were removed, provided they are planted within the overall project boundary.

9.11.10 Recommended Plants

LID projects have a potentially wide range of growing conditions throughout a site, including rain garden areas which alternate between wet and dry, detention and retention pond areas which will have predominately moist soils and individual building sites, which are generally well-drained. Soil types may also vary greatly within a project boundary. As a result, a wide variety of plants can be considered for LID projects based upon the above factors.

Suggested plants for LID projects are illustrated in Table 9.11.11. Many of these plants are native to the region and most are available at local nurseries. Other species may be substituted upon approval of the Administrator, provided that evidence is submitted as to their appropriateness.

The specific plant species selected should be suited to the specific environment. For example, drought tolerant plants should be selected for rain garden areas, and plants that tolerate extended periods of flooding should be selected for detention areas.

The type and placement of plants shall also be consistent with the "The Division of Water Quality 2007 Stormwater Best Management Practices Manual" (NCDENR Stormwater BMP Manual), as amended.



**Table 9.11.10
Trees**

<p>American Holly – <i>Ilex opaca</i> Blackjack Oak – <i>Quercus marilandica</i> Black Cherry – <i>Prunus serotina</i> Blackgum – <i>Nyssa sylvatica Marsh</i> Black Walnut – <i>Juglans nigra</i> Black Willow – <i>Salix Nigra</i> Butternut Hickory – <i>Carya cordiformis</i> Button Bush – <i>Cephalanthus occidentalis</i> Dogwood– <i>Cornus</i> Flowering Dogwood – <i>Cornus Florida</i> Green Ash – <i>Fraxinus pennsylvacnica</i> Holly – <i>Ilex spp.</i> Hop Tree – <i>Ptelea trifoliata</i> Ironwood or American Hornbeam – <i>Carpinus caroliniana</i> Laurel Oak – <i>Quercus laurifolia</i> Mulberry – <i>Morus rubra</i> Overcup Oak– <i>Quercus lyrata</i></p>	<p>Persimmon – <i>Diospyros virginiana L.</i> Post Oak – <i>Quercus stellata</i> Red Cedar – <i>Juniperus virginiana</i> Red Maple – <i>Acer rubrum</i> River Birch – <i>Betula nigra</i> Sassafras – <i>Sassafras albidum</i> Shumard Oak – <i>Quercus shumardii</i> Silky Dogwood – <i>Cornus amomum</i> Southern Red Oak – <i>Quercus falcate</i> Sugarberry – <i>Celtis laevigata Willd.</i> Swamp Chestnut Oak – <i>Quercus michauxii</i> Swamp Cottonwood – <i>Populus heterophylla</i> Swamp Tupelo – <i>Nyssa biflora Walt</i> Sweet Gum – <i>Liquidamabar styracifulua</i> Sycamore- <i>Platanus occidentalis</i> Tulip Tree – <i>Liriodendron tulipifera</i> Water Oak – <i>Quercus nigra</i> White Oak – <i>Quercus alba</i> Willow Oak – <i>Quercus phellos</i> Winged Elm – <i>Ulmus alata</i></p>
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Small Trees and Shrubs	
<p>Alder– <i>Alnus serrulata</i> American Snowbell – <i>Styrax grandifolius</i> Arrowwood – <i>Viburnum dentatum</i> Beautyberry Bush – <i>Callicarpa Americana</i> Blackberry – <i>Rubus spp.</i> Button Bush – <i>Cephalanthus occidentalis</i> Carolina Willow – <i>Salix caroliniana</i> Chokeberry – <i>Aronia arbutifolia</i> Deciduous Holly or Possumhaw– <i>Ilex deducua</i> Doghobble or Fetterbush – <i>Leucothoe racemosa</i> Eastern Sweet Shrub – <i>Calycanthus floridus</i> Elderberry – <i>Sambucus</i> <i>canadensis</i> Groundsel– <i>Baccharias halimifolia</i> Inkberry – <i>Ilex glabra</i> Pawpaw - <i>Asimina triloba</i></p>	<p>Pinxterflower or Wild Azalea – <i>Rhododendron periclymenoides</i> Red Buckeye – <i>Aesculus pavia</i> Red Chokeberry – <i>Aronia arbutifolia /</i> <i>photiania pyrifolia</i> Silky Dogwood– <i>Cornus amomuma</i> Spicebush – <i>Lindera benzoin</i> Tag Alder – <i>Alnus serrulata</i> Umbrella Tree – <i>Magnolia tripetala</i> Virginia Creeper – <i>Parthenociissus</i> <i>quinquefolia</i> Virginia Sweet Spice – <i>Itea virginicus</i> Virginia Willow or Sweetspire – <i>Itea</i> <i>virginica</i> Water Ash – <i>Fraximus caroliniana</i> Wax Myrtle – <i>Myrica cerifera</i> Winterberry – <i>Ilex verticillata</i> Witch Hazel – <i>Hamamelis virginiana</i></p>

Herbaceous Plants	
<p>Alumroot – <i>Heuchera americana</i> American Three-Square – <i>Scirpus</i> <i>americanus</i> Annual Rye– <i>Lolium annua</i> Aromatic Thoroughwort – <i>Eupatorium</i> <i>hyssopifolium</i> Arrow Arum- <i>Peltandra virginica</i> Arrowhead– <i>Sagittaria latifolia atamasco</i> Aster – <i>Aster pilosus</i> Atamasco Lily - <i>Zephyranthes</i> Beaked Panicum – <i>Panicum anceps</i> <i>Panicum clandestinum</i> Big Bluestem – <i>Andropogon gerardii</i> Bladder Sedge – <i>Carex intumescens</i> Black Eyed Susan or Orange Coneflower – <i>Rudbeckia fulgida</i> Blue-Eyed Grass – <i>Sisyrinchium</i> <i>mucronatum var. mucronatum</i> Blue Flag– <i>Iris virginica</i></p>	<p>Jewelweed – <i>Impatiens capensis</i> Joe Pye Weed– <i>Eupcetomum fistulosum</i> Lance-Leaved Tickseed – <i>Coreopsis</i> <i>lanceolata</i> Lizards Tail– <i>Saurus cernuus</i> Little Bluestem – <i>Schizachyrium scoparium</i> Little Joe – <i>Eupatorium dubium</i> Little Sweet Betsy – <i>Trillium cuneatum</i> Lizard's Tail – <i>Saururus cernuus</i> Lobelia – <i>Lobelia puberula</i> Lyre-Leaved Sage – <i>Salvia lyrata</i> Lurid Sedge – <i>Carex lurida</i> Marsh Mallow or Swamp Rose Mallow – <i>Hibiscus moscheutos</i> Marsh Marigold– <i>Bidens spp.</i> May-Apple – <i>Podophyllum peltatum</i> Meadow-Beauty – <i>Rhexia mariana</i> Meadow Violet – <i>Viola papilloinacea</i> Narrowleaf Mountainmint – <i>Pycnanthemum</i></p>

Blue Star – <i>Amsonia tabernaemontana</i> <i>var. salicifolia</i> , Blue Star	<i>etnuiifolium</i>
Bluets – <i>Houstonia caerulea</i>	New York Aster – <i>Aster novi-belgii</i> (L.)
Boneset– <i>Eupatorium perfoliatum</i>	<i>Nesom</i>
Bottle Brush Sedge – <i>Carex comosa</i>	Obovate Barbara's Buttons – <i>Marshallia</i> <i>obovata var. obovata</i>
Brompus sp.	Panic Grass – <i>Panicum scoparium</i>
Brushy Broomsedge- <i>Andropogon</i> <i>glomeratus</i>	<i>Panicum stipitatum</i>
Bulrush – <i>Scirpus atrovirens</i>	Passionflower – <i>Passiflora incarnate</i>
Cardinal Flower – <i>Lobelia cardinalis</i>	Pickereel Rush or Pickereelweed – <i>Pontederia cordata</i>
Canada Lily – <i>Lilium canadense ssp.</i> <i>editorium</i>	Plume grass – <i>Erianthus contortus</i>
Carolina Crane's Bill – <i>Geranium</i> <i>carolinianum</i>	Royal Fern – <i>Osmunda regalis</i>
Common Arrowhead or Duck Potato – <i>Sagittaria latifolia</i>	Rush – <i>Junus effuse</i>
Coreopsis spp. – <i>Coreopsis</i>	Scarlett Swamp Hibiscus – <i>Hibiscus</i> <i>coccieneus</i>
Daisy Fleabane – <i>Erigeron strigosus</i>	Sedge – <i>Carex spp.</i>
Dog Fennel – <i>Eupatorium capillaries</i>	Skullcap – <i>Scutellaria intefrifolia var.</i> <i>eintegrifolia</i>
Dwarf St. John's Wort – <i>Hypericum</i> <i>mutilum</i>	Soft or Common Rush – <i>Juncus effusus</i>
Dwarf Spike-Rush – <i>Eleocharis parvula</i>	Soft Stem Bulrush – <i>Scirpus validus</i>
Eustis Lake Beardtongue – <i>Penstemon</i> <i>austrailis</i>	Spring Beauty – <i>Claytonia virginica</i>
Forget-Me-Not – <i>Myostosis verna</i>	Spiderwort – <i>Tradesscantia ohensis</i>
Foxtail Grass – <i>Setaria geniculata</i>	Spotted St. John's Wort – <i>Hypericum</i> <i>punctatum</i>
Fringed Sedge – <i>Carex crinita</i>	Spring Ladies' Tresses – <i>Spiranthes</i> <i>vernalis</i>
Foxtail Grass – <i>Setaria spp.</i>	St. John's Wort – <i>Hypericum spp</i>
Gamma Grass – <i>Tripsacum dactyloides</i>	Sundrops – <i>Oenothera fruticosa and</i> <i>perennis</i>
Goldenrod – <i>Solidago altissima</i>	Swamp Milkweed– <i>Asclepias incarnate</i>
Green Arrow Arum – <i>Peltandra virginica</i>	Sweet Flag or Calamus – <i>Acorus calamus</i>
Grassleaf Rush – <i>Juncus biflorus</i>	Switch Grass– <i>Panicum virgatum</i>
Hibiscus– <i>Hibiscus moscheutos</i>	Turtleheads – <i>Chelone glabra</i>
Hop Sedge – <i>Carex lupulina</i>	White-Top Sedge – <i>Dichromena colorata</i>
Ironweed – <i>Vernonia noveboracensis</i>	White Turtlehead – <i>Chelone glabra</i>
Indian Grass – <i>Sorghastrum nutans</i>	Wild Rose – <i>Rosa carolina</i>
Jack-In-the-Pulpit – <i>Arisaema</i> <i>tryphyllum</i>	Wild Rye Grass – <i>Elymus virginicus</i>
	Venus' Looking-Glass – <i>Specularia biflora</i>

9.11.11 Invasive Exotic Plants

The following plants are not recommended for use within LID projects. These are plants that reproduce exponentially, compete with native species for resources and threaten the biodiversity of the ecosystem.

Vines

Chinese Wisteria (*Wisteria sinensis*)
English Ivy (*Hedra helix*)
Japanese Honeysuckle (*Lonicera japonica*)
Japanese Wysteria (*Wisteria floribunda*)
Kudzu (*Pueraria montana*)
Periwinkle (*Vinca spp.*)
Porcelain Berry (*Ampelopsis brevipedunculata*)

Grasses

Bamboo (*Bambusa spp.*)
Running Bamboo (*Phyllostachys spp.*)

Shrubs

Autumn Olive, Silverberry (*Elaeagnus spp.*)
Honeysuckle – Fragrant, Amur, Morrow's, Standish's, Tartarian, Dwarf (*Lonicera fragrantissima, maackii, morrowii, standishii tatarica, xylosteum*)
Multiflora Rose (*Rosa multiflora*)
Nandina, Sacred Bamboo (*Nandina domestica*)
Privet, Chinese and Japanese (*Ligustrum spp.*)
Rose of Sharon (*Hibiscus syriacus*)

Trees

Empress/Princess Tree (*Paulownia tomentosa*)
Mimosa (*Albizia julibrissin*)

9.12 Residential County Originated (R-CO) District

9.12.1 Purpose

The R-CO District is established in order to assign zoning to residential subdivisions that are annexed into the City, which do not meet the minimum lot standards of the other City residential zoning districts. The R-CO district is established to allow the flexibility in lot dimensions, where there are no alternatives using City of Concord zoning districts that would allow the dimensions of the lots located in the said development. This zoning district will allow developments such as these to transition from Cabarrus County zoning to City of Concord zoning and avoid non-conforming lots. The City intends only to apply this zoning to recently annexed subdivisions and does not intend to accept applications to rezone any property to R-CO.

9.12.2 Dimensional Requirements

The dimensional requirements for each particular R-CO district shall be determined by the recorded final plat. In the event that the plat does not specify minimum dimensional requirements, the properties shall comply with the requirements specified in Tables 7.6.2 A and 7.6.2 B.

9.12.3 Permitted Uses

Uses permitted in each particular R-CO district shall be governed by the recorded final plat, as applicable. In the event that the recorded final plat does not specify permitted uses, the permitted uses shall be those allowed by the Cabarrus County Zoning Ordinance in effect at the time of annexation into the City of Concord and/or as listed in the City of Concord ordinance of zoning map amendment adopted by the City pursuant to N.C. Gen. Stat. 160A-364 through 160A-366 and 160A-81 through 160A-392 and any subsequent zoning map amendments.

9.13 CONSERVATION SUBDIVISIONS (CS) DISTRICT.

9.13.1 Intent.

Conservation subdivisions provide the opportunity for property owners to achieve more efficient development than can be achieved through conventional development, while retaining significant open areas that may be used for agriculture, forestry or environmental purposes.

9.13.2 Purposes.

This ordinance is adopted for the following purposes:

- A. To guide the future growth and development consistently with the comprehensive plan;
- B. To guide site analysis to plan appropriate areas for development and conservation;
- C. To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;
- D. To preserve scenic views by minimizing views of new development from existing roads;
- E. To preserve prime agricultural land by concentrating housing on land that has low agricultural potential;
- F. To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community. Active recreation areas are intended to be located on previously cleared lands to minimize new clearing of wooded land;
- G. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- H. To provide buffering between residential development and non-residential uses;
- I. To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;
- J. To preserve significant archaeological sites, historic buildings and their settings; and
- K. To meet demand for housing in a rural setting.

9.13.3 Applicability and Compliance.

The conservation subdivision district may be applied to all development within the Conservation Residential District identified in Concord's Land Use Plan. The number of new parcels that can be created shall be consistent with the density established in the Central Area Plan as modified herein. The CS district is a site plan controlled district that requires Planning and Zoning Commission review and approval of the preliminary plat.

9.13.4 Definitions

(Conservation subdivision definitions are illustrated in **Figure 9.13-1**).

- A. Common open space.** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures but may contain historic structures and archaeological sites including Native American mounds, and/or such recreational facilities for residents or drainage fields as indicated on the approved development plan.
- B. Conservation easement.** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
- C. Conservation subdivision.** A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible, illustrated in Figure 9.13-2.
- D. Development envelopes.** Areas within which grading, lawns, pavement and buildings will be located.
- E. DBH.** (Diameter at Breast Height) – diameter of trees measured at 4.5 feet above grade.
- F. Forest.** Stands of trees greater than 8" DBH covering at least 2,500 square feet of the proposed development.
- G. Gross acreage.** The total area of a parcel prior to creation of the conservation subdivision.
- H. Homeowners association.** A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.
- I. Nonprofit conservation organization.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the

purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

9.13.5 Application Procedure and Approval Process

Conservation subdivisions shall be approved through the following general process, which is more fully described below:

Step 1: Meet with the Planning Department (may be combined with site visit)

Step 2: Inventory and mapping of existing resources for the site, including the identification of primary and secondary conservation areas

Step 3: Calculate development potential based on the applicable density

Step 4: Prepare a concept map of the conservation subdivision for staff review and recommendations

Step 5: Submit the concept plan and preliminary plat for review through the conventional subdivision process with the exception that Planning and Zoning Commission approval of preliminary plat shall be required.

Figure 9.13-1: Conservation Subdivisions: Definitions

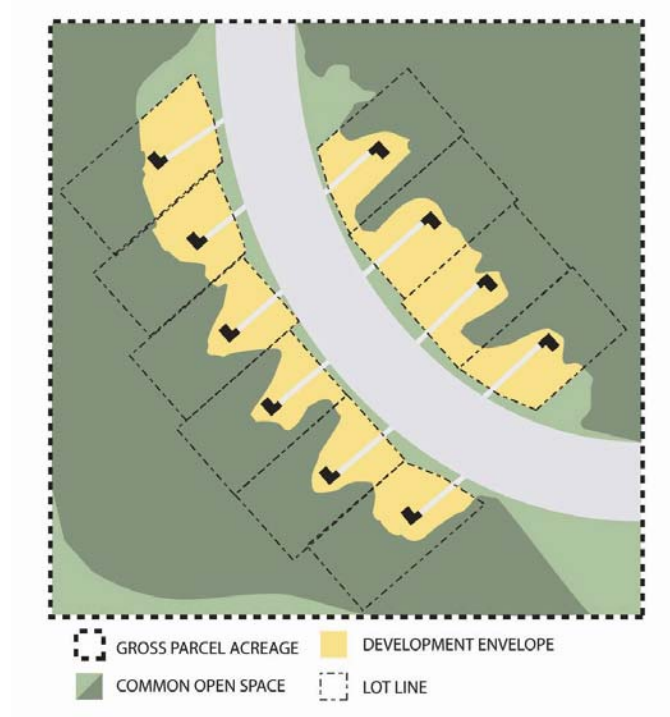
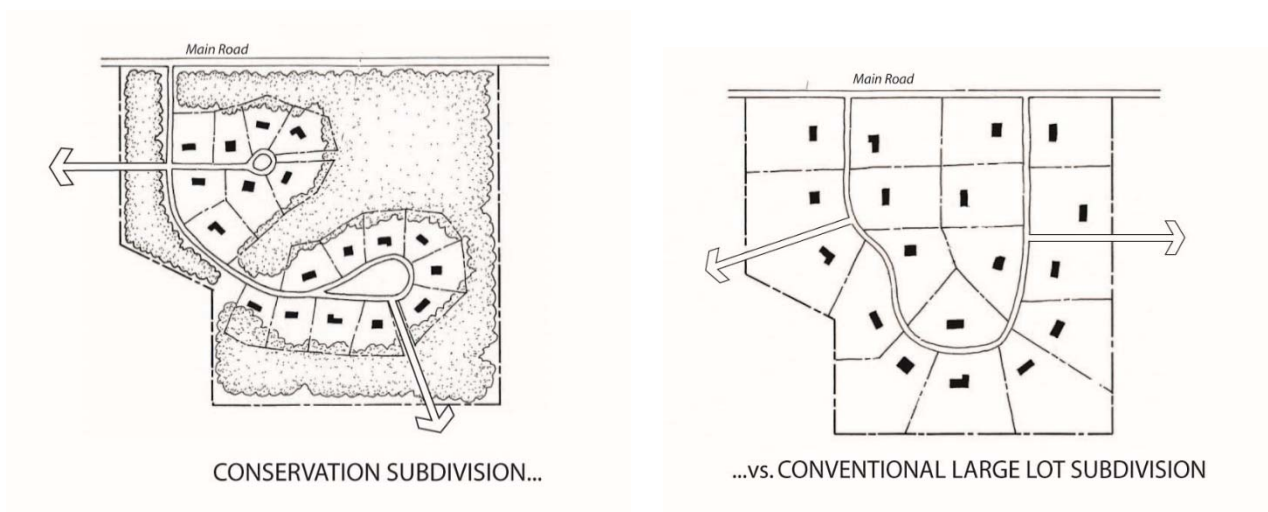


Figure 9.13-2: Conservation Subdivisions: Design



A. Initial Conference.

Before submitting an application for a conservation subdivision, the applicant shall schedule an appointment and meet with the Planning Department to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards. This initial conference may also include the Engineering Department and Arborist. After the initial conference, the subdivider shall submit a series of maps and descriptive information to the Planning Director according to the following. Mapping for the initial application can be done in any combination of features if individual map components can be distinguished and the relationship between map components can be determined. The initial conference may be conducted in coordination with a site visit.

- B.** Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch 50 feet:
1. Topographic contours at 2-foot intervals.
 2. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems.
 3. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
 4. Land cover on the site, according to general cover type (pasture, woodland, etc.) trees with a caliper of more than thirty-two (32) inches measured four and one-half (4.5) feet off the ground. The inventory shall include comments on the health and condition of the vegetation.
 5. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.
 6. Known critical habitat areas for rare, threatened or endangered species.
 7. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
 8. Unique geological resources, such as rock outcrops.
 9. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing local, state and national inventories for historic buildings, archaeological sites, and burial sites.
- C.** Site analysis and concept plan. Using the inventory provided in subsection 9.13.5B and applying the design standards specified in 8.1.1.D. of this ordinance, the subdivider shall submit a concept plan and site analysis on one or more sheets that shall include at least the following information at a scale of no less than one inch to fifty (50) feet and shall be reviewed in accordance with City subdivision regulations for sketch plans:

1. Open space areas indicating which areas are to remain undeveloped and trail location.
2. Boundaries of areas to be developed and proposed general street and lot layout.
3. Number and type (e.g., single family detached, town home, etc) of housing units proposed.
4. Proposed methods for and location of water supply, stormwater management, water quality and sewage treatment.
5. Inventory of preserved and disturbed natural features and prominent views.
6. Preliminary building envelopes showing areas for lawns, pavement, buildings,
7. Proposed methods for ownership and management of open space.
8. General location map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.
9. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
10. Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.
11. The type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing trails; and permanent buildings and structures to a distance of 100 feet beyond the site, if any.
12. Location, widths, and names of all existing public and private easements to a distance of 100 feet beyond the site.
13. Name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
14. Topographic data including contours at vertical intervals of not more than two feet.
15. Identification of sensitive land preservation areas and common open spaces.
16. Existing soil classifications, including hydric soils.
17. Legal description of the property.

18. Existing zoning classifications for land in and abutting the subdivision.
19. Total acreage of the proposed site.
20. Graphic scale, north arrow, and date.

D. Subdivision Design Features.

The following information shall be included with the Preliminary Plat submittal in addition to other preliminary plat information:

1. Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, and proposed street names.
2. Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
3. Layout of proposed blocks and lots within the plat.
4. Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
5. Minimum front, side and rear yard building setback lines for all lots.
6. Indication of the use of any lot.
7. Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources.
8. Location and size of all proposed and existing storms sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
9. Development envelopes showing areas for grading, lawns, pavement and buildings.
10. Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
11. Management plan for restoration and long-term management of the open space areas.

E. Requirements for Design and Improvements.

1. **Primary Conservation Areas.** The following lands shall be retained as common open space unless the applicant

demonstrates that this provision would constitute an unusual hardship or be counter to the purposes of this article:

- A. The 100-year floodplain
 - B. Stream buffers
 - C. Slopes above 25 percent of at least 5,000 square feet contiguous area
 - D. Wetlands
 - E. Habitats of endangered or threatened species
 - F. Archaeological sites, cemeteries and burial grounds
 - G. Existing forests of at least one contiguous acre, containing five trees or more per acre measuring 32"DBH
2. **Secondary Conservation Areas.** The following are considered Secondary Conservation Areas and shall be included in the retained common open space to the maximum extent feasible.
- A. Important historic sites, structures or features
 - B. Existing forests of at least one contiguous acre
 - C. Individual existing healthy trees greater than eight (8) inches caliper
 - D. Significant natural features and scenic viewsheds such as ridgelines, peaks and rock outcroppings and scenic pastures, meadows and hedgerows
 - E. Prime agricultural lands of at least five contiguous acres
 - F. Existing trails that connect to adjacent areas

9.13.6 Performance Standards

A. General

- 1. Tree preservation standards shall consider the entire development area rather than being applied upon a lot-by-lot basis.
- 2. Grading plans shall show all finished floor or pad elevations, general and individual lot drainage patterns and other information to assure compliance with City stormwater management and water quality standards.

B. Residential Lot Requirements

- 1. Minimum lot sizes shall comply with the RC zoning district standards (see Section 7.6).

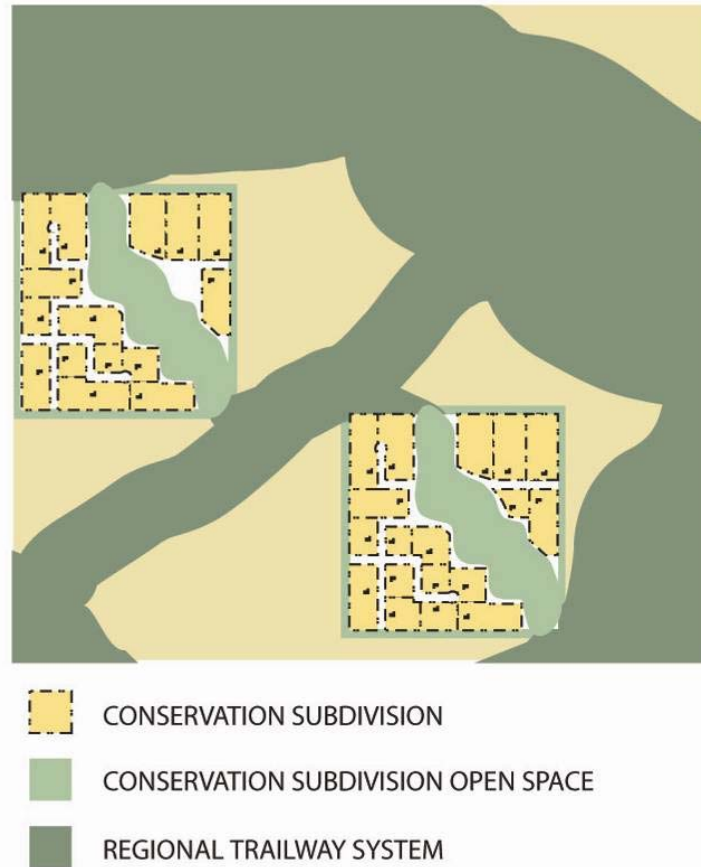
2. Setbacks shall be consistent with the RC zoning district, except as modified through the subdivision approval process.
3. All lots shall take access from interior streets. Existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.
4. At least 80 percent of residential lots shall abut common open space.
5. Lots shall be configured to minimize the amount of road length required for the subdivision.
6. Building lots shall be configured to minimize loss of woodlands.
7. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
8. Building lots should not be located along public roads peripheral to the development or in other visually prominent areas.
9. Residential structures shall be oriented to maximize solar gain in the winter months.
10. A thirty (30) foot native vegetation buffer shall be maintained around ponds and lakes, grassed areas dams, maintenance easements and other areas approved by the City. All development shall comply with the minimum requirements of Article 4.
11. Stormwater and water quality management shall comply with State and City standards. Conservation subdivisions shall minimize the use of curb and gutter and maximize the use of open swales.

C. Residential Siting Standards

1. Residences shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
2. Residences shall avoid encroaching on rare, threatened or endangered species habitats.

3. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and with local or regional recreational trails and the City's Greenways Plan, as illustrated in Figure 9.13-4.
4. Residences shall be located and designed to achieve the following goals, to the extent practicable:
5. Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.
6. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
7. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
8. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
9. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
10. Landscaping around residential areas may be necessary to reduce off site views of residences.

Figure 9-13.4: Conservation Subdivision Standards: Open Space Connectivity



D. Density determination within the Conservation Subdivision District.

To promote the retention of open space, the density ranges established in the following table shall apply to development within the conservation subdivision zoning districts that retains open space **or** agricultural land. Agricultural land shall be limited to limited to pasture or crop production, with the exception that a single homestead may be retained on any agricultural tract encompassing 20 or more acres. Land retained as open space or limited to agricultural uses shall be designated as a separate parcel or parcels on the subdivision plat and shall be protected by conservation easement. If an existing homestead is retained on an agricultural tract, it shall not be counted when calculating the gross density of the conservation subdivision. The sliding density scale for the Conservation Subdivision District is established in **Table 9.13-1**.

Table 9.13-1: Open Space Sliding Scale

Maximum Gross Density¹	Minimum Percentage of Gross Acreage Retained for Open Space, Pasture or Crop Production²	Sample Development (100 Acre Site),
2.5 dwellings per acre	50%	250 Lots 50 Acres Open Space
2 dwellings per acre	40%	200 Lots 40 Acres Open Space
1dwelling per acre	30%	100 Lots 30 Acres Open Space

Table Notes:

(1) Gross density is the number of dwellings divided by the total number of acres within the boundaries of the subdivision.

(2) Not more than 50 percent of required open space shall be comprised of primary or secondary conservation areas.

E. Sewage and Water Facilities

1. Water for a conservation subdivision shall be provided by the City's water system.
2. All conservation subdivisions shall be served by the City's sewer system.

F. Connectivity Standards. Conservation subdivisions shall have at least two access points that provide connections to distinct roadways and/or an adjacent development. The Planning and Zoning Commission may approve the use of a stubbed out road for future connection as a secondary access if the subdivision has fewer than 50 residences.

9.13.7 Ownership and Maintenance of Open Space and Common Facilities

A. Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:

1. A homeowners' association.
2. A non-profit conservation organization.
3. Public dedication to the City (upon agreement by the City).
4. An individual who will use the land for open space or agricultural purposes allowed by the conservation easement.

B. Homeowners' Association. A homeowners association shall be established if the common open space is proposed to be owned by a

homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the City as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

1. The legal description of the common land;
 2. A description of common facilities;
 3. The restrictions placed upon the use and enjoyment of the lands or facilities;
 4. Persons or entities entitled to enforce the restrictions;
 5. A mechanism to assess and enforce the common expenses for the land or facilities (e.g., utility systems, private roads and other public or quasi-public improvements) including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 6. A mechanism for resolving disputes among the owners or association members;
 7. The conditions and timing of the transfer of ownership and control of land facilities to the association;
 8. Any other matter the developer deems appropriate.
- C. **A Nonprofit Conservation Organization.** If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the City. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance and shall not preclude the ability for the City to extend utilities within that area in the future, if necessary.
- D. **Public Dedication of Open Space and Streets.** The City may at its discretion accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided that:

1. The common open space is accessible to the residents of the City and part of the Comprehensive Parks and Recreation Master Plan or Open Space and Connectivity Analysis. (OSCA)
 2. The City agrees to and has access to maintain the common open space.
 3. Streets or other public ways which have been designated on a duly adopted official map or element of the comprehensive plan shall be dedicated or reserved by the subdivider to the City. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.
- E. **Individual Ownership.** An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

9.13.8 Management Plan.

Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water and water quality facilities. A management plan shall not be required for land that is retained for pasture or crop use. The plan shall be approved by, the City prior to final plat approval.

- A. The plan shall do the following:
1. Designate the ownership of the open space and common facilities.
 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 4. Include a land stewardship plan specifically focusing on the long-term management of common open space lands, and describing:
 5. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 6. The proposed end state for each common open space area; and the measures proposed for achieving the end state.
 7. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion;

and measures for restoring historic features and habitats or ecosystems.

8. The operations needed for maintaining the stability of the resources, including: stormwater management facilities; mowing schedules; weed control; planting schedules; clearing and cleanup; at the City's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- B. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Section, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The City may enter the premises and take corrective action.
- C. Management plans can be amended by the owner with the approval of the City.

ARTICLE 10

DEVELOPMENT AND DESIGN STANDARDS

10.1 Lot Design Standards

10.1.1. Purpose of Site Design Standards

This Section establishes standards to guide the design and review of proposed developments involving the layout or development of lots and relationship to streets and other public facilities.

10.1.2. Minimum Lot Standards

- A. The provisions of this § 6.6 shall apply to any newly created or proposed Lot or Parcel resulting from a subdivision of land as provided for in Article 6.
- B. Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see § 7.7) and buffer yards (see Article 11) will exist on the lot.

10.1.3. Blocks

The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum length of any blocks within a subdivision shall not exceed that as shown in Table 10.1-1 (a dash [-] indicates that the requirement is not applicable). Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

Table 10.1-1 Block Length Requirements

Zoning District	Maximum Length
AG, RE	-
<u>RM-1, RM-2, RV, RC</u>	<u>1,000 feet¹</u>
RL, RM-1, RM-2, RV, RC , B-1, CC, TC , C-1, C-2	1,800 feet
I-1, I-2	-
PUD, TND	1,500
<u>MX</u>	<u>600 feet²</u>

¹See Section 7.7.2 for additional requirements and exemptions for streets with structures on only one (1) side (also known as single-loaded streets).

²See Section 9.3.14 for additional requirements.

10.1.4. Corner Lots

Side lot lines of lots abutting a public or private right-of-way shall, to the extent practicable:

- A. run at right angles to the right-of-way line, or
- B. in the case of cul-de-sacs or curvilinear street right-of-ways, radial to the curve.

10.1.5. Lot Frontage Requirements

- A. Unless otherwise permitted herein, every lot resulting from a subdivision of land as provided for in Article 6 shall abut and have direct access to an improved, publicly maintained street or other public right-of-way legally dedicated), except as provided in this section.
- B. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.
- C. Frontage on a public street shall not be required in the following situations; provided, however, that an easement providing access to the public street shall be recorded and substituted with the application for development approval:
 1. Parcels within nonresidential subdivisions;
 2. Town home lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the town home lots;
 3. Lots fronting on approved private streets;
- D. Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment.

10.1.6. Flag Lots

Flag lots may be developed on a limited basis in subdivisions where individual development of each lot is contemplated and the Administrator determines that no future street access through the property will be needed. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations, or to eliminate or reduce access to a thoroughfare or collector street. Flag lots shall not be permitted in any proposed Subdivision except as provided for in this section.

- A. The maximum number of flag lots shall be set forth in Table 10.1-2, where the Administrator finds that the flag lot(s): (1) allow for the more efficient use of irregularly shaped parcels of land, or (2) where

the integrated nature of multiple buildings on a site dictates the need for such lots.

Table 10.1-2 Maximum Number of Flag Lots

Size of Subdivision	Maximum Number of Flag Lots
2 - 20 lots	1 flag lot
Over 20 lots	1 flag lot per every 20 lots

- B. Table 10.1-2 does not apply to the AG District. Flag lots shall not be limited in the AG district.
- C. The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.
- D. The minimum width of the "pole" portion of a flag lot shall be 25 feet for residential lots and 30 feet for non-residential lots.
- E. The "pole" portion of the lot shall have maximum length not to exceed 250 feet.

10.1.7. Cul-De-Sac Lots

A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:

- A. lot frontage of at least 50 percent of the minimum required, but in no case less than 25 feet; and
- B. lot area equal to or greater than the minimum lot area (if one is specified); and
- C. the minimum required lot width at the building line.

10.1.8. Perimeter Buffer Yard for Residential Subdivisions (Major Subdivisions Only)

- A. A buffer yard shall be required along the perimeter of a residential subdivision in order to separate residential lots from:
 - 1. abutting a thoroughfare; and
 - 2. abutting non-residential uses.
- B. The buffer yard for abutting non-residential uses shall be designed and landscaped per § 11.4. The buffer yard for abutting a thoroughfare shall be a Type D buffer as set forth in Table 11.4-2.
- C. All required buffer yards shall be platted as common areas and may be included as "open space" subject to the standards and criteria as set forth in § 6.5.

10.1.9. Infrastructure Standards

A. Standards for Street Design

Public and/or private streets shall be designed in accordance with the City's, *Technical Standards Manual (TSM)*.

B. Standards for Utilities

Standards for the design and installation of public utilities shall be in accordance with the City's TSM.

10.2. Street Improvement Standards

10.2.1. Purpose

The purpose of this Section is to prescribe minimum design standards for new public and/or private streets. These requirements may exceed the standards prescribed by NCDOT for the acceptance of streets into the Secondary System of State Highways. The detailed and required engineering design standards supplementing this section are found in the *TSM*, Article II, Streets. This section should be read in conjunction with Article [II of the TSM](#).

10.2.2. Street Classification System

- A. New, existing or proposed streets not already identified on the City of Concord Transportation Plan shall be classified for the purposes of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location of a proposed use into one of the "classes" shown in Table 10.2.1. The Administrator in consultation with the Transportation Director shall determine which of the Transportation Plan designations apply to the street under consideration utilizing the criteria of § 10.2.2., the City of Concord Transportation Plan and the narrative descriptions for each roadway classification provided in the City's *TSM*.
- B. The street classification system set forth in Table 10.2-1 is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the adopted City of Concord Transportation Plan.

Table 10.2-1 Street Classifications with Right-of-Way Widths

Facility Type	Typical Right-of-Way
Freeway/Expressway	>120'
Major Thoroughfare	120
Minor Thoroughfare	100
Collector (Major Residential and Non-Residential Collector)	60-80'
Residential Street (Minor Residential and Non-Residential Collector)	60 80'
Residential Lane	50'
Alley	20'

C. Determination Criteria

In determining the classification of a street, factors to be considered include the following existing or proposed features:

1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
3. Traffic Characteristics, including average daily traffic volumes (ADT), percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.
4. In applying these factors, the Administrator may also refer to Table 2-1, *TSM*, Article II, and the sources listed therein, which are hereby incorporated by this reference.

D. Conformity to Adopted Plans

All proposed streets shall conform in alignment to the adopted City of Concord Transportation Plan. The improvement standards of the TSM shall not apply instead of those shown on the Transportation Plan. , Whenever a tract to be subdivided embraces any part of a collector street or thoroughfare so designated on a plan pursuant to NCGS § 136-66.2 (such as the Concord Transportation Plan), such part of the proposed street or thoroughfare shall be platted by the subdivider in the location and right-of-way width indicated on such plan. Stub streets within previously platted subdivisions shall be extended and the street system aligned thereto and to the Transportation Plan.

10.2.3. Street Hierarchy

Hierarchy describes the connection of different classifications of streets. For example, very large streets such as thoroughfares may not be connected to residential lanes. However, residential lanes may be connected to Alleys (the next lower classification) or Residential Streets (the next higher classification).

Streets shall be designed to create a hierarchy according to the following standards, provided, however, that the Administrator in consultation with the Transportation Director may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs:

- A. Local Streets or Local Roads shall intersect with two streets of equal or higher classification, except where otherwise permitted by this Ordinance.
- B. Alleys shall intersect with Residential Collector Streets, Residential Streets, or Residential Lanes.

- C. The Administrator in consultation with the Transportation Director may require a street to be of a collector level design where the anticipated ADT will exceed 1,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the Transportation Plan.
- D. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned developments are prohibited.

10.2.4. Public Streets

- A. ~~A.~~—Public streets shall be designed and constructed in accordance with the City's *TSM*, Article II.
- B. ~~B.~~—All new residential developments shall provide for the installation of traffic calming measure(s) on each residential street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and Transportation Department. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, bulb-outs, chicanes, median islands, and on-street parking (see Appendix A Traffic Calming Reference Guide of the Traffic Calming Policy for definitions and additional details on these measures).
For public streets in existing neighborhoods, traffic calming measure(s) are implemented in accordance with the Traffic Calming Policy.
- C. Pursuant to NCGS § 136-66.2 where a proposed subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system, the applicant is required to dedicate at least one-half of the land necessary to comply with the minimum right-of-way width requirements referenced in the Transportation Plan and or the City's *TSM*, Article II, §2, or the applicable regulations of the North Carolina Department of Transportation, whichever is greater.
- D. Where a subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the design requirements of the Transportation Plan and/or the City's *TSM*, Article II or if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation.

10.2.5. Private Streets

- A. Private streets that develop as part of a subdivision, or integrated commercial, industrial, multi-family residential or institutional development shall be designed and constructed to the public street standards set forth in the City's *TSM*. Private streets that develop within a new residential subdivision shall also include traffic calming measures in accordance with public street requirements stated in Section 10.2.4, Part B of this Article. Private streets (with

established right-of-way) shall be designed in accordance with the standards set forth in Article 10 and the *TSM*. This section shall not include private access ways/driveways as regulated in 10.3.

For private streets in existing neighborhoods, traffic calming measure(s) are implemented in accordance with the Traffic Calming Policy.

- B. A legally responsible organization (i.e. homeowners association, other legally recognized association, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or other legally recognized district shall be approved as to form by the City Attorney (this will constitute a contract)

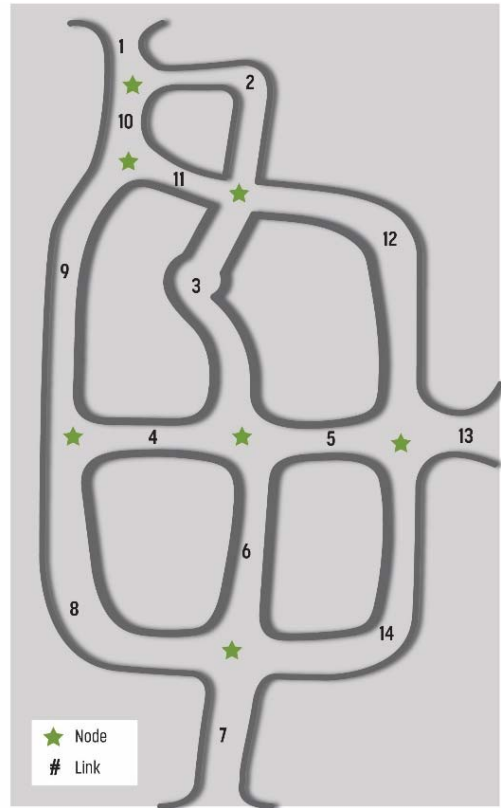
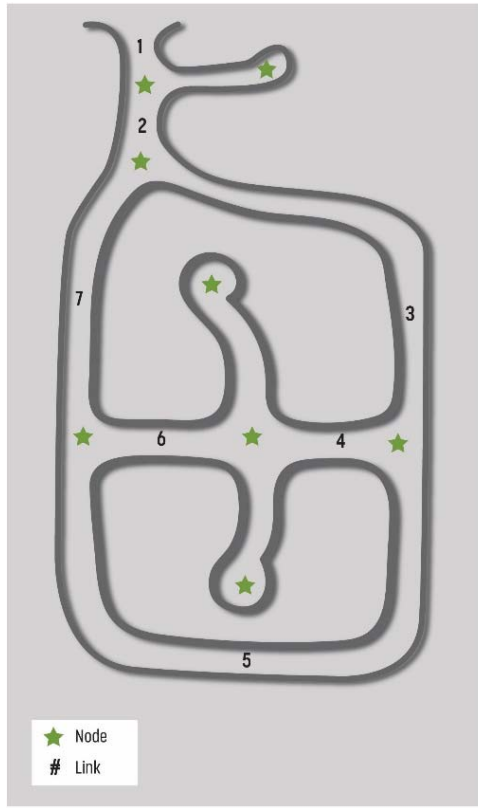
10.2.6. Street Connectivity Requirements

- A. The City Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare; in order to ensure that streets will function in an interdependent manner; to provide adequate access for emergency and service vehicles; to enhance non-vehicular travel such as pedestrians and bicycles; and to provide continuous and comprehensible traffic routes. [For reference, see Institute for Transportation Engineers, ITE Transportation Planning Council Committee 5P-8, Traditional Neighborhood Development Street Design Guidelines (June 1997).
- B. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- C. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see examples in Figure 10.2-1). One greenway/pedestrian connection per subdivision may be used to substitute one link in order to achieve the connectivity ratio. Such a connection shall be reviewed and approved by the Administrator.

For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio. Nodes include 1) intersections of at least two distinct roadways or the allowed greenway/pedestrian connection with three distinct roadway or greenway/pedestrian branches to each intersection and 2) the ends of cul-de-sac roads. A link is a connection between nodes except for the connection to a cul-de-sac

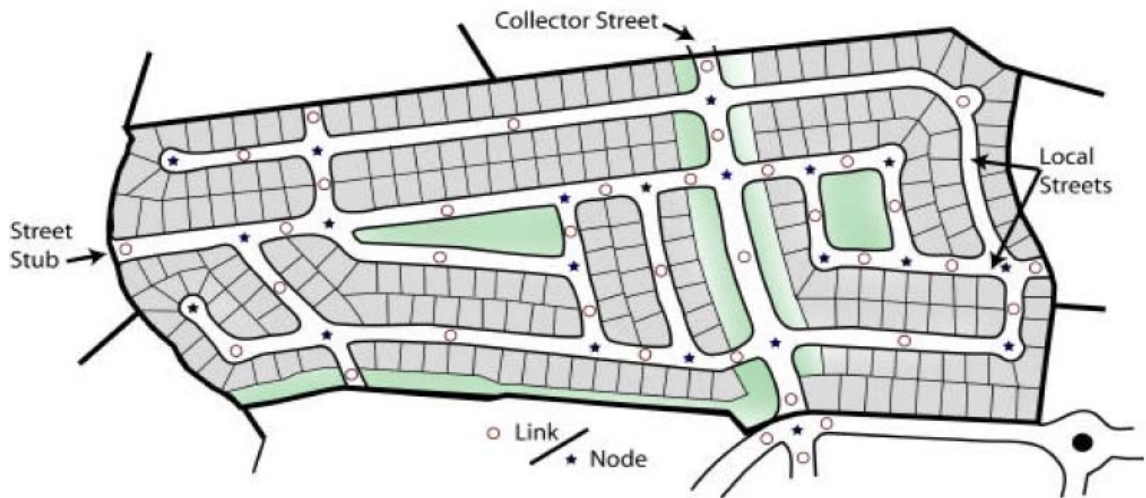
Example 1: Subdivision that does not meet the Ratio (7 links/8 nodes = 0.88 ratio)

Example 2: Same development modified to meet Ratio (14 links/7 nodes = 2.00)



Example 1: Subdivision that does not meet the Ratio (13 links/11 nodes = 1.18 ratio)

Example 2: Same development modified to meet Ratio (16 links/11 nodes = 1.45 ratio)



Example 3: Meets Ratio
~~33-28~~ links/~~11-17~~ nodes = 1.65 ratio

~~For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.~~

- D. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for vehicular and pedestrian traffic.
- E. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 250 feet or one lot width in length, whichever is less. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
- F. Exemption. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines:
 - 1. No option exists for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors (Cost shall not be considered to be a limiting factor unless the cost of the stub street exceeds 150% of the cost of a street of similar length in the subdivision. Cost estimates must be certified by a registered N.C. engineer.); and
 - 2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on physical constraints of the property to be developed. Constraints include topography, hydrologic features, and no options to connect to adjacent developed sites. Cost shall only be considered as provided in 10.2.6 F.1. immediately above.
 - 3. Conservation subdivisions shall also be exempt from the connectivity ratio requirements in part C of this section, provided they have at least two access points that provide connections to distinct roadways and/or an adjacent development.

10.2.7. Driveway (Access) Permits Required

A driveway access permit is required prior to the construction of any new access point to a publicly maintained street. Refer to Section 10.4. Driveway Provisions. Applicants for preliminary subdivision plat or site plan approval shall submit copies of any driveway permit applications with the application for development approval.

10.2.8. Access Management Standards

- A. Scope: The purpose of regulating the number, spacing and design of vehicular access points is to balance the need for providing access to

individual private properties with the need to preserve an adequate level of capacity on the streets providing access.

All proposed vehicular access points that connect to a public street shall conform to the Access Management provisions of City's TSM, Article III. This Section applies to all driveways or access points to be maintained on private property, including that portion of a private driveway that connects to a public street and extends to the edge of the public right-of-way.

- B. Permits are required for connections to public streets. Permits for connection to State-owned and State-maintained streets are issued by the NCDOT for a connection to any State Highway (19A NCAC §§ 2B.0601-2B.0605). A driveway permit is required in accordance to the requirements of the *TSM* for any connection to a City-maintained street.
- C. If ingress and egress are the same, off-street parking spaces shall be connected to a public street by a paved driveway which affords safe and convenient ingress and egress provided, however, that the Administrator may waive this requirement where:
 - 1. The driveway is connected to an adjacent driveway or series of driveways with access to a public street, and
 - 2. The applicant has a valid easement providing for access to all driveways leading to the public street.
- D. The standards found in the TSM, Article III, shall be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. Vehicular access restrictions shall be required to be shown on subdivision plats.

E. Secondary Access.

Secondary access shall be provided for major subdivisions of 100 or more lots. Secondary access streets shall be routed to avoid hazard areas such as floodways.

F. Substandard Access.

Where access meeting the spacing guidelines of this Section or *TSM* cannot be provided, the Administrator shall consider the following standards in determining whether a substandard access location may be permitted if such action shall not be contrary to the public interest and / or shall not be detrimental to the public health or general welfare of the traveling public. The request for substandard access shall be submitted in writing to the City.

- 1. The Administrator shall first determine whether alternate access is available. Alternate access includes:
 - a. Access to another street that meets the standards of the Ordinance; or
 - b. Access provided jointly with an adjacent property that will meet the standards of this Ordinance.

2. Where alternate access opportunities are determined not to exist, the Administrator may grant a reduction in spacing standards of up to 20 percent.
3. If after considering alternatives above, the Administrator, Director of Engineering, and Transportation Director determine no feasible alternative exist, a substandard access permit may be granted only subject to the provision of a maintenance guarantee.

10.2.9. Backing Movements Prohibited

Parking spaces that force a vehicle to back out into a public street are prohibited except for private residential driveways.

10.2.10. Emergency Vehicle Access

A. Purpose

The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

B. Emergency Access Required

For developments without frontage on a public street, access for fire vehicles and emergency apparatus from a public street shall be provided as follows:

1. Except as provided by this § 10.1.9, a fire lane shall be required to provide access to any portion of any structure which is more than:
 - a. 150 feet from the nearest street right-of-way when the structure is thirty 30 feet or less in height; or
 - b. 50 feet from the nearest street right-of-way when the structure exceeds 30 feet in height.
2. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right-of-way specified in above, by means of either buffer yard area or adjoining property, the requirements of this § 10.1.9 may be waived by the Administrator, after consultation with the fire chief.

10.2.11. Access Driveway Standards

A. Access Driveway Width

The width of driveways shall be measured at the point of intersection with the public street right-of-way. Driveway width shall be regulated in accordance with *TSM* Article III , unless the Administrator determines the width should be expanded as set forth in § 8.2.1.3. Medians shall not be included in the calculation for the width of driveways. Where no right-of-way exists, the Administrator shall

determine the most appropriate location for the measurement. The Administrator may waive these requirements only under the following conditions:

1. The Administrator determines that a wider turning area is needed in order to avoid a traffic hazard,
2. The Administrator determines an appropriate distance from the point of intersection with the public street right-of-way where the driveway shall conform to the dimensional requirements of 10.2.2,
3. The design of the driveway is such that it progressively decreases in width to conform to the width as determined in Table 10.2.2.

Review and final approval of any proposed driveway design that does not conform to the dimensional limitation shall be under the authority of the Administrator upon recommendation from the City Transportation or Engineering Director, or his designee.

10.2.12. Sidewalk, Curb, and Gutter Exception

- A. The Transportation Director, Engineering Director, and Administrator, may grant an exception from the sidewalk, curb, and gutter requirements if either or both of the following scenarios exists:

1. Topography does not allow for the reasonable or practical installation of sidewalks, curbs, and gutters; and/or
2. There is a funded transportation improvement project for the City of Concord or NCDOT, and the developer's improvements (infrastructure) would be affected.

Refer to Section 6.1.4-C.2 for development or expansion of 10% or less.

B. Application for Exception

A written application for a sidewalk, curb, and gutter exception is required and shall be submitted to the Development Services Department.

C. All exceptions are be subject to the following conditions:

1. The developer would be required to pay a fee-in-lieu of the required installation.
2. The fee would be calculated annually, based on actual costs for typical construction during the previous fiscal year at a rate of 110% to cover administrative costs and the cost of inflation.
3. The fee shall be put into a Sidewalk, Curb, and Gutter Reserve Account administered by the City of Concord.
4. The Reserve Account shall only be used for the construction of sidewalks, curbs, and gutters at locations within the same Sidewalk Maintenance Routes/ Zones as the project where the exception was granted.

5. Paying into the Reserve Account does not release a developer from providing any required rights-of-way and/or easement dedications.
6. If a developer provides an alternate walkway system that has been approved by the Administrator and Transportation Director, no sidewalk or sidewalk fee is required.

D. Appeal

An appeal from the decision of the Administrator / Transportation Director may be made to the Board of Adjustment. This appeal will be treated and processed as an appeal of a staff decision and follow the requirements of section 6.3.9. , Appeals of Staff Decisions.

10.3. Parking and Loading

10.3.1. General Standards

A. Applicability

The provisions of this Section shall apply to any application for Zoning Clearance or Site Plan approval, except.

1. Detached single-family dwellings or duplex developments on individual lots of record (except that single-family units and duplexes shall maintain an improved area large enough to accommodate two off-street parking spaces not to exceed 30 percent of the area of the front yard); or
2. All developments in the CC district; or if

B. Front Yard Parking Standards

1. Applicability

Parking is permitted in the front yards of any single family, duplex, triplex or quadplex dwellings in any zoning district other than agricultural.

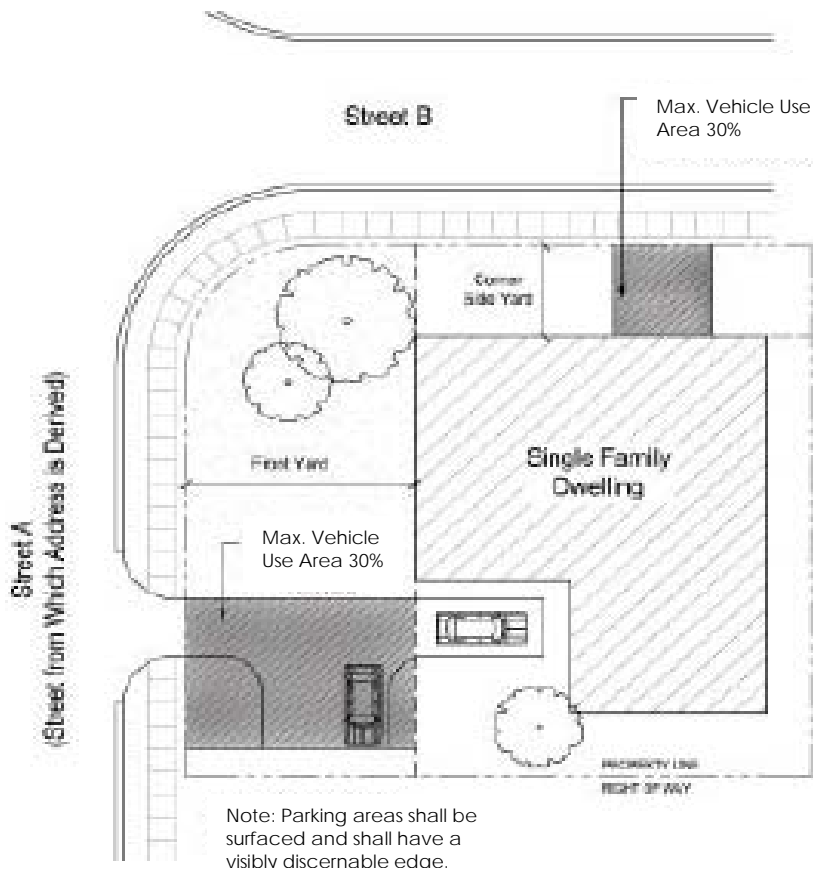
2. General

No person shall park or store any motor vehicle, boat, trailer or recreation vehicle in the front yards (between the street and a line drawn parallel to the street from the point of the dwelling that is closest to the street) other than completely upon an improved driveway or improved parking pad.

3. Coverage of Improved Area

Improved parking and drive areas shall be limited in size to 18 feet by 18 feet and shall not exceed 30% of the structure's front yard. Access to the improved front yard area shall be limited to properly approved curb cuts or other approved access points. [Improved parking and drive areas shall be maintained in a safe and sanitary condition, and shall not contribute to soil erosion or

tree damage. Proposed improved parking area shall be installed so as to avoid creating standing water conditions, diverting runoff onto neighboring property owners, or adversely impacting stormwater water quality.



4. Surfacing

Improved parking or vehicular use areas shall be surfaced with asphalt, concrete, brick or other suitable pavers. Gravel or crushed stone may be used if the gravel is at least two (2) inches deep throughout the vehicular use area, and the vehicular use area has a visible and definable edge made of landscape

timbers, metal edging, vegetation such as low shrubs or decorative grasses, or similar technique to distinguish the vehicular use area from the front or corner side yard area.

5. Exceptions

- a. Parking in the front yard may be allowed for a special event or circumstance but will require a permit issued by the Chief of Police for such event or circumstance. Permitted events will be limited to two per year per residence.
- b. The prohibitions shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the City to perform a public service. However, this exception shall apply only when an emergency situation requires that such vehicles park in the prohibited area.

6. Application for a Zoning Clearance Permit

A zoning clearance permit is required for any front yard parking spaces constructed on a parcel in accordance with Article 6.1.4. A plot plan of the property showing the driveway location along with any other structures is required. (FEE to be determined)

7. Principal Use Compliance

Parking areas which constitute the principal use of a site shall comply with the parking lot layout and design provisions, but not the minimum number of spaces as required in 10.3.2.

8. Modification to Required Parking or Loading Areas

The area reserved for off-street parking or loading in accordance with the requirements of this Article shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified. Street parking allowed adjacent to any land use shall not reduce the off street parking requirements where required, except as permitted in a TND development per Article 9.5.

C. General Design Standards for Non-Residential and Multi-family Development

1. Location

Required off-street parking area(s) shall be provided on the same parcel as the principal structure or use, unless shared parking is provided as set forth in § 10.3.2 F.

- a. For lots with not more than 200 feet of depth, not more than 50 percent of the parking spaces shall be located in a front yard setback as required in Dimensional and Density

Standards § 7 Table 7.7-1, except in zoning districts where front yard parking is not permitted. No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 11.

- b. For lots exceeding 200 feet in depth, parking spaces shall not be located within a front yard setback, or within a side yard setback adjacent to a residential zoning district. No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 11.

2. **Upfit to existing Public Street Required**

New multi-family and nonresidential projects shall be required to provide curb and gutter and sidewalks to adjacent public streets which provide access to the development. Such improvements other related improvements such as Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements including any necessary right-of-way dedication shall be the responsibility of the developer and/or owner. Unnecessary as design of the upfit should go through site plan review. Design standards for pedestrian upfits to state maintained roads shall be subject to site plan review and approval by the Administrator and Transportation Director City Manager, or his designee, and the NC Department of Transportation. Sidewalks, curb and gutter shall not be required along interstate highways. Exceptions to the sidewalk requirements shall follow those outlined in 10.2.12.

3. **Landscaping**

Landscaping shall be required in accordance with Article 11, Landscaping and Buffering Standards.

4. **Exterior Lighting**

Lighting sources shall be designed and constructed so as to direct light away from public rights-of-way and residentially zoned or developed areas.

5. **Paving Required**

All required parking and vehicular traffic surfaces shall be graded for drainage in accordance with § 4.4 Stormwater Control and shall be surfaced with concrete or bituminous asphalt pavement. Alternative materials may be approved by the Administrator. Alternative materials shall only be considered if such material(s) exhibits equivalent load bearing and wear characteristics as concrete or bituminous asphalt. Other alternatives may include brick, concrete pavers, compacted fines, or stone. In making such a determination, the Administrator may consult the City Manager, or his designee, or other persons with knowledge of paving materials, including the Development Review Committee. All surfaces shall be maintained in sound condition free of weeds, dust, trash and debris.

a. Overflow Parking

Overflow parking areas, event parking areas and/or low-traffic storage yards shall use turf. Overflow parking shall be defined as off-street parking in excess of the minimum required by this Ordinance which is designed not to be used more than 10 times per year.

b. Paving Exemption for Assembly Uses

Paving of parking areas and access ways for assembly uses (churches, sports facilities, fairgrounds, etc.) may be waived if evidence is presented to the Administrator that these spaces will not be used regularly on a daily basis or at least five times per week. Parking areas for which paving is waived shall maintain a turf surface. All parking areas for which paving is waived shall meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and for Fire Prevention. All parking lots shall be constructed with proper drainage.

6. Parking and Storage of Certain Vehicles

a. Automotive vehicles or trailers shall not be parked or stored on any residentially zoned lot without required current license plates other than in enclosed buildings behind the front setback.

b. Tractor-trailers, cargo trucks, and other such heavy equipment shall not be parked or stored in any residential district or on any adjacent public right-of-way other than in an area completely screened from public view. When such vehicles are parked in a commercial or industrial zone, they shall be no closer than 25 feet to any residential district.

10.3.2. Required Amount of Off-Street Parking

Table 10.3-1 establishes the minimum and the maximum number of parking spaces permitted for the uses indicated.

A. Parking Structures Exempted

The maximum parking requirements shall not apply to parking spaces within an above-ground or an underground parking structure. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the gross floor area of the building.

B. Exemption from Required Number of Spaces

The minimum requirement for the number of vehicle parking spaces shall not apply within the following zoning districts:

1. CC City Center
2. TND Traditional Neighborhood Development

C. Uses Not Identified in Table 10.3-1

The Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in Table 10.2-1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

1. Type of use(s);
2. Number of employees;
3. The occupant load (per Building Code) of the building;
4. Square feet of sales area and service area;
5. Parking spaces proposed on-site;
6. Parking spaces provided elsewhere; and
7. Hours of operation.

D. Multiple Uses

In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as provided in paragraph F below.

E. Modification to Required Number of Spaces

In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either upward or downward by up to 10 percent, if one or more of the following circumstances exists:

1. Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.
2. The parking demand varies throughout the day in relation to parking supply.
3. The nature of operational aspects of the use warrants unique parking arrangements.

F. Shared Parking

1. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
 - a. In nonresidential zoning districts, the parking may be up to 500 hundred feet from the principal structure;
 - b. The parking demands of the individual uses, as determined by the Administrator, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking spaces required; and

- c. A written agreement between the owners and lessees is executed for a minimum of 10 years, approved by the Administrator, recorded, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements. Future expansion of the use shall be prohibited unless the use is brought into compliance with this Section 10.3.
2. Developments which contain a mix of uses on the same parcel, as set forth in Table 10.3-1 below, may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with 10.3-1 for each land use as if it were a separate use, (2) multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 10.2-4, (3) calculate the total for each time period (Columns), (4) select the Column with the highest total, and (5) use this number as the required minimum number of parking spaces.

**Table 10.2-5
Shared Parking Allowances by Land Use**

Land Use	Weekday		Weekend		Nighttime*
	Daytime*	Evening*	Daytime*	Evening*	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

***Key:**

- Daytime (6am – 5pm)
- Evening (5pm – midnight)
- Nighttime (midnight – 6 am)

Table 10.3-1: Required Minimum and Maximum Parking Spaces

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
Residential		
Single Family, detached (includes manufactured and modular homes)	2 per parcel	n/a
Duplex (Two units per lot)	2 per unit	n/a
Multi-Family (3 or more units) and attached Single-Family	1.5 per unit	2.5 per unit
Accessory Dwellings	1 per unit	n/a
Family Care Home	2 per parcel	n/a
Institutional and Civic		
Auditorium/Public Assembly	1 per 6 seats or 1 per 50 sf GFA (if no seats)	1 per 4 seats or 1 per 30 sf GFA (if no seats)
Botanical Garden and Nature Preserves	n/a	1 per 125 sf GFA of bldg.
Campground	1 per 6 camp sites, plus 4 per laundry & shower facility	n/a
Child Care Center	1 per 375 sf GFA	1.5 per 375 sf GFA
Civic, Social and Fraternal Organizations	1 per 250 sf GFA	1 per 200 sf GFA
Emergency Service Facilities	1 per employee + 1 per 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	n/a
Golf Course	4 per hole	6 per hole
Golf Driving Range	1 per 2 tees	1 per tee
Governments Buildings	1 per 300 sf GFA	1 per 125 sf GFA
Hospital	1 per 400 sf GFA	1 per 100 sf GFA
Museums and Art Galleries	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA
Park, public	1 per 4 seats	1 per seat
Religious Institutions	1 per 8 seats	1 per 1.5 seats
Residential Care Facilities and Group Homes	0.3 per room	1 per room
Schools - Business, Trade and/or other Vocational	1 per 200 sf GFA	1 per 150 sf GFA
Schools - Elementary and Secondary	1 per classroom	2 per classroom
Schools - University or College	1 per 4 students	1 per 2 students
All other Institutional Uses	1 per 300 sf GFA of bldg.	1 per 125 sf GFA of bldg.
Professional Office/Business Services		
Offices, General	1 per 1,000 sf GFA	1 per 200 sf GFA
Banks (with drive-through)	1 per 200 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)	1 per 150 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)
Banks (without drive-through facilities)	1 per 250 sf GFA	1 per 140 sf GFA
Funeral Home and Services	1 per 4 seats	1 per 2 seats
Personal Services (Dry Cleaners, etc.)	1 per 500 sf GFA	1 per 215 sf GFA
Personal Care Services (Hair, skin, etc.)		
All other Professional Office/Business Service uses	1 per 300 sf GFA	1 per 150 sf GFA
Retail Trade		
Amusement Arcade	1 per game table, video game or other amusement device	n/a
Amusement Park	1 per 600 sf of outdoor recreation area	1 per 500 sf of outdoor recreation area
Automobile Sales, New and Used (see § 5.6)	1 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site	1.5 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site

DEVELOPMENT AND DESIGN STANDARDS

Section 10.3.

Parking and Loading

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
Automobile Repair/Body Shop	1 per 500 sf GFA including all service areas, plus 1 per employee	1 per 375 sf GFA including all service areas, plus 1 per employee
Bed and Breakfast Inns (see § 5.7)	1 per guest bedroom, plus 2 for owner/operator	n/a
Bowling Centers	2 per lane	4 per lane
Building Material Supply, Greenhouses, Nurseries, Lawn & Garden Supply	1 per 375 sf GFA of sales or service building area	1.5 per 375 sf GFA of sales or service building area
Car Wash (as a principal use), Truck Stops, and/or Travel Plaza	1 per 500 sf GFA including wash bays/tunnels and retail areas	1 per 375 sf GFA including wash bays/tunnels and retail areas
Convenience Store	6 per 1,000 GFA, plus sufficient stacking area to accommodate 2 vehicles per each side of pump island	10 per 1,000 GFA, plus sufficient stacking area to accommodate 2 vehicles per each side of pump island
General Merchandise Stores (less than 25,000 sf GFA)	1 per 300 sf GFA	1 per 200 sf GFA
Grocery/Food Stores	1 per 300 sf GFA	1 per 200 sf GFA
Health Clubs and Fitness Centers	1.5 per 1,000 sf GFA	10 per 1,000 GFA
Hotels, Motels and Extended Stay Facilities	1 per room plus 1 per 800 sf of public meeting area and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space
Manufactured Home Sales	1 per 100 sf GFA of office area, plus 1 per every 2 employees	n/a
Miniature Golf	1 per hole	2 per hole
Mini-warehouse/Self-storage Leasing (see § 5.15)	1 for every 200 rental spaces (2 required)	n/a
Motion Picture Theater	1 per 6 seats	1 per 4 seats
Motion Picture Theater, drive-in	1 for each viewing space the facility is designed to accommodate	1 for each viewing space the facility is designed to accommodate
Restaurants (with drive-through service and/or carry-out)	1 per every 3 seating accommodation plus sufficient stacking area to accommodate any drive-through lane(s)	1 per 50 sf GFA, plus sufficient stacking area to accommodate any drive-through lane(s)
Restaurants (dine-in only)	1 per every 3 seating accommodation	1 per 50 sf GFA
Shopping Centers/Superstores (25,000-400,000 sf GFA)	1 per 250 sf GFA	1 per 150 sf GFA
Shopping Centers/Superstores (400,001-600,000 sf GFA)	1 per 225 sf GFA	1 per 150 sf GFA
Shopping Centers/Superstores (over 600,000 sf GFA)	1 per 200 sf GFA	1 per 150 sf GFA
All other Retail uses	1 per 300 sf GFA	1 per 150 sf GFA
<i>Wholesale Trade uses, Manufacturing and Industrial uses</i>		
Contractor's office	1 per 600 sf GFA	n/a
Junk/Salvage Yard	1 per 2 employees at peak shift, plus 1 per 5,000 sf of land area devoted to material storage, plus 1 for each company vehicle at peak shift	n/a
Manufacturing uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	n/a

DEVELOPMENT AND DESIGN STANDARDS

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Parking and Loading

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
Mining and Extractive Uses	1 per employee at max. shift, plus 1 per each company vehicle at peak shift	n/a
Wholesale sales and all other Industrial uses	1 per 400 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	n/a
<i>Transportation, Warehousing and Utility uses</i>		
Air, Rail or Bus Terminal	1 per employee, plus spaces required to satisfy projected peak parking demands	n/a
Communications Tower/Antenna	none (see § 5.21)	n/a
Truck Terminal	1 per employee at peak shift, plus 1 per each company vehicle at peak shift	n/a
Warehouse and Storage	1 per 400 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	n/a
Utility uses	1 per employee at peak shift, plus 1 per each company vehicle at peak shift	n/a

10.3.3. Off-Street Loading and Unloading Area Standards

A. Scope

There shall be provided on the same lot with each nonresidential building or structure, adequate space for off-street loading, unloading and the maneuvering of shipping and delivery vehicles. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

1. be surfaced with pavement, concrete or equivalent,
2. be properly drained,
3. be designed with regard to pedestrian safety,
4. have direct access to public streets, and
5. shall be screened from adjacent residentially zoned or developed property as provided in Article 11, Landscaping and Buffering.
6. No loading docks shall be visible from a thoroughfare or collector street right-of-way.

B. Required Amount

1. The Uses required to provide off street loading/unloading space and, the quantity and size of said space required shall be:
 - a. **Retail and service establishments**
One loading space with minimum dimensions of 12 feet by 25 feet for every 20,000 square feet of Gross Leasable Area rounded off to the nearest 20,000.
 - b. **Office buildings and lodging establishments**
One loading space with minimum dimensions of 12 feet by 25 feet for every 50,000 square feet of Gross Leasable Area rounded to the nearest 50,000. If only standard size service/delivery vehicles are used, then one standard sized parking space may be substituted at the Administrator’s approval.
 - c. **Industrial/manufacturing and wholesale establishments**
Industrial/manufacturing and wholesale establishments shall provide the following loading spaces with a minimum dimension of 12 feet by 25 feet:

Building Size	Loading Spaces
Up to - 50,000 sq. ft.	1 space
50,000 - 120,000 sq. ft.	2 spaces
120,000 - 220,000 sq. ft.	3 spaces
220,000 - 350,000 sq. ft.	4 spaces
350,000 - 550,000 sq. ft.	5 spaces
550,000 - 850,000 sq. ft.	6 spaces
Each additional 400,000 sq.ft.	1 additional space

2. Off street loading/unloading areas shall be located such that interference with traffic on Streets is minimized (subject to approval by the Administrator).
3. No off street loading/unloading space shall be sized such that any reasonably anticipated vehicle utilizing the space will protrude into any required Parking Space and/or Street right-of-way.

10.4 Private Driveway Provisions

10.4.1. Scope

- A. All proposed vehicular access points to connect to a public street shall conform to the Access Management provisions of this § 10.4 , as well as applicable sections of Article 10 and the City's *TSM*. This § 10.4 shall apply to all driveways or access points to be maintained on private property. The provisions of shall regulate that portion of a private driveway that connects to a public and extends to the edge of a public right-of-way.
- B. If ingress and egress are the same, off-street parking spaces shall be connected to a public street by a paved driveway which affords safe and convenient ingress and egress provided, however, that the Administrator may waive this requirement where:
 - 1. the driveway is connected to an adjacent driveway or series of driveways with access to a public street, and
 - 2. the applicant has a valid easement providing for access to all driveways leading to the public street.
- C. **Driveway Width**
Refer to § 10.2.12

10.5. Open Space Standards

10.5.1. Purpose

Open spaces preserve natural resources and provide areas for active and passive recreation in developed areas.

10.5.2. Applicability

Open space, as defined in Article 14, shall be reserved in major subdivisions of land, planned unit developments, planned residential developments, traditional neighborhood developments, and developments requiring site plan review in accordance with Article 5. Buffers and setbacks in Article 4 and active open space shall not overlap. Passive open space may overlap buffers and setbacks in Article 4 that are located outside of the floodway. Active open space shall not overlap the planting yards required in Sec. 9-3. Passive open space may overlap buffer yards and street yards required in Sec. 9-3. Developments that meet all of the following criteria shall not be subject to the requirements of this section:

- A. Contains less than 50 proposed dwelling units, and
- B. Located less than ½ mile of walking distance from an existing or planned public park (or a public school with recreation facilities accessible to the general public), and
- C. Includes a proposed connection to the park or school by a sidewalk or greenway trail.

10.5.3. Required Improvements

Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below. Developers shall be responsible for making certain improvements to the land they dedicate as open space within their development for park, playground, and public active open space purposes as follows:

- A. Provide finish grade and turf establishment for all disturbed areas and provide landscaping and/or screening in accordance with Sec. 9-3 and the Manual.
- B. Complete, construct, and surface walkways, which may be required as trail connectors in accordance with this section. Such walkways may be within or abutting residential street rights-of-way. Such connections shall not be used in the financial investment described in Item (2).
- C. Complete and construct improvements as set forth in Table 0.2 below.
- D. The size of open space(s) required shall be the minimum shown in Table 10.5.13.1 below.
- E. Provide any other recreational areas and associated facilities as required by the Planning and Zoning Commission.

10.5.4. Use of Stormwater Detention Basins

Retention areas or detention basins, which may be required as part of Article 4 shall not qualify as open space for residential developments unless:

- A. Fifty percent (50%) or more of the active and usable area is above the area submerged during a ten (10) year storm, and
- B. The detention basin is designed for multiple uses and the usable areas conform to all of the requirements of this Subsection, (d).
 1. Retention or detention areas may meander through the development rather than exist as a single basin. Retention areas shall be improved so as to be usable and accessible. Detention areas shall not be permanently inundated so as to be unusable for their designated recreational purposes.
 2. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming, and contouring are required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a 3:1 slope.

10.5.5. Size

Unless otherwise specified below, open spaces shall be reserved based on zoning districts and proposed densities and equal or exceed the minimum total land area identified in Table 0-1. The minimum dimension for usable open space shall be fifty (50) feet in width, excluding areas reserved for trails, medians, greenways, and sidewalks that meet the intent of this ordinance and have a minimum dimension of 15 feet. If the open space includes agricultural areas, the agricultural areas shall have a contiguous area of not less than fifty (50) acres. The agricultural areas may be combined with adjacent agricultural lands provided, however, that the minimum width prescribed above shall be met on all portions of the agricultural open space. If the required open space area cannot be reserved, developers may apply for an exemption and pay the required in-lieu-of fee in accordance with § 0-2.

10.5.6. Open Space Required

Open space shall be required in all developments as set forth in Table 0-1.

10.5.7. Location

A. Distance to Dwellings

Open space shall be located within one-quarter (1/4) mile radius from each buildable lot within the proposed development. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections.

B. Connectivity

The Administrator may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of an established community public open space as

included in the Livable Communities Blueprint for Cabarrus County or any other park, recreation, greenway, or open space plan adopted by the City Council, which are all hereby incorporated by reference as if set forth in their entirety herein.

C. Accessibility

Active open space areas shall be accessible to all residents of the development. Accessibility to pedestrians within the proposed development shall be provided by one of the following means. Upon review of the design by the Administrator, additional pedestrian access points may be required.

1. Access shall be provided via frontage on a public street right-of-way containing a sidewalk; or
2. Access shall be provided via a recorded pedestrian easement (minimum 15 feet wide).

D. Contiguity

At least sixty percent (60%) of the required open space shall be in a contiguous tract. For the purposes of this section, contiguous shall include any open space bisected by a residential street (including a residential collector), provided that:

1. A pedestrian crosswalk is constructed to provide access to the open space on both sides of the street; and
2. The right-of-way area is not included in the calculation of the minimum open space required.

10.5.8. Maintenance

- A.** Open-space areas shall be owned, preserved, and maintained as approved by the City Council by any of the following mechanisms or combinations thereof:
1. Dedication to the City, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space, or
 2. Common ownership by a property owners' association, which assumes full responsibility for the maintenance of the open space. In the event the association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice:
 - a. Demand that the deficiency of maintenance be corrected; or
 - b. Enter the open space to perform the needed maintenance. The cost of such maintenance shall be charged to the association.
- B.** Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed.

1. **Active Open Space.** Maintenance shall include ensuring that there exist no hazards, nuisances, or unhealthy conditions.
2. **Passive Open Space.** Passive open space maintenance shall include the removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding; and mowing. Litter and debris shall not inhibit the flow of natural watercourses. Stream channels shall be maintained so floodplains elevations remain unchanged.
3. **Open Space on Farms.** No specific maintenance is required for open space with agricultural uses. No specific maintenance is required for open space with forestry uses provided that a current forest management plan is filed with and approved by the appropriate State agency.
4. **Greenways.** Greenways connecting residences, schools, and recreational areas are encouraged. Maintenance shall included the removal and avoidance of hazards, nuisances, or unhealthy conditions.

10.5.9. Submittal Requirements

All areas reserved as open space shall be delineated and labeled on required preliminary and/or final subdivision plats, and required site plans.

10.5.10. Open Space Provision and Maintenance Plan

An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project-phasing schedule. The plan shall:

- A. Designate areas to be reserved as open space. The location and use of open-space areas shall be sensitive to the physical and design characteristics of the site.
- B. Designate the type of open space that will be provided (passive or active).
- C. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

10.5.11. Utility Rights-of-Way

Open space may be located within a utility right-of-way provided that permanent structures and other obstructions are not located in the right-of-way.

10.5.12. Open Space Fee-In-Lieu

- A. In lieu of land dedication, the Planning and Zoning Commission or City Council may permit the developer to contribute a cash payment to the City. The value of such payment shall be 300 percent of the pre-development tax value of the required open space area.
- B. If, at the option of the Planning and Zoning Commission, it is determined that a cash dedication may be made, said cash shall be paid to the City Finance Director and shall be deposited into a special

Parks and Recreation Service Area fund prior to final plat approval. Money in the fund, including accrued interest, shall be expended solely for acquisition, development, or rehabilitation of recreational lands or improvements related thereto.

- C. Collected fees shall be appropriated by the City for a specific project to serve residents of the subdivision. Collected fees shall be expended within a budgetary year no more than ten years after the receipt of the recreation improvement request. If such fees are not so committed, these fees shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.

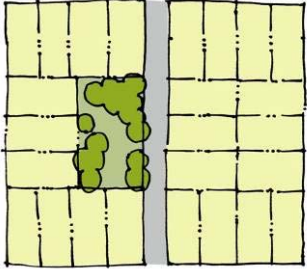
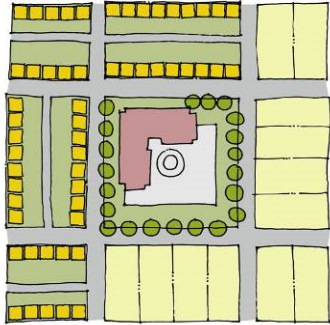
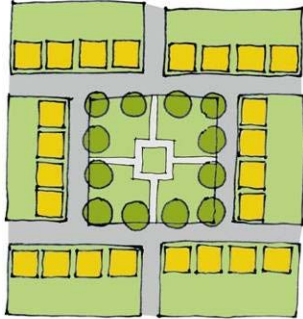
10.5.13. Tables

Zoning District(s)	Total Percentage of Open Space
AG	N/A
RE, RL, RM-1, RM-2, RV and RC	8% (0 - 2 units per acre)* 10% (2.1 - 4 units per acre)* 12% (greater than 4 units per acre)*
B-1, O-I, CC, C-1, C-2, I-1 and I-2	N/A
PUD, PRD	16% (0 - 2 units per acre)* 20% (2.1 - 4 units per acre)* 24% (greater than 4 units per acre)*
TND	See Table 4.10-1

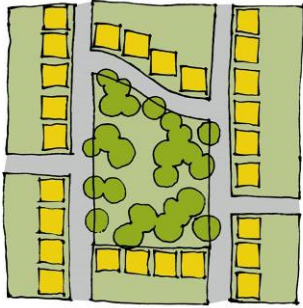

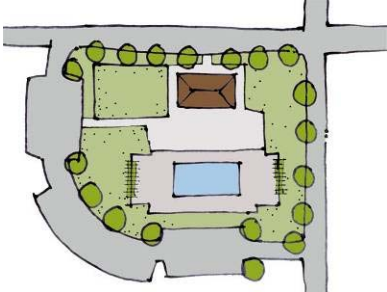
TABLE 0.2


Category	Description	Required Improvements	Illustration
Tot Lot Playground	Tot lots and playgrounds provide play areas for children, open shelters, and benches. Playgrounds may be located within squares, greens, mini-parks, and neighborhood parks or may stand alone within a residential block.	Improvements shall include commercial-grade play equipment for two age groups - a tot lot for children ages 1-5 with separate play equipment for children ages 6-10, including at least 2 park benches, and 1 trash receptacle. Improvements may include picnic units and shelters. Areas with playground equipment shall have a shock-absorbing surface with a maximum 2% slope. ^{1 2 3}	

DEVELOPMENT AND DESIGN STANDARDS
Section 10.5. Open Space Standards

Category	Description	Required Improvements	Illustration
Mini-Park	<p>Mini-parks provide active recreational facilities for the use of the residents in the immediate surrounding neighborhood within the development.</p> <p>Mini-parks may range in size from 2,500 ft² to 1 acre.</p>	<p>Improvements may include tennis courts, basketball courts, playgrounds, and seating accommodations. Each mini-park shall be centrally located and easily, conveniently, and safely accessible by those persons in the neighborhood it is designed to serve. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences. ^{1 2 3}</p>	
Plaza	<p>Plazas provide areas for passive recreation adjacent to civic or commercial buildings.</p> <p>Plazas may range in size from 2,000 to 30,000 ft².</p>	<p>Improvements may include brick or some other type of paved block surfacing. Plazas shall be level, stepped, or gently sloping. At no time shall the horizontal length or width be greater than 3 times the height of surrounding buildings.</p>	
Square	<p>Squares provide formal areas for passive recreation bound by streets or front facing lots.</p> <p>Squares may range in size from 500 ft² to 1 acre.</p>	<p>Improvements may include trees plantings, which are encouraged parallel to the street right-of-way. Geometrical tree planting layouts for internal plantings are also encouraged. Squares shall be bound by streets on a minimum of three sides or 75% of their perimeter, and may be bound by front facing lots on one side or 25% of their perimeter. No rear facing lots shall be allowed adjacent to a square.</p>	

DEVELOPMENT AND DESIGN STANDARDS
Section 10.5. Open Space Standards

Category	Description	Required Improvements	Illustration
Green	<p>Greens provide an informal area for passive recreation bound by streets or front facing lots.</p> <p>Greens may range in size from 500 ft² to 1 acre.</p>	<p>Improvements may include informal tree plantings and an irregular topography. Greens may be used to preserve specimen tree(s). Greens shall be bound by streets on a minimum of three sides or 75% of their perimeter, and may be bound by front facing lots on one side or 25% of their perimeter. No rear facing lots allowed adjacent to a green.</p>	 <p>The illustration shows a rectangular green space bounded by streets on three sides. Yellow rectangles represent lots, and green circles represent trees planted within the green space.</p>
Neighborhood Park	<p>Neighborhood parks provide active and/or passive recreational use.</p> <p>Neighborhood parks may range in size from 1 to 5 acres, and may exceed 5 acres if it serves an entire neighborhood or group of neighborhoods, or incorporates large physical features.</p> <p>Neighborhood parks may be combined with parkways.</p>	<p>Improvements shall include benches and walking paths. Improvements may include, but are not limited to, tennis courts, racquetball courts, basketball courts, volleyball courts, ball fields, swings, slides, playgrounds, dog parks, restrooms, picnic units, shelters, and parking. Neighborhood parks may include assets to the community such as a lake, river frontage, high ground, or significant stands of trees and shall be bound by streets on a minimum of 50% of their perimeter. Front facing lots are encouraged around the perimeter. ^{2 3}</p>	 <p>The illustration shows a square neighborhood park bounded by streets on all four sides. Inside the park, there are various amenities including a red building (possibly a restroom or shelter), a blue area (possibly a playground or picnic area), and several green trees.</p>
Clubhouse Pool Amenity Area	<p>Clubhouses and pool amenity areas may be located in a neighborhood park, mini park, or alone as an amenity area for the residents of a developed community.</p>	<p>Improvements may include a swimming pool, group activity room, gazebos, outdoor eating areas, and exercise stations. Pools shall be at least 1000 ft². All pertinent building and health codes for swimming pools shall be met. ⁴</p>	 <p>The illustration shows a clubhouse and pool amenity area. It features a large blue rectangular pool, a brown building (the clubhouse), and several green trees surrounding the area.</p>

Category	Description	Required Improvements	Illustration
Parkway	<p>Parkways provide passive recreational areas along natural or constructed features such as streams or roads and are used for transportation, recreation, and environmental protection.</p> <p>Parkways and greenways differ from neighborhood parks, plazas, and squares in that their detailing is natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.</p>	<p>Improvements shall include appropriately surfaced trails, benches, and trash receptacles. Parkway shall be designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Existing mature trees, landscaping, natural drainage ways, and creeks shall be preserved.</p>	

¹ Playgrounds must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act. See the National Playground Safety Institute for guidelines and additional resources for design.

² See National Recreation and Park Association's (NPR) *Park, Recreation, Open Space and Greenway Guidelines* for recommended design/spatial standards.

³ See *Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Developed Areas* for outdoor accessibility design guidelines.

⁴ Swimming pools must meet all applicable building and health codes for Cabarrus County and the State of North Carolina.



DATE: February 18, 2020

CASE: Executive Summary for Articles 5, 7, 8, 9 and 10 (Group One Topics)

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revisions to Articles 5, 7 and 10 (aka “Group One Topics”). The City adopted the 2030 Land Use Plan (LUP) in 2018 and this revision is part of a wholesale rewrite of the Concord Development Ordinance (CDO) to align the ordinance with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

Note that the proposed Conservation Subdivision Ordinance (Section 9.13) was part of Group One Topics, and has been adopted separately from these changes. Council adopted this section in January. Furthermore, this summary includes only changes that are deemed to be substantive. Non-substantive changes that are cross-references or clarifiers and do not change the context or meaning of the ordinance are indicated on the attached strike-through. Also note that the illustrated changes do not include the entirety of the Ordinance, only those portions of the Ordinance that are changing, or where additions are occurring.

ARTICLE 7 BASE ZONING DISTRICTS

7.6.1 A statement has been added to state that some dimensional regulations may be modified in certain instances through approvals of conditional district zoning petitions.

7.6.2.G This section clarifies that multi-family, townhomes or mixed-use structures shall be limited to 35 feet or two stories, if located within 100 feet of a lot used for detached single family residence or a duplex. This requirement is intended to provide for a transition of scale for higher intensity uses that may abut lower density residential areas.

Tables 7.6.2.A&B DENSITY AND DIMENSIONAL STANDARDS This item is the chart (and supporting notes) that summarize the minimum dimensional standards for the zoning districts. The supporting notes principally clarify modified dimensional requirements, but note 4 for Table 7.6.2.B allows for

approval of greater setbacks for structures that occupy an entire block in the Center City (downtown) zoning district. The CC district has a maximum setback of 10 feet, which may not be appropriate for such large structures.

7.7.2.C Subdivision Entries This section sets forth minimum development standards for residential subdivisions, such as fountains and water features, divided entries and prominent art objects.

7.7.3 HOUSING TYPES This section specifies that different housing types may be permissible through PUD, PRD and cluster site subdivision plan approval and that dimensional adjustments may be made on a case by case basis, and that densities are governed through the LUP.

7.7.4 SITE ELEMENTS This section has substantial changes. Items that are deleted include the section on reduced setbacks for side and rear loaded garages (7.7.4.C) and the illustration of different housing types (Figure 7.7.5). The reduced setback section has only been used in one instance and its intended objective can be accomplished through other provisions in the ordinance. The illustrations were non-regulatory, and in our opinion, did not serve a useful purpose. Additions to the section include clarifications for zero-lot line homes, and an allowance for a five-foot reduction of front setbacks for alley-loaded homes (which take access from the rear). Townhomes are also addressed with a requirement for front-loaded townhomes (which do not take access from an alley) to have a minimum lot width at least twice the width of the garage, and rear-loaded units have a minimum width of 20 feet. Additional requirements are that front loaded townhomes have garages recessed 4 feet behind the building front and that rear loaded townhomes may have front setbacks of 10 feet. This 24 foot setback is consistent with the setback requirements for attached single family structures.

The main feature of this section is the allowance for “cluster” subdivisions. These types of developments are similar to the conservation subdivisions (which are intended to be in rural areas subject to voluntary annexation) except that these subdivisions would require somewhat less open space and would actually mandate a mix of housing types. Approval of cluster development would be through the conditional district zoning process (which would require a site plan) and a minimum of 35% of open space is required, as opposed to 12% maximum with conventional zoning. Lot size reductions are allowed to be made in exchange for the increased open space. The housing type mix is proposed to require no less than 40 percent or not more than 80 percent of the dwelling mix may be single family detached. The remaining types may be patio or zero-lot line homes or townhomes. Multi-family would not be permissible through this specific process.

7.8 STANDARDS FOR MULTI-FAMILY DEVELOPMENT This section addresses the design standards for multi-family development. The ordinance includes a set of design principles to govern development of multi-family uses. Specific design standards include a requirement that adjacent buildings are

varied in scale or other design elements to ensure that “cookie cutter” development is avoided. The section also includes a requirement that developments of more than 240 units require provision of accessory storage structures (self-storage) on site.

7.9 CENTER CITY (CC) DESIGN STANDARDS The Center City design standards are proposed to include a section to specifically state that alternative exterior materials may be allowed by the Administrator. However, in such instances, the burden of proof is on the applicant to demonstrate that 1) the alternative materials result in a superior design and 2) the design is compatible with surrounding properties. The revision also removes the “open flags” provision from the ordinance. This was a provision that was never utilized.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR COMMERCIAL DISTRICTS This section involves design standards for commercial zoning districts. The current ordinance has one set of design standards for all nonresidential zoning districts and it has been found that the current requirements are often not practical for the large structures utilized in industrial development. There is a provision proposed in this section also that allows the Administrator to modify certain sections if the modification results in equivalent or better design, and as with the requirement discussed above in CC zoning, the burden of proof for the modification rests with the applicant.

A sliding scale for redevelopment projects has been proposed with this section. The current ordinance does not address remodeling of a structure, only additions. This scale clarifies that major redevelopment (such as major interior upfit with a change of use) requires some level of compliance with the code. As proposed, when a remodeling project involves a structure less than 5,000 square feet of gross floor area in which the construction cost is more than 25% of the assessed value of the structure, the redevelopment will trigger a requirement that sidewalk will be required on the public street. When a project involves a structure of more than 5,000 sf and a construction cost greater than 25%, curb and gutter are required, along with sidewalks. For larger projects that exceed more than 50% of the assessed tax value, full compliance with section 7.10 is required (exterior materials, etc.) is required, except that nonconformities due to existing rooflines, walls and parking areas may be retained. The assessed value is based upon the Cabarrus County building valuation, and the construction cost is the figure reported on the County building permit application.

Also included is a height transition requirement that requires portions of commercial buildings that abut residential zoning district and exceed 35 feet, be set back an additional two feet for each one foot of height in excess of 35 feet. This measure is an additional tool to ensure compatibility between commercial and residential uses.

7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS As discussed above, the existing nonresidential design standards are not always practical for industrial development, and as a

result, a set of industrial design standards are proposed. As with the commercial design standards discussed previously, the Administrator may allow modifications to individual requirements of the ordinance if the applicant can prove that the modifications result in equal or better design and that the alternative is compatible with properties in the vicinity.

This section requires that new development be compatible with adjacent properties which can be achieved through a combination of building design and landscaping. For developments with more than 250,000 square feet of floor area, and boulevard entrance with a 10-foot-wide center median is required.

Whereas the current ordinance requires all sides of structures to be finished (no bare metal walls), this revision makes an allowance for metal on walls not visible from adjacent property or from public streets (evidence must be provided by the applicant). The standards also allow the use of metal and split face block on walls that are visible but limits those to 20 percent of the wall. Another major change is that “metal wall panels” are added as an allowable building material. The design elements (windows, doors, columns, etc.) are similar to those required in the commercial districts in order to ensure that large expanses of visible building walls are avoided. The height transition requirement in the commercial standards is carried over to the industrial standards.

ARTICLE 8

Section 8.3.3 Temporary Family Health Care Structures A provision for temporary family health care structures has been included in the ordinance. The NC General Statutes mandate that cities allow these uses, which are intended to be utilized by either a person in need of healthcare, or by a caregiver. These uses are accessory to single family residences, are limited to 300 square feet in area, and are subject to a temporary use permit.

Section 8.3.5 COMMERCIAL USES Additions to this section include allowing very limited commercial uses as accessory to multifamily. Commercial uses are limited to 5 percent of the total floor area of the multifamily development and the use has to be on an arterial street (which would preclude commercial within established residential areas). The specific commercial uses are limited to convenience retail, restaurants and uses permissible in O-I, B-1 and C-1 uses.

ARTICLE 9

Section 9.11 Low Impact Development

This section has been amended to specify that all Low Impact Development (LID) projects shall be processed as a conventional zoning and shall not be subject to rezoning.

ARTICLE 10 DEVELOPMENT AND DESIGN STANDARDS

This section includes an amendment to reduce the maximum block length requirements for new residential subdivisions (from 1,800 to 1,000 feet) in order to obtain more connectivity. The section also introduces the language for major

and minor collector streets, as well as local streets as they relate to minimum right-of-way widths. This specific change aligns this section with the terminology in the Technical Standards Manual (TSM).

The section also introduces a new requirement for traffic calming measures. These measures will be reviewed on a case-by-case basis and may be accomplished by traffic circles, bump-outs, medians and on-street parking (for example). The staff has been requesting traffic calming measures with conditional district petitions, but this change will require these measures in by-right projects.

The connectivity ratio (the measure of how well a subdivision connects internally and to adjacent property) has also been amended. The change principally improves the definition of a “link” and “node” in calculating the ratio. The minimum ratio of 1.40 (links divided by nodes) has not changed. The maximum block lengths reductions as discussed above are anticipated to make attaining this ratio easier.

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §§160A-364 through §§160A-366 and 160A-381 through 160A-392 may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 5 “Subdivision Plats, Site Plans and Construction Plans,” Section 5.5 “Lot Standards”, Subsection 5.5.3.D be amended to the following:

D. Restrictions on Block and Cul-de-sac Lengths. The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. In the AG, RE, I-1, and I-2 zoning districts there shall be no maximum block length. In all other zoning districts, the maximum length of any blocks shall be as stated in Section 10.1.3. Cul-de-sac lengths shall be as stated in the Manual. Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts” be deleted in its entirety.

SECTION 3: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts” be rewritten as follows.

7.1 GENERAL

7.1.1 PURPOSE

The City is hereby zoned and divided into districts. The purpose of establishing these districts is to:

- A. implement the Comprehensive Plan;
- B. promote the health, safety, morals, and the general welfare;
- C. provide for the orderly growth and development of the City and for the efficient use of our resources (land, water, roads, etc.);
- D. lessen congestion in the streets;
- E. secure safety from fire, panic, and other dangers; and
- F. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

7.2 ESTABLISHMENT OF ZONING DISTRICTS

7.2.1 PURPOSE AND INTENT

In accordance with the requirement of NCGS § 160A-382 that zoning regulation be by districts, the City Council, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

BASE ZONING DISTRICTS		SECTION REFERENCE
AG	Agricultural District	7.5.1
RE	Rural Estate District	7.5.2
RL	Residential Low Density	7.5.3
RM-1	Residential Medium Density	7.5.4
RM-2	Residential Medium Density	7.5.5
RV	Residential Village	7.5.6
RC	Residential Compact	7.5.7
O-I	Office-Institutional District	7.5.8
B-1	Neighborhood Commercial/Office District	7.5.9
CC	City Center District	7.5.10
C-1	Light Commercial and Office District	7.5.11
C-2	General Commercial District	7.5.12
I-1	Light Industrial District	7.5.13
I-2	General Industrial District	7.5.14

SPECIAL PURPOSE ZONING DISTRICTS		SECTION REFERENCE
PUD	Planned Unit Development District	9.1
PRD	Planned Residential Development District	9.2
MXD	Mixed Use District	9.3
TND	Traditional Neighborhood Development District	9.4
MHP	Manufactured Home Park District	9.6
PID	Public Interest District	9.7
LID	Low Impact Development (LID)	9.11
R-CO	Residential County Originated	9.12
CS	Conservation Subdivision District	9.13

7.2.2 OVERLAY DISTRICTS

In accordance with the authority provided by NCGS § 160A-382, the City hereby establishes the following overlay districts, which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts; additional requirements are imposed on certain properties within one or more underlying general or conditional districts. The symbol for each type of district is as follows:

OVERLAY DISTRICTS		SECTION REFERENCE
HPOD	Historic Overlay District	9.8
AOD	Airport Overlay District	9.9
MHD	Manufactured Home Park District -	9.6
WPOD	Watershed Protection Overlay District -	Art 4
CBCOD	Copperfield Boulevard Corridor Overlay (CBCOD) District	9.10

7.2.3 CONDITIONAL DISTRICTS

In addition to the base zoning districts established in Section 7.2.1, above, the following conditional districts are established which correspond to the above-referenced base zoning districts, and which are identical to the base zoning districts with the exception that more restrictive development standards are required as a prerequisite to any use or development therein, as provided for in this Article and in Section 3.2.8.

CONDITIONAL DISTRICTS	
AG-CD	Agricultural Conditional District
RE-CD	Rural Estate Conditional District
RL-CD	Residential Low Density Conditional District
RM-1-CD	Residential Medium Density Conditional District
RM-2-CD	Residential Medium Density Conditional District
RV-CD	Residential Village Conditional District
RC-CD	Residential Compact Conditional District
B-1-CD	Neighborhood Commercial/Office District Conditional District
O-1-CD	Office Institutional-Conditional District
CC-CD	City Center Conditional District
C-1-CD	Light Commercial and Office District Conditional District
C-2-CD	General Commercial District Conditional District
I 1-CD	Light Industrial District Conditional District
I 2-CD	Heavy Industrial District Conditional District

7.2.4 ADDITIONAL ZONING DISTRICTS

Additional zoning districts may be adopted from time to time by City Council upon recommendation of the Planning and Zoning Commission pursuant to Section 3.3.

7.2.5 ZONING AND COMPREHENSIVE PLAN

The purpose of this Article is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS § 160-A-383, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans of the City Council, if any, as adopted under NCGS Article 19 of Chapter 160A. To the extent that there is any inconsistency between the tabular summary at Section 7.5 and the specific provisions of the Use Table Section 8.1.8 et seq., the provisions of Section 8.1.8. et seq. shall prevail.

7.3 ZONING MAP

7.3.1 BOUNDARIES OF ZONING DISTRICTS

The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the City of Concord. The City Clerk shall certify these maps and all references and dates shown thereon.

7.3.2 LOCATION OF OFFICIAL ZONING MAP

- A. The Official Zoning Map shall be located in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the City Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.
- B. The Official Zoning Map shall bear a stamp showing the effective date of this Ordinance, shall be certified by the Administrator, shall be identified by the signature of the Mayor, shall be attested by the city clerk, and bear the seal of the City under the words: "Official Zoning Map, City of Concord, North Carolina". Said map is composed of a series of sheets properly identified as such, which shall be on file in the office of the Administrator, and shall be the official record of zoning status of areas within the City. Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map, which shall be located in the office of the Administrator, shall be the final authority as to the current zoning status of land, buildings, and other structures.
- C. If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the former Official Zoning Map was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.
- D. If a property is zoned "PUD", "TND", "PID" or "PRD" at the time of adoption of this Ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect when the PUD or PRD classification was approved, including any specific modifications of the then-existing PUD or PRD or general regulations, and any approved final plans, unless and until the zoning classification of such property is amended pursuant to this Ordinance.

In addition to the foregoing districts, “CD” and “MX” districts are subject to site plan-based development regulation.

7.3.3 OFFICIAL ZONING MAP

The Official Zoning Map is hereby incorporated by reference as if set forth in its entirety herein, and may be referred to as Section 7.3.3.

7.4 DISTRICT BOUNDARIES

7.4.1 ZONING DISTRICT BOUNDARIES

Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, township lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights of way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a zoning district boundary line divides a parcel of land at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

7.4.2 BOUNDARY OR LOCATION DISPUTES

Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following:

- A. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the center line of such feature.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- D. Boundaries indicated as separated from but approximately parallel to any of the features indicated above, or any landmarked or monumental line, shall be deemed to be parallel to the aforesaid center line or railroad track mid-point.
- E. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
- F. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control.
- G. Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered above, the Administrator shall determine the district

boundaries. Any aggrieved person may appeal such determination to the Board of Adjustment, pursuant to Section 6.3.5.

7.5 BASE ZONING DISTRICT PURPOSE STATEMENTS

7.5.1 AGRICULTURAL (AG) DISTRICT

The AG District is established to provide areas for low intensity agricultural operations, large lot residential development, agri-business with supportive industrial and commercial uses, and some limited general commercial businesses. Certain industrial operations which require large expanses of land area and which generate low traffic levels are also suitable for this district. AG zoning protects and preserves valuable agricultural areas along with some open space.

7.5.2 RURAL ESTATE (RE) DISTRICT

The RE District is established to provide areas for low-density single-family uses, with a maximum of one dwelling unit per acre. Property zoned RE should include only those tracts, which abut or are in close proximity to existing large-lot single family development, making RE an appropriate transition district between rural, agricultural, and suburban uses.

7.5.3 RESIDENTIAL LOW DENSITY (RL) DISTRICT

The RL District is established to provide areas for low-density single-family uses, with a maximum of two dwelling units per acre, which may provide buffers between the AG and RE classifications and the higher density areas of the City. It includes flexible density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.4 RESIDENTIAL MEDIUM DENSITY (RM-1) DISTRICT

The RM-1 District is established to provide areas for medium density, single-family residential uses, with a maximum of three dwelling units per acre, where facilities and services exist with capacity to serve development. RM-1 provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.5 RESIDENTIAL MEDIUM DENSITY (RM-2) DISTRICT

The RM-2 District is established to provide areas for medium density, single-family residential uses, with a maximum of four dwelling units per acre, where facilities and services exist with capacity to serve

development. RM-2 provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.6 RESIDENTIAL VILLAGE (RV) DISTRICT

The RV District is established to provide areas for detached and attached single-family homes, with a maximum of eight dwelling units per acre, in areas where large-lot development is discouraged and facilities and services are available. RV supports the principles of concentrating urban growth and reinforcing existing community centers, allowing limited commercial development and mixed-use structures.

7.5.7 RESIDENTIAL COMPACT (RC) DISTRICT

The RC District is established to provide a high-density residential district allowing compact development consisting of the full spectrum of residential unit types where facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of 15 dwelling units per acre except as otherwise provided in this Ordinance. RC may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility.

7.5.8 OFFICE AND INSTITUTIONAL (O&I) DISTRICT

The O&I District is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. To protect the low intensity character of this district, retail and wholesale trade are prohibited as permitted principal uses.

7.5.9 NEIGHBORHOOD COMMERCIAL (B-1) DISTRICT

The B-1 District is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of B-1 districts should include: Lots, parcels or tracts located at the intersections of collector streets, including

collector/collector and minor thoroughfare/collector, except where an existing building or structure used as permitted in the B-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.

7.5.10 CITY CENTER (CC) DISTRICT

The CC District is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but urban design standards as set forth in Section 10.7 are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The CC District promotes the long term vitality of the central business districts. No rezoning to a CC or a CC CD District shall be approved unless the lot, parcel or tract subject to the application adjoins an existing CC, or CC-CD zoning district.

7.5.11 LIGHT COMMERCIAL (C-1) DISTRICT

The C-1 District is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 District is to accommodate well designed development sites that provide transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Districts should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 Districts should be located on or within proximity to major and/or minor thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.5.12 GENERAL COMMERCIAL (C-2) DISTRICT

The C-2 District is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. Rezoning to the C-2 District should be avoided adjacent to any single-family Residential Zoning District (RE, RL, RM-1 or RM-2). C-2 Districts should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has

been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.5.13 LIGHT INDUSTRIAL (I-1) DISTRICT

The I-1 District is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. I-1 Districts should include areas which continue the orderly development and concentration of light industrial uses, including self-storage facilities. I-1 Districts should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.5.14 GENERAL INDUSTRIAL (I-2) DISTRICT

The I-2 District is established to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 Districts should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 District is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 District. I-2 Districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. I-2 Districts should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

7.6 STANDARDS FOR BASE ZONING DISTRICTS

7.6.1 GENERAL

- A. Permitted uses are listed in Table 8.1.8. Uses permitted by right, uses permitted as special uses and uses for which there are supplemental use regulations in Section 8.3 are indicated in the table. Accessory uses shall be regulated in accordance with Section 8.4 and 8.2 Temporary uses shall be regulated in accordance with Section 8.8.
- B. Dimensional and density regulations, including setbacks, are listed in Table 7.6.2-A, and Table 7.6.2-B. These standards may be modified for conditional districts, provided that gross densities may not exceed those authorized by the Land Use Plan.
- C. Standards for off-street parking and loading facilities, and vehicular access are described in detail in Section 10.3.
- D. Standards for landscaping and buffering are described in detail in Article 11.
- E. Sign regulations are described in detail in Article 12.

7.6.2 SETBACKS AND HEIGHT STANDARDS

Setbacks for buildings or structures are measured as the area between the furthestmost projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 7.6.2-B.

A. ENCROACHMENTS

The following features may encroach into a required building setback:

1. Bay windows or other structural overhang, not to exceed three (3) feet;
2. Chimneys, not to exceed two (2) feet;
3. Heating and cooling units, not to exceed (3) feet;
4. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
5. Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;

6. Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five (5) feet to any property line;
7. Fences and Garden/Yard Walls;
8. Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with Section 8.4 (Accessory Uses).

B. ON STREET FRONTAGE

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped lots, the developer has the option to determine which yard shall be considered the “front” so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to existing developed lots, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards.

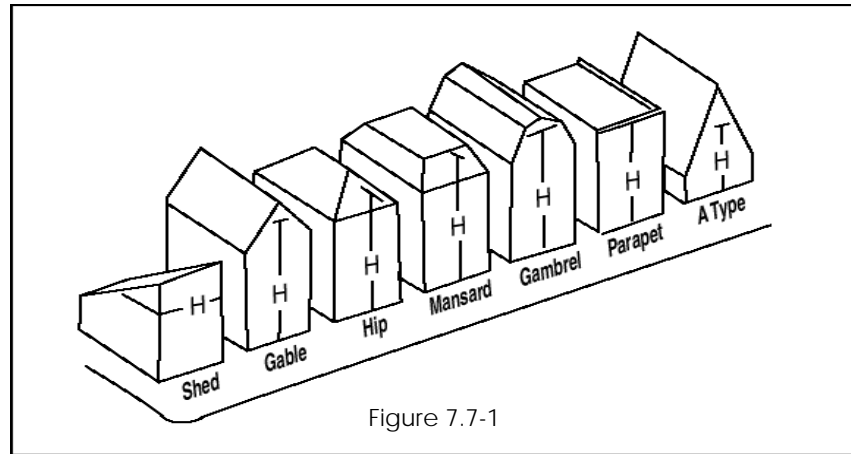
C. REDUCED FRONT YARD SETBACK

The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.

D. HEIGHT STANDARDS

Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof. (See Figure 7.7-1)

Figure 7.7-1: Measuring Building Height



E. HEIGHT OF ANCILLARY STRUCTURES

The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take off of aircraft near an airport, is prohibited. This not intended to regulate height of structures in the AO Airport Overlay zoning district (see Section 9.9). The AO Airport Overlay zone regulations shall govern the height of all structures within the boundaries of the Airport Overlay zoning district.

F. EXCEPTIONS TO HEIGHT RESTRICTIONS.

Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

G. HEIGHT TRANSITIONS

In the R-C district, multi-family and other attached residential or mixed-use structures or portions of such structures shall be limited to a height of 35 feet or two stories, whichever is less, if located within 100 feet of a lot used for a detached single-family or duplex dwelling.

TABLE 7.6.2 A - DENSITY AND DIMENSIONAL STANDARDS

Zoning District	A	B	C	D	E	F	G
	Min. Lot Size (sq. ft.)	Max. Density (per acre)	Impervious Surface Ratio (2)	Min. Public Street Frontage (feet)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Building Height (feet)
AG**	43,560	1	-	30^	200	200	35
RE **	43,560	1	-	30^	150	150	35
RL**	20,000	2	-	15^	100	125	35
RM-1**	15,000	3	-	15^	75	125	35
RM-2**	10,000	4	-	15^	75	100	35
RV***	7,500	8	0.5	15^	50	100	35
RC***	5,000	15	0.5	15^	50	100	45
R-CO ³	3,000	15	0.5	15	35	85	40
O-I*	-	-	0.7	-	-	-	35
B-1*	-	-	0.65	30^	50	100	50
CC*	-	-	-	-	-	-	75 (4)
C-1*	-	-	0.7	-	-	-	48
C-2*	-	-	0.8	30^	50	100	48 (1)
I-1	-	-	0.8	30^	50	100	72
I-2	-	-	0.9	30^	50	100	72

NOTES:

* Residences permitted in nonresidential districts shall conform to the density and dimensional standards of the RC district, except that height restrictions may follow (1) below. Residences in the CC district are not subject to maximum density or dimensional limitations.

** See Section 7.7.4-G for duplex lots and Sections 7.7.3 and 7.7.4 for alternative single-family lot patterns that allow smaller minimum lot sizes under certain conditions.

*** In the districts where permitted, and subject to Section 7.8 multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G in Table 7.6.2-A. Setbacks for multi-family and single-family attached developments are set forth in Section 7.8. of this Ordinance. Height in the RC district is subject to the transition provisions of Section 7.6.2.G.

^ See Section 5.5.

(1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Mixed Use, PUD, PRD or similar type projects shall be measured from the overall project boundaries.

(2) Developments following the low-density option (see §4.4.2-A) may not develop at a total impervious surface ratio greater than 0.24.

(3) Dimensional requirements only applicable if not indicated on recorded final plat. See also Section 9.12.

(4) Measured from the lowest level of the Fire Department vehicle access to the tallest finished floor level of the building.

TABLE 7.6.2 B SETBACKS

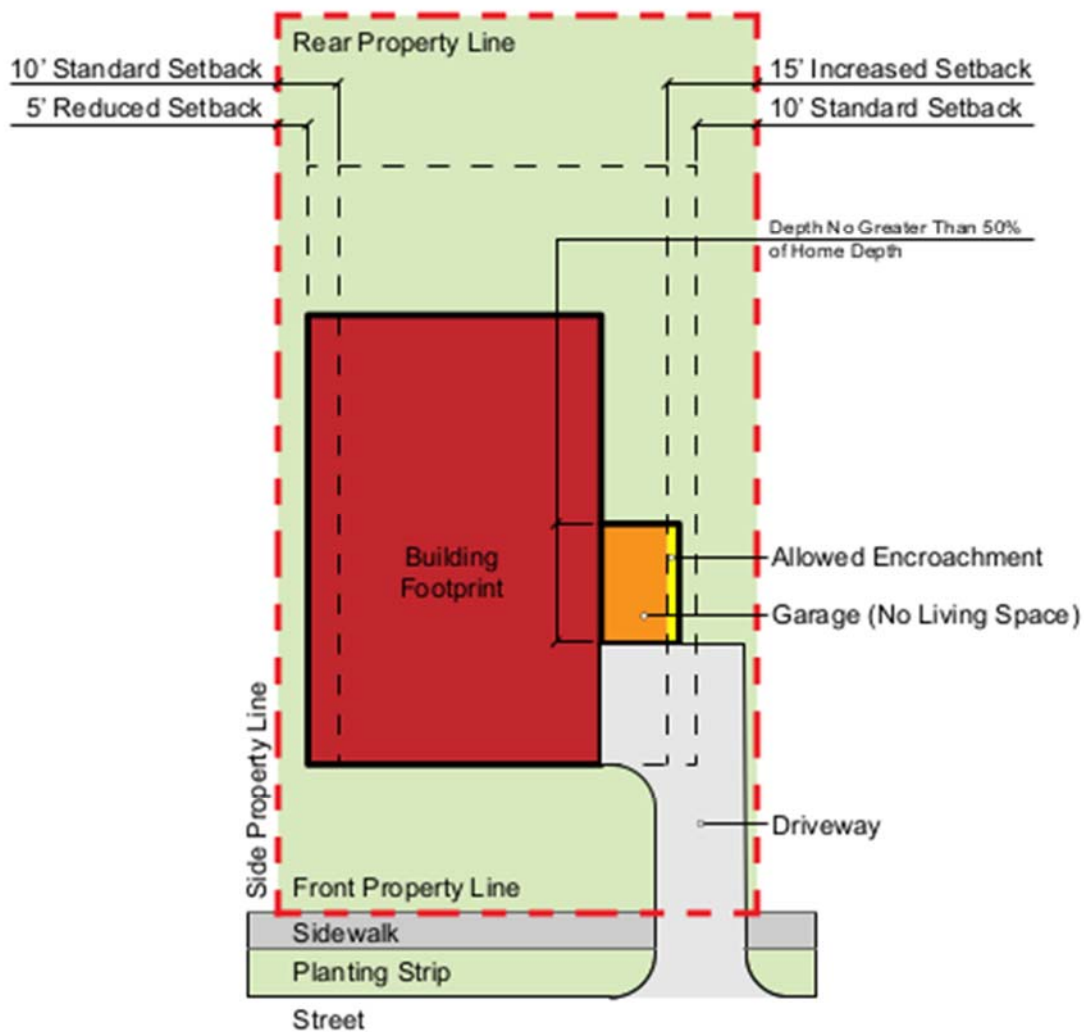
Zoning District	Min. Front Setback (feet)	PRINCIPAL STRUCTURES			ACCESSORY STRUCTURES	
		Max. Front Setback (feet)	Min. Interior Side Setback (feet) ²	Min. Rear Setback (feet)	Min. Interior Side Setback (feet)	Min. Rear Setback (feet)
AG	50	-	20 ²	30	10	10
RE	45	-	20 ²	30	5	5
RL	35	-	15 ²	30	5	5
RM-1	25	-	10 ²	25	5	5
RM-2	25	-	10 ²	25	5	5
RV	24 ³	-	7 ²	5	5	5
RC	24 ³	-	7 ²	5	5	5
R-CO ¹	8	-	3	5	5	5
O-I	10	-	-	-	-	-
B-1	10	-	10	20	10	10
CC	-	10	-	-	-	-
C-1	10	-	-	-	-	-
C-2	10	-	-	-	-	-
I-1	30	-	-	-	-	-
I-2	30	-	-	-	-	-

NOTES:

- (1) Minimum setbacks only applicable if not indicated on recorded final plat. See also Section 9.12.
- (2) Minimum interior and street side principal structure setbacks may be reduced in new subdivisions in order to accommodate either rear or side-loaded garages or garages recessed at least four (4) feet behind the front plane of the main structure. The setback on one side may be reduced by one (1) foot for each one (1) foot that it is increased on the other side provided that the reduced site setback is at least five (5) feet. See Section 7.7.4.C and Figure 7.7-2.
- (3) Minimum front setbacks in the RC and RV Zoning Districts may be reduced by (4) feet in new subdivisions if the garage is recessed at least four feet behind the front plane of the main structure in order to increase on-site parking and minimize pedestrian conflicts. This requirement applies to single family detached and townhouse developments only. Front setbacks for attached residential structures may be reduced pursuant to Section 7.8.

- (4) The Administrator may approve greater setbacks for large buildings occupying an entire block face and for portions of buildings where portes cochere and courtyards are approved through the site plan process.

Figure 7.7-2 Reduced Setback Allowance



7.7. RESIDENTIAL DESIGN STANDARDS

7.7.1. PURPOSE AND SCOPE

The purpose of this section is to set forth minimum standards for residential development and to allow flexibility in the siting of residences within the context of GS 160A-381(h).

7.7.2 SUBDIVISION DESIGN

Subdivision design for residential development shall be regulated in accordance with the following standards unless otherwise stated in the standards. These standards shall apply to all new residential subdivisions that file an application for preliminary plat approval after September 8, 2005 or a subdivision where lots have not received a Zoning Clearance Permit (ZCP). Open space is required with each subdivision development. See Section 10.5 for Open Space Standards.

A. Block Elements

No block within a residential subdivision in the RM-1, RM-2, RV, or RC districts shall be longer than 800 feet in length unless a mid-block pedestrian and bicycle connection is provided, in which case the block may extend up to 1,000 feet. A street with structures on only one (1) side (also known as a single-loaded street) shall not be restricted in length, provided that mid-block pedestrian and bicycle connections are made at the rate of one (1) for every 600 feet in length. (See Figure 7.7-3). These standards do not apply along State roads.

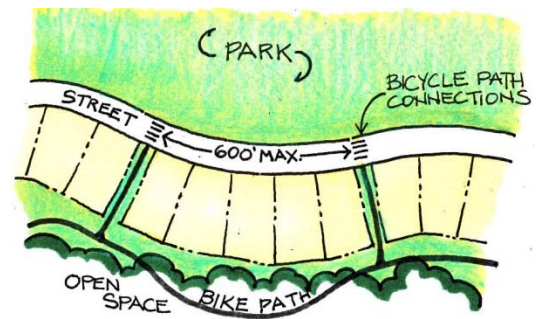


Figure 7.7-3

B. Residential Collector Street

The main collector street entering the development from a major or minor thoroughfare shall be designed as a parkway for a minimum distance of 300 feet. If a street is less than 300 feet functioning as an entry, then it shall be designed with a median. See Technical Standards Manual (Driveways).

C. Subdivision Entries

All residential subdivisions of 100 or more lots shall provide at least one subdivision entry in accordance with the following:

1. No driveway on the proposed entry street may be located any closer than 100 feet from the street that the entry street intersects, as measured from the right-of-way of the existing street. All abutting lots within this area shall be screened from view through a combination of walls, berms and plantings.
2. The entrance shall include at least two (2) of the following:
 - a. A divided roadway with a landscaped median island;
 - b. Alternative paving material such as brick or natural stone;
 - c. Fountain or other water feature;
 - d. Sculpture or public art;
 - e. Prominent plantings that exceed minimum requirements for streetscape buffers equating to 25% of the required plant material, or
 - f. Gatehouse, clock tower or similar structure.
3. A description of and design specifications for proposed entranceway features shall be provided at the time of submission of the preliminary plat. Maintenance of the subdivision entry features shall be provided by a homeowner's association and the applicant shall provide documentation establishing legal and financial responsibility for all entryway features in a form approved by the City Attorney. Additional right-of-way may be required to accommodate entranceway features. The design and location of proposed features within or adjacent to public street rights-of-way shall be subject to additional City and/or NCDOT requirements as applicable.
4. All subdivision entries shall include ground mounted signs constructed of brick, rock or other textured masonry.

7.7.3. HOUSING TYPES

Subdivisions shall specify the allowable types of housing on all lots. Housing types other than conventional detached single-family housing that comply with applicable zoning district standards may be established through the PUD, PRD, or cluster subdivision approval process (as conditional district rezoning) in any base zoning district. Setbacks, densities and lot dimensions for residential development patterns approved through these processes may deviate from the standards of Section 7.6. Deviations to densities may be approved through these

processes provided that they do not exceed the densities specified in the 2030 Land Use Plan.

7.7.4. SITE ELEMENTS

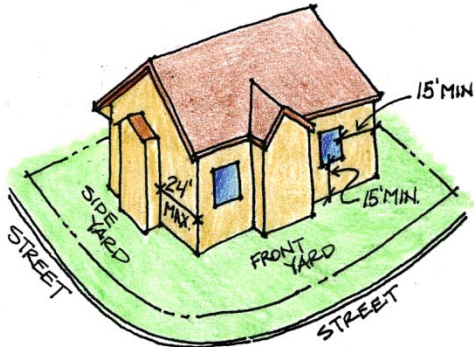
All housing types shall comply with the following site standards. The Administrator, or his designee, may waive individual requirements in this section on a case-by-case basis, provided the intent of this Section is met.

A. Front Yard Fences

Front yard fences, including fences on corner lots, shall not exceed four (4) feet in height. Fences may not be placed within the sight triangle.

B. Yard Trees

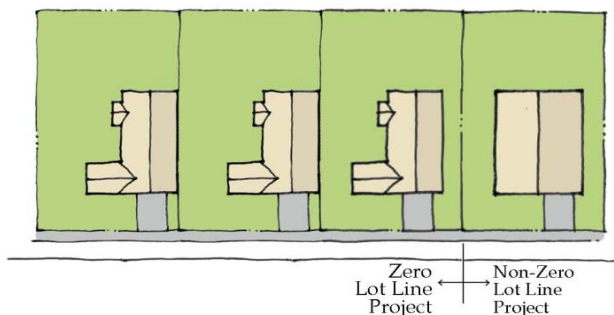
One (1) tree shall be provided within the yard. The tree shall have a minimum size (diameter) of 2-inch caliper at time of planting. Two (2) ornamental trees may be substituted for one (1) tree in a front yard. One (1) additional front yard tree shall be required in any side yard abutting a street. Any existing tree in the required front yard area over six (6) caliper inches shall be credited for one (1) required tree to be planted.



C. Special Standards for a Zero Lot Line House

1. Zero Lot Line houses approved through the PRD, PUD, conditional zoning or cluster subdivision process, shall include at least one side yard. This reduction shall not be allowed for the street yard on a corner lot or for the side yard adjacent to lots developed with other housing types. (See Figure 7.7-5.)
2. An easement between the two (2) property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat.
3. The minimum side setback required by the applicable zoning district shall be provided between any zero lot line development and a conventional single-family or duplex lot as shown in Figure 7.7-6.

Figure 7.7-6: Illustration Showing Zero Lot Line Yards



D. Special Standards for an Alley-Loaded House

For dwellings taking access from an alley, the following standards apply.

1. No parking shall be permitted in the required front yard. No driveways are permitted in the front yard. On-street parking is permitted. The City may approve front setback reductions of up to 5 feet through the subdivision process if all lots on the applicable block face take access from a rear alley.

E. Special Standards for a Townhouse

Side yards are not required for interior townhouses, but street and rear yards shall be provided, and building separation requirements shall be maintained for all townhouse structures.

1. The maximum number of units allowed in a single building is eight (8).

F. Special Standards for Duplex Lots

Individual duplexes may be constructed only on lots having 1.5 times the minimum lot area and lot width of the zoning district in which they are located. All other setbacks shall be in accordance with Tables 7.6.2 A. and 7.6.2 B.

G. Special Standards for Single Family Residences in the O-I District

Single family residences shall be permissible only on existing lots of record existing as of August 14, 2014. Subdivision of O-I zoned land solely for the purpose of single family residential subdivisions shall not be permissible.

H. Special Standards for Single Family Attached Residences (Townhomes) in the O-I District

Single family attached residences (townhomes) shall be permissible only as incidental to an institutional use (such as a church or school).

I. Special Standards for Cluster Subdivision

The City may approve subdivisions subject to conditional district zoning approval that do not comply with the minimum lot or area standards of Section 7.6 when the resulting development provides permanent common space for environmental and/or recreational purposes, includes a variety of housing types, and provides for the long-term maintenance of common areas subject to the following provisions:

1. **Density.** Densities shall not exceed those allowed by the 2030 Land Use Plan.
2. **Lot Sizes.** The average lot size shall not be reduced by more than 75 percent of the minimum lot size allowed in the base zoning district provided that no lot shall be smaller than the following:
 - a. Single-family detached - 5,000 square feet.
 - b. Patio and zero lot line homes - 4,000 square feet.

- c. Townhomes - 2,000 square feet per dwelling unit.
- 3. Preservation Areas. Land located within wetlands, floodways, and stream buffers shall be retained as permanent open space within designated common areas as Preservation Areas.
- 4. Common Areas. Common Areas, excluding street rights-of-way and buildings, shall comprise not less than 35 percent of the development area. Not more than 50 percent of common areas shall be comprised of Preservation Areas. Common Areas may include space for active or passive recreational facilities, but not more than 20 percent of Common Areas may be used for active recreation. Buffers measuring at least 100 feet in width shall be provided between active recreation facilities and residential lots. Trails are not considered to be active recreation facilities.
- 5. Housing Mix. The development shall include a mix of dwelling unit types, such as those illustrated in Figure 7.7-5, with not fewer than 40 percent nor more than 80 percent of the dwelling units shall conventional single-family detached dwellings, with the remainder being zero lot line, patio homes, other detached development patterns or attached dwelling units.
- 6. Maintenance of Common Areas. In conjunction with subdivision approval, the applicant shall provide for the perpetual maintenance of all common and preservation areas in accordance with section 9.13.7 of this CDO.









7.8. STANDARDS FOR MULTI-FAMILY DEVELOPMENTS





7.8.1. PURPOSE

The purpose of this Section is to provide reasonable design standards for multi-family residential developments which:

- A. provide design flexibility that fosters creative integration of buildings and common areas and discourages homogenous building design;
- B. accommodate affordable housing for current and future residents of the City;
- C. protect the health, safety and general welfare of the general public and occupants of the units;
- D. protect the property values of surrounding properties;
- E. retain open spaces to protect the environment and provide opportunities for passive and active recreation or residents;
- F. promote a pedestrian-friendly, walkable streetscape;
- G. provide for aesthetically pleasing development patterns; and;
- H. achieve the design principles of Figure 7.8-1 through compliance with the design standards in this section 7.8.

Figure 7.8-1. Multi-Family Design Principles

Design Principles	Examples	
<p>Buildings. Create an identity for the project through a consistent design concepts while incorporating design features such as varied wall planes, rooflines and building form to create visual interest. Adjacent buildings should vary in design while having complementary design. Design and locate parking to minimize its visual impact along streets.</p>		
<p>Open Spaces. Incorporate the natural habitat into site design and design around natural and recreational amenities to create usable, accessible open spaces.</p>		
<p>Public Spaces. Design public spaces to provide accessible gathering places that encourage social interaction and a sense of community.</p>		
<p>Screening. Locate and screen loading, service and storage areas as well as mechanical and utility equipment.</p>		

Design Principles	Examples	
<p>Mobility. Establish a safe and comfortable environment, encouraging walking and bicycling.</p>		
<p>Landscaping. Use appropriate plantings to soften buildings and create more desirable areas for walking and bicycling within the development.</p>		

7.8.2. APPLICABILITY

- A. The provisions of this Section shall apply to multi-family residential developments for five (5) or more dwelling units as permitted by Table 8.1 of this Ordinance.
- B. Single-family homes and duplexes on individual lots are exempt from the standards of this Section, but still must follow Section 7.7.
- C. The City may modify bulk and density and/or parking and access standards for multifamily residential developments and single-family attached residential developments in TND, TOD, MX, PRD, PUD and conditional zoning districts, or approve open space and other design standards that result in a product that better achieves the design principles in Figure 7.8-1.

7.8.3. RULES OF CONSTRUCTION

For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multi-family residential dwellings on any adjacent property under common ownership shall be counted.

7.8.4. BULK AND DENSITY STANDARDS

Notwithstanding any provision of Section 7.6.2 of this Ordinance to the contrary, the lot size, lot width, setback, and building separation standards shall conform to Table 7.6.2-A and 7.6.2-B.

7.8.5. OFF-STREET PARKING AND ACCESS STANDARDS

All projects shall conform to the parking requirements of Article 10.

A. Access to Public Street(s)

Developments with 40 or more dwelling units should have direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan. Developments for 100 dwelling units shall to have two (2) direct entrances onto at least one (1) major and/or minor thoroughfare as shown on the Thoroughfare Plan.

B. Off-street Parking

Multi family developments shall be subject to the following parking requirements:

1. No parking space shall be located in the required setbacks, except for the rear setbacks.
2. No off-street parking space shall be located closer than 10 feet to any residential building wall.
3. Access/Driveway Design
 - A. No driveway shall be located closer than 15 feet to any wall of a residential building.
 - B. All proposed drives shall be improved in accordance with the Manual.
 - C. For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments.
 - D. Median design shall be in conformity with the Manual.

7.8.6. COMMON OPEN SPACE

Common open space areas shall be required in accordance with Table 10.5 except as provided below:

- A. The Administrator may waive up to 50% percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail or bikeway.
- B. The open space requirements of this Section shall not apply to multi-family residential developments, which are second floor units above first floor commercial development, or to any residential developments in the CC zoning district, which are above the first floor.

7.8.7 OPEN SPACE CHARACTERISTICS

Land designated as open space shall be maintained as active open space and may not be separately sold, subdivided, or developed except as provided below. Open space shall be required in accordance with Table 10.5.

A. Open Space Provisions and Maintenance Plan Required

Any areas reserved as open space shall be indicated on a site plan. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

1. designate areas to be reserved as active open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site; and
2. specify the manner in which the open space shall be perpetuated, maintained, and administered.

B. Spacing and Dimensional Limitations

In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standard shall apply:

1. Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.

C. Use of Stormwater Detention Basins

Retention areas or detention basins which are required as part of this Ordinance shall not qualify as an open space area unless 50 percent or more of the active and usable area is above the 10-year storm flood elevation and is designed for multiple uses and the area(s) conforms to the requirements of Subsections 1 and 2 below:

1. Retention or detention areas shall meander through the subdivision as a greenbelt, rather than as a single basin. Retention areas shall be improved so as to be useable and accessible. Retention areas shall not be inundated so as to be unusable for their designated recreational purposes.
2. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming, and contouring are required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three-to-one slope.

D. Preservation of Open Space

Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained by the owner(s) of the development or a homeowner's association, which assumes full responsibility for its maintenance. The approved site plan shall provide that, in the event that any private owner of open space fails to maintain the open-space according to the standards of the Ordinance at the time of site plan approval, City Code Enforcement Officers may, following reasonable notice, require that deficient maintenance be corrected and direct appropriate City staff, or a private contractor, to enter the open space for maintenance purposes. The cost of such maintenance shall be charged to those persons or entities having the primary responsibility for maintenance of the open space.

7.8.8 PEDESTRIAN FACILITIES

A. Sidewalks Required:

1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in the Manual.
2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets adjacent to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the City of Concord Transportation. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Concord Traffic Engineer and the North Carolina Department of Transportation (NCDOT).

B. Bus Shelter Required

A bus shelter is required for multi-family development unless the school system and Concord-Kannapolis Area Transit document in writing that a shelter is not needed. The shelter shall be constructed at the location(s) (including at the perimeter of a development site) where a public school bus(es) pick-up/drop-off of children as established by the Cabarrus County School system. The shelter shall be constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

7.8.9 DIMENSIONAL AND DENSITY STANDARDS

The maximum impervious surface coverage (impervious surface ratio) shall conform to the standards as set forth and described in Article 4 and shown on Table 7.6.2-A for the appropriate zoning district. Multi-family or single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2-A as set forth for the RC district. Where

a Watershed Overlay District exists, the more restrictive requirements shall apply.

The minimum spacing between buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet.

7.8.10 BUILDING DESIGN

In order to provide interesting and aesthetically attractive multi-family developments and to avoid monotonous, “barracks”-style buildings, the following standards shall apply:

- A. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. (See Section 7.10.9.)
- B. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous straight lines. Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.
- C. Building designs shall be varied so that adjacent buildings are complementary but clearly distinguishable by a combination of design features, such as building shape, building scale, entry designs, plantings, orientation or other design features.
- D. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

7.8.11 UTILITIES AND LIGHTING

- A. All utility lines shall be located underground.
- B. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

7.8.12 LANDSCAPING REQUIREMENTS

A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 11 of this Ordinance.

7.8.13 RECYCLING FACILITIES

Multi-family residential developments or single-family attached residential developments shall be required to provide a container(s) for the collection of recyclable materials. Such a container shall be subject to approval by the City's Director of Environmental Services.

7.8.14 UNIT OWNERSHIP

Developments in which property is conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act. Common areas, parking, landscaping, open space, and driveway facilities shall be under common ownership.

7.8.15 SIGNAGE

Signage for multi-family dwellings and/or single-family attached dwellings shall be subject to the sign standards as set forth in Article 12.

7.8.16 MULTI-FAMILY DEVELOPMENTS IN C-1 AND B-1 ZONING DISTRICTS (NEW)

Apartment (see definition) development in C-1 zoning districts shall include at least 20 percent office or retail square footage as part of the project either in the same structure(s) or as separate buildings.

7.8.17 MULTI-FAMILY DIMENSIONAL STANDARDS

Multi-family development shall comply with the standards in Table 7.8.17

TABLE 7.8.17 - Multifamily Dimensional Standards

<i>Density</i>	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13))
Maximum Building Length	180 feet

NOTES:

Multi-family or Single-family attached developments that are allowed (by right or as special use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A. except as specified above. Multi-family or single family attached developments in the O-I district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of special flood hazard area and stream buffers). Density for multifamily development in the B-1, C-1 and C-2 zoning districts shall be calculated on the 30% of the total land area (less special flood hazard area and stream buffers) and not on the entire parcel.

7.8.18 MULTI-FAMILY BUILDING STANDARDS

- A. **Building Length.** In attached multi-family projects, buildings longer shall not exceed 160 feet in length. Building facades should be broken up to give the appearance of a collection of smaller buildings. Long, unbroken building facades and simple box forms are prohibited.
- B. **Clustering and Massing.** Clustering of multi-family units shall be a consistent site planning element. Buildings shall be designed as a series of varied plans that:
 - 1. Vary setbacks within the same building;
 - 2. Use of reverse building plans to add articulation; and
 - 3. Vary wall and rooflines.
- C. **Unit Entryways.** In multi-family and attached housing each unit shall have distinct entries.
- D. **Materials and Colors.**
 - 1. Buildings shall use distinct, but complementary materials and colors using a combination of the following materials:
 - a. Stucco or EIFS with smooth, sand or light lace finish;
 - b. Engineered fiber cement board, wood, as a primary and/or accent material;
 - c. Brick, as primary or accent material;
 - d. Split-faced block, as a primary and accent material;
 - e. Stacked stone, as an accent material;
 - f. Marble, travertine, or other related stone materials as accent materials; and
 - g. Unglazed tile as an accent and/or roofing material.
 - 2. The following materials are prohibited:
 - a. Metal or aluminum siding;
 - b. Unfinished concrete block, concrete tilt slab, and painted or white brick or block siding; and
 - c. Vinyl siding (note that vinyl may be used for soffit).
- E. **Roofs.** Gable, shed, and hip roofs or a mixture of roof types to create articulation and ridgelines is required to break up long roof lines.

Large expanses or flat roofs, gambrel or mansard roofs, and A-frame roofs are prohibited.

F. Windows and Doors.

1. Windows shall be rectangular or round headed with various forms.
2. Arches, gateways, entry courts shall be used to shelter doorways.
3. Windows shall be located to minimize views of the private outdoor space of adjacent units' patio areas.
4. Appropriate openings include:
 - a. Bay windows
 - b. French doors
 - c. Multi-lighted windows
 - d. Rectangular windows
 - e. Clerestory windows
 - f. Round windows
 - g. "Greenhouse" windows
 - h. Wood, or simulated wood, single and double doors
5. Windows and doors shall not include:
 - a. Silver or gold window frames;
 - b. Reflective glass;
 - c. Windows flush with wall surface; or Non-anodized aluminum frame doors.

G. Stairways. Stairs shall be designed according to the following techniques:

1. Freestanding stairways shall not make a straight run from upper floors to the ground floors - they must have a landing and make a right angle turn.
2. External stairways should be built into courtyards and entry areas and not simply hung off the sides of buildings.
3. Exterior stairways should employ design features such as insets, reveals, decorative tile, or stucco texturing, and decorative handrails.

4. The use of enclosed staircases is preferred over exterior staircases.
5. External stairway walls shall be smooth or sand finish stucco, block, stone, slate, or other opaque building material with an accent trim cap or banding of tile
6. Exposed prefabricated metal stairs and transparent walls are prohibited.

H. Additional Architectural Elements

1. All antennas shall be placed in attics or interior of the residence. Developments shall be pre-wired to accommodate cable or satellite reception.
2. Metal, canvas or vinyl awnings of solid accent colors are permitted in moderation.
3. Patio trellises, and other exterior structures may be built of stucco or wood or block, with finishes complying with the overall color palette for the project.
4. Chimneys as an architectural form shall be simple and project from main wall surfaces. Stone or tile accents and articulation details are encouraged.
5. Garage doors should appear to be set into the walls rather than flush with the exterior wall.
6. Roof mounted mechanical equipment shall be screened from view in a manner consistent with the building façade.
7. Ground mounted mechanical equipment shall be screened from view with landscaping or solid fencing.

7.8.19 ACCESSORY STORAGE

Accessory storage is required for multifamily developments of 240 or more dwelling units in the following manner:

- A. May be constructed as an accessory to a multi-family development for the exclusive use of residents of the multi-family development.
- B. Shall not be located between the multi-family structure and any public street.
- C. Are limited to a single story in height.

- D. Shall use the same siding materials and be designed to reflect the style of multi-family buildings
- E. Shall use the same roofing materials and have rooflines that reflect those of the multi-family buildings
- F. Shall be provided at the rate of 100 square feet per dwelling unit, but not to exceed more than 200 square feet per dwelling unit.
- G. In lieu of accessory storage in a separate structure, storage may be attached or incorporated into individual dwelling units.

7.9 CENTER CITY (CC) DESIGN STANDARDS

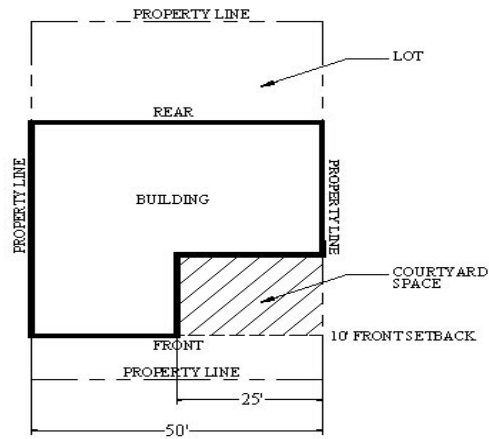
7.9.1 PURPOSE

This Article protects the historic and aesthetic character of downtown Concord, by ensuring quality design and appropriate materials are used in the construction of new buildings. In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CC District (Downtown Concord) are regulated in accordance with specific standards described herein.

7.9.2 PEDESTRIAN SPACES, BUILDING SETBACKS, AND ENTRIES

- A. The intent of the pedestrian space is to allow the property owner to develop a usable size space for gathering, including but not limited to, outdoor seating, art displays, eating, or a plaza. The pedestrian space shall be accessible, visible, and easy to use. Substantial grade changes creating isolated or hidden spaces are prohibited.
- B. Setbacks may be staggered to create a private pedestrian space. The maximum front yard setback for a portion of the building may be increased to any depth for the purposes of creating a patio or courtyard space so long as at least 50 percent of the total building frontage meets the minimum setback of the associated zoning district. (Example: A building with 50 linear feet of frontage and a 10-foot front setback requirement is allowed to have 25 feet of frontage that could set back greater than 10 feet. (See Figure 7.9-1.) For corner lots, this provision may be used to create a corner public space.

Figure 7.9-1: Illustration Showing Staggered Setback



- C. Where the pedestrian space is adjacent to the public right of way, there shall be an architectural (or defined) edge that complies with all requirements of the CC District to define the pedestrian space. All buildings shall have their principal entrance opening to a street, sidewalk or pedestrian space such as a courtyard, square or plaza. The principal entrance shall not open onto an off-street parking lot. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through appropriate pedestrian paving and landscaping where required.
- D. Landscaping is required and shall include a combination of trees, groundcover and plants as required by Article 11 of this ordinance; however, the following shall supersede the landscape requirements of Article 11:
 - 1. Within the pedestrian space, one (1) canopy tree must be planted for each 500 square feet; or one (1) ornamental tree for each 250 square feet of created pedestrian space.
 - 2. A minimum of one (1) ornamental tree is required for any space of 250 square feet or less.
 - 3. Existing street trees should not be removed as part of the creation of a pedestrian space. Any existing trees or plant material, which is part of a previously approved landscape plan, shall be replaced.
- E. The following permitted amenities within the interior of the non-public pedestrian space include but are not limited to: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, decorative benches, tables and similar structures.

7.9.3 SIGNAGE

- A. Liquid crystal display (LCD), electronic message centers, flashing or blinking signs are not permitted in the CC District. All other signage in the CC District shall comply with Article 12 of the CDO.
- B. Neon signage in the Center City District is permitted under the following conditions:
 - 1. Neon signs shall only comprise 5% of the total allowed signage area.
 - 2. A sign application shall be submitted to the Development Services Department for review, along with a recommendation from the Concord Downtown Development Corporation for all proposed window signs.
- C. All window signs shall come into conformity with the current standards and requirements of this ordinance within 6 months of the date of adoption of this Article.

7.9.4 GENERAL DESIGN STANDARDS

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the following uses shall be regulated as follows:

- A. The first floor (street level) of any new multi-story building shall be devoted to retail, commercial, and service uses, as listed in Section 7.6. Such buildings shall include said uses along not less than 50 percent of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
- B. No “auto-oriented” use(s) as defined herein and allowed in the City Center district pursuant to Table 8.1.8 shall be located within 400 feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, whichever is less.
- C. Accessory structures, additions, remodels and rehabilitation projects shall be designed and constructed using the same general form and materials as the principal building, provided that the principal building is architecturally consistent with the general character of the CC District. For the purposes of this ordinance, brick and/or brick with stucco is considered the general character of the buildings in the Center City.

- D. The design requirements of this section apply to all building walls that are visible from any public right-of-way.
- E. The preferred wall material for structures in the CC district is brick or predominantly brick colored material that is complementary to surrounding structures. The administrator may waive the brick requirements based on certain circumstances included, but not limited to:
 - 1. Stucco may be approved to cover damaged or deteriorated brick.
 - 2. Structural wood may be used as decorative elements as trim, in windows or on doors.

Any waivers beyond the authority of the Administrator shall be subject to approval by the Planning and Zoning Commission.

- F. Metal siding, unfinished concrete block, precast concrete, or split-faced block, shall not be allowed for any building surface unless the Administrator determines that the materials result in a superior design to otherwise allowed materials and the resulting development is compatible with abutting development. The burden of proof relative to superior design and compatibility shall rest with the applicant. Split-faced block may be used as an accent material so long as it does not cover more than 20 percent of the total building surfaces, and vinyl siding may be allowed as soffit material.
- G. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
- H. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e. Fiberglass with a wood grain pattern) is permitted. All

materials shall be identified on the architectural drawings submitted for review.

- I. Glass surfaces must be transparent or lightly tinted, allowing views from habitable areas within the building to the street or property line, and allowing passers-by a view into the habitable area of the building. Shelves and/or fixtures shall not obstruct the view to the interior of the building. Submitted plans shall clearly indicate the type of glass being used and its reflectivity index.
- J. Doors shall be recessed into the face of the building (to provide a sense of entry and to add variety to the streetscape). An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
- K. Decorative fences such as those constructed of brick and wrought iron are allowed within the CC District. Screening fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable except around construction sites. Plywood, sheet metal, fiberglass or other such panel fences are also prohibited. Temporary plywood screening fences shall be allowed during construction.
- L. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:
 1. Such appurtenances shall be constructed of material designed to complement the streetscape.
 2. In no instance shall these appurtenances utilize internal illuminated backlights in their design or mounting.
 3. Awnings shall be made of canvas or treated fabric/canvas material. Awnings may also be made of metal with the following conditions:
 - a. Any awning on a pivotal or contributing historic property in a National Register District or on any property individually listed on the National Register must be consistent with the Secretary of the Interior's Standards.
 - b. Vinyl or Plexiglas awnings are not permitted.
 - c. An encroachment agreement is required for awnings or signs that hang over the public rights-of-way.

- d. Any such appurtenance may extend from the building to up to 80 percent of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the City. In addition, the property owner shall carry liability insurance in the amount of \$500,000. The City Attorney's office may ask for verification of this coverage when reviewing encroachment permits.
 - e. Such appurtenances shall be self-supporting. In no case shall supports for such appurtenances extend to the sidewalk and/or ground within the public right of way.
 - f. In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of streetlights or street signs.
 - g. A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.
- M. Any lot, which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights of way in accordance with the provisions of this ordinance or cleared of rubbish and debris and seeded with grass or other appropriate landscaping material. If the lot is to be used for parking, either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.
- N. A site plan is required as per Article 5 along with architectural elevations or perspective drawings.

7.9.5 PROHIBITED ALTERATIONS

In no such case shall any existing window opening be enclosed so as to create a solid wall. In situations where alterations of original windows have been completed prior to the adoption of this Ordinance, restorative measures to return the opening to its original existence shall be made when additions or alterations are made to the existing structure, unless otherwise prohibited by State Building Code.

7.9.6 PARKING CRITERIA

Uses within the CC are not required to provide off-street parking; however this section is applicable in those instances where surface parking is proposed. Parking for renovated and rehabilitated buildings is exempt from the following requirements unless new rentable gross floor area is added or created.

- A. In order to maintain a pedestrian friendly street edge, no off-street surface parking shall be permitted between the principal structure and the street right-of-way. Parking is permitted on the sides of buildings, but the maximum width shall not exceed 60 feet (two rows including drive aisle). Such parking shall be screened with landscaping with evergreen plant material that reaches a mature height of no less than three (3) feet. Off-street surface parking areas, which are screened from the view from public streets by the principal buildings, except for the limited view through the driveway providing access to parking, shall provide one (1) ornamental tree and five (5) shrubs for lots with fewer than 10 spaces. For lots with more than 10 spaces, one (1) shade tree or (2) ornamental trees and eight (8) shrubs shall be required per 10 parking spaces. Plantings for more than 10 spaces shall be calculated proportionately, with one tree or shrub being required for each fraction of 0.5 plant or greater. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- B. The administrator may allow a decorative masonry wall or a combination of a wall with plantings in lieu of parking lot yards if one or more of the following conditions exist:
 - 1. The parking lot contains six (6) or fewer spaces
 - 2. The site on which the parking is located contains a designated historic structure
 - 3. The presence of lot yards complicates deliveries necessary for the day-to-day operations of the principle structure.

7.9.7 LOADING AND UNLOADING AREAS

Where feasible, loading/unloading areas shall be located only in the rear or side yard.

7.9.8 STRUCTURED PARKING FACILITIES

In addition to the above listed requirements, structured parking facilities shall be subject to the following criteria:

- A. Structured parking must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.

- B. In the event that any openings for ventilation, service or emergency access are located at the first floor level in the building wall then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must either be occupied retail space or an architecturally articulated wall designed to screen the parking areas of the structure, to encourage pedestrian activity and to provide for urban open space. Parking garages shall be architectural compatible with those in the CC district.
- C. Cars on all levels of a structured parking deck must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.
- D. The design requirements of this section apply to all building walls, which are visible from any public right-of-way.

7.9.9. STREETScape PROTECTION

- A. Any damage to the existing streetscape design, including street trees, by development, use or condition of private property shall be corrected by the property owner at the owner's expense to the satisfaction of the City of Concord, prior to the release of a certificate of occupancy.
- B. The City, the cost of which is to be billed to the owner, including city administrative costs, shall correct any damage not corrected by the owner.

7.9.10 COMPLIANCE

A site plan is required as per Article 5 along with architectural elevations or perspective drawings compiling with the requirements of this Ordinance. In no case shall a Certificate of Compliance (COC) be issued if the design requirements covered in this Ordinance have not been met.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR COMMERCIAL DISTRICTS

7.10.1 PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of commercial buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high-quality community (by creating developments that attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.10.2 APPLICABILITY

A. New Construction

This Section applies to all new construction on O-I, B-1, C-1, and C-2 districts. In addition to all other regulations within this Ordinance, sites and buildings within the O-I, B-1, C-1, and C-2 zoning districts are regulated in accordance with specific standards as listed below. These standards shall apply in PUD and site plan controlled districts unless the City finds that the proposed deviation results in a superior design that better achieves the purpose of this section.

The Administrator, or his designee, may allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or for infill development upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality and compatibility shall rest with the applicant.

B. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth in Article 11.

Additional construction that is more than 25 percent of the floor area of the existing building shall be subject to all of the requirements of this Section. The Administrator, or his designee, may allow modifications to individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality that is compatible with existing development in the vicinity of

the project. The burden of proof relative to design quality and compatibility shall rest with the applicant.

C. Redevelopment

1. **Small Projects.** For redevelopment or remodeling projects involving buildings with less than 5,000 square feet of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with the City's sidewalk requirements. No more than one project in a 365-day period, on the subject property shall be permissible. For redevelopment or remodeling projects involving buildings with 5,000 square feet or more of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with City requirements for sidewalks, curbs and gutters.
2. **Large Projects.** For redevelopment or remodeling projects costing more than 50 percent of assessed value, all of the provisions of section 7.10 shall apply except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained.
3. **Assessed Values.** Assessed values shall be the assessed building values in the Cabarrus County tax records.
4. **Improvement Values.** Improvement values shall be the building permit improvement cost estimates as determined by Cabarrus County.

7.10.3 SIGN REGULATIONS

Signs shall be regulated in accordance with standards set forth in Article 12 of this Ordinance, or by an approved comprehensive sign package.

7.10.4 ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment shall be screened from view, or located in such a manner as to not be visible from a public street. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes and antennas shall be screened from view.

7.10.5 ARCHITECTURAL PLANS

Architectural plans shall depict architectural details outlined in this Section and shall consist of:

- A. Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project; and
- B. Exterior building materials inventory to indicate compliance with this Section.

7.10.6 APPROVALS

For new structures greater than 100,000 square feet, the Planning and Zoning Commission shall approve the plans. All other structures shall comply with the requirements of Section 6.1.

7.10.7 COMPLIANCE

Architectural details and/or drawings shall be submitted to the administrator at the time of site plan submittal. All requirements of this ordinance must be met before a Certificate of Compliance (COC) can be issued.

7.10.8 KEY DESIGN CONSIDERATIONS

The following key design considerations shall be applied to all development subject to this section at the time of site plan review:

A. Compatibility

Adjacent buildings within a development shall have compatible scales, bulk, height, architectural styles and roof styles. Development shall use a combination of plantings, buffers and building design to ensure compatibility with adjacent residential development.

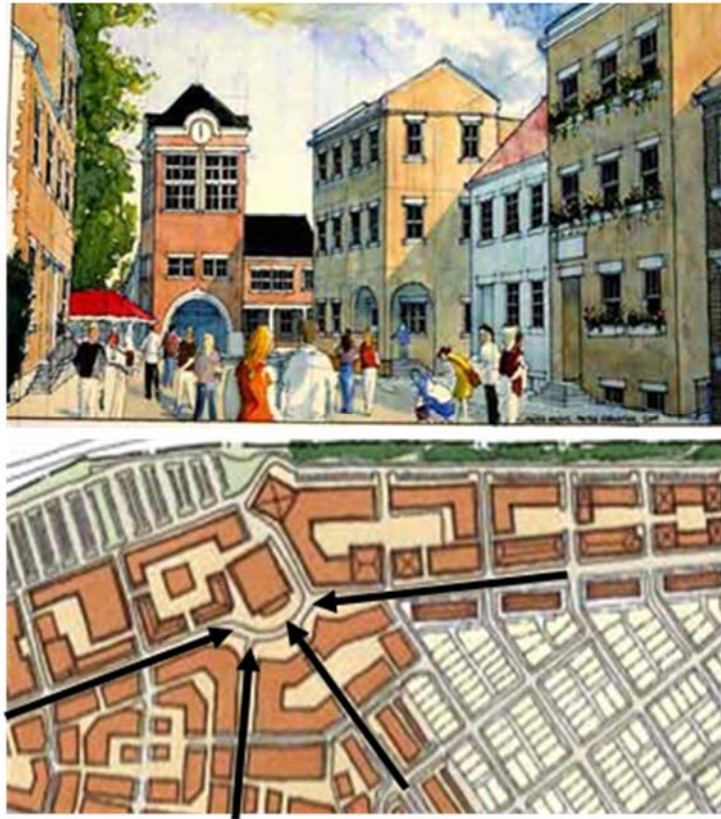
B. Proportions

Windows, doors, columns, piers, projections, ribs, awnings, cornices, parapets, eaves, and other building components shall be proportional to the overall scale of the building. Windows should be greater in height than width, unless otherwise required by a specific design feature or architectural style.

C. Termination of Vistas

Entry drives or drives within the site or from significant adjacent streets shall be terminated in a focal point, such as a building or other significant architectural or landscape feature. (See Figure 7.10-1.)

Figure 7.10-1: Termination of Vistas



7.10.9 BUILDING AND SITE DESIGN STANDARDS

The following design elements shall be incorporated in architectural and site plans:

A. Building Entrance

Primary building entrances shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhangs, or portico (in order to provide weather protection for pedestrians). Public entrances flush with the building wall with no cover are not allowed. (See Figures 7.11-2.)

B. Boulevard Entrance

For developments containing total floor area in excess of 80,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median.

C. Transit Stops

Transit bus stop may be required if the development is located on an existing or planned public transit route, which shall be determined by transit plans and the Transit Administrator.

D. Outdoor Space

Each site shall be designed to include public pedestrian walkways throughout the development linking all facilities open to the public, which shall include one (1) or more plazas or courtyards with benches, or patios/ seating areas. For developments containing total floor area in excess of 80,000 square feet, at least one (1) outdoor space or site amenity such as a public square, park, or outdoor playground area on the site, or on adjacent land. All features shall be accessible, useable spaces. Outdoor space or design elements may include, but are not limited to:

1. Window shopping walkway
2. Water feature
3. Clock tower
4. Seating walls
5. Benches
6. Courtyards or plazas
7. Fountains
8. Sculpture or public art

The Administrator may approve any other such deliberately shaped area or focal feature or amenity that, in the judgment of the Administrator, adequately enhances such community and public spaces.

E. Sidewalks

All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use, shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article II section 10.20 of the TSM.

F. Exterior Materials

Exterior building materials shall include brick, stone, stucco, synthetic stucco, or cement-board or wood siding. Metal and split-faced

concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. Highly reflective materials such as bright finished metal and tinted glass shall not be used as the primary building material. When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco). All windows and doors at the ground floor level on any retail building shall be transparent.

G. Roof Pitch

Flat roofs and roofs with a pitch of less than 3:12 require a parapet wall. Eaves a minimum of one (1) foot from the building face shall profile a pitched roof. Roofing for pitched roofs greater than 6:12 shall be wood, tile, slate, architectural asphalt shingles, or low-reflectivity metal (flat or matte finish). Applied mansard roofs shall not be permitted.

H. Parapet Walls

Average parapet height shall not exceed 15 percent of the supporting wall height. Maximum parapet height shall not exceed 33 percent of the supporting wall height. (See Figures 7.11-2.)

I. Facade/Wall Treatment

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable "top" consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets. All sides of a building and any accessory structure shall utilize materials and design characteristics consistent with those of the front facade. In order to prevent large flat expanses of featureless exterior walls, recesses, projections, columns, offsets, or change in building wall plane shall be required every 50 feet of building wall length. No uninterrupted length of any facade shall exceed 50 feet. Projections, recesses, and decorative columns shall be a minimum of one foot wide and one foot deep. Structural columns supporting a portico, porch, or overhang shall meet these requirements. (See Figures 7.11-2.)

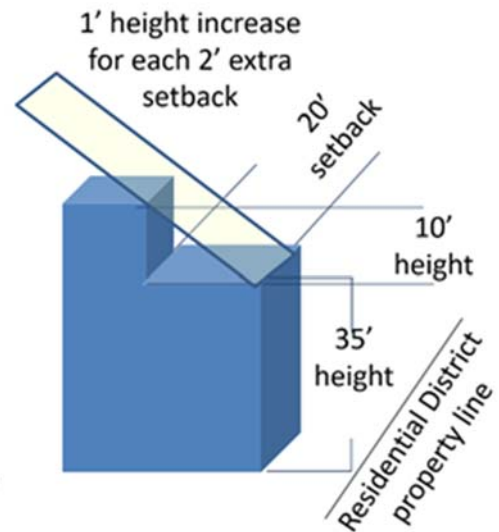
J. Design Elements

At least four (4) of the following elements must comprise 60 percent of front façade length and 40 percent of any façade length fronting a public street or parking lot:

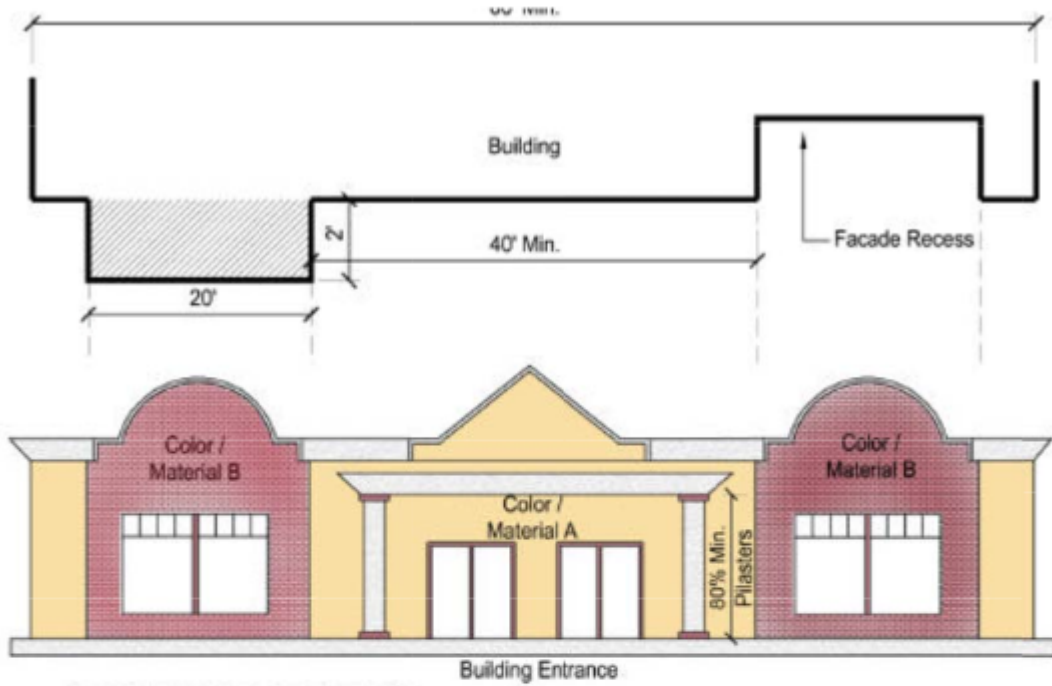
1. Parapets
2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods
6. Transoms
7. Bulkheads
8. Awnings or canopies
9. Ribs or columns
10. Changes in texture or masonry

K. Height Transitions

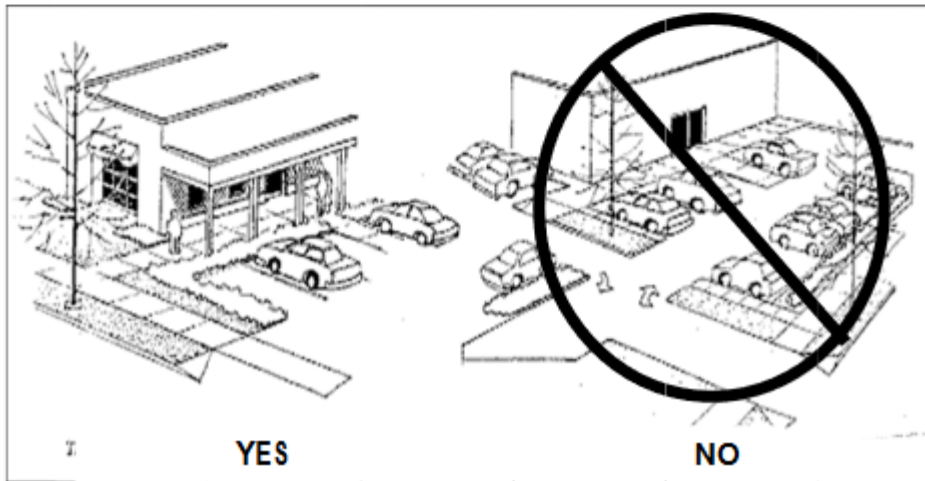
On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty-five (35) feet. For purposes of this provision, the height transition shall be measured from average grade along the nearest building line facing any property line of a residentially zoned lot to the highest point of the non-residential structure.



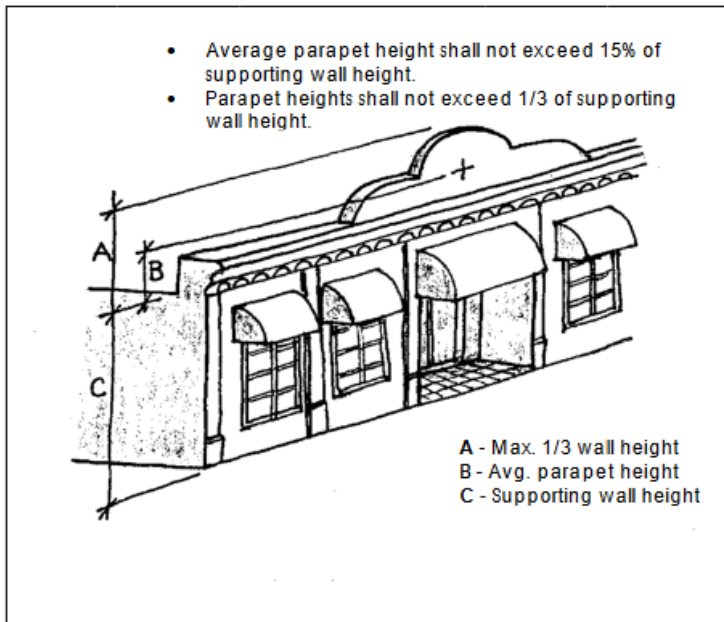
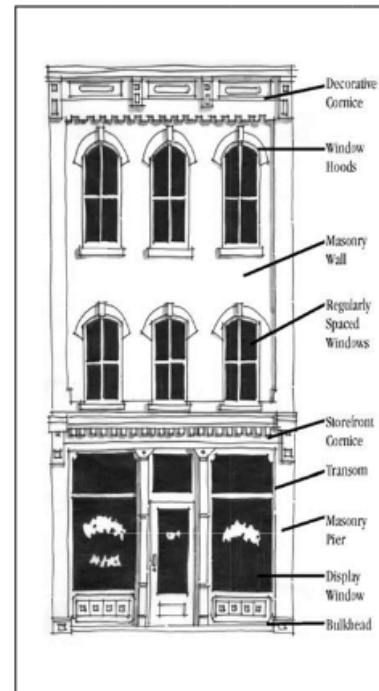
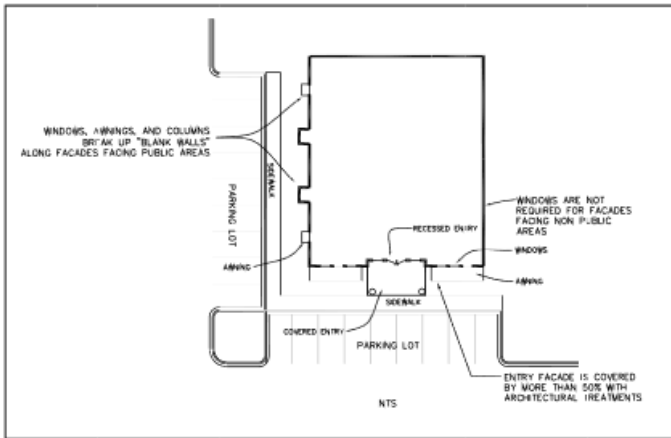
Figures 7.11-2



Note: Material changes may be used in lieu of or in addition to facade offsets



Figures 7.11-2 Continued



7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS

7.11.1 PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of industrial buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community

(by creating developments that attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.11.2 APPLICABILITY

A. New Construction

This Section applies to all new construction in I-1 and I-2 districts. The Administrator, or his designee, may allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or infill development upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

B. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth in Article 11.

Additional construction that is more than 25 percent of the floor area of the existing building shall be subject to all of the requirements of this Section. The Administrator, or his designee, may allow modifications to individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality that is compatible with existing development in the vicinity of the project. The burden of proof relative to design quality shall rest with the applicant.

C. Redevelopment

Redevelopment or remodeling that involves construction costs equal to or greater than 50 percent of the assessed value of site improvements according to the most recent property tax rolls shall be brought into conformance with the provision of section 7.10 except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained. The Administrator, or his designee, may modify individual requirements of this Section on a case-by-case basis upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

7.11.3 SIGN REGULATIONS

Signs shall be regulated in accordance with standards set forth in Article 12 of this Ordinance, or by an approved comprehensive sign package.

7.11.4 ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment such as trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes and antennas shall be screened from view from public streets that are external to the development project, internal collector or arterial streets, abutting residential zoning districts, and public parks.

7.11.5 ARCHITECTURAL PLANS

Architectural plans shall depict architectural details outlined in this Section and shall consist of:

- A. Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project; and
- B. Exterior building materials inventory to indicate compliance with this Section.

7.11.6 APPROVALS

The Administrator shall review all site plans for industrial development. The Administrator may modify the specific provisions of the design standards of this section 7.11 upon finding that the alternative design is consistent with other sites within the same industrial development and the purposes of the applicable provision are achieved through the alternative design.

7.11.7 COMPLIANCE

Architectural details and/or drawings shall be submitted to the administrator at the time of site plan submittal. All requirements of this ordinance must be met before a Certificate of Compliance (COC) can be issued.

7.11.8 INTERNAL AND EXTERNAL COMPATIBILITY

Buildings that are visible from streets abutting the development and from internal collector and arterial streets shall have compatible scales, bulk, heights, architectural styles, and roof styles. Development shall use a combination of plantings, buffers and building design to ensure compatibility with adjacent development.

7.11.9 BUILDING AND SITE DESIGN STANDARDS

The following design elements shall be incorporated in architectural and site plan:

A. Building Entrance

Primary building entrances shall be clearly defined and shall be recessed or framed by a sheltering element such as an awning, arcade, overhangs, or portico (in order to provide weather protection for pedestrians). Public entrances flush with the building wall with no cover are not allowed. (See Figures 7.11-2.)

B. Boulevard Entrance

For developments containing total floor area in excess of 250,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median for a depth of at least 100 feet in depth.

C. Transit Stops

Transit bus stop may be required if the development is located on an existing or planned public transit route, which shall be determined by transit plans and the Transit Director.

D. Sidewalks

Sidewalks shall be required along all public streets within an industrial development unless a comparably functioning trail system is provided.

All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use, shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article II section 10.20 of the TSM.

E. Exterior Materials

Exterior building materials may include painted tilt-up concrete, brick, stone, stucco, synthetic stucco, metal wall panels, or cement-board or wood siding. The Administrator may approve alternative materials of equal or better quality and durability. Metal and split-faced concrete block may be used as accent material provided that cumulatively they do not exceed 20 percent of the area of any individual exterior wall visible from an existing or proposed public street or adjacent parcel located outside the industrial development in which the building is located.

Metal may be utilized exclusively on 1) walls not visible from an existing or proposed public street or adjacent parcel located outside the industrial development in which the building is located, or 2) on manufacturing facilities of more than two stories in height.

When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco).

The Administrator or his designee may allow modifications to the required materials on a case-by-case basis. The applicant shall document through photo or photo simulations that areas using alternative materials are not visible from public streets or adjacent developments. The burden of proof in justifying alternative materials shall rest with the applicant.

F. Parapet Walls

Average parapet height shall not exceed 15 percent of the supporting wall height. Maximum parapet height shall not exceed 33 percent of the supporting wall height. (See Figures 7.11-2.)

G. Facade/Wall Treatment

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable "top" consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets.

H. Design Elements

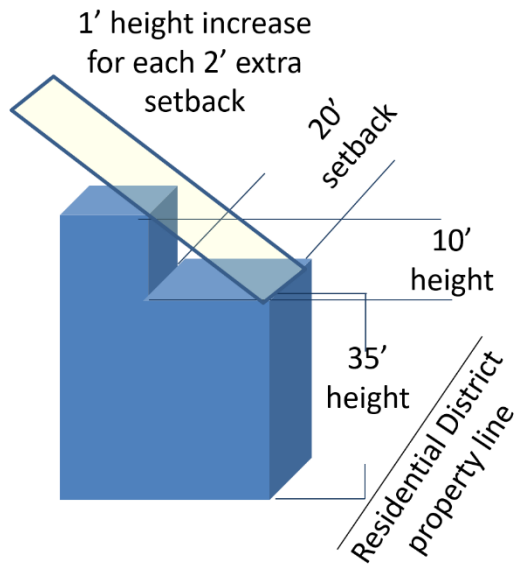
For building facades that are visible from streets external to a development or from internal collector or arterials streets, at least four (4) of the following elements must comprise 15 percent of front façade length:

1. Parapets
2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods

- 6. Transoms
- 7. Bulkheads
- 8. Awnings or canopies
- 9. Ribs or columns
- 10. Changes in texture or masonry

I. Height Transitions

On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty-five (35) feet. For purposes of this provision, the height transition shall be measured from average grade along the nearest building line facing any property line of a residentially zoned lot to the highest point of the non-residential structure.



SECTION 4: That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations” be deleted in its entirety.

SECTION 5: That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations” be rewritten as follows.

ARTICLE 8. USE REGULATIONS

8.1 USE TABLE

8.1.1. GENERAL

8.1.2. No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Table 8.1.8

8.1.3. Permitted Accessory Uses are set forth in § 8.4 while permitted Temporary Uses are set forth in § 8.7. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 8.4, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

8.1.4. Notwithstanding any provision of this Article to the contrary, uses which are preempted by state statute may not be listed in the Use Table, and may be permitted in accordance with state law.

8.1.5. Uses in the PUD, PRD, TND, MXD, HPOD and PID districts shall be governed by their respective Sections in this Ordinance and are not included in the Use Table.

8.1.6. The names of uses in the permitted use table and section 8.2.2. are generic and based on common meanings, not on what a use may be called by the public, applicant or owner. The Administrator shall define suggested uses to fit into the definitions found in this Ordinance.

8.1.7. USE TABLE KEY

A. Types of Use

1. USES PERMITTED BY RIGHT (P)

The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

2. PERMITTED USES WITH SUPPLEMENTAL REGULATIONS (PS)

The letters “PS” indicates that the listed use is a use permitted by right within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in the “Standards” column of the use table.

3. SPECIAL USES (S)

The letter “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit in accordance with Article 6.2. Special Uses are subject to all other applicable standards of this Ordinance and any Supplementary Use Regulations which apply to said use.

4. SPECIAL USES WITH SUPPLEMENTAL REGULATIONS (SS)

The letters “SS” indicates that the listed use is a special use within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in “Standards” column of the use table.

B. Uses Not Allowed

A blank cell in the use table indicates that a use is not allowed in the respective district.

C. Use Categories

Characteristics of the various use categories are located in § 8.2.

D. Standards

The “Standards” column on the use table is a cross-reference to any special regulations in § 8.3 below. All uses are also required to comply with the appropriate dimensional standards in Article 7.

E. Outdoor Storage

For any use that will have outdoor storage accompanying the principal use, the standards of 8.3.6. and 8.3.7 shall apply. Screening requirements for solid waste storage areas and containers, and vehicles in need of minor repair are covered separately and are referenced in the use table.

8.1.8. Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
OPEN USES																
Agriculture	Animal Production and Support Facilities	P	PS	PS												8.3.2.A
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Crop Production Support Activities	P												P	P	
	Farm Product Sales, Raw Materials	P													P	
	Farm Supply Store without outdoor storage	P											P	P	P	
	Farm Supply Store with outdoor storage	P											PS	PS	P	8.3.5.J
	Sawmill/lumber processing	S														
	Swine Farm	S														
	Warehousing and Storage, farm related products	P													P	
	Livestock Auction	PS													PS	8.3.2.B
Resource Extraction	All Resource Extraction (except borrow pit)	SS													SS	8.3.2.C
	Borrow Pit	P												P	P	
RESIDENTIAL USES (See 8.2.2(b))																
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P			
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS							7.7
	Single Family Attached Dwelling,							PS	PS							7.7 & 7.7.4.I
	Multifamily Dwelling/Apartment							SS	PS	PS	PS	PS	SS			7.8
	Duplex/Triplex							PS	PS							Tables 7.6.2.A & 7.6.2.B
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS								8.3.3.C

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
Group Living	Congregate Care Senior Housing							PS	PS	PS	PS	PS			8.3.3.D	
	Group Home	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS		8.3.3.E	
	Family Care Home	PS	PS	PS	PS	PS	PS	PS	PS						8.3.3.E	
	Homeless Shelter/Soup Kitchen								SS	SS					8.3.4.I	
	Social Service Institution								SS	SS			PS		8.3.4.F	
PUBLIC AND CIVIC USES																
Community Service	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, Public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P		8.3.4.H	
	Convention Center									S	SS	P	P		8.3.4.G	
Day Care	Child Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS		8.3.4.A	
Educational Facilities	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							P	S	S	S	S	S			
	School, Business							P	P	P	P	P	P	P		
	School, Trade								P	P	P	P	P			
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P			
Government Facilities	Animal Shelter	SS											SS	PS	PS	8.3.2.B
	Correctional Institution	S									S					
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	
	Visitor Bureau								P	P	P	P	P	P		
Medical Facilities	Medical Clinic/Urgent Care								P	P	P	P	P			
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P					P	P			
	Hunting, Fishing, Game Preserve	S														
Passenger Terminals	Air transportation and related support facilities	S											P	P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Bus Charter Service, including passenger terminal													P	P	
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand										SS	SS	PS			8.3.4.D
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	SS	SS	SS	SS	SS	SS	PS	SS	SS	PS	P			8.3.4.E
	Religious Institution/House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS	P	P	P	P	P			8.3.4.E
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Water Treatment Facility	P											P		P	
	Solar Farm	S														
COMMERCIAL USES																
Indoor Recreation (see 8.3.5.0)	All Indoor Recreation except as listed below										P	P	P			
	Amusement Arcade, indoors only (less than 4 pool tables)										P	P	P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P			
	Auditorium or Assembly Hall, more than 350 seats								P	P	S	P	P			
	Bowling Center										P	P	P			
	Firing & Archery Range, Indoors												P	P		
	Go-Kart Track												P	PS		8.3.5.P

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio								P	P	P	P	P	PS		8.3.5.P
	Motion Picture Theater, Indoor										P	P	P			
	Performing Arts Company								P	P	P	P	P			
	Pool Hall, Billiard Parlor (4-16 Pool Tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II
	Sexually Oriented Business												PS	PS	PS	8.3.5.B
	Skating Rink, Indoor										P		P	S		
Office	All Offices, except as listed below								P	P	P	P	P	P		
	Advertising & Related Services								P	P	P	P	P	P	P	
	Bail Bonding Office											P	P			
	Collections Agency								P	P	P	P	P			
	Credit Bureau									P	P	P	P			
	Data Processing, News Service									P	P	P	P			
	Detective Agency								P	P	P	P	P			
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage								P	P	P	P	P	P		
	Engineering, Architect, or Surveyor's Office								P	P	P	P	P	P		
	Financial Institution								P	P	P	P	P			
	Industrial Design Service								P	P	P	P	P	P		
	Insurance Agency								P	P	P	P	P			
	Legal Service								P	P	P	P	P			
	Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio								P	P	P	P	P	P		
Scientific Research & Development Service								P	P	P	S	P	P			
Stock or Security Brokerage Firm								P	P	P	P	P				
Telemarketing, Call Centers								P	P	P	P	P	P			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P	
Outdoor Recreation	Amusement Park	P											P	P	P	
	Baseball Hitting Range, Golf Driving Range											P	P			
	Country Club	P	P	P	P	P	P	P				P	P			
	Equestrian Boarding Riding Arena, Commercial	P	P													
	Miniature Golf Course										P	P	P			
	Motion Picture Theater, drive-in	S												S	P	
	Racetrack and Spectator Sports, including racing test track														P	P
	Recreational Instruction and Camps, Indoor or Outdoor	P								P	P	P	P	P	P	P
Hotel, Motel, Inn	All overnight accommodations except as listed below								P	P	P	P	P			
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.5.C
	Campground	PS														8.3.5.D
Parking, Commercial	Parking lot or deck, principal use							PS	PS	PS	PS	P	P	P	P	8.3.5.E
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P			
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N
	Private Club										SS		SS			8.3.5.F
	Restaurant, carryout, delivery, no seating									P	P	P	P			
	Restaurant, drive-thru or drive-in											P	P			
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery- Large													P	P	
	Winery/Cidery													P	P	8.3.5.O
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Distillery													P	P	
Retail Sales and Services	All retail sales and service except as listed below									P	P	P	P			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2		
	ABC Store											P	P				
	Animal Clinic/Hospital/Kennel	PS										PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment - no overnight boarding									P	P	P	P	P			
	Animal Obedience School	SS											PS	PS	PS		8.3.4.B
	Animal and/or Feed Supply Store	P										PS	PS				8.3.5.J
	Appliance Sales, Rental and Repair										P	P	P	P			
	Auction Sales Establishment												P				
	Blueprinting and Drafting Service								P	P	P	P	P				
	Building Material Supply no outdoor storage											P	P	P			
	Building Material Supply with outdoor storage												PS	P	P		8.3.5.G
	Cemetery Monument Dealer												P	P			
	Check Cashing Establishment												P				
	Cleaning and Maintenance Service									P	P	P	P	P			
	Convenience Store									PS	SS	PS	PS				8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)									P	P	P	P	P			
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P			
	Electronics Sales and Repair										P	P	P	P			
	Event Center											PS	PS	PS			8.3.5.R
	Farmer's Market/Produce Stand	P									PS	PS	PS	PS			8.3.5.I
	Flea Market	P												PS	PS	PS	8.3.5.I
	Floor Covering Store											P	P	P			
	Grocery/Food Store										P	P	P	P			
	Fortuneteller, Divination, Palmistry													S			
	Funeral Home								P	P		P	P	P			
	Internet/Electronic Gaming										PS		PS	PS			8.3.5.L
	Laundromat (self service)										P	S	P	P			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											PS	PS		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photofinishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Centers, less than 25,000 sq. ft.									P	P	P	P			
	Shopping Centers, greater than 25,000 sq. ft.												P			
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage										P	P	P	P		
	Swimming Pool, Hot Tub Sales and Service												P	P		
	Tattoo Parlor, Body Piercing													PS		8.3.5.K
	Taxidermist												P			
	Weight Loss Centers								P	P	P	P	P			
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H
	Automobile Parts, Tires and Accessories Store									PS		PS	PS	PS		8.3.6.I
	Automobile Repair, Major												PS	PS		8.3.6.H & 8.3.6.I
	Automobile Repair, Minor										PS	PS	PS	PS	PS	8.3.6.D & 8.3.6.I
	Automobile Wash (carwash) including detailing service												P	P	P	
	Manufactured Home Sales												PS	PS		8.3.6.F

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings											PS	PS	PS		8.3.6.G
	Truck Stop, Travel Plaza												P	P		
INDUSTRIAL USES																
Light Industrial Service	Truck/Construction Equipment Rental													P	P	
	Flex/Office Space												P	P	S	
	All light industrial service, except as listed below													P		
	Cabinet and Woodwork Shop											P	P	P		
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A
	LP Gas & Heating Oil Dealer												P	P	P	
	Machine Shop												P	P	P	
	Musical Instrument Manufacturing												P	P	P	
	Pest Control Service												P	P	P	
	Portable Toilet Service														P	
	Small Engine Repair												P	P	P	
	Tire Recap and Repair Facility														P	
	Upholstery Shop												P	P	P	
Warehouse and Freight Movement	Electronic Shopping, Mail Order House													P	P	
	Moving and Storage Facility													P	P	
	Product Distribution Center													SS		8.3.7.F
	Rail Transportation and Support Facilities													P		
	Warehousing and Storage, Non-farm related products													SS		8.3.7.F
	Truck Terminal and Support Facilities														SS	8.3.7.G
Waste Related Service	Hazardous Waste Facility														PS	8.3.7.B
	Sanitary Landfill														PS	8.3.6.B
	Recycling Processing Facility														P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C	
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P		
	Solid Waste Management Facility												P	P	P		
	Junkyard/Salvage Yard														SS	8.3.7.C	
Heavy Industrial	All heavy industrial, except as listed below														P		
	Abrasive Products Manufacturing														P		
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P		
	Chemical Manufacturing														P		
	Coal, Ore Supply with outdoor storage														S		
	Dry Cleaning/Laundry Plant												P	P	P		
	Food Manufacturing with Animal Slaughtering and Processing															S	
	Tobacco Manufacturing															P	
	Metal Plating															P	

8.2 USE CATEGORIES

COMMENTARY: The following use categories are not zoning districts. These categories group uses for regulatory purposes. The names of some use categories (for example, "Commercial") may be similar to names for zoning districts (such as "Commercial, General"). A use listed in the examples below is only permitted in accordance with the use table.

8.2.1. IN GENERAL

A. Approach to Categorizing Uses

The use categories found in the use table in § 8.1.8 are set forth in this Section. Specific uses may be further defined in Article 14, Definitions. The Zoning Administrator may determine that uses not listed in Table 8.1.8. are similar to those uses listed in the Table. Where such similar

permitted use is subject to special use standards or supplemental standards the proposed use shall also be subject to such standards or approval.

B. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The Use Categories provide a systematic basis for assigning land uses to appropriate zoning districts. The Administrator may consult the North American Industry Classification System (NAICS) for further clarification on a particular use.

C. Principal Uses Not Specifically Listed

Determination of the appropriate category for a proposed principal use shall be made by the Zoning Administrator. The criteria below shall be used to determine both the appropriate category for a use not specifically listed in the Use Table or the examples in the Use Category descriptions, and whether a use is considered principal or accessory.

- A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category.
- B. The relative amount of site area or floor space and equipment devoted to the activity.
- C. Relative amounts of sales from each activity.
- D. The customer type for each activity.
- E. The relative number of employees in each activity.
- F. Hours of operation.
- G. Building and site arrangement
- H. Types of vehicles used and their parking requirements.
- I. The relative number of vehicle trips generated.
- J. Signs.
- K. How the use is advertised.
- L. The likely impact on surrounding properties.

M. Whether the activity is likely to be found independent of the other activities on the site.

Following a determination that a specific use not listed in these zoning regulations is similar to another listed use, the proposed use shall be subject to any supplemental use standards listed in § 8.3. The Zoning Administrator shall not vary these zoning regulations by adding to or eliminating any use standards in § 8.3 for the proposed use.

Where a use not listed in the use table is found by the Zoning Administrator not to be similar to any other use in the table, the use shall be permitted only following a text amendment of these zoning regulations in accordance with § 3.4, and such a decision shall not be appealed to the Zoning Board of Adjustment .

When considering appropriate districts for a use not listed in the Use Table, the district intent statements in Article 7, Zoning Districts, shall be considered by the Administrator .

D. Developments with Multiple Principal Uses

Developments with multiple principal uses shall conform to the following:

- A. When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category.
- B. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.

COMMENTARY: Where a use has a specific use standard applied in the use table (such as a minimum site acreage), the standard applies even when that use is part of a development with multiple principal uses.

- C. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.

COMMENTARY: If a proposed development includes a convenience store, fuel sales and a restaurant, including outparcels, and one of those uses is only permitted by special use permit in the district, then the entire development requires special use permit review and approval.

- D. Where a use requiring a special use permit lies on a separate legal parcel, only the building containing the use and its separate

parcel shall be subject to special use permit review, not the entire project. However, where the separate legal parcel is an outparcel, the Special Use Permit application shall describe the relationship of the outparcel to the remaining site.

COMMENTARY: For example, where a Self Storage Facility in a C-2 District (requiring a Special Use Permit) is an outparcel within a larger retail development, the Special Use Permit shall review the outparcel only - not the entire development. However, where a Special Use Permit is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special use permit review.

E. Principal Uses

The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. The Administrator’s determination whether a use is permitted in a particular zoning district shall be final, subject to appeal to the Zoning Board of Adjustment.

COMMENTARY: A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

F. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use; however, specific accessory uses with parenthetical cross-references in the following tables are permitted subject to additional standards (see §8.4). Some listed accessory uses may also be considered accessory structures.

G. Uses Not Included

The “Uses Not Included” provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

8.2.2 OPEN USE CATEGORIES

A. Agriculture

Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.		
Principal Uses	Accessory Uses	Uses Not Included
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development Borrow pit Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Animal boarding, outdoor Livestock auction Milk processing plant Plant nursery Plant nursery with landscape supply Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Stable Warehousing and Storage, farm related products	Aircraft landing field or helicopter landing facility (private) Ancillary indoor storage Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 3 meters Dock or pier (noncommercial) Home occupations Housing for ranch or farm labor, including manufactured homes Railroad right-of-way (existing only) Sale of agricultural products U-pick facilities	Animal waste processing (see Waste-Related Service) Commercial feed lot, livestock slaughtering, processing of food and related products (see Heavy Industrial) Commercial hunting or fishing camp, dude ranch (see Outdoor Recreation) Garden center (see Retail Sales and Service) Riding academy or public stable (see Outdoor Recreation) Recyclable construction material storage, solid or liquid waste transfer or composting, (see Waste-Related Service) Railroad right-of-way, new (see Utilities)

8.2.3. RESOURCE EXTRACTION

Characteristics: Characterized by uses that extract minerals and other solids and liquids from land.		
Principal Uses	Accessory Uses	Uses Not Included
Mining Extraction of minerals Extraction of sand or gravel, borrow pit	Ancillary indoor storage Associated offices Equipment storage Resource processing Stockpiling of sand, gravel, or other aggregate materials	Asphalt plant (see Heavy Industrial) Recyclable construction material storage (see Waste-Related Service) Solid or liquid waste transfer or composting (see Waste-Related Service)

8.2.4. RESIDENTIAL USE CATEGORIES

A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Assisted living facility with self-contained individual units that meet the definition of a dwelling unit</p> <p>Guest house</p> <p>Retirement center apartment</p> <p>Short-term rental</p> <p>Single-family detached house, lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential</p>	<p>Accessory dwelling unit</p> <p>Accessory structure that does not involve the conduct of business on the premises</p> <p>Ancillary indoor storage</p> <p>Dish antenna under 3 meters</p> <p>Dock or pier (noncommercial)</p> <p>Children's play area or equipment</p> <p>Greenhouse or nursery, Personal (no sales)</p> <p>Home occupation</p> <p>In-home care for six or less persons</p> <p>Off-street parking of occupants' registered vehicles</p> <p>Family day care homes</p> <p>Adult day care homes (As licensed by the State of NC)</p> <p>Private community center</p> <p>Public community center affiliated with a public housing agency or department</p> <p>Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool</p> <p>Raising of pets</p> <p>Residential leasing office</p> <p>Storage structure, storage garage or open storage area for RV's or boats (manufactured home park or subdivision only)</p>	<p>Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations)</p> <p>Family care homes (see Social Service Institution)</p> <p>Nursing or convalescent home (see Group Living)</p> <p>Residential assisted living facility not having individual dwelling units (see Group Living)</p>

B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. All Group Living Uses not listed below as Principal or Accessory Uses are Social Service Institutions.		
Principal Uses	Accessory Uses	Uses Not Included
Congregate Care Senior Housing Boarding house, rooming house, fraternity, sorority, orphanage Community residential home Family Care Homes Hospice, nursing or convalescent home Monastery, convent Residential assisted living facility without individual self-contained dwelling units	Ancillary indoor storage Associated office Food preparation and dining facility Off-street parking of vehicles for occupants and staff Recreational facility	Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents, Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions) Assisted living facility where individual units meet the definition of a self-contained dwelling unit (see Household Living) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Membership club or lodge (see Indoor Recreation) Residential occupancy of a self-contained dwelling unit by a family on a month-to-month or longer basis (see Household Living) Rehabilitation Centers

8.2.5. PUBLIC AND CIVIC USE CATEGORIES

A. Community Service

Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not Included
Community recreational facility (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Rural retreat center Senior center Union hall Youth-oriented community service Charitable Club	Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area Off-street parking	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Place of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

B. Day Care

Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

Principal Uses	Accessory Uses	Uses Not Included
Adult day-care program Child care center, nursery school, preschool Intermediate childcare Latch-key program Large Family Day Care Home	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility Off-street parking	Counseling in an office setting (see Office) In-home day care for fewer than six persons (see Household Living: Accessory Use) On-site day care facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

C. Educational Facilities

Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Principal Uses	Accessory Uses	Uses Not Included
Business, driving, vocational, trade and other commercial schools College, community college or university Day facility Martial Arts School Nursing or medical school not accessory to a hospital Public, private, and charter schools School, boarding School, fine arts Seminary	Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Before- and after-school day care Cafeteria or other food service Dormitory, housing for students or faculty Health facility Laboratory, library Maintenance facility Meeting area Off-street parking Play area, recreational or sports facility Support commercial (college-operated bookstore, for example)	Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Preschool or nursery school (see Day Care)

D. Government Facilities

Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses Not Included
Animal Shelter City, county, state, or federal government office Detention center, jail, prison Emergency services, fire, sheriff, or medical station Post office Work camp Visitor Bureaus	Ancillary indoor storage Associated helicopter landing facility Auditorium, meeting room Cafeteria Day care Fleet management Holding cell, infirmary Limited fueling facility Off-street parking Satellite office	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Postal substation (see Retail Sales and Service) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

E. Medical Facilities

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses Not Included
Blood plasma donation center, medical facility, medical or dental laboratory Hospital, out-patient clinic Medical or dental office or chiropractor Medical Clinic	Associated helicopter landing facility Associated office Cafeteria Chapel, ancillary worship space Day care Group living or hospice Housing for staff or trainees Limited support retail Maintenance facility Meeting area Off-street parking Pharmacy Recreational facility Teaching facility Temporary housing for relatives of patients	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities) Rehabilitative clinic (see Social Service Institutions) Urgent care or emergency medical office (see Retail Sales and Service)

F. Parks and Open Areas

Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses Not Included
Botanical garden, nature preserve, recreational trail Cemetery, columbarium, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Golf Course, public or private Hunting, Fishing and Game Preserves, commercial Park, community Park, district Park, linear Park, neighborhood Park, regional Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concession Dock or pier (noncommercial) Maintenance facility Off-street parking Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private, golf course, country club, water park (see Outdoor Recreation) Crematorium (see Light Industrial Service) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water tower, tank, standpipe (see Utilities)

G. Passenger Terminal

Characteristics: Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Principal Uses	Accessory Uses	Uses Not Included
Airport, heliport Bus passenger terminal, taxi dispatch center, train passenger terminal Scenic and sight-seeing tour Limousine / Chauffeur Service Public Transportation System Taxi Company / Taxi Stand	Ancillary indoor storage Associated office Concession Freight handling area Fueling facility Limited retail Maintenance facility Off-street parking Park-and-ride facility	Private helicopter landing facility accessory to another use (see Agriculture, Medical Facilities or Government Facilities)

H. Places of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, temple	Cemetery, columbarium, day care	Revival or gospel tent

I. Social Service Institutions

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not Included
Alternative- or post-incarceration facility Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents Neighborhood resource center Rehabilitative clinic such as for alcohol or drugs Social service facility, soup kitchen, transient lodging or shelter for the homeless	Adult educational facility Ancillary indoor storage Associated office Day care Food services and dining area Meeting room Off-street parking Staff residences located on-site	Assisted living facility with individual self-contained dwelling units (see Household Living) Assisted living facility without individual dwelling units, community residential home (see Group Living) Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas) Educational facility (see Educational Facilities) Philanthropic institution (see Community Service)

J. Utilities

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses Not Included
Minor Utilities: On-site stormwater, retention or detention facility Neighborhood-serving telephone exchange, gas or electric installation Pipeline Transportation of Petroleum & Natural Gas Water and wastewater pump station or lift station Water Supply System Major Utilities: Aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank	Control, monitoring, data or transmission equipment Off-street parking Storage	Landfill (see Waste-Related Service) Maintenance yard or building (see Light Industrial Service) Utility office (see Office) TV and radio studio (see Office) Cell phone tower Radio and Television towers Reservoir or water supply (see Parks and Open Areas)

8.2.6. COMMERCIAL USE CATEGORIES

A. Indoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not Included
Adult entertainment Auditorium / Assembly Hall, up to 350 seats Auditorium/Assembly Hall, more than 350 seats Convention center Extreme sports such as paintball, BMX facility or skateboarding facility (indoor) Gymnastic facility, indoor sports academy Go-Kart Track (indoor) Health Club & Fitness Center Amusement Arcade (indoor only) including less than 4 pool tables, bowling alleys, game/amusement arcade Indoor firing range Pool/Billiard Hall or Parlor (4 to 16 tables) Membership club or lodge Movie or other theater Performing Arts Company & Artist Sexually-Oriented Business Skating Rink, indoor	Ancillary indoor storage Associated office Concession Food preparation and dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

B. Office

Characteristics: Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses generally have no external access or signs.		
Principal Uses	Accessory Uses	Uses Not Included
Accounting & Tax Service Advertising & Related Services Architectural, Engineering & Related Services Bail Bonding Office Bank Teller Machines, outdoor (principal or accessory use) Counseling in an office setting Collections Agency Computer System Design & Related Services Consulting Office Counseling Office Credit Bureau Data Processing and News Services Detective Agency Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service, and Contractor's Office Employment Agency Engineering, Architect or Surveying Office Environmental Consulting Service Financial Institution Government office Graphic Design Services Industrial Design Services Insurance Agency Interior Design Services Legal Services Motion Picture and Sound Recording Studio Office, general Real Estate Agency Scientific Research & Development Services Stock or Security Brokerage Firm Telemarketing & Telephone Call Centers Television, Radio & Film Studio Travel Agency Utility office	Ancillary storage Cafeteria Health facility Meeting room Off-street parking On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Small retail operation for on-site workers (no external signage) Technical library	Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Bulk mailing service (see Light Industrial Service) Mail-order house (see Wholesale Trade) Medical or dental office (see Medical Facilities) Research, testing, and development laboratory (Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service)

C. Outdoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.		
Principal Uses	Accessory Uses	Uses Not Included
Circus ground Drive-in theater Equestrian Boarding & Riding Arenas, commercial Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility (outdoor) Farmers market or flea market (outdoor) Golf course, country club Outdoor recreation activity such as archery range, baseball hitting range, golf driving range, mini-amusement park, miniature golf facility, outdoor firing range, swimming pool, tennis court water park, riding academy or public stable Recreational vehicle (RV) park, campground, commercial hunting or fishing camp, dude ranch Sports academy for active recreational or competitive sports Stadium or arena, dog or horse track, motor vehicle racing track or facility, commercial amphitheater, ballfield Tourist attraction Winter quarters or training quarters Zoo, public or private	Ancillary indoor storage Associated office Caretaker or security person housing Classroom Clubhouse Concession Day care facility Dock or pier Dormitory Equipment storage Food preparation or dining area Jogging, hiking, fitness and other types of trails. Maintenance facility Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter Restaurant	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

D. Overnight Accommodations

Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not Included
Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Campground	Ancillary indoor storage Associated office Restaurants with or without a bar 5.3.4.M Food preparation and dining facility Laundry facility Meeting facility Off-street parking Restaurant Swimming pool, other recreational facility	Campground, private, hunting/fishing camp, dude ranch, recreational vehicle (RV) park (see Outdoor Recreation) Convention center (see Indoor Recreation) Patient Transient accommodations (see Medical Facilities) Short Term rental (see Household Living) Transient lodging, shelter for the homeless (see Social Service Institutions)

E. Parking, Commercial

Characteristics: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses Not Included
Parking Lot & Decks, principal use Mixed parking lot (partially accessory to a specific use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

F. Restaurants

Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Banquet Home Restaurant, fast-food restaurant, pizza delivery facility, drive-in, take-out, yogurt or ice cream shop Private Clubs Small-scale catering establishment Food Truck, Temporary	Ancillary indoor storage Associated office Deck, patio for outdoor seating or dining Drive-through facility Off-street customer and employee parking Brewery/Winery/Cidery - Micro or Brewpub Valet parking facility Bar (as an accessory use to a restaurant and/or private club)	Bar, tavern (see Indoor Recreation) Recyclable construction material storage (see Waste-Related Service)

G. Retail Sales and Services

Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Sales-Oriented: Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, guns and ammunition, hardware, home improvement, household products, jewelry, medical supplies, monuments, musical instruments, pets and pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, telephones, tobacco and related products, vehicle parts and accessories, videos, full- or self-serve gas, Farmers market or flea market (indoor)</p> <p>Personal Service-Oriented: Animal grooming, animal hospital or veterinarian, with or without animal boarding, doggie day care, obedience school Athletic, tennis, swim or health club Dance, art, martial arts, music or photographic studio or classroom Dry-cleaning or laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy and personal care service Photocopy, blueprint, package shipping and quick-sign service Psychic, fortune teller or medium Security service Taxidermist Urgent care or emergency medical Tattooing or other body art</p> <p>Repair-Oriented: Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair Tailor, milliner, upholsterer Locksmith, gunsmith</p>	<p>Ancillary indoor storage Associated office Automatic one bay car wash facility Crematorium (associated with a funeral home) Food preparation and dining area Repackaging of goods for on-site sale Residential unit for security purposes (single unit) Storage of goods</p>	<p>Boarding for horses (see Agriculture, stable) Car wash (see Vehicle Sales and Service) Stand-alone crematorium (see Light Industrial) Large-scale catering (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering (see Restaurants) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial)</p>

H. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not Included
Mini-warehouse, multi-story enclosed storage facility, storage garage	Associated office Outside storage of boats and campers Residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

I. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Vehicle Service, General involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Vehicle Service, Intensive: Alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service</p> <p>Vehicle Service, General: Quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, provided such repair is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting.</p> <p>Full- or self-service car wash</p> <p>Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles)</p> <p>Towing and wrecker service</p> <p>Storage Building Display and Sales</p> <p>Manufactured housing sales</p>	<p>Ancillary indoor storage</p> <p>Associated office</p> <p>Sale of parts</p> <p>Single-bay, automatic car wash</p> <p>Towing</p> <p>Vehicle fueling</p> <p>Vehicle storage</p>	<p>Earth moving and heavy construction equipment (see Heavy Industrial)</p> <p>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</p> <p>Vehicle parts sale as a principal use (see Retail Sales and Service)</p>

J. Alcoholic Beverage Production

Characteristics: Production and/or distribution of alcoholic beverages such as wine, beer and liquor to include onsite consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Winery/Cidery Winery/Cidery -Micro Distillery Brewery/Brewery-Micro	Restaurant Taproom	Bar Private Club

8.2.7. INDUSTRIAL USE CATEGORIES

A. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
<p>Advertising & related services Blueprinting & design services Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Borrow pit Catering establishment, large-scale Cleaning/maintenance services Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making Crematorium Engineering, Architect, Surveying office Health club, fitness & dance studio HVAC, electrical, plumbing, contractor's office Industrial design services Janitorial and building maintenance service, exterminator, maintenance yard or facility Laundry, dry-cleaning, and carpet cleaning plants Movie production facility Pest control service Photo-finishing laboratory Race cars and parts manufacturing Repair of scientific or professional instruments, electric motors Research, testing, and development laboratory Sheet metal shop, machine shop Small engine repair Soft drink bottling Storage area used for manufacturing Welding machine tool repair shop Woodworking, including cabinet makers and furniture manufacturing</p>	<p>Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site</p>	<p>Mining (see Resource Extraction) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)</p>

B. Warehouse and Freight Movement

Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store</p> <p>Bus barn</p> <p>Commercial packing for fruits and vegetables</p> <p>Outdoor storage yard</p> <p>Parcel services</p> <p>Truck terminal, supply and distribution center, bulk mailing facility</p> <p>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred</p>	<p>Ancillary indoor storage</p> <p>Associated office</p> <p>Cafeteria</p> <p>Day care</p> <p>Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure.</p> <p>Employee recreational facility</p> <p>Off-street parking</p> <p>Outdoor storage yard</p> <p>Residential unit for security purposes (single unit)</p> <p>Truck fleet parking and maintenance area</p>	<p>Bulk storage of flammable liquids (see Heavy Industrial)</p> <p>Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage)</p> <p>Solid or liquid waste transfer or composting (see Waste-Related Service)</p>

C. Waste-Related Services

Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Animal waste processing</p> <p>Landfill</p> <p>Manufacture and production of goods from composting organic material</p> <p>Recyclable material storage, including construction material</p> <p>Recycling Facility</p> <p>Solid or liquid waste transfer or composting</p> <p>Septic Tank Cleaning Service and Vehicle Storage Facility</p> <p>Solid Waste Management Facility</p> <p>Land Clearing and Inert Debris Landfills</p> <p>Junkyards / Salvage Yards</p>	<p>Ancillary indoor storage</p> <p>Associated office</p> <p>Off-street parking</p> <p>On-site refueling and repair</p> <p>Recycling of material</p> <p>Repackaging and shipment of by-products</p>	<p>Stockpiling of sand, gravel, or other aggregate materials derived from mining (see Resource Extraction)</p>

D. Heavy Industrial

Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited

Principal Uses	Accessory Uses	Uses Not Included
<p>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause</p> <p>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, citrus concentrate plant, processing of food and related products, production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill</p> <p>Borrow pit</p> <p>Bulk storage of flammable liquids</p> <p>Commercial feed lot</p> <p>Concrete batching and asphalt processing and manufacture</p> <p>Earth moving and heavy construction equipment</p> <p>Landfill, hazardous solid waste</p> <p>Mining (see Resource Extraction)</p> <p>Primary Metal Processing & Manufacturing</p> <p>Tobacco Manufacturing</p> <p>Truck, Heavy Duty; RV & Self-propelled Heavy Construction Equipment, sales, service and rental</p>	<p>Ancillary office</p> <p>Associated office</p> <p>Cafeteria</p> <p>Off-street parking</p> <p>Product repair</p> <p>Repackaging of goods</p> <p>Warehouse, storage</p> <p>Residential unit for security purposes (single unit)</p> <p>Day Care facility if part of a service offered by an employer</p>	<p>Animal waste processing (see Waste-Related Service)</p> <p>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)</p> <p>Store selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)</p>

E. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses Not Included
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Water softening, commercial Wholesale of food, clothing, auto parts, and building hardware Metal & Pipe Supply, with no outdoor storage Metal & Pipe Supply, with outdoor storage	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Minor fabrication services Off-street parking Product repair Repackaging of goods Residential unit for security purposes (single unit) Showroom Warehouse	Store selling, leasing, or renting consumer, home or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

8.3 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

8.3.1. GENERAL PROVISIONS

A. Applicability

The provisions of this Article are supplemental to the general provisions of the other Articles of the Concord Development Ordinance. All Uses and Structures shall comply with the all other applicable provisions of this Ordinance in addition to the provisions of this Article.

B. Relationship to Use Table

The zoning district in which a particular use is permitted is controlled by Use Table, and in the event of any inconsistency between the provisions of this Section and the Use Table, the provisions of the Use Table shall control.

C. Distance Measurements

All horizontal distance measurements referred to in this Article shall be measured from closest parcel line to closet parcel line, unless otherwise noted.

8.3.2. OPEN USES

A. Animal Production and Support Facilities

1. PURPOSE AND SCOPE

The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets.

2. USE REGULATIONS

The use of land for the keeping of agricultural animals of other livestock shall be permitted as set forth in the use table, subject to the criteria below.

3. AGRICULTURAL ANIMALS

A. No livestock shall be kept, maintained or stabled within any Residential Zoning District on any lot not exceeding two (2) acres.

B. On parcels of two (2) acres or more and as set forth in the use table, certain livestock shall be permitted subject to the following provisions:

- C. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than one-hundred fifty feet (150') from a dwelling unit. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.
- D. Not more than one (1) Animal Unit shall be shall be kept, maintained or stabled per six thousand (6,000) square feet of land.
- E. No equine stable operated as a principal use shall be within three hundred (300) feet of an existing single-family detached dwelling on a different lot.

B. Livestock Auctions

1. LAND AREA AND SETBACKS

The minimum acreage for a livestock auction facility is 20 acres. A minimum setback of no closer than three hundred feet (300') from a dwelling unit or residential zoned or used property is required.

C. Resource Extraction

1. PURPOSE

To establish consistent guidelines covering review of applications for mining and quarrying operations where an approved site plan is considered necessary to protect any adjacent residential property from smoke, dust, and noise, and to minimize the effect of scarification of the landscape.

2. APPLICABILITY

The provisions of this Section apply to any mining or extractive uses. The use of land for quarrying and/or mining shall be permitted as set forth in the Use Table subject to the criteria below.

3. COMPLIANCE WITH STATE REGULATIONS

All proposed mining and quarrying activities must conform to the "North Carolina Mining Act of 1971" as amended, (NCGS § 74-46 et seq.) NCAC, Title 15, Chapter 5. The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Environment and Natural Resources Regional Office. Wherever conflicts exist between federal, state, or local laws, the more restrictive provisions shall apply.

4. REVIEW AND APPROVAL

Submission requirements to obtain complete review and approval for mining and quarrying operations on sites with a disturbed area of one acre or more include a special use permit application, a reclamation plan, and a Preliminary Site Plan detailing the minimum general standards as set forth in the City's Technical Standards Manual .

5. SETBACKS

Minimum setbacks in § 7.6 shall apply to the extent of land disturbing activity and the placement of mining machinery or structures.

6. BARRIER REQUIRED

A. A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence, landscaping, existing topographical features or any combination of the above. Existing vegetation may also be considered in accordance with Article 11. The barrier shall be constructed so as to block the view of the extraction operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress. For the purposes of this section, the view shall be defined as a perpendicular linear view from the edge of the property line toward the interior of the mine or quarry site. The Planning & Zoning Commission, through the issuance of a Special Use Permit, shall have the authority to grant exceptions where a barrier as required by this section is not practical or feasible. Landscaping shall be in accordance with Article 11.

B. The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.

7. EXEMPTIONS

A. Earth moving activity disturbing less than one acre of land shall be exempt from the provisions of this Section.

B. Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Section, regardless of the area disturbed.

C. Borrow pits are exempt from the provisions of this Section.

8.3.3 Residential Uses

A. Single-Family Attached Dwelling

[See § 7.7]

B. Multifamily Dwelling

[See § 7.8]

C. Accessory Dwelling

1. ZONING DISTRICTS

Accessory Dwellings and Accessory Apartments are conditionally permitted in those zoning districts where such use is permitted in accordance with the Use Table.

2. HOUSING STANDARDS

Accessory Dwellings must comply with all applicable local, State and Federal housing codes.

3. NUMBER

Only one (1) Accessory Dwelling or Accessory Apartment shall be permitted per lot.

4. SIZE OF UNIT

The Accessory Dwelling or Accessory Apartment shall not exceed fifty (50) percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.

5. PLACEMENT OF THE ACCESSORY DWELLING ON THE LOT

An Accessory Dwelling shall be sited to the rear of the principal building. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds ten (10) acres in size.

6. SETBACKS

The Accessory Dwelling shall meet all setback requirements as established for principal uses within the zoning district within which it is located.

7. COMPATIBILITY

The exterior of the Accessory Dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance. Manufactured homes shall not be pulled up to or attached to a primary residence and considered an Accessory Apartment or Accessory Dwelling Unit. Manufactured homes, as principal or accessory dwelling units, shall be permitted only in the MH Manufactured Home Overlay District.

8. PARKING

Adequate off-street parking shall be provided for any vehicles owned by occupants of the Accessory Dwelling or Accessory Apartment.

9. UTILITIES

Where there is no public sanitary sewer service to the Accessory Dwelling unit, County Health Department shall approve sanitary sewer services provided to such Accessory Dwelling unit prior to its construction.

10. OWNER-OCCUPIED RESTRICTION

Accessory dwelling units shall only be allowed on parcels that contain owner-occupied single-family dwelling units that are allowed as a principal permitted use.

D. Group Living

1. APPLICABILITY

The provisions of this Section apply to any Congregate Care Senior Housing or Residential Care Facility. The Provisions of this section shall not apply to a Family Care Home as defined in this Ordinance.

The use of land for a residential care facility shall be permitted as set forth in the Use Table subject to the criteria below.

2. STATE LICENSING

A. Prior to submission of an application for a certificate of zoning compliance, an owner/operator of a group living facility shall have received a license from the State of North Carolina for the operation of such a facility.

3. LOCATION

No group living facility shall be located within one thousand (1,000) feet from any Hazardous Waste Facility.

4. SECURITY FENCING

Group living facilities that provide care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five (5) feet, along the perimeter of any portion of the site that is accessible to these patients.

E. Family Care Home

1. CITY REGISTRATION

No family care home shall operate until it has registered its location with the City of Concord Development Services Department. Family care homes must obtain and maintain any and all applicable federal, state, local or other licenses required for such facilities before registering. The registration shall include the address of the residence, the name, address and telephone number of the "operator representative," and the number of occupants permitted to dwell there. The registration shall also include an affirmation

that the residence is not located in violation of applicable distance separation requirements for such facilities. Any changes in licensure status or designated “operator representative” must be reported to the Development Services Department immediately. For purposes of this section, “operator representative” shall mean an individual who represents the operator or residents of a supportive housing residence or family care home who is responsible for addressing problems with the operation of such a facility, if any, whenever they arise. The “operator representative” may live on-site at the facility or off-site, but must be available to the public.

2. LOCATION

A. No family care home shall be located within 2,100 feet of any other existing family care home established prior to, or after, the effective date of this ordinance. The distance shall be determined by a straight-line measurement from property line to property line.

B. No family care home shall be located within 1,000 feet of any hazardous waste facility (as determined by a straight-line measurement from property line to property line).

3. SECURITY FENCING

Family care or group homes that provide care to patients who suffer from Alzheimer’s disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five feet, along the perimeter of any portion of the site that is accessible to these patients.

F. Temporary Health Care Structures

Temporary family health care structures as defined by state law shall be permitted on lots zoned for and developed with single-family detached dwellings, subject to issuance of a temporary use permit and compliance with the following provisions:

1. Any temporary family healthcare structure shall be limited to one mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living, as certified in writing by a licensed physician.

2. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver’s primary residence. The adult caregiver shall be related by blood, marriage, or adoption

to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.

3. Only one (1) temporary family health care structure shall be permitted on a lot or parcel of land.
4. Temporary family health care structures shall be limited to a maximum of three hundred (300) square feet of gross floor area and shall meet the minimum setback requirements for single family detached dwellings of the zoning district in which they located. Temporary health care structures shall be located behind the front building line.
5. Temporary family health care structures shall not be installed on a permanent foundation.
6. Temporary family health care structures shall be subject to applicable building codes.
7. Temporary family health care structures shall be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property.
8. No signs promoting or advertising the existence of the structure shall be permitted on the structure or on the lot.
9. The applicant shall provide evidence of compliance with all requirements of state law and this section on an annual basis as long as the temporary family healthcare structure remains on the property.
10. The City may arrange the inspection of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to the annual compliance confirmation.
11. The following shall be submitted to the City with any application for a temporary family health care structure:
 - a. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
 - b. Address of the property.
 - c. Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with one or more activities of daily living by a licensed physician.
 - d. Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
 - (1) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein.

- (2) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure.
- (3) Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section or State Law.
- (4) A permit for a temporary health care structure may be revoked by the City due to failure of the applicant to comply with any of the above provisions or the provisions of State Law. Additionally, the City may seek injunctive relief or other appropriate actions to ensure compliance with this Section or State Law.

8.3.4 PUBLIC AND CIVIC USES

A. Child Care Center

1. APPLICABILITY

The provisions of this Section apply to any:

- A. Child Care Center.
- B. Family Day Care Homes. Day care homes are also Home Occupations (see Accessory Uses)

2. PERMIT APPLICATION

The following shall be submitted with the application for a Zoning Clearance Permit or Certificate of Compliance:

- A. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility (may submit copies).
- B. Such centers shall be enclosed with a fence, with a minimum height of four (4) feet.
- C. The following shall be submitted upon receipt from the N.C. State Licensing Board:
- D. A copy of the N.C. State letter of approval for religious childcare facilities, or
- E. A copy of the N.C. State temporary license (issued for the first six months of operation) and permanent license issued to all childcare facilities, excluding religious childcare facilities.
- F. A letter from the applicant indicating the number of residents that will be cared for and how many staff will be employed.

3. ACCESS AND LOADING/UNLOADING

- A. This provision of this § 8.3.4 shall not apply to Family Day Care Homes.
- B. Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of

children. Standards for access and off-street parking/loading are set forth in Article 10.3.

- C. The use shall front a street classified as a collector or a thoroughfare.

B. Animal Shelter, Boarding, Clinic/Hospital Uses

1. APPLICABILITY

The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels. Animal boarding/storage uses shall be permitted as set forth in the Use Table subject to the criteria below.

2. CRITERIA

- A. Facilities for the boarding of all dogs and other household pets shall conform to the following:
- B. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
- C. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.
- D. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.
- E. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

C. Cemetery

1. APPLICABILITY

The provisions of this Section apply to any Cemeteries or crematories as allowed by Table 8.1.8 and subject to the provisions below.

2. CRITERIA

- A. Pursuant to NCGS § 90-210.43, any crematories may be established in commercial or industrial zoned district so long as it is adjacent to a funeral establishment.
- B. Minimum setback for all structures, excluding gatehouses, abutting residentially zoned property is (50) feet from any side or rear property line, (25) twenty-five feet if abutting commercially zoned property, and a minimum of (25) twenty-five feet from any right-of-way. Gatehouses shall be excluded from any minimum building setback.
- C. Minimum setback for any grave or burial plot is fifty (50) feet from any exterior property line, except that any grave or burial

plot shall be allowed within three (3) feet of a property line of an abutting parcel that contains an existing cemetery.

- D. Buffering and Landscaping shall be regulated in accordance with Article 11.

D. Limousine/Chauffeur Service/Taxi Company

1. VEHICLE STORAGE

- A. Automobiles stored on such premises shall be at least fifty (50) feet from any residential district boundary and at least ten (10) feet from any property line. No automobile shall be stored or stand outside of such paved area.
- B. When located within one hundred and fifty (150) feet of a residential zone boundary line, such vehicles shall be stored within an enclosed building or in an area screened on all sides by a opaque wall or fence, or compact evergreens screen not less than six (6) feet in height.
- C. No service or repair of such vehicles shall be conducted on the premises.
- D. The entrance and exits, driveway aisles, parking and storage spaces shall be increased in size to accommodate the size of the vehicle for which the storage is intended.

E. Religious Institution/Place of Worship

1. MULTI PURPOSE CAMPUS:

- A. Religious institutions/places of worship are permitted as shown in the Use Table, provided that additional uses and buildings beyond the sanctuary or other actual place of worship that house other regulated facilities such as schools, gymnasiums, community centers, transient shelters and other associated uses shall be considered multiple principal uses of the property - not accessory to the religious institution or place of worship.

2. RELIGIOUS INSTITUTIONS SHALL:

- A. Be located on a parcel or site that fronts an arterial or collector street (for churches over 350 seats);
- B. Design any accessory child day care center or overnight child care center associated with the religious institution to comply with the standards of Section 8.3.4 A. Child Day Care Center; Pre-School;
- C. The Development Services Director shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000), as

amended. In granting such a modification, the Development Services Director may require conditions consistent with the federal act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

F. Social Service Institution

1. DESCRIPTION

Social Services may include but not be limited to Assisted Living Facility; Nursing Home; Psychiatric Treatment Facility

2. SUPPORTING USES

Any supporting retail sales and services uses accessory to the principal use shall be enclosed within the principal structure, shall not exceed twenty percent (20%) of the heated floor area of the principal structure, and shall only be accessed through the principal structure.

G. Convention Center

1. PURPOSE

The purpose and intent of this section is to ensure that future development within close proximity of the convention center will contain uses that are compatible and complimentary, and promote pedestrian as well as tourist activities.

2. MINIMUM LOT AREA

Be no less than five (5) acres in area;

3. DISTANCE FROM RESIDENTIAL DISTRICT

The building shall be located a minimum of five hundred (500) feet from any residential district, as measured from all property lines; and

4. VEHICULAR ACCESS

Locate all points of vehicular access from an arterial or major collector street. The access points shall be located to minimize vehicular traffic to and through local streets in residential areas.

5. LOCATION

Only the following permitted uses from Table 8.1.8 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become non-conforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property.

- ABC Store
- Accessory uses (customarily incidental to the permitted primary use as approved by the Administrator)
- Accounting & Tax Service
- Advertising & Related Services
- Amusement Arcade, indoors only
- Amusement Park
- Animal Grooming Establishment (no overnight boarding)
- Antique Store
- Architectural, Engineering & Related Services
- Art Dealer
- Art Supply Shop
- Auditorium/Assembly Hall, up to 350 seats
- Auditorium/Assembly Hall, more than 350 seats
- Bakery/Snack Shop, no drive-thru
- Bank Teller Machines, outdoor (principal or accessory uses)
- Barber/ Beauty Shop
- Baseball Hitting Range
- Beauty Supply and Cosmetic Store
- Bed and Breakfast Inn
- Bicycle Sales and Service
- Blueprinting and Drafting Service
- Botanical Gardens/Nature Preserves
- Book Store
- Bowling Center
- Bus Charter Service Company (including passenger terminals)
- Camera and Photography Store
- Candle Shop
- Candy and Nut Store
- Card Shop
- Child Care Center
- China and Tableware Shop
- Clock and Watch Sales and Repair
- Cloth/Piece Goods store
- Clothing and Clothing Accessories
- Clothing Alterations and Repairs
- Coin and Stamp Shop
- Computer System Design & Related Services
- Convention Center
- Costume Rental Shop
- Counseling Office
- Consulting Office

- Country Club
- Craft Studio and Store
- Credit Bureau
- Dance School Studio
- Data Processing and News Services
- Delivery/Courier Service, local, (no commercial vehicles)
- Detective Agency
- Drapery and Linen Shop
- Electronics Sales and Repair
- Electronic Shopping and Mail-Order Houses
- Employment Agency
- Engineering, Architect or Surveying Office
- Environmental Consulting Service
- Extended Stay Lodging Facilities
- Financial Institution (no drive up windows)
- Floral and Christmas Shop
- Florist
- Food Catering Facility
- Food Store, (excluding convenience stores)
- Formal Wear
- Funeral Home
- Furniture & Home Furnishings store
- General Merchandise Store (less than 25,000 sq. ft.)
- Gift, Novelty and Souvenir Store
- Glass and Mirror Shop
- Golf Course, public or private
- Golf Driving Range
- Governmental Buildings (excl. correctional institutions)
- Graphic Design Services
- Gun and Ammunition Sales
- Gunsmith
- Hardware Store
- Health Club & Fitness Center
- Hobby, Toy, and Games Stores
- Home Electronics Sales and Repair
- Home Occupations
- Hospital
- Hotel
- Industrial Design Services (general office)
- Insurance Agency
- Interior Design Services
- Jewelry Sales and Repair Store
- Legal services

- Library, public
- Limousine/Chauffeur Service
- Martial Arts School
- Massage Therapist
- Medical clinic
- Medical Supply Shop
- Micro-Brewery (less than 5,000 sq. ft.)
- Miniature Golf Course
- Motel
- Motion Picture and Sound Recording Studio
- Motion Picture Theater, indoor
- Museum
- Music Store
- Nail Store
- Newsstand (principal use)
- Nursery, plants
- Office, general
- Office supplies, Equipment and Stationary Store
- Park, community
- Park, district
- Park, neighborhood
- Park, linear
- Park, regional
- Parking Lot & Decks, principal use
- Performing Arts Company & Artist
- Pet Shop
- Photocopy Service
- Photofinishing Laboratory
- Photography Studio
- Picture Frame Shop
- Post Office
- Postal store and Contract Station
- Printing and related Support Activities
- Public Transportation System
- Real Estate agency
- Recreational Instruction and Camps
- Religious Institution / House of Worship (up to 450 seats)
- Religious Institution / House of Worship (more than 450 seats)
- Restaurant
- School, boarding
- School, business or trade
- School, private & parochial

- School, public, elementary & secondary
- School, university or college
- School, fine arts
- Scientific Research & Development Services
- Sewing, Needlework & Piece Goods Store
- Shoe Sales and Repair Shop
- Shopping Center, less than 25,000 sq. ft.
- Shopping Center, 25-100,000 sq. ft.
- Shopping Center, over 100,000 sq. ft.
- Skating Rink, indoor
- Social Assistance (excl. child care centers)
- Sporting Goods Store
- Stationery Shop
- Stock or Security Brokerage Firm
- Tanning Salon
- Television, Radio & Film Studio
- Tobacco Shop
- Travel Agency
- Trophy & Plaque Shop
- Video Rental & Sales
- Visitor Bureaus
- Wedding Chapel

H. Museums and Non-Profit Foundation Offices

1. MUSEUM IN RESIDENTIAL DISTRICTS

For a museum to be located in any residential district, the structure must have a direct link with an individual who inhabited the structure or event that transpired in the structure.

2. NON-PROFIT FOUNDATION IN A RESIDENTIAL DISTRICT

For non-profit foundation office to be located in any residential district, there must be a documented historic link between the structure and the non profit foundation wishing to set up the non-profit foundation office.

3. DESIGN

The structure must remain residential in character and may not be altered in a way that detracts from the surrounding neighborhood and must meet all CDO and any overlay district requirements.

I. Homeless Shelter/Soup Kitchen

Homeless shelters/soup kitchens shall have a minimum lot area of one (1) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

8.3.5. COMMERCIAL USES

A. POOL HALL, BILLIARD PARLOR

Pool or billiard parlors having a minimum of four but not more than sixteen pool or billiard tables, shall have, under the same roof and developed integrally with the pool or billiard parlor, an eating establishment with full restaurant kitchen and dining facilities, including a minimum of 36 seats for dining tables and/or booths.

1. Obscuring View of Interior

It shall be unlawful for any person to place or keep any kind of stain, paint, curtains, or other things on or in front of any glass which obscures the view into any place or building where a pool or billiard hall or parlor is maintained.

B. SEXUALLY ORIENTED BUSINESSES

1. PURPOSE & FINDINGS

A. The City Council of the City of Concord finds that this Ordinance is necessary in order to protect the City from the potential secondary effects of sexually oriented businesses including crime, the protection of the City's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the City's neighborhoods and the City's commercial districts, the protection of the City's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually oriented businesses. Experience in this City as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The City recognizes and relies upon the experience of these other cities and counties in adopting sexually oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County*

Commissioners 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Ordinance. The City also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977); (5) the 1984 “Analysis of Adult Entertainment Businesses in Indianapolis” by the Department of metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas’ study on effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

- B. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
1. Crime rates tend to be higher in residential areas surrounding sexually oriented businesses than in industrial areas surrounding sexually oriented businesses;
 2. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented businesses;
 3. Sexually oriented businesses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually oriented businesses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential sexually oriented business site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and sexually oriented business operators with respect to potential adult use sites.
 4. The image of the City as an attractive place to reside will be adversely affected by the presence of sexually oriented businesses in close proximity to residential uses, schools, religious institutions and parks;
 5. The existence of sexually oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;

6. A reasonable regulation of the location of sexually oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses an opportunity to do so in appropriate areas in the City; and
 7. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.
- C. The City Council recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.
- D. The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:
1. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually oriented businesses on the site of the sexually oriented business;
 2. Evidence has demonstrated that performers employed by sexually oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

3. Evidence indicates that performers at sexually oriented businesses have been found to engage in acts of prostitution with patrons of the establishment;
 4. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually oriented businesses.
- E. The City Council has determined that the establishment of a sexually oriented business development permit process is a legitimate and reasonable means of ensuring that:
 1. Operators of sexually oriented businesses comply with the reasonable regulations of this Ordinance;
 2. The recognized secondary impacts of a proposed sexually oriented business in a specific location are mitigated; and
 3. Operators of sexually oriented businesses have specific guidelines with respect to where they can establish or operate a sexually oriented business.
 - F. It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral ordinance which addresses the secondary effects that sexually oriented businesses have on the City.
 - G. The City Council desires to protect the rights conferred by the United States Constitution to sexually oriented businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually oriented businesses.
 - H. The City Council and Planning and Zoning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this proposed Ordinance.
 - I. These regulations are authorized by NCGS § 160A-181.1.

2. APPLICABILITY

The provisions of this Section apply to any Sexually-Oriented Business/Adult Establishments. The use of land for a sexually-oriented business or adult establishment shall be permitted as set forth in Table 1.1.2 subject to the criteria below.

3. LOCATION STANDARDS

- A. No sexually-oriented business shall be located within two thousand (2,000) feet of any other sexually-oriented business.
- B. No sexually-oriented business shall be located within two thousand (2,000) feet of a school, day care or adult day care center, public or private recreation center, a church or a park used by the public for recreational purposes.
- C. No sexually-oriented business shall be located within two thousand (2,000) feet of any Residential Zoning District or residentially developed property. The distance shall be measured radially from the subject property to the nearest point of the Residential District or property, whether such district or use is located within the City of Concord or not.

4. SIGNS AND DISPLAYS

Signage shall be regulated in accordance with Article 12, except that no sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

C. BED AND BREAKFAST INN

1. LOCATION

Bed and breakfast inns shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. A Historic Preservation Overlay District or;
- B. On a parcel with frontage on a major or minor thoroughfare; or
- C. Within a PUD Planned Unit Development.

2. STRUCTURE

A structure which shall be used for a bed and breakfast inn shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. Off-Street Parking. See § 10.3.
- B. Receptions/Private Parties. No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit or Site Plan application.
- C. Room Rental. No long-term rental of rooms shall be permitted. The maximum length of stay shall be thirty (30) days.
- D. Guest Rooms. All guest rooms shall be located within the principal structure.
- E. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit. No cooking facilities shall be permitted in the guest rooms.

- F. Accessory Uses. Accessory uses associated with a bed and breakfast inn include those as set forth in § 8.3.
- G. Area Regulations. Area regulations for minimum lot size, applicable setbacks, building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.
- H. Maximum Number of Guest Units. The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be five (5), unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging
- I. Landscaping and Buffering. See Article 11.
- J. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- K. Signage. Signs for bed and breakfast inns shall meet the requirements of the Sign Regulations and the requirements set forth below.
 - 1. Signage shall be limited to one ground sign per establishment.
 - 2. Ground signs identifying bed and breakfast inns shall not exceed five square feet in area nor five feet in height. Such signs shall not be illuminated.
 - 3. No additional advertising signs shall be permitted on the property.

D. CAMPGROUNDS

1. CRITERIA

This section applies to Campgrounds as permitted by the Use Table and subject to the following standards:

- A. Campgrounds shall not be used as permanent residences except for one (1) owner or manager and up to three (3) permanent maintenance personnel.
- B. Towed vehicles within the Campground shall not exceed eight feet (8') in width.
- C. No person, other than the owner or operator shall stay in any Campground more than ninety (90) days per calendar year.
- D. Camp sites shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least twenty five feet (25') in width.

- E. Camp sites shall be spaced so that there is at least: ten feet (10') between sites; eight (8') feet from the interior roadways; fifty feet (50') from exterior roadways; and fifteen (15') feet from property lines.
- F. Parking spaces and interior roadways shall be paved or treated to reduce dust.
- G. Sewage facilities, if provided, shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.
- H. All utilities shall be located underground.
- I. At least one public telephone shall be provided.
- J. Walkways to concentrated activity areas (such as bathhouse, restrooms, etc.) within the campground area shall be at least four feet (4') wide with an all weather surface.
- K. All unpaved areas within the campground must have vegetative ground cover, which is adequate to prevent erosion and blowing dust.
- L. One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces. The Applicant shall comply with the requirements of the Landscaping Standards.
- M. All trash collection areas shall be completely screened from view at any public right-of-way or property line.
- N. Adjoining residential zoned or developed areas shall be screened by a minimum Class "C" buffer yard as described in Article 11.
- O. Each campground shall provide at least one full time attendant.

E. PARKING DECK

[See Article 7.9]

F. PRIVATE CLUBS

1. The provisions of this section shall apply to any private club to the extent not preempted by NCGS § 18B-901. Private clubs located completely within motels and hotels shall be exempt from the provisions of these regulations, provided that they encompass no more than 25 percent of the gross floor area of the motel or hotel.
2. No private club shall be established within 1,000 feet of any of the following:
 - A. Any Residential Zoning District, any Elementary School, Middle School, or High School;
 - B. Any Child Care Center or Child Care Facility;
 - C. Any Religious Institution; or
 - D. Any other existing establishment of the same kind.

The distance provisions above shall not apply in the Center City Zoning District.

3. An application for development approval for a private club shall include a floor plan of the building or structure in which the private club is located. The floor plan shall delineate separately the areas of the building or structure, which are used for the dispensing of food and beverages, entertainment, and dancing.

G. BUILDING MATERIAL SUPPLY

General Provisions

In the AG, B-1, , C-1, C-2, I-1 and I-2 districts, outdoor storage areas shall comply with the following.

1. Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 100 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts.
2. Outdoor storage areas shall be screened by a Type C buffer yard in accordance with the Article 11. This provision shall not apply to Junk Yards/ Salvage Yards. (see § 8.3.6.B.).
3. Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2.A for the zoning district within which the item is located.
4. No open storage area shall be maintained in the required front yard area, except that allowed by§ 8.3.6-D
5. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen outdoor storage areas or operations.
6. The provisions of this § 8.3.5 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

H. CONVENIENCE STORE (WITH OR WITHOUT GASOLINE SALES)

1. APPLICABILITY

The provisions of this Section shall apply to Convenience Stores and Gas Stations as allowed in the Use Table and subject to the provisions below.

2. ACCESSORY USES

The following uses shall be considered accessory to Convenience Stores or Gas Stations:

- A. Car washes.
- B. Gasoline pumps and canopies.
- C. Automatic teller machines (ATM's).

- D. Restaurants located within the Primary Building.
- E. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise, and rental of video tapes and video cassette recorders.

3. APPROVAL CRITERIA

A. LOCATION.

- 1. Principal Structure - The site shall have frontage on a thoroughfare or collector road.
- 2. Service Equipment - No above-grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any exterior property line. Pump island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.

B. MAXIMUM SQUARE FOOTAGE FOR PRINCIPAL STRUCTURE.

- 1. In C-2 District: No maximum.
- 2. In all other districts that allow convenience stores: 2,000 leasable square feet for enclosed structure.

C. LIGHTING.

- 1. All exterior lights must be shielded to direct light and glare only onto the Lot or Parcel where the convenience store is located, and may be of sufficient intensity to discourage vandalism and theft.
- 2. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

D. SIGNS. See Article 12 Signs.

I. FARMERS MARKET AND FLEA MARKET (OUTDOOR)

1. ACCESS

Direct access to the site shall be provided by major or minor thoroughfares only, as depicted on the most up-to-date version of the City of Concord thoroughfare plan.

2. LOCATION

For outdoor flea markets only, the lot shall be 300 linear feet from any lot located in a residential district.

J. LAWN AND GARDEN SUPPLY, NURSERY WITH OUTDOOR STORAGE, OUTDOOR ANIMAL AND FEED SUPPLY

1. LOCATION

With the exception of the landscape plants offered for sale, all materials shall be contained with a building, except that open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to

the building and are encircled by a fence of a design which is in harmony with the adjacent building.

2. SCREENING

A solid fence shall be designed as to screen all material and supplies from public view.

K. TATOO PARLOR

1. SEPARATION

Tattoo parlors shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at their closest points.

L. INTERNET/ELECTRONIC GAMING

1. PERMITTED ZONING DISTRICT

Internet/electronic gaming shall be permitted only in the B-1 (Neighborhood Commercial/Office) District and the C-1 (Light Commercial and Office) Districts as accessory uses and the C-2 (General Commercial District) as either a principal or accessory use, subject to the following requirements.

2. ACCESSORY USE

Internet/electronic gaming is allowed as an accessory use to the extent that the use functions are a use accessory, incidental, and subordinate in area, extent, and purpose to the principal use of the premises. Such accessory uses are allowed in convenience stores and restaurants. Accessory uses shall be limited to no more than four (4) individual machines or terminals. Within the B-1 and C-1 zoning districts, internet/electronic gaming is permitted as an accessory use only, and only provided that the associated principal use is permitted within the zoning district.

3. SEPARATION FROM CERTAIN USES

Internet/electronic gaming shall not be located within 200 feet in any direction from other internet/electronic gaming, or from any cemetery, congregate care facility, religious institution, municipal government facilities, including but not limited to municipal public parks, public or private child care center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.

4. MAJOR GATEWAY SETBACKS

Internet/electronic gaming shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile from the city limit line. For the purposes of this section, a major gateway is identified as an entry way into the City limits along any of the following transportation corridors: NC-3, NC-73, NC-49, Concord Parkway, US 601, Poplar Tent Road, George W. Liles Parkway, and Christenbury Parkway.

5. MEASUREMENT

All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures. In the event that separate internet/electronic gaming establishments are proposed to be located on the same parcel, measurement shall be from the outer building walls of the proposed use to the outer building walls of the existing use. A survey may be required to verify compliance with this provision.

6. ACCESS AND VISIBILITY

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

7. AGE RESTRICTIONS

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

8. SIGNAGE

Signage shall meet all the requirements of Article 12 and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulating, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the internet/electronic games shall be displayed prominently within the establishment.

9. COMPLIANCE WITH OTHER REGULATIONS

The internet/electronic gaming establishment shall be subject to City of Concord privilege license fees, and shall be subject to all other standards of the City of Concord and State of North Carolina as applicable.

10. EFFECTIVE DATE

This ordinance shall be effective upon adoption.

M. BODY PIERCING

1. SEPARATION

Body piercing establishments shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at the closest point.

2. SIGNAGE

All signage to comply with Article 12, Signs Regulations.

N. BANQUET HOME

1. LOCATION

Banquet Homes shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. On a parcel with frontage on a major or minor thoroughfare;
- B. On a parcel or combination of parcels in common ownership totaling no less than two (2) acres.

2. STRUCTURE

A residential structure which shall be used for a banquet home shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. All required off-street parking shall be provided in the rear yard and shall be located in such a manner as to not be visible from the public right-of-way. For minimum off-street parking requirements see § 10.3.
- B. Other than event guests, no meals shall be served to the general public.
- C. A Class "C" buffer shall be required adjacent to all residentially zoned or developed properties. For additional landscaping and buffering requirements, see Article 11.
- D. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient

intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded and focused away from any adjoining residential property. A lighting plan illustrating compliance with these requirements shall be submitted as part of the special use permit application.

E. Signage. Signs for banquet homes shall meet the requirements of the Sign Regulations, Article 12, and the supplemental requirements set forth below.

1. Signage shall be limited to one ground sign per establishment.

2. Ground signs identifying banquet homes shall not exceed nine (9) square feet in area, nor four (4) feet in height. Such signs shall not be illuminated.

3. No additional advertising signs shall be permitted on the property.

4. SEPARATION

Banquet homes shall be separated by at least five hundred (500) feet from any existing banquet home. This measurement shall be calculated from property line to property line. Additionally, the minimum separation from the banquet home structure and any adjacent single-family residence shall be at least fifty (50) feet.

O. BREWPUBS AND BREWERIES-MICRO

1. Brewpubs are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:

A. In the CC, PUD and MX districts, a brewpub shall comply with the regulations for the CC district Section 7.9. and any supplemental regulations associated with a PUD or MX district approval.

B. No outdoor amplified sound will be permitted after 11:00 pm. All activities shall comply with the City of Concord Noise Ordinance.

2. Breweries-Micro are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:

A. In the CC district a brewery-micro shall comply with the regulations for the CC district Section 7.9

B. In the C-1, C-2, CC, MX, and PUD districts brewery-micro shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is operating.

- C. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the brewery-micro is located within 200 feet of any residential or institutional use.

P. INDOOR RECREATION

- 1. Only one indoor recreation facility (go-kart or fitness/martial arts) shall be permitted per Combined Development and shall be located inside the structure adjacent to the primary entrance road.

Q. FOOD TRUCK

1. LOCATION

- A. Temporary food trucks shall only be located within the Center City (CC) zoning district, except that no food truck may be located on Union Street. All food trucks shall be located within a surface parking lot or within a designated parking space or spaces.

2. TIME LIMITATIONS

- A. Temporary food trucks shall set up no earlier than 4:30 pm on Fridays and shall be removed no later than 8:00 pm on Sundays.

R. EVENT CENTER

- A. With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

S. COMMERCIAL USES IN RV AND RC DISTRICTS

In the RC and RV districts, authorized commercial uses shall comply with the following standards:

- 1. Commercial uses shall only be allowed as an accessory use to multi-family development.
- 2. The commercial use shall face an arterial street that abuts the multi-family development.
- 3. The cumulative gross leasable floor area of such uses shall not exceed five (5) percent of the gross floor area of the multi-family development in which they are located.
- 4. Commercial uses shall be limited to convenience retail, O-I, B-1, and C-1 uses, and restaurants.
- 5. No drive-in or drive-through services are permitted.
- 6. All such uses shall be limited to the ground floor of the structure in which they are located.

8.3.6 OUTDOOR STORAGE AND STORAGE FACILITIES

A. Outdoor Storage and Solid Waste Storage Standards in Residential Zoning Districts

1. GENERAL PROVISIONS

In the RE, RL, RM-1, RM-2, RV, RC, TND, PID, PUD, PRD, CC districts, open storage of junk, salvage or equipment including but not limited to scrap metal, used boxes, or crates, used appliances, salvaged furniture or glassware, salvaged automobiles or parts is prohibited. The provisions of this paragraph shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in § 13.1, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein.

B. Outdoor and Solid Waste Storage Standards in Non-Residential Zoning Districts

1. GENERAL PROVISIONS

In the AG, B-1, C-1, C-2, CI, PUD, I-1 and I-2 districts, outdoor storage areas shall comply with the following, except that allowed under §§8.3.6 C., 8.3.6 E.

2. LOCATION

Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 500 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts. No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6.E.

3. SCREENING

Outdoor storage areas shall be screened by a Type C buffer yard in accordance with Article 11. This provision shall not apply to Junk Yards/ Salvage Yards (see § 8.3.6.B.). Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2 A. for the zoning district within which the item is located. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen outdoor storage areas or operations.

4. STORAGE AS PART OF AGRICULTURAL OPERATIONS

The provisions of this § 8.3.6 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

C. Solid Waste Storage Areas

1. LOCATION

Solid waste dumpsters or other large containers for solid waste storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), should be of solid opaque construction, with latching gates providing access. The applicant shall indicate on the site plan the choice of materials and color so that the Administrator can determine that they are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback as described in Table 7.6.2 A and 7.6.2 B. or any street yard or buffer yard as set forth in Article 11.

2. MATERIALS

Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

3. CONTAINER TYPE

Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff.

4. FENCING

Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen solid waste storage areas.

5. APPLICATION

The provisions of this § 8.3.6.C. shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

D. Outdoor Storage Standards as Part of Retail Uses

1. GENERAL PROVISIONS

The provisions of this section shall apply to any retail use that includes the sale or storage of merchandise in an open or unenclosed area except as provided in §8.3.5.G. The provisions of this section § 8.3.6.D.shall not apply to the CC district or to sidewalk vendors permitted under the temporary use regulations of § 8.7.

2. DISPLAY LOCATIONS

No booths, stalls, or materials on display may be located within any required setback area. Outdoor display areas shall not be located in such a manner as to displace or otherwise interfere with any required parking spaces and maneuvering areas.

Non-enclosed areas for the storage and sale of seasonal inventory shall be:

- A. permanently defined on an approved site plan;
- B. completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences; and
- C. comprised of materials, colors, and design of screening walls and/or fences which shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

3. TRUCK TRAILERS

Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.

E. Mini-Warehouse/Self-Service Storage

1. PURPOSE

This Section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. The use of land for mini-warehousing/self-service storage shall be permitted as set forth in the Use Table subject to the criteria below.

2. MINIMUM/MAXIMUM LOT SIZES

- A. Minimum lot size - one (1) acre
- B. Maximum lot size - none in the I-1 and I-2 Districts. All other districts have a maximum lot size of five (5) acres.

3. BUILDING ARTICULATION

- A. The building height shall not exceed 48 feet and comply with the setbacks of Table 7.6.2 B.
- B. A parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.
- C. The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, brick, stone, EIFS, etc. and painting of surfaces. Split-faced concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. The colors selected shall be compatible with the character of the neighborhood. Metal may not be used on any

perimeter wall of any building. The front façade of all structures shall comply with Article 7.10.

- D. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public street.

4. LANDSCAPING SCREENING AND BUFFERING

- A. A type “B” buffer yard as prescribed in Article 11 shall be provided around the perimeter of the mini-warehouse development.
- B. Signs or other advertising mediums shall not be placed within the buffer yard.
- C. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) and shall conform to the standards and planting requirements of Article 11.
- D. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence, masonry wall, or type no less than eight (8) feet in height. The Administrator may permit a landscaped buffer that provides complete visual screening with a berm in some cases.

5. ON-SITE MANAGER OR SECURITY SYSTEM REQUIRED

No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.

6. COMMERCIAL ACTIVITY PROHIBITED

It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units or other associated activities, or to permit same to occur upon any area designated as a storage warehouse.

7. PROHIBITED USES

- A. No portion of any Mini-Warehouse/self-service storage shall be used, on a temporary or permanent basis, as a dwelling.
- B. Repair of Autos, Boats, Motors and Furniture Prohibited; Storage of Flammable Liquids Prohibited
- C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure on a tract of land designated as a mini-warehouse.

All mini-warehouse units shall be made available for inspection by the Fire Marshal for uses of the property for purposes other than dead storage.

8. LIGHTING

All outdoor lights must be shielded to direct light and glare only onto the Lot or Parcel which the Mini Warehouse is located. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

9. OUTSIDE STORAGE

No outside storage shall be permitted except for the storage of recreational vehicles per paragraph 13.d. Outdoor Storage areas shall not be permitted within a required setback or perimeter buffer;

10. ACCESSIBILITY

Vehicular ingress-egress locations into the property shall provide for the safe access of customers and emergency vehicles.

11. OFF-STREET PARKING STANDARDS

A. Location of Customer Parking. Parking shall be provided by parking/driving lanes adjacent to the buildings.

B. Interior Travel Lanes. Interior travel lanes shall have a minimum width of (12) feet for one way travel lanes and (24) feet for two way travel lanes.

C. Off-street Parking. One parking space is required for every 200 storage units with a minimum of two spaces required. The parking spaces shall be provided adjacent to the manager's office.

D. Vehicular Storage. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage so long as it complys with 8.3.6.E.6.

12. ACCESSORY USES

The sale of customary equipment and supplies, such as hand trucks, straps, and tape, are permitted on site.

13. DEVELOPMENT IN C-2 DISTRICTS

Mini warehouse facilities may be developed in C-2 zoning districts provided that visibility from the public right-of-way is minimized. This standard may be accomplished through a combination of landscaping, screening, fences/walls or through the placement of an intervening use between the public right-of-way and the mini-warehouse use.

F. Manufactured/Modular Home and Storage Building Sales

1. APPLICABILITY

The provisions of this Section shall apply to any tract of land designed or intended for the display and sale of bulky items including manufactured homes, modular homes, and/or enclosed storage (accessory) buildings and boats.

2. CRITERIA

- A. **Site Plan Requirements.** In addition to the site plan requirements found elsewhere in this ordinance, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Section) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.
- B. **Setbacks.** All display pads shall be located at least thirty (30) feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with the underlying district.
- C. **Type of Manufactured Home.** All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.
- D. **Required Paving.** All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Display, storage and repair areas may be gravel.
- E. **Storage and Repair Areas.** Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views.
- F. **Sidewalks.** Four (4) foot wide sidewalks shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.
- G. **Signs.** Signs shall conform to the sign regulations of the zoning district in which the use is located. In addition, each display item may have a sign not to exceed three square feet in area which gives information about the item.
- H. **Display Pads.** All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120 percent of

the structure's footprint. Display pad may be paved and/or graveled.

- I. **Manufactured or Modular Home Display Areas.** A minimum separation of at least ten (10) feet shall be maintained between display pads. Display homes shall be level and blocked. Display homes which are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
- J. **Storage Building Display Areas.** A minimum separation of at least five (5) feet shall be maintained between display pads.
- K. **Landscaping Requirements.** In addition to the landscaping requirements found elsewhere in this Ordinance, the display area for manufactured and modular home sales shall include the installation of one ornamental tree or shade tree, two medium shrubs and six small shrubs per display pad. The location of the plantings shall be determined by the Administrator but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.

G. Motor Vehicle and Boat Sales, Lease, Rental

1. APPLICABILITY

The provisions of this Section shall apply to any Automobile/Boat Sales or Rental establishment as allowed by the Use Table.

2. ACCESSORY USES

- A. In addition to the accessory uses set forth in § 8.4, the following accessory uses are permitted for any Automobile/Boat Sales Establishment:
- B. Sales, office, parts, service, storage, and body shop facilities accessory to new Automobile/Boat Sales establishments.
- C. Storage, body shop, washing, fueling, painting facilities, and air quality certification.
- D. Temporary automobile sales offices and display areas (interior or exterior). Such uses shall be allowed for a period not to exceed two years from the date approved by the City. The period may be extended for up to an additional one year if the permanent facility is under construction prior to expiration of the initial two-year period but not yet complete.

3. DISPLAY AREA

- A. The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface. For sales or rental operations occupying space in a combined development of 25,000 square feet or less, a maximum of six vehicles for sale shall be stored or displayed on site. For sales or rental operations occupying space in a combined development of more than 25,000 square feet, the maximum number of vehicles shall be restricted by the available spaces on site that are in excess of the off-street parking requirements established in Article 8.
 - B. For purposes of this Section, a paved surface shall not be considered “continuous” if it is separated by a Type A buffer yard (as set forth in Article 11) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than twelve (12) or more than eighteen (18) feet in width for every one hundred fifty (150) feet in buffer yard length.
 - C. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.
 - D. Paved areas reserved for the storage or display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of §10.3. No vehicle for sale shall occupy a required space per § 10.3.
- H. Outdoor Storage of Junk or Non-Operating Vehicles
- 1. For outdoor display of vehicles for sale, see § (8.3.6.G).
 - 2. For outdoor storage of vehicles in need of major repair, such vehicles shall be located within an area screened from view from a public right-of-way or an adjacent property line. Storage of vehicles in need of minor repair are exempt from the requirements of this section. Minor repair shall include vehicles scheduled for immediate repair and shall be stored on-site for no more than five working days (unless evidence can be provided to the Administrator to indicate circumstances, such as part availability, prevent repair in within the five day period) All screening shall follow the requirements below.
 - 3. Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.
 - 4. SCREENING REQUIREMENTS
 - A. SCREENING LOCATION - Storage areas shall be completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences and placed outside of all site triangles.

- B. **COVERED STORAGE AREA** - Covered storage areas shall be composed of materials and colors that are compatible with those used on the principal structure.
- C. **CUSTOMARY MATERIALS** - Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, brick, or products designed to resemble these materials. If a structure exists on the property, design of screening walls and/or fences shall be compatible with those used on the principal structure. Where specific materials are specified for particular types of screening fences or walls, all other fence materials are prohibited (i.e. in a Conditional District)
- D. **FINISHED SIDE TO OUTSIDE** - Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (i.e. one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.
- E. **UNIFORMITY OF MATERIALS ON A SINGLE LOT SIDE** - All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.
- F. **LANDSCAPE SCREENING** - Landscaping is required in front of screened areas facing public right of ways and along conforming residentially zoned property boundaries that touch the subject tract. Fences and walls that exceed two-and-one-half (2½) feet in height and are located within twenty (20) feet of a public right-of-way shall meet the following landscaping standards:
- One (1) evergreen shrub shall be installed for each five (5) feet of frontage along the public right -of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion, and all plantings shall be installed on the side of the fence that faces the public right-of-way. The minimum shrub size shall be 3’ at the time of planting.
- G. **INTEGRATION WITH OTHER REQUIRED LANDSCAPING** - Required landscape screening for fences or walls may be integrated into the landscaping required for streetscape landscaping, vehicular use area screening, or perimeter landscape buffers provided the standards in Article 11, Landscaping Standards, are maintained. In no case shall fencing or required walls be placed between the edge of the right-of-way and any required streetscape landscaping.
- H. **MAINTENANCE REQUIRED** - All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed,

or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

5. SIGHT TRIANGLES AND SIGHT DISTANCE TRIANGLES

Fences and walls shall not be placed in site triangles and shall comply with the TSM.

6. PROHIBITED FENCES

A. CHAIN LINK AND METAL-SLAT FENCING - Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all zone districts, except the Industrial zone districts, when the landowner can demonstrate through a security plan that such fencing is necessary to maintain public safety or on-site security.

B. BARBED WIRE AND ABOVE GROUND ELECTRIFIED FENCES PROHIBITED - Barbed wire fences and above ground electrified fences are prohibited in all zone districts. Underground electric fences designed for control of domestic animals are permitted.

C. DEBRIS, JUNK, ROLLED PLASTIC, SHEET METAL, PLYWOOD, OR OTHER WASTE MATERIALS - Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

I AUTOMOBILE REPAIR (MAJOR/MINOR)/TIRE SALES

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

8.3.7 INDUSTRIAL USES

A. Catering

1. APPLICABILITY

A. The provisions of this Section shall only apply to any Catering operation as a Home Occupation (see §8.5)

2. MAXIMUM AREA.

A. Area set aside for catering as a home occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the dwelling unit.

3. OUTDOOR STORAGE

- A. No outdoor storage or display of items associated with catering as a home occupation is permitted.

4. OPERATION.

- A. Catering as a home occupation shall be conducted entirely within a dwelling unit exclusive of a garage or carport. It shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the outward appearance of the residence. Catering as a home occupation is not permitted in a detached garage or in any other accessory structure.

- B. All food items created as part of a catering home occupation shall be served and consumed at locations other than the home.

- C. In accordance with § 8.5, no more than one (1) non-resident shall be employed on site. All other persons who are not occupants of the dwelling may be employed in connection with the home occupation provided they:

- do not work at or on the site of the dwelling;
- do not report to work at or near the dwelling;
- do not go by the dwelling to pick up orders, supplies or other items related to the catering home occupation;
- do not report to the dwelling for pay;
- do not associate with the dwelling in a manner which could be interpreted as part of a normal employer/employee relationship.

- D. Catering home occupation activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district in which it is located

- E. Only one vehicle owned by the operator of the home occupation and used in coordination with the business may be stored on site. This does not preclude occasional deliveries by parcel post or similarly sized vehicles consistent with normal use of the property for residential purposes that do not impede the safe flow of traffic.

5. COMPLIANCE WITH OTHER REGULATIONS.

- A. All catering home occupations shall comply with all applicable Federal, State and local regulations.

B. Hazardous Waste Facilities / Sanitary Landfill

1. PURPOSE AND INTENT

The purpose and intent of this Section is to provide supplementary guidance and standards for the issuance of permits for hazardous

waste facilities. State law restricts the extent to which local zoning may regulate hazardous waste facilities. To the extent not preempted by NCGS § 130A-293, et seq. hazardous waste facilities shall be permitted only in the zoning districts indicated in the Use Table.

2. CRITERIA

Consistent with NCGS § 130A-293, no zoning compliance permit shall be approved until a special use permit application has been approved. Prior to the filing of any application for a zoning compliance permit, the designated North Carolina state agency shall examine the criteria for issuance of a special use permit and shall submit its recommendation to the North Carolina Environmental Management Commission. No special use permit or zoning compliance permit shall be issued unless the applicant first:

- A. Obtains a permit from the State of North Carolina; and
- B. Obtains a franchise from the City of Concord pursuant to NCGS § 160A-319; and
- C. Submits a copy of the State permit and all applications to the Administrator.

C. Junkyard / Salvage Yard

No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, or a North Carolina route except the following:

1. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway at any season of the year or otherwise removed from sight or screened in accordance with the rules and regulations contained in this ordinance.
2. No yard or storage lot shall be placed or maintained within a required yard setback or buffer.
3. No material may be stacked so that it is visible off of the site.
4. All existing junk yards and salvage yards shall be in compliance with this ordinance no later than January 1, 2008.

D. Land Clearing / Inert Debris (LCID) Landfills and Storage Yards

1. GENERAL

- A. The owner of the land where the storage yard (temporary or permanent) or landfill is located must notify the Administrator on a prescribed form, duly signed, notarized, and recorded as per section (b) below. The operator of the landfill, if different from the land owner, shall also sign the notification form.

- B. The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Administrator.

2. FOR LANDFILLS ONLY

When the land on which the Land Clearing and Inert Debris Landfills sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

An individual permit is required for the construction or expansion and operation of a Land Clearing and Inert Debris (LCID) landfill or storage yard when:

- A. The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the City of Concord solid waste management plan as approved by the Division of Solid Waste Management, and
- B. The total disposal area is greater than one-half acre in size.

3. PERMITS

Individual permits for land clearing and inert debris landfills shall be issued for not more than five years.

A. Landfills that are currently permitted as demolition landfills are required to comply with the following:

- 1. Only waste types as described in section 2.A. above may be accepted for disposal, as of the effective date of this ordinance unless otherwise specified in the existing permit.
- 2. Operations must be in compliance with the Operational Requirements for LCID Landfills (below).
- 3. Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 2012 or cease operations and close in accordance with this ordinance.
- 4. Existing storage yards shall comply with all the requirements of this Ordinance by July 1, 2007 or cease operation and close in accordance with this ordinance.

4. SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID)LANDFILLS AND STORAGE YARDS

- A. The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:
 - 1. Facilities or practices, shall not be located in the 100-year floodplain.
 - 2. Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
 - 3. Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 or at the offices of the Administrator, where copies can be obtained at no cost.
 - 4. Facilities or practices shall not damage or destroy an archaeological or historical site.
 - 5. Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve
 - 6. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
 - 7. It must be shown that adequate suitable soils are available for cover, either from on or off site.
- B. Land Clearing and Inert Debris landfills and storage yards shall meet the following surface and ground water requirements:
 - 1. Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.
 - 2. Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.
 - 3. Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 - 4. Waste in landfills and storage yards with a disposal area greater than one-half acre shall be placed a minimum of four

feet above the seasonal high water table, except where an alternative separation is approved by the Division.

5. Waste in landfills and storage yards with a disposal area less than one-half acre shall be placed above the seasonal high water table.
- C. The facility shall meet the following minimum buffer requirements:
 1. 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 2. 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 3. A Type D [See Art. 11] buffer is required, but may be adjusted as necessary to insure adequate protection of public health and the environment.
 - D. The facility shall meet all requirements of any applicable zoning ordinance.
- E. **Operational Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards**
1. Land Clearing and Inert Debris (LCID) landfills and storage yards shall meet the following operational requirements:
 - A. Operational plans shall be approved and followed as specified for the facility.
 - B. The facility shall only accept those solid wastes which it is permitted to receive.
 - C. Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
 - D. For landfills ONLY; Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
 - E. For landfills ONLY; 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The City may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
 - F. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
 - G. For landfills ONLY; Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days

or 120 calendar days upon completion of any phase of landfill development.

- H. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill or storage yards is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
 - I. Access roads shall be of all-weather construction and properly maintained.
 - J. Surface water shall be diverted from the working face and shall not be impounded over waste.
 - K. Solid waste shall not be disposed of or placed in water.
 - L. Open burning of solid waste is prohibited.
 - M. The concentration of explosive gases generated by the facility shall not exceed:
 - N. Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - O. The lower explosive limit for the gases at the property boundary.
 - P. Leachate shall be properly managed on site through the use of current best management practices.
 - Q. Should the City deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under 15A N.C.A.C. 13B.0601 and .0602.
 - R. A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number.
2. Approval Process
- A. Site Plan Approval is required. See the Site Plan Approval requirements in Article 5.
 - B. Zoning Map Amendment and Special Use Permit are required, if applicable. Refer to the Use Table in § 8.18 and the procedures for zoning map amendments in Art. 3.
 - C. Zoning Clearance. No demolition landfill shall be established until a zoning clearance permit is obtained from the Administrator.
 - D. Duration of Permit. A zoning clearance permit shall be effective for a twelve-month period. The demolition landfill is presumed to be an adjunct to an ongoing construction process and, as such, is permitted only for the life of the construction project. The Administrator shall renew the zoning clearance if a written finding is made that the construction project is ongoing.

- E. Application Requirements. In addition to the requirements for a site plan found at §5.4 the following information must be submitted at the time of application for such permit:
- Survey. A survey showing the exact location of the proposed demolition landfill or storage yards within the entire project.
 - Contents of Landfill. A statement detailing all contents of the landfill or storage yard.
 - Reclamation of Landfill Area. A statement detailing the plans for reclaiming the landfill at the end of its use.
 - Future Building Plans. A statement describing plans for future building, if any, on the landfill or storage yard site.
3. Additional Application Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards (i.e. in addition to site plan info)
- A. The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:
1. Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on site test borings, test pits, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility.
 2. A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name.
 3. Any other information pertinent to the suitability of the proposed facility.
- B. The following shall be provided on a map or aerial photograph with a scale of at least one inch equals four hundred feet showing the area within one-fourth mile of the site:
1. Entire property or portion thereof owned or leased by the person providing the disposal site.
 2. Location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.
 3. Historical or archaeological sites, if any.
 4. Park, scenic, or recreation area boundaries, if any.
 5. Existing pertinent on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and

sewer utilities, septic fields, and storm drainage features.

6. Springs, streams, creeks, rivers, ponds, and other waters and impoundments.
7. Wetlands, if any.
8. Boundary of the proposed waste area.
9. Existing topography with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify existing topographic conditions.
10. FOR LANDFILLS ONLY: Proposed excavation, grading, and final contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).
11. Where on site borrow for operational and final cover is proposed, indicate the borrow excavation and grading plan with contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading.
12. Location of test borings or test pits, if used to determine the seasonal high water table elevation, shall be shown on the plans.
13. A minimum of two cross-sections, one each along each major axis, per operational area showing:
 - Original elevations.
 - Proposed excavation.
 - Proposed final elevations.
14. A copy of the operational plan approved by NC DENR under 15A NCAC § 13B.0566

F. PRODUCT DISTRIBUTION CENTER, WAREHOUSING AND STORAGE, NON-FARM RELATED PRODUCTS

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

G. TRUCK TERMINALS AND SUPPORT FACILITIES

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate

projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. All loading areas shall be designed in such a manner as to not be visible from residential property. Overnight idling of trucks is prohibited and all repair operations shall be conducted inside an enclosed structure. Outside storage of spare or dismantled parts is prohibited. Outdoor storage of goods shall be completely screened from adjacent property and from the public right-of-way.

8.4 Accessory Uses

8.4.1 PERMITTED ACCESSORY USES

A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts

B. Establishment

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as provided in section 8.8.3-D. Accessory buildings shall not be used for dwelling purposes, except as provided in section 8.3.3-C.

8.4.2. LOCATION

- A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Section 7.6.3 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.
- B. For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.
- C. For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard but not closer than seventy-five feet (75') from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.
- D. The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
- E. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

8.4.3. HEIGHT

- A. Accessory buildings shall not exceed:
 - 1. The standard height regulations of the zoning district as set forth in Section 7.6.3 where accessory structure is located within the buildable lot area;
 - 2. Shall not exceed fifteen (15) feet in height, where accessory structure is located within a principal structure setback yard.

8.4.4. SWIMMING POOLS

A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district provided:

- A. The swimming pool and incidental installations are located in other than the front yard.
- B. If any pool contains at least four hundred fifty (450) square feet of water surface area or has a depth of thirty-six (36) inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a

protective fence of not less than four (4) feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.

- C. The swimming pool shall be set back from all lot lines a distance of not less than five (5) feet.

8.4.5. LIGHTING

Exterior lighting for accessory uses and/or structures shall be placed so as to not direct or reflect light upon adjoining land.

8.4.6. EXEMPTIONS TO ACCESSORY USE AND STRUCTURE REGULATIONS

- A. The following uses/structures shall be exempt from the provisions of this § 8.4:
 - 1. Fencing and walls;
 - 2. Mailboxes;
 - 3. Plant materials;
 - 4. Any structure or improvement, once installed, is at grade or less than 1 foot above grade.

8.5 HOME OCCUPATIONS

8.5.1 PURPOSE

A home occupation is permitted as an accessory use in the districts shown in 8.4.1-A and in the PUD, PRD, and TND Districts. The purpose of the home occupation regulations and performance standards are:

- A. to establish criteria for operation of home occupations in dwelling units within residential districts;
- B. to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- C. to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- D. to ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- E. to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
- F. to enable the fair and consistent enforcement of these home occupation regulations; and
- G. to promote and protect the public health, safety and general welfare.

No home occupation, except as otherwise provided herein, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this Section.

8.5.2 LIST OF HOME OCCUPATIONS

The following list specifies those occupations that may be conducted at home. The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

- A. Accounting, bookkeeping
- B. Appraisal
- C. Legal services
- D. Real estate sales
- E. Insurance sales
- F. Childcare / Family Daycare Home (see)
- G. Drafting services
- H. Tailoring (dressmaking, alterations, etc.) services
- I. Engineering, architecture and landscape architecture
- J. Financial planning & investment services
- K. Fine arts studio (creation of individual works only, no mass production)
- L. Interior decoration (no studio permitted)
- M. Lawn Care Services
- N. Mail order business (order taking only, no stock in trade)
- O. Musical instruction, voice or instrument
- P. Tutoring
- Q. Office work
- R. Catering (see 8.3.7-A for catering as a home occupation standards) (includes home-cooking and preservation of foods for the purpose of selling the products for off-premise consumption)
- S. Similar, low impact endeavor as determined by the Administrator

8.5.3 PERFORMANCE STANDARDS

Home occupations are authorized if they comply with the performance standards set forth in Table 8.6-1. A mark "X" indicates that the performance standard applies in the applicable district.

8.5.4 HOME OCCUPATIONS NOT PERMITTED

The following Uses shall not be permitted as home occupations in Residential Zoning Districts: medical/dental office, motor vehicle repair or similar uses, temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion, engine repair, furniture refinishing, gymnastic facilities, studios or outdoor recreation activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, commercial food preparation (excluding catering pursuant to §8.3.7-A), contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, or any type of physical or psycho therapy, or any other use not allowed in accordance with § 8.1.8.

8.5.5 EXEMPT HOME OCCUPATIONS

No Home Occupation Permit shall be required for the home occupations listed below, provided that they comply with all applicable home occupation regulations and standards of this Section, and provided further, that all persons engaged in such activities reside on the premises and the following conditions are satisfied:

- A. artists, sculptors, composers not selling their artistic product to the public on the premises;
- B. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- C. home offices with no client visits to the home permitted;
- D. telephone answering and message services.

8.5.6 UNSAFE HOME OCCUPATIONS

A. If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to § 1.5 of this Ordinance.

8.5.7 EXPIRATION OF HOME OCCUPATION PERMIT

The Home Occupation Permit shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, or if the home occupation is discontinued for a period of 180 days or more and is not renewed within thirty (30) days after written notice from the Administrator.

8.6 TABLE 8.6-1

HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

PERFORMANCE STANDARDS	AG	All other districts
The use shall be clearly incidental and secondary to residential occupancy.	x	x
The use shall be conducted entirely within the interior of the residence.		x
The use shall not change the residential character of the dwelling.	x	x
The use shall conform with applicable state and local statutes, ordinances and regulations and is reviewed by Administrator.	x	x
A full-time resident operator shall be employed.	x	x
Obtain permits before operating home occupation, except those exempted under § 5.12.7.	x	x
No more than one (1) non-resident employee shall be permitted.		x
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between the 8:00 AM and 8:00 PM.	x	x
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation	x	x
Music, ¹ art, craft or similar lessons: (12 or fewer clients per day)	x	x
Childcare (maximum of 8 or fewer children); see § 5.16	x	x
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	x	x
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	x	x
Parking shall be provided only in driveway and shall not create hazards or street congestion	x	x

¹ provided all electronically amplified sound is not audible from adjacent properties or public streets.

Outside storage of heavy equipment or material shall be prohibited.		x
No more than three (3) commercial vehicles are to be stored on site, provided, the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.		x
Mechanized equipment shall be used only in a completely enclosed building		x
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	x	x
Deliveries and pickups shall be those normally associated with residential services and shall a. not block traffic circulation b. occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday	x	x
Accessory Buildings shall not be used for home occupation purposes.		x
Signage shall comply with the following: a. Limited to one sign of four (4) square feet in area. b. Must be mounted flush against the wall of principal dwelling unit c. Shall not be illuminated.	x	x

8.7 Wireless Communications Facilities Generally







8.7.1 Purpose and Applicability

- A. This Section 8.7 applies to all telecommunications facilities except as specifically noted otherwise. Special procedures for qualifying small wireless facilities, qualifying utility poles, and qualifying city utility poles are addressed separately in Section 8.9.
- B. The purpose of this section is to:
 - 1. Minimize the impacts of wireless communication facilities (WCFs) on surrounding areas by establishing standards for location, structural integrity and compatibility;
 - 2. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
 - 3. Encourage coordination between suppliers of wireless communication services in the City of Concord;
 - 4. Respond to the policies embodied in the Telecommunications Act of 1996 and section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a) and in accordance with the rules promulgated by the Federal Communications Commission;
 - 5. Protect the unique natural beauty and rural character of the City while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
 - 6. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the City.
- C. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of telecommunications facilities on privately-owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property

8.7.2 SITING

WCFs and associated equipment shall be permitted in accordance with the use table in Section 8.2 subject to the following:

A. Siting of a non-qualifying WCF shall be in accordance with the following siting alternatives hierarchy:

Priority	Facility/ Structure Type	Location	Example
Ideal 	Concealed Attached Wireless Communication Facility	City or County Owned Site	
		Other Publicly Owned Site	
		Non-Publicly Owned Site	
	Collocation or Combining on Existing Antenna Supporting Structure	City or County Owned Site	
Other Publicly Owned Site			
Non-Publicly Owned Site			
Freestanding Concealed or Nonconcealed Attached WCF	City or County Owned Site	 or 	
	Other Publicly Owned Site		
	Non-Publicly Owned Site		
Less Desired	Freestanding WCF	City or County Owned Site	

B. In determining the order of ranking preference, the facility/structure type shall be evaluated first, and only after the facility/structure type has been identified shall the location be evaluated. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated below, including, but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search Area, as determined by a qualified radio frequency engineer, higher ranked options are not technically feasible, practical, or justified given the location of the proposed WCF and the existing land uses of the subject property and surrounding properties within 300 feet of the subject property.

- C. In all residential districts, non-qualifying WCFs shall only be permitted on parcels with a minimum lot size of five acres.
- D. Nonconcealed attached non-qualifying WCFs shall only be allowed on transmission towers, buildings, water towers, subject to approval of the Administrator.
- E. In addition to locations authorized for non-concealed, attached WCFs in subsection D., concealed, attached WCFs shall be allowed on transmission towers, buildings, water towers, utility poles in city right-of-way, city utility poles, and light stanchions, subject to approval of the Administrator.
- F. WCFs, wireless support structures, and associated equipment shall be constructed and maintained in conformance with all applicable building code requirements.
- G. WCFs and associated equipment shall not interfere with normal radio and television reception in the vicinity.
- H. Lighting shall not exceed the FAA minimum standard. Any lighting required by the FAA shall be of the minimum intensity and the number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Dual lighting standards shall be required and strobe lighting standards prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- I. Commercial messages shall not be displayed on any WCF.
- J. The WCF equipment compound shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WCF equipment compound.
- K. The WCF shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.

Qualifying WCFs shall not be required to meet the siting requirements listed in subparts A. through D.

8.7.3 DIMENSIONS

When permitted, a WCF shall conform to the following dimensional requirements:

A. Heights

1. Attached WCF: The top of the WCF shall not be more than 20 feet above the building.
2. Freestanding Concealed or Nonconcealed WCF: In all residential zoning districts, the maximum height shall be limited to 25 feet above the allowable building height of the underlying zoning district. In all nonresidential districts the maximum height shall be 199 feet. This measure shall include the foundation of the WCF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.
3. Mitigation of an existing WCF: The maximum height of a new WCF arising from mitigation shall not exceed 115% of the height of the tallest WCF that is being mitigated, to a maximum height of 199 feet.
4. Regardless of whether the facility is a qualifying WCF or a non-qualifying WCF, in no instance in an area zoned single family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a mitigation waiver or a variance approving a taller utility pole, city utility pole, or wireless support structure. For the purposes of this subsection, single family residential shall mean properties with the following zoning designation, unless otherwise defined by law: RE, RL, RM-1, RM-2, RV, or RC.

B. Setbacks

1. Attached WCF: The building or structure to which the WCF will be attached shall maintain the normal setbacks of the district. The attached, WCF may encroach into the setback not more than 5 feet.
2. Freestanding WCF: Setbacks for WCFs shall be determined according to the underlying zoning district, plus an additional eighteen inches for every one-foot of tower height. The approving authority may grant reductions to this setback requirement as a

part of the special use permit approval. Qualifying freestanding WCFs shall be exempt from this provision.

3. Mitigation of an existing WCF: A new WCF approved as mitigation shall not be required to meet setback requirements so long as the new WCF is no closer to any property lines or dwelling units as the WCF being mitigated.

C. Buffers

1. A landscaped buffer shall surround the base of the WCF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator. Grading shall be minimized and limited only to the area necessary for the new WCF.
2. If the proposed WCF is the principal use of the property then landscaping per Article 11, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the WCF equipment compound.
3. If the proposed WCF is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
4. In addition to the required landscape buffer, on sites in residential districts adjoining public rights-of-way an opaque fence shall surround the WCF equipment compound.

D. Aesthetics

1. Concealed attached WCFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.
2. Freestanding concealed WCFs shall be designed so as to be compatible with adjacent structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.
3. Freestanding non-concealed WCFs, including those used for mitigation, shall be limited to monopole type antenna support structures.

E. Collocation Capacity

New non-qualifying wireless support structures must provide for collocation capacity as set forth herein:

- Freestanding nonconcealed structures up to 120 feet in height shall accommodate at least two antenna arrays.
- Freestanding nonconcealed structures between 121 feet and 150 feet shall accommodate at least three antenna arrays.
- Freestanding nonconcealed structures between 151 feet and 199 feet shall be engineered and constructed to accommodate at least four antenna arrays.

8.7.4 APPLICATION REQUIREMENTS

In addition to all of the requirements of site plan and Special Use Permit review (if required), the following information must be supplied with the site plan and use permit (if required) application for WCFs:

A. For an eligible facilities request:

1. Existing equipment on the wireless tower or base station
2. Proposed new equipment
3. Copy of lease agreement. Such submissions need not disclose financial lease terms.
4. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
5. Application fee

B. For a substantial modification or a new non-qualifying wireless support structure:

1. A complete site plan, certified by a professional engineer or other qualified professional, which demonstrates that the site and the wireless support structure complies as proposed with the standards set forth in this Section 8.7. The site plan shall include:
 - a. Height
 - b. Configuration
 - c. Location
 - d. Mass and scale

- e. Materials and color
 - f. Illumination
 - g. Information addressing the following items:
 - i. The extent of any commercial development within the search ring of the proposed facility
 - ii. The proximity of the antenna support structure to any residential dwellings;
 - iii. The proximity of the antenna support structure to any public buildings or facilities;
 - iv. For a new wireless support structure, certification by a registered engineer that the facility has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated.
2. Identification of the intended user(s);
 3. Documentation from the FAA that the lighting is the minimum lighting required by the FAA;
 4. Documentation that the power output levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards for power density, whichever provides the stricter requirements.
 5. A statement of the number of collocation sites and documentation regarding structural integrity
 6. A copy of the lease agreement. Such submissions need not disclose financial lease terms.
 7. Documentation consisting of a certificate of insurance showing evidence of general liability coverage of at least \$1,000,000 and the certificate shall contain a requirement that the insurance company notify the city 30 days prior to the cancellation, modification, or failure to renew the insurance coverage required.
 8. Certification from a professional engineer that the structure has been designed to and will withstand 100 miles per hour wind velocity.
 9. Relevant FCC licensing;

10. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
 11. Application fee.
- C. In addition to the requirements listed in subsection B. above, for a new non-qualifying wireless support structure:
1. A written report demonstrating applicants' meaningful efforts to secure shared use of existing wireless support structures. Copies of written requests and responses for shared use shall be provided with the application, along with any letters of rejection stating the reasons for rejection. The applicant shall provide information necessary to determine whether collocation is reasonably feasible. Collocation is not reasonably feasible if it is technically or commercially impractical to locate on an existing wireless support structure or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value.
 2. Seismic analysis of the tower, stamped and sealed by a professional engineer or other qualified professional.
 3. Delineation of the fall zone for the structure;
 4. Simulated photographic evidence of the proposed structure's appearance from all residential areas within 1,500 feet, and from other vantage points chosen by the city.
 5. Supplemental information may be required by Section 8.7.4.B.

8.7.5 THIRD PARTY REVIEW

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Administrator may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

8.7.6 MITIGATION

To qualify as WCF mitigation, a proposal shall accomplish a minimum of one of the following:

- A. Reduce the number of overall WCFs;

- B. Reduce the number of nonconforming WCF types; or,
- C. Replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this section.

8.7.7 APPROVAL AUTHORITY

- A. The Administrator shall be responsible for the approval of eligible facilities requests, substantial modifications, concealed attached WCFs, collocations or combining on existing antenna supporting structures, and non-concealed attached WCFs, and mitigation of existing WCFs.
- B. All freestanding non-qualifying WCFs shall be subject to a special use permit. In addition to the requirements for use permits, the approving authority, in determining whether a non-qualifying WCF is in harmony with the area or the effects and general compatibility of a non-qualifying WCF with adjacent properties may consider the aesthetic effects of the non-qualifying WCF as well as mitigating factors concerning aesthetics. The Planning and Zoning Commission may disapprove an application on the grounds that the non-qualifying WCFs aesthetic effects are unacceptable, or may condition approval on changes in non-qualifying WCF height, design, style, buffers, or other features of the non-qualifying WCF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of non-qualifying WCFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed non-qualifying WCF could be modified to have a less intrusive visual impact. The approving authority, when considering a use permit for freestanding non-qualifying WCFs, shall not be required to make a determination of the electromagnetic field (EMF) effects of the non-qualifying WCF on the health of the public. The documentation required by this section that stipulates that the non-qualifying WCF not exceed the federal limits for power density requirements shall satisfy the applicant's compliance with this required finding. If the approving authority determines that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed non-qualifying WCF can be achieved by use of one or more alternative non-qualifying WCF or by one or more non-qualifying WCFs sited in alternative locations that better serve the stated purposes set forth in this section, it may disapprove the proposed non-qualifying WCF application.

8.7.8 EXEMPTIONS

- A. Satellite earth stations (satellite dishes).
- B. Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.
- C. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City, except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.
- D. Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- E. Routine maintenance of existing telecommunications facilities, including activities associated with regular and general upkeep of transmission equipment, and the replacement of existing telecommunications facilities with facilities of the same size
- F. Public safety facilities.
- G. Any telecommunications facility below sixty-five (65) feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.
- H. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities as defined in N.C.G.S. Chapter 160A, Part 3E, that are suspended on cables strung between existing utility poles or city utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the City rights-of-way and who is remitting taxes under G.S. 105-64.4(a)(4c) or (a)(6).
- I. Any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, to the extent consistent with

applicable codes. This exemption does not apply to a stadium or athletic facility owned or otherwise controlled by the city.

8.7.9 INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS

- A. In order to facilitate the City's regulation, placement, and construction of WCFs and their interaction with the City's Public Safety Communications Equipment, all applicants requesting a permit for a WCF under this section shall agree in a written statement, to the following:
1. Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
 2. Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and
 3. In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the City's Public safety Communications Equipment.
- B. When a specific base station is identified as causing RFI with the City's and the County's Public Safety Communications Equipment, the following steps shall be taken:
1. Upon notification by the City and/or County of interference with Public Safety Communications equipment, the owners of the WCF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WCF owner fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take steps to contact the FCC to eliminate the interference.
 2. If there is a determination of RFI with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by

the City and/or County to determine the source of the interference.

8.8 TEMPORARY USES

8.8.1 PURPOSE

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Development Services Department is required pursuant to Article 6 of this Ordinance.

8.8.2 APPROVAL CRITERIA

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified below. The following criteria in this Section 8.8.2 shall not apply to Temporary Uses in the Charlotte Motor Speedway Public Interest District (PID), except for (E) Property Line Setbacks.

A. Compatibility With/Effect On Surrounding Area

The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

B. Location (Permission Required)

The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.

C. Traffic

The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly

regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

D. Parking and Access

Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

E. Property Line Setbacks

Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street.

In no case shall items be displayed, or business conducted within the public right-of-way.

This sub-section shall not apply to the CC district.

F. Signs

Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Article 13 for specific standards for signs.

G. Number Per Parcel

Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.

H. Period of Time Between Permits

The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that same parcel shall be at least three (3) months. This restriction shall not apply to real estate development and constructed related temporary uses.

8.8.3 TEMPORARY RETAIL SALES USES (IN ALL ZONING DISTRICTS)

A. Seasonal Sale of Agricultural Products (including Christmas Trees).

Temporary Use Permits are required for all Roadside Stands in nonresidential zoning districts. Such sales are limited to a period of time not to exceed three (3) consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

B. Sale or Display of Food, Beverages, or Merchandise

Such activities may be conducted from a stand, motor vehicle, or from a person in a business or commercial zoning district, outside of the public right of way, for a period of not more than twenty-one (21) consecutive days upon issuance of a temporary use permit per vendor. If the private sidewalk or a pedestrian way is used, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A temporary use permit may be renewed once during a calendar year, for a maximum of forty-two days per calendar year

C. Real Estate Development and Construction-Related Temporary Uses

1. Contractors Office and Equipment/Storage Sheds Accessory to a Construction Project (Residential or Non-Residential).
2. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.
3. Real Estate Office in a Construction Trailer or Temporary Modular Unit
4. Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid until the project is completed or for a period of 2 years from the time of the recording of the most recent final plat.
5. Real Estate Office in a Model Home Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

D. Single Family Dwelling in Temporary Structure

During the active construction period (after a building or grading permit has been issued) of a construction project involving a nonresidential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the

Certificate of Compliance for a non-residential structure or the first residential unit if within a residential development.

8.8.4 NO RECREATIONAL VEHICLES

No Recreational Vehicles shall be permitted as a Temporary Use or Structure.

8.8.5 AMUSEMENT ENTERPRISES

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed thirty (30) days within any ninety (90) day period, which shall not include two (2) consecutive thirty (30) day periods. This classification excludes events conducted in a permanent entertainment facility.

8.8.6 RELIGIOUS EVENTS

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days.

8.8.7 SPECIAL EVENTS AND ACTIVITIES

Special events and activities conducted on public property such as school sites and public parks or in a Public Interest Development (PID) District shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency.

8.8.9 SIMILAR AND COMPATIBLE USES NOT SPECIFIED

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a “similar and compatible use”. Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Board of Adjustment in accordance with Article 6 of this Ordinance.

8.9. Special Regulations for Eligible Facilities Requests and Collocations Qualifying Wireless Communications Facilities; Access to City Right of Way; Access to City Equipment

8.9.1 ELIGIBLE FACILITIES REQUESTS.

Collocation and eligible facilities requests, as defined in G.S. 160A-400.51 or 47 U.S.C. 1455, shall be processed in accordance with G.S. 160A-400.52, 160A-400.53, and/or federal laws and regulations as appropriate. In approving any eligible facilities request, the City solely intends to comply with a requirement of federal law or state law and not to grant any property rights or interests except as compelled by federal or state law. Without limitation, approval does not exempt applicant from, or prevent City from, opposing a proposed modification that is subject to complaint under the National Historic Preservation Act or the National Environmental Policy Act. Collocations are only permitted as provided in CDO Section 8.7.

8.9.2. COLLOCATION OF QUALIFYING SMALL WIRELESS FACILITIES

- A. A Qualifying Small Wireless Facility shall mean, for the purposes of this section, a Small Wireless Facility, as defined in G.S. 160A-400.51, that meets the height requirements of 160A-400.55(b).
- B. Qualifying Small Wireless Facilities are subject to administrative review if collocated (i) in a city right-of-way within any zoning district or (ii) outside the city rights of way on property other than single family residential. Qualifying Small Wireless Facilities are generally subject to the requirements of 8.7 and 8.7.4.
- C. Qualifying Small Wireless Facilities shall only be subject to administrative review and shall not be subject to the Siting Requirements of 8.7.2 A. through D. Applications for Qualifying Small Wireless Facilities shall include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- D. The City shall process Qualifying Small Wireless Facility applications in accordance with the time frames and requirements set forth in G.S. 160A400.54(d).
- E. Collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- F. Applications for Qualifying Small Wireless Facilities shall be subject to a fee as set forth in the City's Adopted Fees, Rates and Charges

schedule, provided that such fee shall be in compliance with G.S. 160A-400.54(d). Applications may be subject to a technical consulting fee, provided that such fee shall be in compliance with G.S. 160A-400.54(f).

- G. An abandoned small wireless facility shall be removed within 180 days of abandonment.

8.9.3 Small Wireless Facilities Standards.

Small Wireless Facilities shall meet the following standards:

- A. To protect the unique aesthetics of the City, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna supporting structures, the City prefers that small wireless facilities be located outside the public right-of-way; collocated on existing non-city utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.
- B. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.
- C. No portion of a small wireless facility, to include a utility pole or city utility pole associated with a small wireless facility, may be placed in the public right-of-way in a manner that: a. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference; or b. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than eight (8) feet above ground level.
- D. An abandoned small wireless facility shall be removed within one hundred eighty (180) days of abandonment.
- E. Small wireless facilities located in designated historic districts or on property designated as a historic landmark shall be required to obtain a Certificate of Appropriateness.
- F. Small wireless facilities, and associated utility poles or city utility poles, shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.

- G. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed. All radios, network equipment, and batteries will be enclosed in a pedestal cabinet near the pole, or in a pole-mounted cabinet, or under a pole-mounted shroud.
- H. The top of a qualifying WCF shall not be more than 10 feet above the building, utility pole, city utility pole, or wireless support structure on which it is collocated.
- I. Utility poles and city utility poles associated with small wireless facilities: Each modified or replacement utility pole or city utility pole shall not exceed (i) forty (40) feet above ground level on property zoned for or used as single family residential property, or in the right-of-way adjacent to such property, where existing utilities are installed underground, unless a variance is granted; or fifty (50) feet above ground level on all other property.
- J. Where a new pole must be installed to support a small wireless facility in a city right of way, these additional standards apply:
 1. Wireless installations shall be on poles that meet or exceed current NESC standards and wind and ice loading requirements of ANSI 222 Version G.
 2. Wireless installations shall be on non-conductive poles.
 3. Cabinets should be consistent in size and no larger than standard DOT streetlight signal cabinets.
 4. Any new poles installed shall be on an inert material, so as not to rust or corrode and not leach any compounds or toxic substances into the ground.

8.9.4. ACCESS TO CITY RIGHT OF WAY

- A. Subject to GS 160A-400.54 and other applicable requirements, wireless providers may collocate small wireless facilities along, across, upon, or under any City right of way. Subject to GS 160A-400.55 and other applicable requirements, wireless providers may place, maintain, modify, operate, or replace associated utility poles, city utility poles (to the extent required by law), conduit, cable, or related appurtenances and facilities along, across, upon, and under any City right of way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of Qualifying Small Wireless Facilities shall be subject to the review process outlined in Section 8.9.2 or 8.9.3 as applicable; however the City may require additional information to evaluate loading on city utility poles, evaluate the credentials of contractors working on city utility poles, and ensure that proposed replacement poles are consistent and compatible with other city utility poles in the area. If replacement of a city utility pole is necessary to accommodate a small wireless facility, all costs shall be borne by the applicant.

- B. A Wireless Provider may apply to place utility poles in the City rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of-way, to support the collocation of small wireless facilities. Such applications shall be processed in accordance with Section 8.9.3. Proposals for new utility poles may also be evaluated for separation from existing poles in accordance with city policies and procedures.
- C. The City of Concord is an excluded entity as defined under NCGS 160A-40056(i). Nothing in the section shall be construed to require that the City approve collocations on city utility poles or electric poles, and such collocations shall not be permitted except in accordance with City code and policy including, without limitation, the City of Concord Technical Standards Manual.
- D. Applicants for access to City Rights of Way shall comply with policies and procedures for encroachments in City rights of way, including applicable undergrounding procedures.

8.9.5. ACCESS TO CITY UTILITY POLES, CITY-OWNED ELECTRIC POLES, AND OTHER CITY OWNED EQUIPMENT

- A. Nothing herein shall be construed to require that the City provide access to City-owned utility poles, city-owned electric poles, or other City owned equipment except in accordance with City code, City policy, and applicable safety requirements, including without limitation, the City of Concord Technical Standards Manual.

SECTION 6 That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose Districts,” Section 9.3.14 “Design Standards and Guidelines” Subsection 9.3.14.B “Block Design” be amended to the following:

B. Block Design

Standards

1. Block standards shall apply to all development that contains four (4) acres or more of gross land area.
2. All development shall be arranged in a pattern of interconnecting streets and blocks (Figure 9.3-7 and 11-8), while maintaining respect for the natural landscape and floodplain.
3. Each block face shall range between a minimum of two hundred (200) feet and a maximum of six hundred (600) feet This maximum requirement does not apply along State Roads.
4. The average block face across each development site and the entire mixed use zone district shall be a maximum of five hundred (500) feet. This average does not have to include block lengths along State roads.

5. For block faces that exceed four hundred (400) feet, a lighted mid-block pedestrian pass-through shall be provided connecting opposite sides of block faces. This requirement does not apply along State Roads Pass-through shall remain open at all times.
6. An applicant may submit alternative block standards, provided that such alternative achieves the intent of the above standards and procedures set forth in Alternative Compliance.

SECTION 7 That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose Districts,” Section 9.11 “Low Impact Development (LID) be deleted in its entirety.

SECTION 8 That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose Districts,” Section 9.11 “Low Impact Development (LID) be rewritten as follows.

9.11 Low Impact Development (LID)

The use of LID site design techniques is encouraged in residential and non-residential development throughout the City of Concord. LID is encouraged by allowing innovative site design and flexibility in combination with traditional means of controlling stormwater runoff.

9.11.1 Purpose

The goal of the LID Zoning Overlay is to develop site design techniques, strategies, Best Management Practices (BMPs), and other criteria to store, infiltrate, evaporate, transpire, retain, and detain storm water runoff on the site to replicate pre-development runoff characteristics and mimic the natural and unique hydrology of the site. Because multiple aspects of site development impact the hydrologic response of the site, LID runoff control techniques also can address many aspects of site development. There is a wide array of impact reduction and site design techniques that allow the site designer to create storm water control mechanisms that function in a similar manner to natural control mechanisms. The net result is to resemble as closely as possible, the site’s pre-development hydrology by preserving and/or recreating the watershed’s natural hydrologic functions or water balance between runoff, infiltration, storage, ground water recharge, and evapotranspiration. With the LID approach receiving waters experience little change in the volume, frequency, or quality of runoff or in the base flows fed by ground water and precipitation. Specifically, LID is designed to:

- A. Promote storm water management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate,

filter, store, evaporate and detain storm water close to its source;

- B. Protect natural resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
- C. Protect other properties from damage that could be caused by storm water and sediment during construction activities and post-construction conditions on the development site, while insuring that detention measures do not negatively effect the overall hydrology of the site;
- D. Reduce and disperse, throughout the site, the storm water from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces, and minimize the storm water's impact on the environment;
- E. Protect public safety by minimizing flooding and stream bank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure caused by inadequate stormwater controls; and
- F. Complement and assist in implementing Article 4 (Environmental/Land Disturbing Activities) and the City's current Phase 2 National Pollution Discharge Elimination System (NPDES) Stormwater Permit and NCGS §143-215.1 et seq.

9.11.2 Grading and Clearing Prohibited Without Prior Approval

No land disturbance shall occur on a site proposed for an LID project prior to its approval. Proposed LID projects on recently cleared land shall demonstrate hydrology comparable to its pre-cleared status.

9.11.3 Development Types and Processing Procedures

LID developments meeting the standards of this Article shall be allowed by right without a rezoning, provided that the proposed uses and densities/intensities are permissible within the underlying zoning district.

9.11.4 Procedures for LID Approvals

LID projects shall be reviewed by the Development Review Committee (DRC) and processed as a conventional project. Prior to formally submitting an application, the applicant shall schedule a pre-application meeting with the Administrator and the Stormwater Services Director and/or their designees. This meeting is intended to review the proposed development, review the applicable standards and agree upon the methodology and guidelines for review of the proposed development, and to

determine preliminary compliance with the LID standards. Additionally, as part of the pre-application, a meeting on-site shall occur. This meeting is intended to allow the staff to become familiar with the specific site relative to the physical features, and to determine preliminary compliance with the guidelines.

9.11.5 Zoning Map Designation

Upon approval of an LID project/related map amendment, the zoning map shall denote the letters LID followed by zoning case number.

9.11.6 Low Impact Development Stormwater Management Application Materials

For all LID projects, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary. This information may also be incorporated into a preliminary subdivision plat or site plan, as required by Article 5.

- A. An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients, soil types, tree canopy and other vegetation, natural water bodies, wetlands and sensitive natural communities, and site features that aid in stormwater management including natural drainage ways and forested and vegetated lands located on stream and wetland buffers.
- B. A site plan illustrating the proposed development of the subject property.
- C. A conceptual erosion and sediment control plan that incorporates accepted management practices as required by the State of North Carolina.
- D. A conceptual stormwater management plan identifying the limits of grading, clearing and construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan (or supporting materials) shall also demonstrate how the proposed post-development hydrology of the site compares with the pre-development hydrology. The plan shall demonstrate that the soils best suited for infiltration (if any are present) are retained and that natural areas consisting of tree canopy and other vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment. The plan shall also clearly indicate proposed tree protection zones necessary to protect the root systems from construction traffic.

- E. Additional information deemed necessary by the Administrator and/or the Stormwater Services Director as a result of the pre-application meeting.
- F. For reference purposes and technical guidance, the applicant shall refer to “Low Impact Development - A Guidebook for North Carolina,” published in June 2009 (as amended) by the North Carolina Cooperative Extension.

Specific components of the above application materials shall be prepared by an expert team consisting of (but not limited to) a number of following professionals, licensed to practice in the State of North Carolina (as applicable): Architect, Landscape Architect, Civil Engineer, Land Surveyor, Land Planner, Biologist, or Botanist.

9.11.7 General Requirements

- A. The use of LID design approaches is required and shall be implemented to the maximum extent practical given the site’s soil characteristics, slope, and other relevant factors.
- B. All applications for development are subject to Sections 4.2 (Water Supply Source Watershed Protection) and 4.4 (Stormwater Control) and to the following post- construction stormwater management standards and guidelines to ensure that stormwater management approaches that maintain natural drainage patterns and infiltrate precipitation are utilized to the maximum extent practical. Additionally, all LID projects shall meet all minimum standards of the Concord Development Ordinance, unless specified otherwise in Section 9.11. LID projects are also subject to the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit issued by the State of North Carolina.
- C. Construction of all stormwater control measures and devices shall be in accordance with the most recent edition of “The Division of Water Quality Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual). Maintenance of stormwater control measures and devices shall be governed by Section 4.4.6.

9.11.8 Specific Requirements

One main feature of Low Impact Development is that the post-construction condition mimics the natural hydrologic functions of infiltration, runoff and evapotranspiration. LID projects are required to demonstrate compliance with the following specific requirements.

A. Stormwater Analysis

Each application for LID shall include an engineering analysis that compares the pre-development and post-development hydrology of the site. This analysis shall demonstrate that the post-development volume of runoff, infiltration and evapotranspiration for each site substantially matches pre-development volumes of runoff, infiltration and evapotranspiration. Specifically, the analysis shall include the pre-development water balance (annual runoff, infiltration, and evapotranspiration volumes or percentages) and post-development water balance (annual runoff, infiltration, and evapotranspiration volumes or percentages.) For the purposes of this Section, substantially similar shall be defined as being within five percent (5%) of the hydrologic fate values for mature forest as illustrated in Table 9.11.8 for residential projects and within fifteen percent (15%) for nonresidential projects.

Table 9.11.8 - Hydrologic Fate for Rainfall in Mature Forested Conditions - Piedmont Region

Hydrologic Fate

Evapotranspiration 69%

Infiltration 29%

Runoff 3%

Source: "Low Impact Development:
A Guidebook for North Carolina- 2009"

B. Compliance With NPDES Phase II Permit

The application materials shall demonstrate compliance with all requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit, issued by the State of North Carolina, including, but not limited to the following:

1. LID development may be permitted as low density projects if it meets the following criteria:
 - A. No more than two dwelling units per acre or 24% built-upon area;
 - B. Use of vegetated conveyances to the maximum extent practicable;
 - C. All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - D. Deed restrictions and protective covenants acceptable to the City are required by the locally issues permit and incorporated by the development to ensure that subsequent development activities maintain the

development (or redevelopment) consistent with the approved plans.

2. High density LID projects shall meet the following criteria;
 - A. Either more than two dwelling units per acre or the total built upon area is more than 24% within a single project area or master planned area;
 - B. The stormwater control measures must control and treat the difference between the pre-development and post-development conditions for the 1-year 24 hour storm. Runoff volume drawdown time must be a minimum of 24 hours, but not more than 120 hours;
 - C. All structural stormwater treatment systems must be designed to achieve 85% average annual removal of total suspended solids;
 - D. Stormwater management measures must comply with the General Engineering Design Criteria For All Projects requirements listed in 15A NCAC 2H.1008(c);
 - E. All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - F. Deed restrictions and protective covenants acceptable to the City are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

C. Compliance with Low Impact Development Design Standards and Guidelines

Standards are statements that express the development and design intentions of this bylaw. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the City of Concord when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed and alternative standards that meet the intent of the Ordinance and aid in achieving the required post-development hydrologic balance specified in Section 9.11.8 (A) may be considered by the Administrator and the Stormwater Director. These options shall be clearly stated in the application materials, and will be reviewed with the applicant at the pre-application meeting.

Proposed LID projects shall demonstrate substantial compliance with the following four sets of standards. It is recognized that some of these individual guidelines are applicable either only to

single family residential or commercial/multifamily development. It is also recognized that each individual guideline may not be feasible or necessary to comply with each standard and to achieve the hydrologic balance specified in Section 9.11.8(A). Additionally, all LID projects shall meet the minimum requirements of Article 4.

Standard 1: Vegetation and Landscaping

Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.

Guideline 1.1. Utilize two-track surfaces with grass in-between drive aisles for driveways, “turf-stone” type pavers and pervious asphalt/concrete systems for overflow parking areas or shoulders, and landscape medians within roads, parking lots and other drivable or walkable surfaces to provide for water infiltration.

Guideline 1.2. Design parking lot and roadway landscaping to function as part of the development’s stormwater management system utilizing vegetated islands with bioretention functions.

Guideline 1.3. Incorporate existing natural drainage ways and vegetated channels within street rights-of-way and parking areas, as an alternative to standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, and direction to the appropriate drainage areas on site, as applicable.

Guideline 1.4. Divert water from the majority of downspouts on each structure away from driveway surfaces and into bioretention areas, rain gardens or other devices (such as rain barrels or cisterns) to capture, store, and infiltrate stormwater on-site, for future landscape watering. This guideline shall be clearly specified on the site plan/subdivision plat, and shall be indicated on the plot plan prior to issuance of a zoning clearance permit.

Guideline 1.5. Utilize vegetative LID stormwater controls (bioretention, swales, filter strips, buffers) as specified in Section 4.43, on land held in common.

Standard 2: Development on Steep Slopes

Development on steep slopes equal to or in excess of 25% shall be sited and constructed, and slopes stabilized to minimize risks to surface and ground waters and to protect neighboring properties from damage. For the purposes of these regulations, slope shall be calculated as a ratio of horizontal distance to vertical distance, multiplied by one hundred (100). In instances where the property contains distinct sections of differing slope, the slope of each distinct section may be calculated separately. Calculation of slope will be discussed at the on-site meeting with staff that is required as part of the pre-application process.

Guideline 2.1. Minimize development, re-grading and clearing of vegetation on land where the slope is greater than 25%.

Guideline 2.2. Encourage development of home sites, subsurface sewage systems and parking areas on the flattest portion of the site, provided that the flattest portion of the site is not environmentally sensitive, such as a 100 year floodplain, floodway or wetland.

Guideline 2.3. Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance.

Standard 3: Reduce Impervious Surfaces

Stormwater shall be managed through land development strategies that reduce impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.

Guideline 3.1. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform to safety and traffic concerns and requirements. For local streets right of ways in the range of forty (40) feet wide should be considered with as little as eighteen (18) foot wide road cross sections, provided that these sections have a minimum passable way of twenty (20) feet with reinforced shoulders. Alternatives to typical curb and gutter should be considered and curb and gutter should be eliminated altogether, as feasible on a case by case basis. Any other minimum rights-of-way widths and pavement/gravel widths will be evaluated for other type of cross section classifications as well. Design for specific terrain classifications shall be consistent with the most recent version of the North Carolina Department of Transportation (NCDOT) Subdivision Manual. If the right-of-

way width is not sufficient for utilities placement, additional easements may be necessary elsewhere on the site. Sidewalks may be permitted on only one side of new streets. When pedestrian areas are provided in an alternate location, they should be constructed of permeable materials.

Guideline 3.2. Reduce the total length of residential streets by utilizing some of the following design principles: reducing lot widths by incorporating narrower housing styles and utilizing “flag lots” or “pie-shaped lots”, shared driveways and access easements to reduce total lot frontage. Maximum driveway widths may also be reduced on a case-by-case basis. New developments shall meet the minimum connectivity ratio required in Section 10.2.6 (Street Connectivity Requirements), unless exempted as specified in Section 10.2.6(F).

Guideline 3.3. Minimize the number of residential street cul-de-sacs and incorporate vegetated islands (as common open space) to reduce total impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Consider alternative turn-around areas that require less impervious area, such as “hammerheads”. Rain gardens (vegetated depressions) should be considered in the vegetated islands, and shall be constructed below the subgrade in order to prevent failure of the road structure.

Guideline 3.4. Reduce driveway lengths on a case-by-case basis by reducing or eliminating front building and side yard setbacks. Reduced setbacks shall be considered at the time of site plan or preliminary plat approval and shall be part of the approval of the zoning overlay.

Guideline 3.5. Utilize shared driveways for multiple building sites, and construct driveways only to the minimum width permitted for the specific use, as specified in the Technical Standards Manual (TSM).

Guideline 3.6. Use permeable pavement or gravel for parking stalls, sidewalks, driveways and bike/pedestrian trails. Overflow parking (facilities with more than the minimum number of spaces, but less than the maximum number of spaces specified in Section 10.3) and parking for assembly uses shall also utilize permeable pavement or turf.

Guideline 3.6. Design impervious areas that are “disconnected” or non-contiguous that minimize transfer of stormwater from one impervious area to another, in order to more efficiently disperse stormwater throughout the site.

Guideline 3.7. Utilize shared parking for uses with different peak demand periods. Maximum parking limits shall apply, in accordance with Section 10.3 (Parking and Loading)

Guideline 3.8. Reduce building footprints by building more than one habitable floor level, and when possible, construct buildings to the maximum permissible building heights. Buildings may also be constructed with parking inside of the building footprint by placing some or all of the living space over the parking.

Guideline 3.9. Maximize retention of vegetative cover by grading and clearing only enough land area to accommodate the individual building footprints and street networks. The general areas of grading, clearing and vegetation retention shall be indicated on the conceptual grading and clearing plan. Grading and clearing on individual lots shall be reviewed at the time of permit issuance to insure reasonable compliance with the conceptual grading and clearing plan.

Standard 4: Low Impact Integrated Management Practices (LIMPs)

Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source. All stormwater controls shall be compliant with Article 4, the most recent version of “The Division of Water Quality Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual) and the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit issued by the State of North Carolina.

Guideline 4.1. Create vegetated depressions, commonly known as bioretention areas or rain gardens that treat runoff from storms of one inch or less and collect runoff and allow for short-term ponding and slow infiltration. Utilize drainage swales as an alternative to standard curb and gutter.

Guideline 4.2. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.



Guideline 4.3. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to water bodies provide erosion control, sediment filtering and habitat. Utilize level spreaders and plunge pools to disperse water throughout the site in lieu of discharge into a single point source.

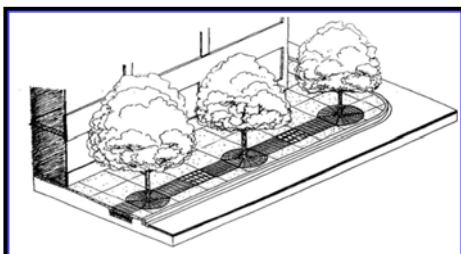
Guideline 4.4. Utilize shallow grass-lined channels to convey and store runoff.



Guideline 4.5. As an option, incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane. It is recognized that rooftop gardens will not be feasible in every proposed LID project.

Guideline 4.6. Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts, for future use for landscape watering. Rain barrels or cisterns shall be utilized on greater than fifty percent (50%) of the overall number of downspouts within the project. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system. The areas of the site or lots where rain barrels and cisterns shall be utilized shall be indicated on the conceptual plans. At the time of permit application for individual structures, the locations shall be specifically indicated on the required plot plan.

Guideline 4.7. Evaluate soils on the site post-grading, and if necessary, amend in areas of proposed planting by adding minerals, pea gravel and organic materials to increase its capacity to properly drain, while still being able to absorb moisture and sustain vegetation. The commitment to evaluate the soils shall be placed on the preliminary site plan / subdivisions plat and the soil evaluation information shall be provided to the staff prior to, or during submission of construction plans. It is recommended that amended soils be re-tested annually and re-amended as necessary.



Guideline 4.8. Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

Guideline 4.9. Utilize numerous and smaller detention and retention areas dispersed throughout the site, in lieu of larger detention and retention areas, in order to encourage a balance of infiltration and evapotranspiration throughout the site.

9.11.9 Tree Protection Guidelines

The clustering of existing trees and native vegetation should be incorporated into all LID site and building designs in order to protect natural and environmentally sensitive areas, open spaces, trees vegetation, natural terrain and drainage. Retained trees shall be credited towards the minimum landscaping and buffering requirements specified in Article 11. All retained trees that are proposed to be credited toward meeting the minimum requirements of Article 11 shall be clearly identified by species and size on the proposed site plans. Individual trees located within areas that are not proposed to be credited toward meeting the requirements of Article 11 are not required to be identified by species and size.

Clearing of trees on the site shall be the minimum necessary to support construction of the streets and infrastructure, and the driveways and building pads for each structure. The areas of tree removal shall be clearly indicated on the overall site plan for the development, and on subsequent site plans submitted for individual permits.

Removed trees exceeding ten (10) inches diameter at breast height (dbh) shall be replaced at a rate of one-half inch for each inch removed, within the overall project boundary, provided that such replacement practice meets acceptable horticultural and forestry standards. To the greatest extent possible, replacement trees shall be native trees, as illustrated in Table 9.11.11. Alternate species may be substituted upon the approval of the Administrator, provided that evidence is submitted as to their appropriateness. Areas where replacement trees are proposed shall be clearly indicated on the project site plan and on subsequent site plans submitted for individual permits. In lieu of conducting an inventory of individual trees to be removed at the initial site plan stage, the inventory may be conducted during the construction plan stage.

In order to provide maximum design flexibility in subdivision development, replacement trees may be transferred to a different parcel (or proposed parcel) from where trees were removed, provided they are planted within the overall project boundary.

9.11.10 Recommended Plants

LID projects have a potentially wide range of growing conditions throughout a site, including rain garden areas which alternate between wet and dry, detention and retention pond areas which will have predominately moist soils and individual building sites, which are generally well-drained. Soil types may also vary greatly within a project boundary. As a result, a wide variety of plants can be considered for LID projects based upon the above factors.

Suggested plants for LID projects are illustrated in Table 9.11.11. Many of these plants are native to the region and most are available at local nurseries. Other species may be substituted upon approval of the Administrator, provided that evidence is submitted as to their appropriateness.

The specific plant species selected should be suited to the specific environment. For example, drought tolerant plants should be selected for rain garden areas, and plants that tolerate extended periods of flooding should be selected for detention areas.

The type and placement of plants shall also be consistent with the “The Division of Water Quality 2007 Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual), as amended.

**Table 9.11.10
Trees**

<p>American Holly – <i>Ilex opaca</i> Blackjack Oak – <i>Quercus marilandica</i> Black Cherry – <i>Prunus serotina</i> Blackgum – <i>Nyssa sylvatica Marsh</i> Black Walnut – <i>Juglans nigra</i> Black Willow – <i>Salix Nigra</i> Butternut Hickory – <i>Carya cordiformis</i> Button Bush – <i>Cephalanthus occidentialis</i> Dogwood – <i>Cornus</i> Flowering Dogwood – <i>Cornus Florida</i> Green Ash – <i>Fraxinus pennsylvacnica</i> Holly – <i>Ilex spp.</i> Hop Tree – <i>Ptelea trifoliata</i> Ironwood or American Hornbeam – <i>Carpinus caroliniana</i> Laurel Oak – <i>Quercus laurifolia</i> Mulberry – <i>Morus rubra</i> Overcup Oak – <i>Quercus lyrata</i></p>	<p>Persimmon – <i>Diospyros virginiana L.</i> Post Oak – <i>Quercus stellata</i> Red Cedar – <i>Juniperus virginiana</i> Red Maple – <i>Acer rubrum</i> River Birch – <i>Betula nigra</i> Sassafras – <i>Sassafras albidum</i> Shumard Oak – <i>Quercus shumardii</i> Silky Dogwood – <i>Cornus amomum</i> Southern Red Oak – <i>Quercus falcate</i> Sugarberry – <i>Celtis laevigata Willd.</i> Swamp Chestnut Oak – <i>Quercus michauxii</i> Swamp Cottonwood – <i>Populus heterophylla</i> Swamp Tupelo – <i>Nyssa biflora Walt</i> Sweet Gum – <i>Liquidamabar styracifulua</i> Sycamore – <i>Platanus occidentalis</i> Tulip Tree – <i>Liriodendron tulipifera</i> Water Oak – <i>Quercus nigra</i> White Oak – <i>Quercus alba</i> Willow Oak – <i>Quercus phellos</i> Winged Elm – <i>Ulmus alata</i></p>
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Small Trees and Shrubs	
<p>Alder – <i>Alnus serrulata</i> American Snowbell – <i>Styrax grandifolius</i> Arrowwood – <i>Viburnum dentatum</i> Beautyberry Bush – <i>Callicarpa Americana</i> Blackberry – <i>Rubus spp.</i> Button Bush – <i>Cephalanthus occidentalis</i> Carolina Willow – <i>Salix caroliniana</i> Chokeberry – <i>Aronia arbutifolia</i> Deciduous Holly or Possumhaw – <i>Ilex deducua</i> Doghobble or Fetterbush – <i>Leucothoe racemosa</i> Eastern Sweet Shrub – <i>Calycanthus floridus</i> Elderberry – <i>Sambucus canadensis</i> Groundsel – <i>Baccharias halimifolia</i> Inkberry – <i>Ilex glabra</i> Pawpaw – <i>Asimina triloba</i></p>	<p>Pinxterflower or Wild Azalea – <i>Rhododendron periclymenoides</i> Red Buckeye – <i>Aesculus pavia</i> Red Chokeberry – <i>Aronia arbutifolia / photiana pyrifolia</i> Silky Dogwood – <i>Cornus amomuma</i> Spicebush – <i>Lindera benzoin</i> Tag Alder – <i>Alnus serrulata</i> Umbrella Tree – <i>Magnolia tripetala</i> Virginia Creeper – <i>Parthenociissus quinquefolia</i> Virginia Sweet Spice – <i>Itea virginicus</i> Virginia Willow or Sweetspire – <i>Itea virginica</i> Water Ash – <i>Fraximus caroliniana</i> Wax Myrtle – <i>Myrica cerifera</i> Winterberry – <i>Ilex verticillata</i> Witch Hazel – <i>Hamamelis virginiana</i></p>

Herbaceous Plants	
<p>Alumroot – <i>Heuchera americana</i> American Three-Square – <i>Scirpus americanus</i> Annual Rye – <i>Lolium annua</i> Aromatic Thoroughwort – <i>Eupatorium hyssopifolium</i> Arrow Arum – <i>Peltandra virginica</i> Arrowhead – <i>Sagittaria latifolia atamasco</i> Aster – <i>Aster pilosus</i> Atamasco Lily – <i>Zephyranthes</i> Beaked Panicum – <i>Panicum anceps</i> <i>Panicum clandestinum</i> Big Bluestem – <i>Andropogon gerardii</i> Bladder Sedge – <i>Carex intumescens</i> Black Eyed Susan or Orange Coneflower – <i>Rudbeckia fulgida</i> Blue-Eyed Grass – <i>Sisyrinchium mucronatum var. mucronatum</i> Blue Flag – <i>Iris virginica</i></p>	<p>Jewelweed – <i>Impatiens capensis</i> Joe Pye Weed – <i>Eupcetomum fistulosum</i> Lance-Leaved Tickseed – <i>Coreopsis lanceolata</i> Lizards Tail – <i>Saurus cernuus</i> Little Bluestem – <i>Schizachyrium scoparium</i> Little Joe – <i>Eupatorium dubium</i> Little Sweet Betsy – <i>Trillium cuneatum</i> Lizard's Tail – <i>Saururus cernuus</i> Lobelia – <i>Lobelia puberula</i> Lyre-Leaved Sage – <i>Salvia lyrata</i> Lurid Sedge – <i>Carex lurida</i> Marsh Mallow or Swamp Rose Mallow – <i>Hibiscus moscheutos</i> Marsh Marigold – <i>Bidens spp.</i> May-Apple – <i>Podophyllum peltatum</i> Meadow-Beauty – <i>Rhexia mariana</i> Meadow Violet – <i>Viola papilloinacea</i> Narrowleaf Mountainmint – <i>Pycnanthemum</i></p>

9.11.11 Invasive Exotic Plants

The following plants are not recommended for use within LID projects. These are plants that reproduce exponentially, compete with native species for resources and threaten the biodiversity of the ecosystem.

Vines

Chinese Wisteria (*Wisteria sinensis*)
English Ivy (*Hedra helix*)
Japanese Honeysuckle (*Lonicera japonica*)
Japanese Wysteria (*Wisteria floribunda*)
Kudzu (*Pueraira montana*)
Periwinkle (*Vinca spp.*)
Porcelain Berry (*Ampelopsis brevipedunculata*)

Grasses

Bamboo (*Bambusa spp.*)
Running Bamboo (*Phyllostachys spp.*)

Shrubs

Autumn Olive, Silverberry (*Elaeagnus spp.*)
Honeysuckle - Fragrant, Amur, Morrow's, Standish's, Tartarian,
Dwarf (*Lonicera fragrantissima, maackii, morrowii, standishii, tatarica, xylosteum*)
Multiflora Rose (*Rosa multiflora*)
Nandina, Sacred Bamboo (*Nandina domestica*)
Privet, Chinese and Japanese (*Ligustrum spp.*)
Rose of Sharon (*Hibiscus syriacus*)

Trees

Empress/Princess Tree (*Paulownia tomentosa*)
Mimosa (*Albizia julibrissin*)

SECTION 9 That the following section of Concord Development Ordinance (CDO) Article 10 "Development and Design Standards" Section 10.1 "Lot Design Standards" Subection 10.1.3 "Blocks" be amended to the following.

10.1.3. Blocks

The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum length of any blocks within a subdivision shall not exceed that as shown in Table 10.1-1 (a dash [-] indicates that the requirement is not applicable). Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

Table 10.1-1 Block Length Requirements

Zoning District	Maximum Length
AG, RE	-
RM-1, RM-2, RV, RC	1,000 feet ¹
RL, B-1, CC, C-1, C-2	1,800 feet
I-1, I-2	-
PUD, TND	1,500
MX	600 feet ²

1. See Section 7.7.2 for additional requirements and exemptions for streets with structures on only one (1) side (also known as single-loaded streets).

2. See Section 9.3.14 for additional requirements.

SECTION 10 That the following section of Concord Development Ordinance (CDO) Article 10 “Development and Design Standards” Section 10.2 “Street Improvement Standards” Subsections 10.2.1 “_Purpose”, 10.2.2 “Street Classification System”, 10.2.4 “Public Streets”, 10.2.5 “Private Streets”, and 10.2.6 “Street Connectivity Requirements” be deleted in their entirety.

SECTION 11 That the following section of Concord Development Ordinance (CDO) Article 10 “Development and Design Standards” Section 10.2 “Street Improvement Standards” Subsections 10.2.1 “_Purpose”, 10.2.2 “Street Classification System”, 10.2.4 “Public Streets”, 10.2.5 “Private Streets”, and 10.2.6 “Street Connectivity Requirements” be rewritten as follows.

10.2. Street Improvement Standards

10.2.1. Purpose

The purpose of this Section is to prescribe minimum design standards for new public and/or private streets. These requirements may exceed the standards prescribed by NCDOT for the acceptance of streets into the Secondary System of State Highways. The detailed and required engineering design standards supplementing this section are found in the TSM, Article II, Streets. This section should be read in conjunction with Article II of the TSM.

10.2.2. Street Classification System

A. New, existing or proposed streets not already identified on the City of Concord Transportation Plan shall be classified for the purposes of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location of a proposed use into one of the “classes” shown in Table 10-2.1. The Administrator in consultation with the Transportation Director shall determine which of the Transportation Plan designations apply to the street under consideration utilizing the criteria of § 10.2.2., the City of Concord Transportation Plan and the narrative descriptions for each roadway classification provided in the City’s TSM.

B. The street classification system set forth in Table 10.2-1 is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the adopted City of Concord Transportation Plan.

Table 10.2-1 Street Classifications with Right-of-Way Widths

Facility Type	Typical Right-of-Way
Freeway/Expressway	>120'
Major Thoroughfare	120
Minor Thoroughfare	100
Major Residential and Non-Residential Collector	60-80'
Minor Residential and Non-Residential Collector	80'
Residential Lane	50'
Alley	20'

C. Determination Criteria

In determining the classification of a street, factors to be considered include the following existing or proposed features:

1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
3. Traffic Characteristics, including average daily traffic volumes (ADT), percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.
4. In applying these factors, the Administrator may also refer to Table 2-1, TSM, Article II, and the sources listed therein, which are hereby incorporated by this reference.

D. Conformity to Adopted Plans

All proposed streets shall conform in alignment to the adopted City of Concord Transportation Plan. The improvement standards of the TSM

shall not apply instead of those shown on the Transportation Plan. , Whenever a tract to be subdivided embraces any part of a collector street or thoroughfare so designated on a plan pursuant to NCGS § 136-66.2 (such as the Concord Transportation Plan), such part of the proposed street or thoroughfare shall be platted by the subdivider in the location and right-of-way width indicated on such plan. Stub streets within previously platted subdivisions shall be extended and the street system aligned thereto and to the Transportation Plan.

10.2.4. Public Streets

- A. Public streets shall be designed and constructed in accordance with the City's TSM, Article II.
- B. All new residential developments shall provide for the installation of traffic calming measure(s) on each residential street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and Transportation Department. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, bulb-outs, chicanes, median islands, and on-street parking (see Appendix A Traffic Calming Reference Guide of the Traffic Calming Policy for definitions and additional details on these measures).

For public streets in existing neighborhoods, traffic calming measure(s) are implemented in accordance with the Traffic Calming Policy.

- C. Pursuant to NCGS § 136-66.2 where a proposed subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system, the applicant is required to dedicate at least one-half of the land necessary to comply with the minimum right-of-way width requirements referenced in the Transportation Plan and or the City's TSM, Article II, §2, or the applicable regulations of the North Carolina Department of Transportation, whichever is greater.
- D. Where a subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the design requirements of the Transportation Plan and/or the City's TSM, Article II or if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation.

10.2.5. Private Streets

- A. Private streets that develop as part of a subdivision, or integrated commercial, industrial, multi-family residential or institutional development shall be designed and constructed to the public street standards set forth in the City's TSM. Private streets that develop

within a new residential subdivision shall also include traffic calming measures in accordance with public street requirements stated in Section 10.2.4, Part B of this Article. Private streets (with established right-of-way) shall be designed in accordance with the standards set forth in Article 10 and the TSM. This section shall not include private access ways/driveways as regulated in 10.3.

For private streets in existing neighborhoods, traffic calming measure(s) are implemented in accordance with the Traffic Calming Policy.

- B. A legally responsible organization (i.e. homeowners association, other legally recognized association, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or other legally recognized district shall be approved as to form by the City Attorney (this will constitute a contract)

10.2.6. Street Connectivity Requirements

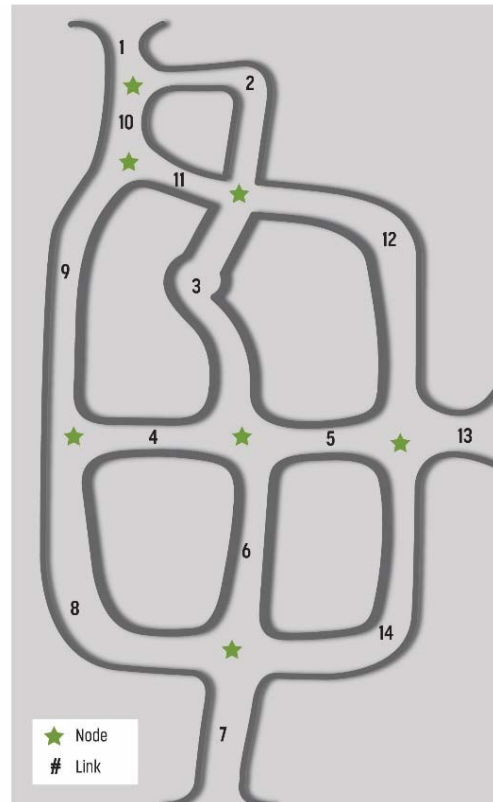
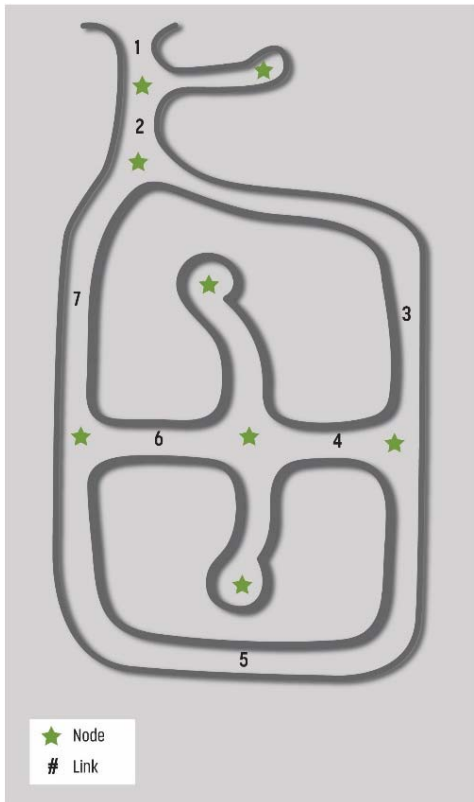
- A. The City Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare; in order to ensure that streets will function in an interdependent manner; to provide adequate access for emergency and service vehicles; to enhance non-vehicular travel such as pedestrians and bicycles; and to provide continuous and comprehensible traffic routes. [For reference, see Institute for Transportation Engineers, ITE Transportation Planning Council Committee 5P-8, Traditional Neighborhood Development Street Design Guidelines (June 1997).
- B. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- C. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see examples in Figure 10.2-1). One greenway/pedestrian connection per subdivision may be used to substitute one link in order to achieve the connectivity ratio. Such a connection shall be reviewed and approved by the Administrator.

For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio. Nodes include 1) intersections of at least two distinct roadways or the allowed greenway/pedestrian connection with three distinct roadway or greenway/pedestrian branches to each intersection and 2) the ends of cul-de-sac roads. A link is a connection between nodes except for the connection to a cul-de-sac

Example 1: Subdivision that does not meet the modified

Example 2: Same development

Ratio (7 links/8 nodes = 0.88 ratio) to meet Ratio (14 links/7 nodes = 2.00





Example 3: Meets Ratio

28 links/17 nodes = 1.65 ratio

- D. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for vehicular and pedestrian traffic.
- E. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 250 feet or one lot width in length, whichever is less. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
- F. Exemption. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines:
 - 1. No option exists for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors (Cost shall not be considered to be a limiting factor unless the cost of the stub street exceeds 150% of the cost of a street of similar length in the subdivision. Cost estimates must be certified by a registered N.C. engineer.); and
 - 2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on physical constraints of the property to be developed. Constraints include topography, hydrologic features, and no options to connect to adjacent developed sites. Cost shall only be considered as provided in 10.2.6 F.1. immediately above
 - 3. Conservation subdivisions shall also be exempt from the connectivity ratio requirements in part C of this section, provided they have at least two access points that provide connections to distinct roadways and/or an adjacent development

SECTION 12: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 13: That this Ordinance be effective immediately upon adoption.

Adopted in this June 11th, 2020.

CITY COUNCIL
 CITY OF CONCORD
 NORTH CAROLINA

ATTEST:

William C. Dusch, Mayor

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

Meeting Date: June 11, 2020

Staff Report:

April 2, 2020 official notification was issued for the City of Concord in regards to *The Coronavirus Aid, Relief and Economic Security Act* (CARES Act) (Public Law 116-136). The CARES Act allocated supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus. Additionally, the CARES Act provides flexibilities that make it easier to use the funds by granting waivers, removes the spending cap regulated for public service agencies and alternative requirements. Within the notification, Concord was awarded \$400,339 to respond to the growing effects of this historic public health crisis.

As staff is awaiting full guidance from HUD, some immediate uses for the funds have been revised as of April 6, 2020. The “Provision of New or Quantifiably Increased Public Services” activity notes “Providing equipment, supplies, and materials necessary to carry-out a public service. Provide testing, diagnosis or other services at a fixed or mobile location. Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities,” as eligible activities.

Staff has received requests from one agency who are meeting immediate resident needs as related to COVID-19 needs. This request is from Big Brothers Big Sisters who are seeking to aid families in the Logan Community. The total request is \$8,857.51. In addition, Cabarrus Health Alliance has inquired about mask, (personal protection equipment), to distribute to clients seeking services within clinics and testing sites located in Concord. The masks will be purchased from a Concord based business who has amended there manufacturing practices to now produce PPE items in response to COVID-19. Total request for PPE is \$7,995.00. Combined amount for agency and PPE request is \$16,852.51.

Recommendations to fund the following agency;

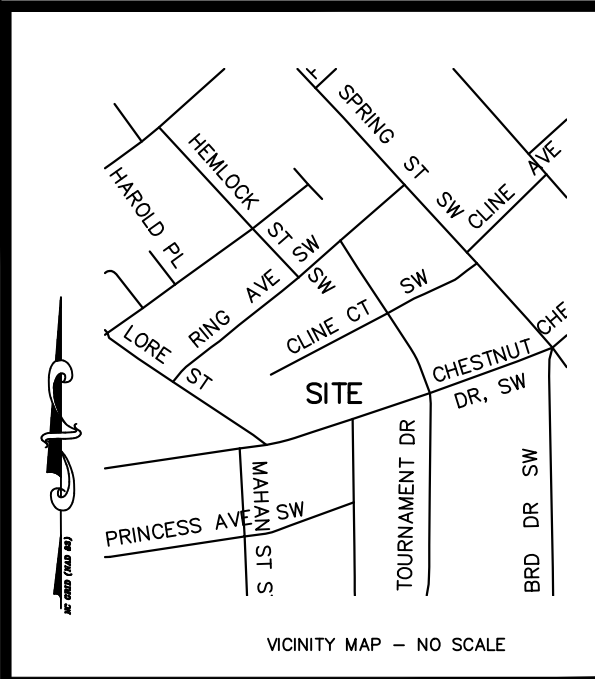
<u>Agency</u>	<u>Proposed Usage Based on Increase Need</u>	<u>CARES Act Funding</u>
Big Brothers Big Sisters	Food cost for up to 500 meals for families within the Logan Community and staff cost.	\$8,857.51

Organizations requesting PPE are as follows;

<u>Organizations</u>	<u>Masks</u>	<u>Total Cost</u>
Cabarrus Health Alliance	2000	\$7,995.00

Meeting Date: June 11, 2020

With prior Council approved allocations totaling \$233,668.41 for agencies and organizations identified as providing immediate response efforts within the community, if Council approves the current request, a balance of \$149,818.08 will remain of CARES Act funds.



- LEGEND**
- R/W RIGHT OF WAY
 - MB MAP BOOK
 - DB DEED BOOK
 - PG PAGE
 - ☆ CP COMPUTED POINT
 - PIPE FOUND
 - IRON ROD
 - ▲ NEW CORNER SET (AS SHOWN)
 - oe — EXISTING OVERHEAD UTILITY LINES
 - BROKEN LINES NOT SURVEYED
 - — — PROPERTY LINES SURVEYED

CERTIFICATE OF PLAT APPROVAL

IT IS HEREBY CERTIFIED THAT THIS MAP IS EXEMPT FROM CITY OF CONCORD APPROVAL AS A SUBDIVISION PLAT AND IS IN COMPLIANCE WITH THE CITY OF CONCORD DEVELOPMENT ORDINANCE REGULATIONS,

DATE _____ DIRECTOR OF DEVELOPMENT SERVICES

PLAT REVIEW OFFICER CERTIFICATE (AS REQUIRED BY NCGS 47-30.2)

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, REVIEW OFFICER CABARRUS COUNTY, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: _____ REVIEW OFFICER: _____

CERTIFICATE OF SURVEY AND ACCURACY

STATE OF NORTH CAROLINA, CABARRUS COUNTY

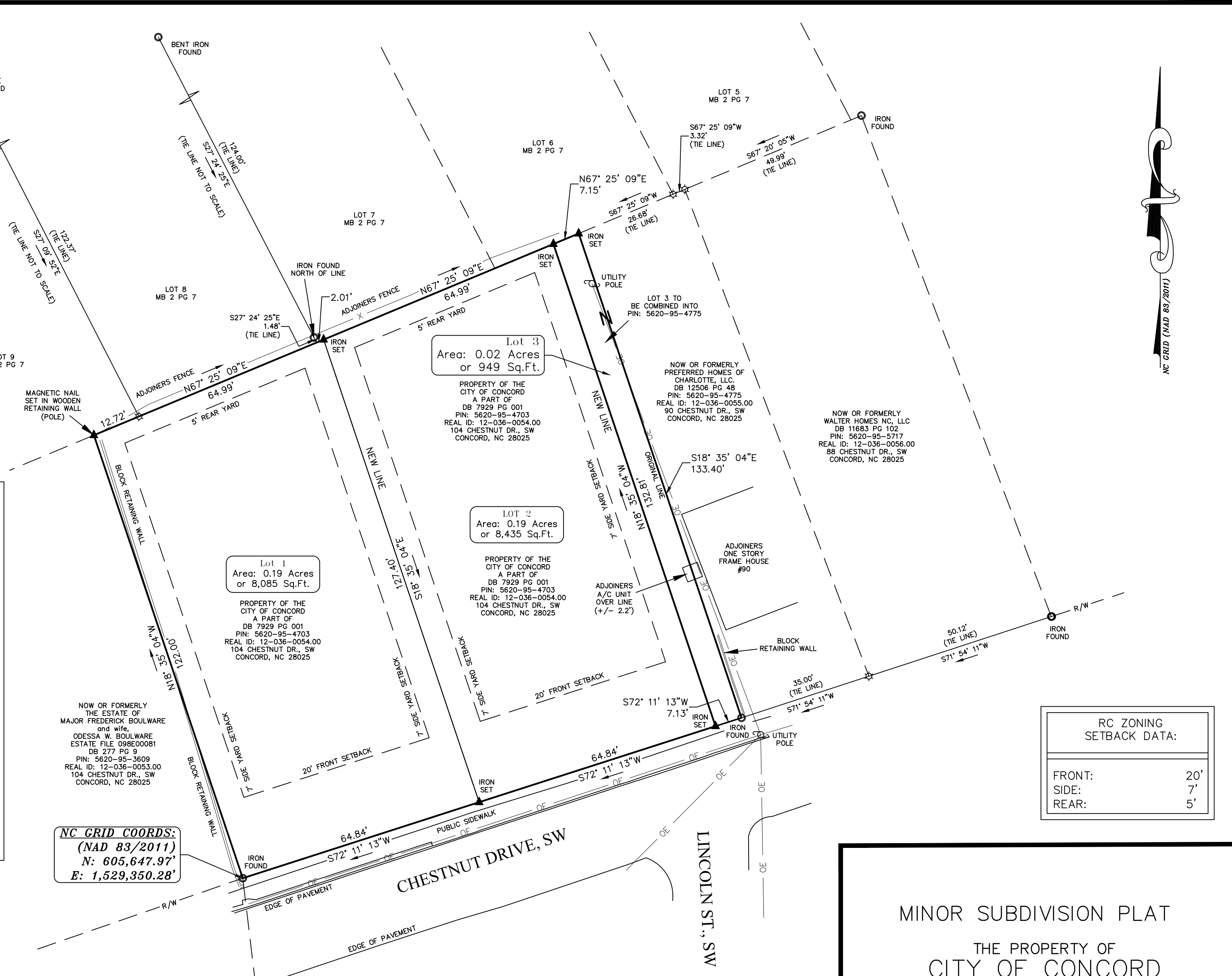
I, DAVID M. MEDLIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION BASED ON THE DEED DESCRIPTIONS, AS NOTED HEREON; THAT THE RATIO OF CLOSURE IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN THE DEEDS REFERENCED HEREON AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GENERAL STATUTE 47-30, AS AMENDED.

I FURTHER CERTIFY THAT THIS SURVEY IS FOR THE PARCEL OR PARCELS OF LAND AND NOT FOR THE PURPOSE OF A STREET OR CHANGE AN EXISTING STREET.

WITNESS MY HAND AND SEAL THIS 9th DAY OF APRIL, A.D., 2020.

DAVID M. MEDLIN
PROFESSIONAL LAND SURVEYOR
NORTH CAROLINA REG. NO. L-4286

CITY OF CONCORD ENGINEERING DEPARTMENT
635 ALFRED BROWN JR. COURT, SW
CONCORD, NC 28026-0308
704-920-5420 FAX 704-786-4521



- NOTES:**
- PROPERTY IDENTIFICATION NUMBER - PIN 5620-95-4703.
 - TAX MAP IDENTIFICATION NUMBER #12-036-0054.00.
 - REFERENCES - DEED BOOK 7929, PAGE 001, AND OTHERS AS SHOWN.
 - SUBJECT PROPERTY IS ZONED - RC (CITY OF CONCORD).
 - ALL DISTANCES ARE HORIZONTAL GROUND DIMENSIONS IN US SURVEY FEET (UNLESS OTHERWISE NOTED).
 - AREAS SHOWN WERE DETERMINED BY COORDINATE COMPUTATIONS.
 - SURVEY BASED ON EXISTING MARKERS FOUND AS SHOWN AND DEEDS AND PLATS OF RECORD.
 - THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" AREA, AS PER F.E.M.A. F.I.R.M. COMMUNITY PANEL 3710562000K, EFFECTIVE DATE 11/16/2018.
 - THE PURPOSE OF THIS SURVEY IS TO CREATE A PLAT SUITABLE FOR RECORDATION IN THE CABARRUS COUNTY LAND RECORDS IN COMPLIANCE WITH THE NORTH CAROLINA GENERAL STATUTE 47-30 MAPPING REQUIREMENTS.
 - THIS IS A BOUNDARY SURVEY OF AN EXISTING PARCEL OF LAND AND IS SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD.
 - THIS SURVEY WAS PREPARED BASED ON NC STATE GRID DATUM (NAD 83/2011).

MINOR SUBDIVISION PLAT

THE PROPERTY OF
CITY OF CONCORD
DEED BOOK 7929, PAGE 001; PIN: 5620-95-4703

TAX ID # 12-036-0054.00
CITY OF CONCORD, # 12 TOWNSHIP
CABARRUS COUNTY, NORTH CAROLINA

SCALE 1" = 20' DATE: APRIL 9, 2020

PREPARED BY: DMM CHECKED BY: JC

1 INCH = 20 FT.

REVISIONS:		
NO.	DATE	DESCRIPTION

C:\ENG\SURVEY PROJECTS\2020\029 CHESTNUT DR SW LOTS.DWG

RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BID

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell real property by upset bid after the receipt of an Offer to Purchase Property; and

WHEREAS, the City of Concord ("City") acquired real property at 96 Chestnut Drive SW, PIN 5620-95-4703, Tax ID No. 12-036-0054.00 ("City Parcel") by North Carolina General Warranty Deed as recorded on November 27, 2007 in Deed Book 7929, at Page 001 of the Cabarrus County Registry; and

WHEREAS Preferred Homes of Charlotte, LLC, a North Carolina limited liability corporation ("Preferred Homes") owns the neighboring parcel identified as 90 Chestnut Drive SW, PIN 5620-95-4775, Tax ID No. 12-036-0055.00; and

WHEREAS, upon investigation, it was discovered that a portion of the HVAC system used by the tenants of 90 Chestnut Drive SW encroaches upon the City Parcel; and

WHEREAS, Preferred Homes desires to purchase a small portion of the Parent Parcel owned by the City for the purpose of having fee simple ownership of the HVAC system housed on 96 Chestnut Drive SW ("Property") and is further described as follows:

BEING a 949 Sq. Ft portion of the property identified as Lot 3 being PIN 5620-95-4703 (Tax ID No. 12-036-0054.00) as shown on map titled as "Minor Subdivision Plat, Property of the City of Concord" dated April 9, 2020 and is attached as "Exhibit A" for further reference.; and

WHEREAS, on May _____, 2020, the City received an Offer to Purchase the Property from Preferred Homes for three hundred and thirteen dollars and seventy-two cents (\$313.72); and

WHEREAS, the Buyer have deposited a 5% deposit of \$ 15.69 with the City Clerk; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

1. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit fifteen dollars and sixty-nine cents (\$ 15.69) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, that BEING a 949 Sq. Ft portion of the portion of the property identified as Lot 3 being PIN 5620-95-4703 (Tax ID No. 12-036-0054.00) as shown on map titled as "Minor Subdivision Plat, Property of the City of Concord" dated April 9, 2020 and is attached as Exhibit A for further reference and the notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.
4. Any persons wishing to upset the offer shall submit a sealed bid along with their offer and deposit to the office of the City Clerk within 10 days after the notice of the proposed sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not

accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received.

8. The final sale shall include the following terms:
 - a. The City will convey 949 Square Feet off of 96 Chestnut Drive SW to the Highest Bidder, stated in the Agreement for Purchase and Sale of Real Property.
 - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
 - c. The closing shall take place on or before July 13, 2020.
9. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.
10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 949 Sq. Ft of the property identified as Lot 3 being PIN 5620-95-4703 (Tax ID No. 12-036-0054.00) as shown on map attached as "Exhibit A" in accordance with this resolution.

Adopted this 11th day of June, 2020

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William "Bill" Dusch, Mayor

ATTEST:

Kim J. Deason, City Clerk

Tabulation of Bids

Property Address: New Construction - 98 Chestnut Drive SW

Bid Opening Date: 5/27/2020 Time: 2:00pm

Bid Opened By: Michael Kepley  (initials)

Witnessed by: Kristina Fausel, Mary Powell-Carr  (initials)

Cost Estimate: \$140,880.00

Name of Contractor	Bid Amount
SRO Builders	\$ <u>122,667.⁰⁰/xx</u>
Paris Construction Co.	\$ <u>187,500.⁰⁰/xx</u>
R2R	\$ <u>153,024.⁰⁰/xx</u>
C&S Construction	\$ <u>154,440.⁰⁰/xx</u>
Daniel L. Barrier Const.	\$ <u>151,100.⁰⁰/xx</u>

Present at Bid Opening:

CONT. RIDGE VENT

30 YEAR ARCH. SHINGLES
W/ 15 LB. FELT PAPER

12
8

12
8

30 YEAR ARCH. SHINGLES
W/ 15 LB. FELT PAPER

BOARD
& BATTEN
FLASHING

12" O'
CONT.
(TYP)

478

SLOPE OF GRADE MAY VARY

NUMBER OF STEPS
AS REQUIRED

FRONT ELEVATION "A"

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

Tabulation of Bids

Property Address: New Construction - 524 Allison Street

Bid Opening Date: 5/27/2020 Time: 2:00pm

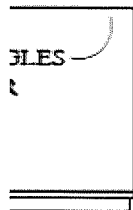
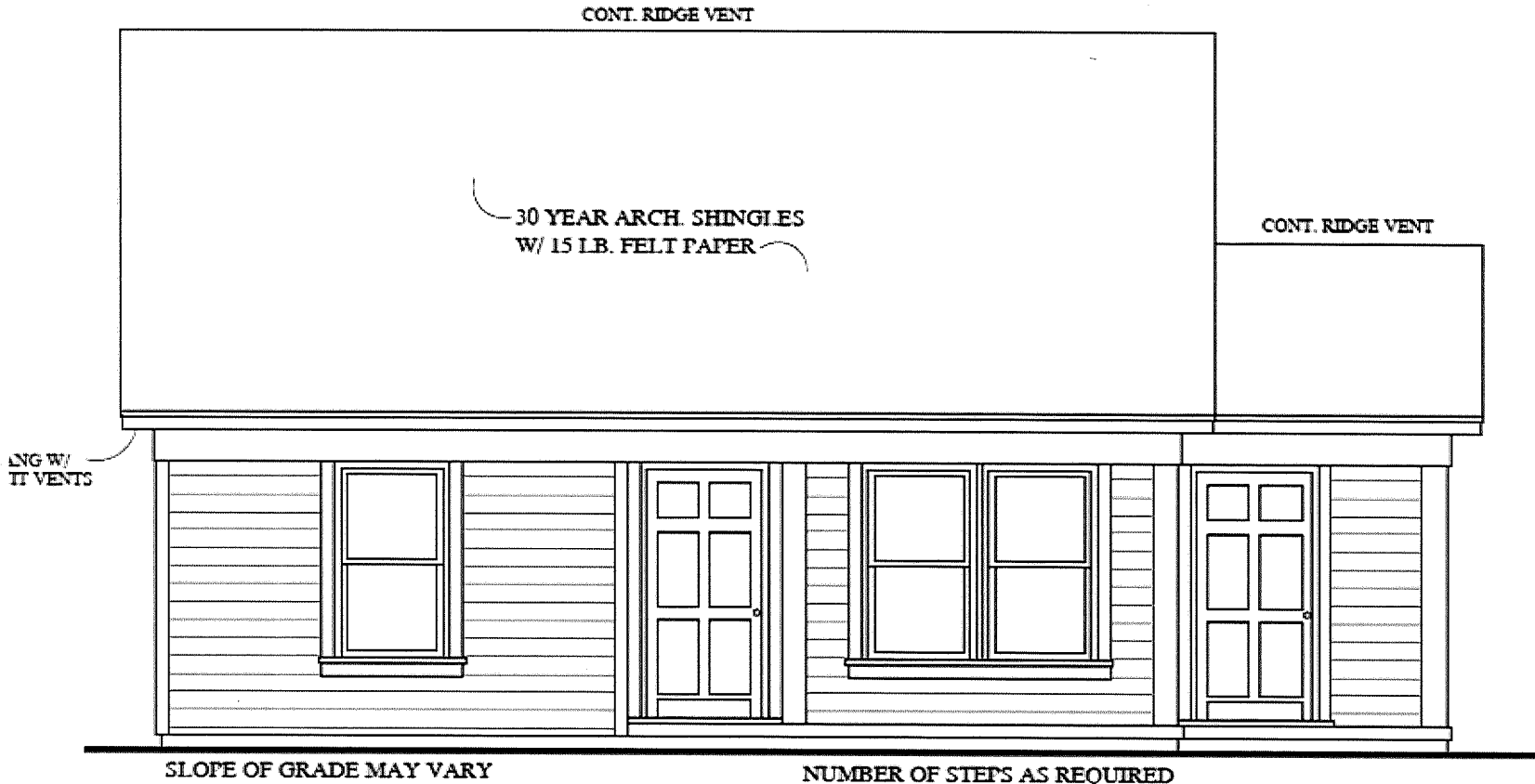
Bid Opened By: Michael Kepley MK (initials)

Witnessed by: Kristina Fausel, Mary Powell-Carr KFC MPC (initials)

Cost Estimate: \$118,920.00

Name of Contractor	Bid Amount
SRO Builders	\$ <u>118,984.00</u>
Paris Construction Co.	\$ <u>169,500.00</u>
R2R	\$ <u>135,427.00</u>
C&S Construction	\$ <u>133,785.⁰⁰</u>
Daniel L. Barrier Const.	\$ <u>146,100.⁰⁰</u>

Present at Bid Opening:



FRONT ELEVATION "C"

SLAB FOUNDATION

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

**Coleman Mill
Concord NC
20 YEAR PRO FORMA**

Payment Calculator	
Principal	0
Amortization Years	0
Interest Rate	0.000
Yearly Payment	\$6

Principal Calculator	
Amortization Years	40
Yearly Payment	690,500
Principal	\$12,799,471

Rent & Income Increase Annually	2.0%
Expense Increase Annually	3.0%
Vacancy Rate	7.0%
Reserves Increase Annually	0.0%
Number of Units	152

		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
+ Potential Gross Rental Income	1,652,100	1,652,100	1,685,142	1,718,845	1,753,222	1,788,286	1,824,052	1,860,533	1,897,744	1,935,698	1,974,412	2,013,901	2,054,179	2,095,262	2,137,168	2,179,911	2,223,509	2,267,979	2,313,339	2,359,606	2,406,798
+ Miscellaneous Income	18,240	18,240	18,605	18,977	19,356	19,744	20,138	20,541	20,952	21,371	21,798	22,234	22,679	23,133	23,595	24,067	24,549	25,040	25,540	26,051	26,572
= Gross Revenues		1,670,340	1,703,747	1,737,822	1,772,578	1,808,030	1,844,190	1,881,074	1,918,696	1,957,070	1,996,211	2,036,135	2,076,858	2,118,395	2,160,763	2,203,978	2,248,058	2,293,019	2,338,879	2,385,657	2,433,370
- Vacancy		116,924	119,262	121,648	124,080	126,562	129,093	131,675	134,309	136,995	139,735	142,529	145,380	148,288	151,253	154,278	157,364	160,511	163,722	166,996	170,336
= Effective Gross Income		1,553,416	1,584,485	1,616,174	1,648,498	1,681,468	1,715,097	1,749,399	1,784,387	1,820,075	1,856,476	1,893,606	1,931,478	1,970,107	2,009,509	2,049,700	2,090,694	2,132,508	2,175,158	2,218,661	2,263,034
- Operating Expenses	619,400	619,400	637,982	657,121	676,835	697,140	718,054	739,596	761,784	784,637	808,177	832,422	857,394	883,116	909,610	936,898	965,005	993,955	1,023,774	1,054,487	1,086,122
- Replacement Reserves	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200	53,200
= Net Operating Income		880,816	893,303	905,853	918,463	931,127	943,843	956,603	969,403	982,237	995,100	1,007,984	1,020,883	1,033,791	1,046,700	1,059,602	1,072,489	1,085,352	1,098,184	1,110,974	1,123,712
- Amortizing Debt	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500	690,500
- Amortizing Debt		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Amortizing Debt		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Non-Amortizing Debt		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Non-Amortizing Debt																					
- Non-Amortizing Debt																					
= Cash Flow		190,316	202,803	215,353	227,963	240,627	253,343	266,103	278,903	291,737	304,600	317,484	330,383	343,291	356,200	369,102	381,989	394,852	407,684	420,474	433,212
Debt Coverage Ratio		1.28	1.29	1.31	1.33	1.35	1.37	1.39	1.40	1.42	1.44	1.46	1.48	1.50	1.52	1.53	1.55	1.57	1.59	1.61	1.63

dsc @ 1.30

Construction Fund Draw Schedule

Sources	Draw #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	Total	
1st Mortgage	12,800,000	518,083	1,395,338	1,325,150	1,884,500	2,257,400	2,257,400	2,070,950	1,977,725	1,325,150	1,231,925	1,075,475	726,575	0	0	0	0	0	0	0	0	0	18,045,671	
State Tax Credit	3,273,760	2,946,384																			327,376	0	3,273,760	
Syndication Equity FHTC	3,741,066	1,122,320														2,244,640					374,107	0	3,741,066	
Other Grants/Funds	0																						0	
Local Government Participation	685,000																					533,859	533,859	
Total Sources	20,499,826	4,586,787	1,395,338	1,325,150	1,884,500	2,257,400	2,257,400	2,070,950	1,977,725	1,325,150	1,231,925	1,075,475	726,575	0	0	2,244,640	0	0	0	0	0	701,483	533,859	25,594,356
Uses	Aggregate % Complete	100.00%	3.00%	7.50%	14.50%	24.50%	36.50%	48.50%	59.50%	70.00%	77.00%	83.50%	89.00%	92.50%	92.50%	92.50%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	
Land	910,000	910,000																					910,000	
Existing Structure	390,000	390,000																					390,000	
Demolition	100,000																						0	
Environmental Abatement	250,000	37,500	37,500																				75,000	
Site Work	800,000	301,187	498,813																				800,000	
New Building Hard Costs	0																						0	
Rehabilitation Hard Costs	15,000,000	450,000	675,000	1,050,000	1,500,000	1,800,000	1,800,000	1,650,000	1,575,000	1,050,000	975,000	825,000	525,000	0	0	1,125,000	0	0	0	0	0	0	15,000,000	
Accessory Building	0																						0	
Furnishings	60,000											30,000	30,000										60,000	
General Requirements	780,000	23,400	35,100	54,600	78,000	93,600	93,600	85,800	81,900	54,600	50,700	42,900	27,300	0	0	58,500	0	0	0	0	0	0	780,000	
Building Permits	0																						0	
Payment / Performance Bonds	0																						0	
Tap Fees	0																						0	
Contractor Overhead	276,000	8,280	12,420	19,320	27,600	33,120	33,120	30,360	28,980	19,320	17,940	15,180	9,660	0	0	20,700	0	0	0	0	0	0	276,000	
Contractor Profit	826,000	24,780	37,170	57,820	82,600	99,120	99,120	90,860	86,730	57,820	53,690	45,430	28,910	0	0	61,950	0	0	0	0	0	0	826,000	
Impact Fees	0																						0	
Construction Contingency	1,763,000	52,890	79,335	123,410	176,300	211,560	211,560	193,930	185,115	123,410	114,595	96,965	61,705										1,630,775	
Architect Fee - Design	400,000	250,000																					250,000	
Architect Fee - Supervision / Inspection	120,000		10,909	10,909	10,909	10,909	10,909	10,909	10,909	10,909	10,909	10,909	10,909										120,000	
Engineering Fees	120,000	35,000																					35,000	
Soil Borings	0	5,000																					5,000	
Survey	18,000	9,000											9,000										18,000	
Cost Certification Fees	15,000												15,000										15,000	
Real Estate Attorney	80,000	80,000																					80,000	
Soft Cost Contingency	100,000		9,091	9,091	9,091	9,091	9,091	9,091	9,091	9,091	9,091	9,091	9,091										100,000	
Construction Interest (5% - 50% avg bal)	960,000	562,500																					562,500	
Construction Insurance	150,000	80,000																					80,000	
Construction Loan Origin Fee (.75 bps)	300,000	112,500																					112,500	
Construction Loan Credit Enhance (.375 bps)	150,000	56,250																					56,250	
Taxes During Construction	70,000	100,000																					100,000	
Credit Report	0																						0	
Permanent Loan Origin Fee (100 bps)	90,000	124,000																					124,000	
Perm Loan Credit Enhancement	0																						0	
Cost of Issuance / Underwriter	30,000																						0	
Title and Recording	40,000	25,000																					25,000	
Counsel's Fee	80,000	30,000																					30,000	
Property Appraisal	10,000	10,000																					10,000	
Market Study	10,000	10,000																					10,000	
Environmental Study	30,000	10,000																					10,000	
Tax Credit Application Fees	2,720	5,000																					5,000	
Tax Credit Allocation Fee	144,560																						0	
Monitoring Fees	182,400																						0	
Rent-Up Expenses	76,000	60,000																					60,000	
Historic Fees	40,000	30,000																					30,000	
Organizational (Partnership)	5,000	5,000																					5,000	
Bridge Loan Fees & Expenses	0																						0	
Tax Opinion	5,000	5,000																					5,000	
Rent-up Reserve	76,000																						54,000	
Operating Reserve (3 mos d&e)	600,000																						176,428	
Developer's Overhead	1,000,000	748,500																					748,500	
Developer's Fee	976,000																						576,678	
Consultants	0																						533,859	
Acquisition Fee	16,000																						0	
Developer's Travel & Accounting	0	36,000																					36,000	
Total Uses	27,051,680	4,586,787	1,395,338	1,325,150	1,884,500	2,257,400	2,257,400	2,070,950	1,977,725	1,325,150	1,231,925	1,075,475	726,575	0	0	2,197,001	0	0	0	0	0	576,678	533,859	25,421,913

Green Cells = 7.5% Retainage



BID ADVERTISEMENT/INVITATION TO BID

May 8, 2020

Project Title: **B&G Shed**
Project No. 2019-054

Project Description: The City of Concord proposes to construct a new B&G Equipment Shed – 120’ X 65’ – 7800 SF +/- at the Brown Operations Center. New shed to match existing sheds on site. The construction drawings are furnished by Carlos J. Moore Architect, PA.

Sealed Bids will be received by the City of Concord (Owner) at the address below. Please submit notarized bids in a sealed envelope by the bid opening time and date. All Bids must be in accordance with the Bidding Documents on file with the City of Concord Engineering Department. Bidders must be licensed contractors in the State of North Carolina. Bids will be received on a unit price basis. A five percent (5%) Bid security must accompany each Bid. The Successful Bidder will be required to furnish a Construction Performance Bond and a Construction Payment Bond as security for the faithful performance and the payment of all bills and obligations arising from the performance of the Contract if the total bid amount is greater than \$50,000 (see Section 16 of the Contract). Contractor and all Subcontractors will be required to conform to the labor standards set forth in the Contract Documents. Owner reserves the right to reject any or all Bids, including without limitation the rights to reject any or all nonconforming, nonresponsive, unbalanced, or conditional Bids, and will award to lowest responsible Bidder taking into consideration quality, performance, and time specified in Bid Form for performance of Work. Owner also reserves the right to waive informalities. **TO BE CONSIDERED AS A BIDDER FOR THIS PROJECT, CONTRACTORS MUST REGISTER WITH THE CITY OF CONCORD BY SENDING AN EMAIL THAT INCLUDES YOUR NAME AND COMPANY CONTACT INFORMATION TO BUTLERJL@CONCORDNC.GOV**

Engineer: Rick Blat
City of Concord Engineering Department
Alfred M. Brown Operations Center
635 Alfred Brown Jr. Court SW : P O Box 308,
Concord, NC 28026-0308

For **TECHNICAL QUESTIONS OR CONTRACT DOCUMENTS:** Jimmy Butler 704.920.5422

Bid Opening Date: **Thursday May 28, 2020 at 2:00 PM**

Location: Alfred M. Brown Operations Center
635 Alfred Brown Jr. Court SW : Conference Room “C”
Concord, NC 28026

Alfred M. Brown Operations Center
City of Concord ● 635 Alfred Brown Jr. Court SW. ● P.O. Box 308 ●
Concord, North Carolina 28026 ● (704) 920-5425 ● Fax (704) 786-4521 ●
TDD 1-800-735-8262 ● www.concordnc.gov

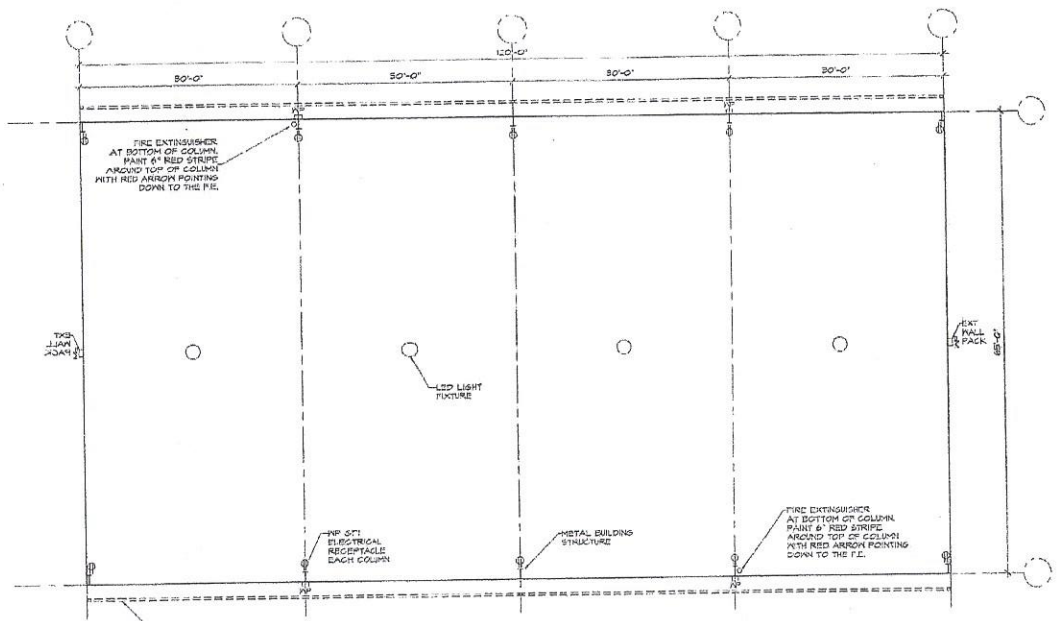


CITY OF CONCORD
ENGINEERING DEPARTMENT

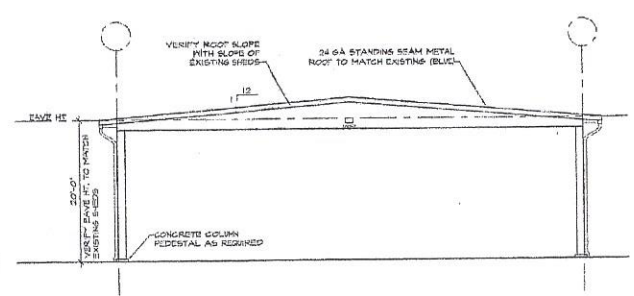
635 ALFRED BROWN JR. COURT SW / PO BOX 308
CONCORD, NC 28026-0308
PHONE 704.920.5425

BID OPENING FORM - 5/28/2020
B&G SHED 2019-054

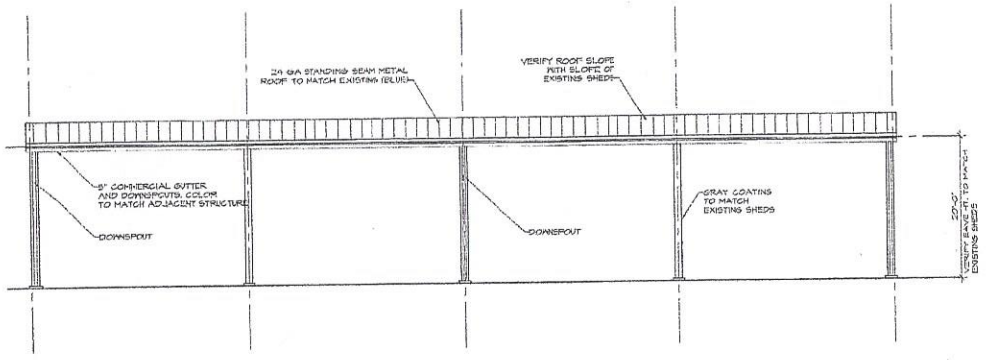
Contractor	Bid Bond (5%)	Receipt of Addenda	Qualification Statement	HUB/Minority Listing	TOTAL Bid
RATZLAFF CONST.	✓				\$ 304,032.00
IKES CONST.	✓				\$ 341,250.00
EMCOMPASS	✓				\$ 383,250.00
LILES CONSTRUCTION	✓				\$ 313,845.00
JENCON BUILDERS	✓				\$ 324,650.00



1 FLOOR PLAN & REFLECTED CEILING PLAN
SCALE 1/8"=1'-0"



2 FRONT & REAR ELEVATIONS
SCALE 1/8"=1'-0"



3 SIDE ELEVATIONS
SCALE 1/8"=1'-0"

- SYMBOL LEGEND**
- ⊕ RP GFI RECEPTACLE
 - LED LIGHT FIXTURE
 - ⊞ EXTERIOR WALL PACK

THESE PLANS ARE THE PROPERTY OF CARLOS MORE ARCHITECT PA. ANY REPRODUCTION OR TRANSMISSION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF CARLOS MORE ARCHITECT PA. IS PROHIBITED. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



Carlos More
ARCHITECT PA
EST. 1987
1103 CHATELAIN BLVD
CONCORD, NC 28025
TEL: 704-358-8888 FAX: 704-358-8887
WWW.CMORERESEARCH.COM

PROJECT TITLE: NEW CONSTRUCTION FOR A BUILDINGS & GROUNDS SHED
695 ALFRED BROWN JR CT SW, CONCORD NC
DATE: 05.01.2020
DRAWN BY: VLM
PROJECT NO.: XXXX
DESIGNED BY: V. MOORE

ISSUE DATE: 05.01.2020
SCALE: AS SHOWN
SHEET NO.: 000001
TOTAL SHEETS: 000001

DATE: A-1
TOTAL V. MOORE

CITY OF CONCORD
 CERTIFIED BID TABULATION FORM
 STREETS PRESERVATION CONTRACT STR20 Bid No. 2437

LOCATION: ALFRED M. BROWN OPERATIONS CENTER, 635 ALFRED BROWN JR. COURT, SW, CONCORD, NC
 TIME: 2:00 P.M. DATE: May 22, 2020

Contractor													
			Blythe Construction Inc.		Ferebee Corporation		J.T. Russell & Sons, Inc.		NJR Group		Sloan Construction		
N.C. License No.			7639		18306		2767		77426		987		
Address			PO Box 31635		PO Box 480066		PO Box 670		PO Box 924		18606 NorthLine Drive		
City, State Zip			Charlotte, NC 28231		Charlotte, NC 28269		Albermarle, NC 28002		Albermarle, NC 28002		Cornelius, NC 28031		
5% Bid Bond Included													
Yes													
Yes													
Yes													
No.	Item	Units	Quantity	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
Crack and Joint Sealing													
1.1	Seal Existing pavement cracks and joints	lbs	78,000	\$1.50	\$117,000.00	\$2.05	\$159,900.00	\$1.60	\$124,800.00	\$2.15	\$167,700.00	\$3.70	\$288,600.00
					\$117,000.00		\$159,900.00		\$124,800.00		\$167,700.00		\$288,600.00
Patching, Leveling, Asphalt Seal Coating													
2.1	Asphalt Full Depth Finished Patching - Place and compact Intermediate Course 3" 119.0B with 2" Surface Course S9.5 B Cap (areas to be determined)	Tons	3,000	\$130.00	\$390,000.00	\$105.00	\$315,000.00	\$121.50	\$364,500.00	\$110.00	\$330,000.00	\$153.25	\$459,750.00
2.2	Asphalt Full Depth Patching - Place and compact Intermediate Course 119.0B (no Surface Course Cap)	Tons	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
2.3	Asphalt Leveling - Place and compact Intermediate Course 119.0B	Tons	9,380	\$77.00	\$722,260.00	\$72.50	\$680,050.00	\$82.20	\$771,036.00	\$73.51	\$689,523.80	\$85.75	\$804,335.00
2.4	Asphalt Leveling - Place and compact Asphalt Open Graded Leveling Course (P78 or mix as approved by Director)	Tons	16,350	\$89.00	\$1,455,150.00	\$82.65	\$1,351,327.50	\$82.20	\$1,343,970.00	\$71.88	\$1,175,238.00	\$92.25	\$1,508,287.50
2.5	Place and compact suitable Sub-base material (Location to be determined)	Cu. Yd	50	\$125.00	\$6,250.00	\$100.00	\$5,000.00	\$80.75	\$4,037.50	\$49.55	\$2,477.50	\$210.00	\$10,500.00
2.6	Asphalt Seal Coat	Sq. Yd	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
					\$2,573,660.00		\$2,351,377.50		\$2,483,543.50		\$2,197,239.30		\$2,782,872.50
Milling													
3.1	Full Mill the bituminous pavement - Depth 0" to 4"	Sq. Yd	105,270	\$1.65	\$173,695.50	\$2.45	\$257,911.50	\$2.20	\$231,594.00	\$1.95	\$205,276.50	\$5.10	\$536,877.00
3.2	Edge Mill the bituminous pavement - Depth 0" to 4"	Sq. Yd	39,335	\$1.85	\$72,769.75	\$2.50	\$98,337.50	\$2.50	\$98,337.50	\$2.28	\$89,683.80	\$5.45	\$214,375.75
3.3	Incidental Milling 0" to 6"	Sq. Yd	550	\$12.00	\$6,600.00	\$10.00	\$5,500.00	\$8.50	\$4,675.00	\$8.00	\$4,400.00	\$32.75	\$18,012.50
					\$253,065.25		\$361,749.00		\$334,606.50		\$299,360.30		\$769,265.25
Reclamation													
4.1	Reclamation of existing roadway with concrete stabilization	Sq. Yd	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
4.2	Undercut and replace with approved suitable material for subgrade repairs	Tons	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
					NO BID		NO BID		NO BID		NO BID		NO BID
Resurfacing													
5.1	Asphalt Resurfacing - Place and compact 1.25" of Surface Course S9.5B	Tons	24,035	\$71.00	\$1,706,485.00	\$80.00	\$1,922,800.00	\$85.65	\$2,058,597.75	\$77.65	\$1,866,317.75	\$86.55	\$2,080,229.25
5.2	Asphalt Resurfacing - Place and compact 1.5" of Surface Course S9.5B	Tons	9,745	\$70.00	\$682,150.00	\$80.00	\$779,600.00	\$86.00	\$838,070.00	\$77.65	\$756,699.25	\$87.00	\$847,815.00
					\$2,388,635.00		\$2,702,400.00		\$2,896,667.75		\$2,623,017.00		\$2,928,044.25
Concrete													
6.1	City of Concord Standard Valley Type Concrete Curb and Gutter (Incidental and as directed)	LF	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
6.2	City of Concord Standard 2'-6" Concrete Curb and Gutter (Incidental and as directed)	LF	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
6.3	Wheelchair Ramps (Incidental and as directed)	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
6.4	4" Thick Concrete Sidewalk	Sq. Yd	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
					NO BID		NO BID		NO BID		NO BID		NO BID
Re-Striping, Remarking, And Replace Pavement Marker													
7.1	Thermoplastic Pavement Marking Lines 4" Double Yellow Solid	LF	1,132	\$1.00	\$1,132.00	\$2.36	\$2,671.52	\$1.05	\$1,188.60	\$3.30	\$3,735.60	\$1.35	\$1,528.20
7.2	Thermoplastic Pavement Marking Lines 4" Yellow Solid, Skip, and Mini Skip Line	LF	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.3	Thermoplastic Pavement Marking Lines 8" Yellow Gore Line	LF	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.4	Thermoplastic Pavement Marking Lines 4" White Solid, Skip, and Mini Skip and Parking Stall Line	LF	58	\$2.35	\$136.30	\$2.10	\$121.80	\$2.55	\$147.90	\$2.20	\$127.60	\$2.10	\$121.80
7.5	Thermoplastic Pavement Marking Lines STOP Bar - 24"	LF	115	\$10.00	\$1,150.00	\$8.40	\$966.00	\$11.00	\$1,265.00	\$8.80	\$1,012.00	\$10.60	\$1,219.00
7.6	Thermoplastic Pavement Marking Lines Crosswalk - 8" White NCDOT Std.	LF	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.7	Thermoplastic Pavement Marking Lines Crosswalk, Hi-Visibility - 24" White Bars NCDOT Std.	LF	120	\$13.00	\$1,560.00	\$8.40	\$1,008.00	\$14.15	\$1,698.00	\$8.80	\$1,056.00	\$12.70	\$1,524.00
7.8	Thermoplastic Pavement Marking Symbol Yield Lane Symbol	LF	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.9	Thermoplastic Pavement Marking Symbol Thur, Right-Turn or Left-Turn Arrow	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.10	Thermoplastic Pavement Marking Symbol Combo Arrow - Thur-Rt. / Thru-Lf. / Thru Rt. & Lf.	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.11	Thermoplastic Pavement Marking Symbol Characters 8'-4" NCDOT Std.	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.12	Thermoplastic Pavement Marking Symbol SCHOOL 10' w/ 24" Band NCDOT Std.	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.13	Thermoplastic Marking Symbol Railroad - RXR NCDOT	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.14	Thermoplastic Pavement Marking Symbol Bicycle Shared Lane NCDOT Std.	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.15	Thermoplastic Pavement Marking Symbol Bicycle Detector NCDOT Std.	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.16	Thermoplastic Pavement Marking Symbol Handicap Symbol NCDOT Std.	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.17	Permanent Raised Pavement Marker Yellow / Yellow	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.18	Permanent Raised Pavement Marker Crystal / Red	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.19	Permanent Raised Pavement Marker Blue / Blue at Fire Hydrant Locations	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.20	Permanent Raised Pavement Marker Crystal / Crystal	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
7.21	(Match Existing) - "Fire Lane" Red Box with White Lettering	Ea.	0	-	NO BID	-	NO BID	-	NO BID	-	NO BID	-	NO BID
					\$3,978.30		\$4,767.32		\$4,299.50		\$5,931.20		\$4,393.00
Alt. Re-Striping, Remarking, And Replace Pavement Marker													
A7.1	Thermoplastic Pavement Marking Lines 4" Double Yellow Solid	LF	1	\$2.15	\$2.15	\$2.36	\$2.36	\$2.10	\$2.10	\$3.30	\$3.30	\$3.00	\$3.00
A7.2	Thermoplastic Pavement Marking Lines 4" Yellow Solid, Skip, and Mini Skip Line	LF	1	\$2.60	\$2.60	\$1.05	\$1.05	\$2.75	\$2.75	\$2.20	\$2.20	\$2.00	\$2.00
A7.3	Thermoplastic Pavement Marking Lines 8" Yellow Gore Line	LF	1	\$4.35	\$4.35	\$2.10	\$2.10	\$4.25	\$4.25	\$3.30	\$3.30	\$4.00	\$4.00
A7.4	Thermoplastic Pavement Marking Lines 4" White Solid, Skip, and Mini Skip and Parking Stall Line	LF	1	\$2.60	\$2.60	\$1.05	\$1.05	\$3.00	\$3.00	\$2.20	\$2.20	\$2.00	\$2.00
A7.5	Thermoplastic Pavement Marking Lines STOP Bar - 24"	LF	1	\$11.25	\$11.25	\$8.40	\$8.40	\$11.00	\$11.00	\$8.80	\$8.80	\$10.00	\$10.00
A7.6	Thermoplastic Pavement Marking Lines Crosswalk - 8" White NCDOT Std.	LF	1	\$3.75	\$3.75	\$2.10	\$2.10	\$4.00	\$4.00	\$3.30	\$3.30	\$5.00	\$5.00
A7.7	Thermoplastic Pavement Marking Lines Crosswalk, Hi-Visibility - 24" White Bars NCDOT Std.	LF	1	\$14.40	\$14.40	\$8.40	\$8.40	\$13.50	\$13.50	\$8.80	\$8.80	\$20.00	\$20.00
A7.8	Thermoplastic Pavement Marking Symbol Yield Lane Symbol	LF	1	\$100.00	\$100.00	\$42.00	\$42.00	\$105.00	\$105.00	\$44.00	\$44.00	\$200.00	\$200.00
A7.9	Thermoplastic Pavement Marking Symbol Thur, Right-Turn or Left-Turn Arrow	Ea.	1	\$135.00	\$135.00	\$262.50	\$262.50	\$140.00	\$140.00	\$275.00	\$275.00	\$200.00	\$200.00
A7.10	Thermoplastic Pavement Marking Symbol Combo Arrow - Thur-Rt. / Thru-Lf. / Thru Rt. & Lf.	Ea.	1	\$185.00	\$185.00	\$262.50	\$262.50	\$200.00	\$200.00	\$275.00	\$275.00	\$250.00	\$250.00
A7.11	Thermoplastic Pavement Marking Symbol Characters 8'-4" NCDOT Std.	Ea.	1	\$110.00	\$110.00	\$157.50	\$157.50	\$110.00	\$110.00	\$165.00	\$165.00	\$600.00	\$600.00
A7.12	Thermoplastic Pavement Marking Symbol SCHOOL 10' w/ 24" Band NCDOT Std.	Ea.	1	\$1,450.00	\$1,450.00	\$1,260.00	\$1,260.00	\$1,600.00	\$1,600.00	\$1,320.00	\$1,320.00	\$1,500.00	\$1,500.00
A7.13	Thermoplastic Marking Symbol Railroad - RXR NCDOT	Ea.	1	\$1,000.00	\$1,000.00	\$945.00	\$945.00	\$1,100.00	\$1,100.00	\$990.00	\$990.00	\$1,500.00	\$1,500.00
A7.14	Thermoplastic Pavement Marking Symbol Bicycle Shared Lane NCDOT Std.	Ea.	73	\$425.00	\$31,025.00	\$525.00	\$38,325.00	\$425.00	\$31,025.00	\$550.00	\$40,150.00	\$700.00	\$51,100.00
A7.15	Thermoplastic Pavement Marking Symbol Bicycle Detector NCDOT Std.	Ea.	1	\$520.00	\$520.00	\$525.00	\$525.00	\$525.00	\$525.00	\$550.00	\$550.00	\$300.00	\$300.00
A7.16	Thermoplastic Pavement Marking Symbol Handicap Symbol NCDOT Std.	Ea.	1	\$330.00	\$330.00	\$420.00	\$420.00	\$320.00	\$320.00	\$440.00	\$440.00	\$400.00	\$400.00
A7.17	Permanent Raised Pavement Marker Yellow / Yellow	Ea.	1	\$14.00	\$14.00	\$10.50	\$10.50	\$15.00	\$15.00	\$11.00	\$11.00	\$100.00	\$100.00
A7.18	Permanent Raised Pavement Marker Crystal / Red	Ea.	1	\$14.00	\$14.00	\$10.50	\$10.50	\$15.00	\$15.00	\$11.00	\$11.00	\$100.00	\$100.00
A7.19	Permanent Raised Pavement Marker Blue / Blue at Fire Hydrant Locations	Ea.	1	\$17.00	\$17.00	\$10.50	\$10.50	\$18.00	\$18.00	\$11.00	\$11.00	\$100.00	\$100.00
A7.20	Permanent Raised Pavement Marker Crystal / Crystal	Ea.	1	\$14.00	\$14.00	\$10.50	\$10.50	\$15.00	\$15.00	\$11.00	\$11.00	\$100.00	\$100.00
A7.21	(Match Existing) - "Fire Lane" Red Box with White Lettering	Ea.	1	\$750.00	\$750.00	\$1,050.00	\$1,050.00	\$1,000.00	\$1,000.00	\$1,100.00	\$1,100.00	\$100.00	\$100.00
					\$70,000.00		\$70,000.00		\$70,000.00		\$70,000.00		\$70,000.00
Alt. Signal Detection Loops													
B7.1	Install Various Size Traffic Signal Embedded Roadway Loops (Includes Saw Cut, Loop Wire, & Sealant)	LF	5,000	\$12.00	\$60,000.00	\$8.90	\$44,500.00	\$7.10	\$35,500.00	\$9.28	\$46,400.00	\$11.20	\$56,000.00
					\$60,000.00		\$44,500.00		\$35,500.00		\$46,400.00		\$56,000.00
BASE BID SECTIONS SUBTOTAL					\$5,336,338.55		\$5,580,193.82		\$5,843,917.25		\$5,293,247.80		\$6,773,175.00
+ 10% CONTINGENCY					\$533,633.86		\$558,019.38		\$584,391.73		\$529,324.78		\$677,317.50
TOTAL BASE BID					\$5,869,972.41		\$6,138,213.20		\$6,428,308.98		\$5,822,572.58		\$7,450,492.50
ALTERNATE BID 1					\$70,000.00		\$70,000.00		\$70,000.00		\$70,000.00		\$70,000.00
ALTERNATE BID 2					\$60,000.00		\$44,500.00		\$35,500.00		\$46,400.00		\$56,000.00

Resurfacing List

STREET	FROM	TO	FULL MILL	EDGE MILL	BINDER	FLEX	WIDEN	CURB & GUTTER	PAVEMENT MARKINGS	NUMBER OF DIVEWAYS
Locust St	Peachtree St.	Buffalo Ave.		X	X			X		4
Byrd Ct.	Locust St.	End			X					2
Crowell Dr.	Cabarrus Ave.	Corban Ave.			X			X		
Fryling Ave.	Union St.	Davis St	X			X		X		
Rutledge Ave.	Sylvan St.	Sedgefield St	X			X		X		
Woodland Cir.	Woodland Dr.	End			X					5
Accent Ave.	Kathryn Dr.	End			X					
Wake meadow Pl.	Montford Ave.	End		X		X		X		
Krimminger Ave.	Union St.	End			X		X			43
Carolyn Ave.	Eastcliff Ave.	Rollingwood Dr.	X			X		X		
Ideal Dr.	Rollingwood Dr.	Eastcliff Ave.	X			X		X		10
Arlington Ave.	Ideal Dr.	Courtney Ave	X			X		X		
Birch Ave.	Crestside Dr.	Woodend Dr.	X			X		X		
Brumley Ave	Church St.	Reed St.	X			X		X		
Mona Ave.	Wilson St.	Shamrock Dr.	X			X		X		
Camrose Cir.	Brookwood Ave.	BrookWood Ave.	X			X		X		
Hillandale Ave.	Brookwood Ave.	Todd Dr.			X				X	3
Milton Ave.	Hillandale Ave.	Todd Dr.	X			X		X		
Hyde Park Dr.	Todd Dr.	Winecoff Ave.	X			X		X		
Todd Dr.	Church St.	Hillandale Ave.	X			X		X		
Stewart St.	Traffic Cir.	Winecoff School Rd.			X					14
Mayfield Ct.	Stewart St.	End			X					5
Willowbrook Dr.	Kannapolis Hwy	Kannapolis Hwy			X		X			21
Merietta Pl	Willowbrook Dr.	Walnut Ave.			X					8
Walnut Ave.	Marietta Pl.	Central Dr.			X					18
Tremont Ave.	Traffic Cir.	Winecoff School Rd.			X					7
Maple Ave.	Kannaplolis Hwy	Central Dr.			X					10
Aaron Pl.	Poole Pl.	End	X			X		X		
Poole Pl.	Central Dr.	End			X					8
Dorsett Ct.	Poole Pl.	End			X					2
Emory Ave.	Pless St.	End			X					1
Pless St	Parkwood Dr.	End			X					5
Parkwood Dr.	Central Dr.	End			X					16
Concord Commons	Concord Pkwy	End City Maint.	X		X					3
Parkway Ave.	Concord Pkwy	Central Dr.			X		X			13

Tulsa Ct.	Camden Ct.	End		X					4
Camden Ct.	Central Dr.	End		X					8
Shasta St.	Camden Ct.	Calloway Ave.		X					5
Calloway Ave.	Shasta St.	Concord Pkwy		X		X			5
Carter Ct	Central Dr.	End		X					4
Sunderland Rd.	Old Charlotte Rd.	Swink St.		X					32
Fletcher Ct	Old CharlotteRd.	End		X		X			
Lee Ct.	Old Chalotte Rd.	End		X					13
Green Dr.	Old CharlotteRd.	Swink St.		X					32
Office Dr.	Old CharlotteRd.	Carrage Ave.	X	X		X			15
Carrage Ave.	Office Dr.	Main St.		X					7
Jackson Terr.	Green St.	Old Charlotte Rd		X					50
Hooper Rd.	Old Charlotte	End		X					3
Kingsfield Dr.	Roberta Rd.	Rubens Rd.		X					40
Rembrandt Dr	Farm Lake Rd	Van Gogh Dr		X					57
Faith Dr.	Highland Ave.	Wilshire Dr.		X		X			30
September Ct.	Central Heights Dr.	End		X					6
Kendra Dr.	Kiser Wood Dr.	End	X		X		X		
Sebring Ct.	Kendra Dr.	End	X		X		X		
Decon Ct.	Kendra Dr.	End	X		X		X		
Kiser Woods Dr.	Central Hights Dr.	End	X		X		X		
Winners Circle	Champion Ln	End	X		X		X		
Rockingham Ct.	Amhurst Ln.	End	X		X		X		
First Turn Ct.	Rockingham Ct	End	X		X		X		
Amhurst Ln	Champion Ln	End	X		X		X		
Artdale Dr.	Shenadoah Dr.	End		X					28
Fescue Pl.	Wheat Dr.	End	X		X		X		
Barley Pl	Wheat Dr.	End	X		X		X		
Barley Dr.	Wheat Dr.	Pitt School Rd	X		X		X		
Wheat Dr.	Barley Dr.	Fescue Pl.	X		X		X		
Millet St.	Wheat Dr.	Wheat Dr.	X		X		X		
Milo Ave.	Wheat Dr.	Cochran Rd	X		X		X		
Legend St	Cochran Rd.	Zebulon Ave.	X		X		X		
Zebulon Ae.	Cochran Rd.	End	X		X		X		
Cochran Farm Rd	Cochran Rd.	Cochran Rd	X		X		X		
Meadowbrook Ln.	Roberta Rd.	End	X		X		X	X	
Cedarbrook Ln.	Wheat Dr.	Meadowbrook Ln.			X		X		
Sunchase Ct.	Dawn Ridge Pl	End	X		X		X		
Lands End Ct.	Dawn Riddge Pl.	End	X		X		X		
Dawn Ridge Pl	Falcon Chase Dr.	End	X		X		X		
Falcon Chase Dr.	Pitt School Rd.	End	X		X		X		

Summer Wind Ct	Falcon Chase Dr.	End		X		X		X		
Four Winds t	Falcon Chase Dr.	End		X		X		X		
Alexais Ct	Falcon Chase Dr.	End		X		X		X		
Fawnbrook Ave.	Falcon Chase Dr.	Falcon Chase Dr.		X		X		X		
Carolina Point Ct	Falcon Chase Dr.	End		X		X		X		
Wind Jammer Ct.	Fawnbrook Ave	End		X		X		X		
Grand Canyon Rd	George Lyles Pkwy.	Arizona Pl				X		x		
Arizona Pl	Grand Canyon Rd.	End				X		x		
Wyoming Dr.	Poplar Tent Rd.	End				X		x		
Montana Cir.	Wyoming Dr.	Montana Cir.				X		x		
Colorado Dr	Montana Cir.	Montana Cir.				X		x		
Idaho Ln.	Colorado Dr	Montana Cir.				X		x		
Almeda Pl.	Wyoming Dr.	End				X		x		
Asheford Green Dr	Weddington Rd.	End	X			X				38
Brighton Ct	Asheford Green Dr.	End	X			X				18
Milford Ct	Asheford Green Dr.	End	X			X				9
Giverney Ct	Asheford Green Dr.	End	X			X				10
Greenside Dr.	End	End	X			X				25
Cedarfield Ct	Greenside Dr.	End	X			X				15
Greenside Ct	Greenside Dr.	End	X			X				
Bermuda Ct	Greenside Dr.	End	X			X				5
Iveywood Pl	Weddington Rd.	End		X		X				23
Summerhill Ct	Iveywood Pl	End		X		X				13
Greyson Ct	Iveywood Pl	End		X		X				4
Tenneyson Ct	Iveywood Pl	End		X		X				5
Monticello Dr.	Weddington Rd.	Alamance Dr				X		x		
Unity Ln	Gettysburg Dr.	End				X		x		
Shady Ln	Winecoff School Rd	City Limits				X		X	x	
Moss Plantation Ave.	Moss Farm St.	End Maintenance	X			X				
Prestbury Rd	Marquette St.	Astoria Ln	X			X				
Widespread Ave	Haverford Rd	Napa St.	x			X				
Laraway Ct	Widespread Ave	End	x			X				
Napa St	Moss Farm St.	End	X			X				
Storybook Ave.	Prestbury Rd	Napa St.	x			X				
Ravenscroft Ln	Capella Ave	End	X			X				
Indian Beech Ave	Ryan	End	x			X				
Broderic St.	Moss Plantation	Indian Beech Ave	X			X				
Duckhorn St	Moss Farm St.	Ravenscroft Ln	X			X				
Tramacera Ct.	Duckhorn St	End	X			X				
Eucalyptus Ct.	Ravenscroft Ln	End	X			X				
Alexia Ct	Ravenscroft Ln	End	X			X				

Bellamy Pl	Duckhorn St	End	X			X			
Elrond Dr	Clarke Creek Pkwy	End		X		X			
Rivendell Ln	Elrond Dr	Elrond Dr		X		X			
Elven Ln	Elrond Dr	End		X		X			
Taranasay Ct	Elven Ln	End		X		X			
Brandybuck Dr.	End	End		X		X			
Aragorn Ln	Wilburn Park Ln	End		X		X			
Numenore Dr	Aragorn Ln	Aragorn Ln		X		X			
Auduin Falls Dr	Aragorn Dr	Aragorn Ln		X		X			
Edinburgh Ln	Millstream Ridge Dr	Elendil Ln		X		X			
Elendil Ln	Millstream Ridge Dr	End		X		X			
Baggins Ln	Edinburgh Ln	Elendil Ln		X		X			
Waltham Ct	Clark Creek Pkwy	Calender Ct		X		X			
Wilburn Park Dr.	Clark Creek Pkwy	Waltham Ct		X		X			

Heron Cove Ct	Wilburn Park Ln	End		X		X			
Bucklebury Ct	Walthan Ct	End		X		X			
Coatbridge Dr	Wilburn Park Ln	End		X		X			
Falmouth Ln	Wilburn Park Ln	End		X		X			
Callender Ct	Walthan Ct	End		X		X			
Paisley Dr	Callender Ct	End		X		X			

	Patching and Crack Seal
	Patching Only
	Crack Seal Only

STREETS PRESERVATION CONTRACT NO. STR19						
PATCHING AREAS/CRACK SEAL						
AREA	STREET NAME	CENTERLINE MILES	LANE MILES	LINEAR MILES OF CRACK SEAL (x6)	COMMENTS	<p style="text-align: center;">NOTE</p> <p>Exact locations, specific areas, and tonnage for patching work within the identified areas will be determined by the Transportation Director or Designated Representative in conjunction with the awarded Contractor. It is the intent of this contract to complete as much patching as needed in the identified areas as funding will allow with lower numbered areas having priority. It is understood by the City and the Contractor that this list is a general guideline and the areas and roads listed are subject to change. If patching is to be completed within 300 feet of an intersection the Contractor/Inspector is to notify City Signals department.</p>
1	Weddington Rd	2.25	9	13.5	Old Holland - Pitts School Rd	
1	Thunder Rd.	0.58	1.74	3.48		
2	McGill Ave.	1.24	3.72	7.44		
2	Spring St. N	0.90 - 1.27	2.54	7.62	Incl. N. of Buffalo?	
2	Union St N	0.68	1.36	4.08		
2	Brookwood Ave.	1.05 - 1.72	3.44	10.32	Incl. W. of Church St?	
2	Central Dr.	2.45	4.9	14.7		
3	Copperfield Blvd.	1.61	8.05	9.66		
3	Lake Concord Rd.	0.95	3.8	5.7		
3	Penny Ln.	0.47	0.94	2.82		
3	Burrage Rd.	2.74	5.48	16.44		
4	Lincoln St.	0.98	1.96	5.88		
4	Rutherford St.	0.42	0.84	2.52		
4	Zion Church Rd.	0.14	0.28	0.84		
4	Union St S	2.57	5.14	15.42		
4	Lawndale Ave	0.67	1.34	4.02		
5	Zemosa Acres Subdivision	4.79	9.58	28.74		
6	Commercial Park Dr.	0.39	0.78	2.34		
6	Concord Commons Pl.	0.07	0.28	0.42	On resurfacing list	
6	Union Cemetery Rd	1.69	3.38	10.14		
				0		
7	Aviation Blvd.	0.34	0.68	2.04		
Additional Areas	To be determined as funding allows after above locations are completed.					

ORD. #

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Appropriated Fund Balance	\$5,348,035	\$7,522,877	2,174,842
Total				<u>2,174,842</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4511-5241000	Powell Bill Street Resurfacing	1,518,981	3,693,823	2,174,842
Total				<u>2,174,842</u>

Reason: To transfer Powell Bill reserves for the resurfacing contract.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney



MARVIN CALDWELL PARK MASTER PLAN
CITY OF CONCORD
PARKS AND RECREATION
MAY 2020



ACKNOWLEDGEMENTS



Mayor and City Council

William C. "Bill" Dusch, Mayor
Andy Langford, Council Member District 1
W. Brian King, Council Member District 2
Ella Mae Small, Council Member District 3
JC McKenzie Council Member District 4
Terry Crawford Council Member District 5
Jennifer Parsley Council Member District 6
John Sweat, Jr. Council Member District 7

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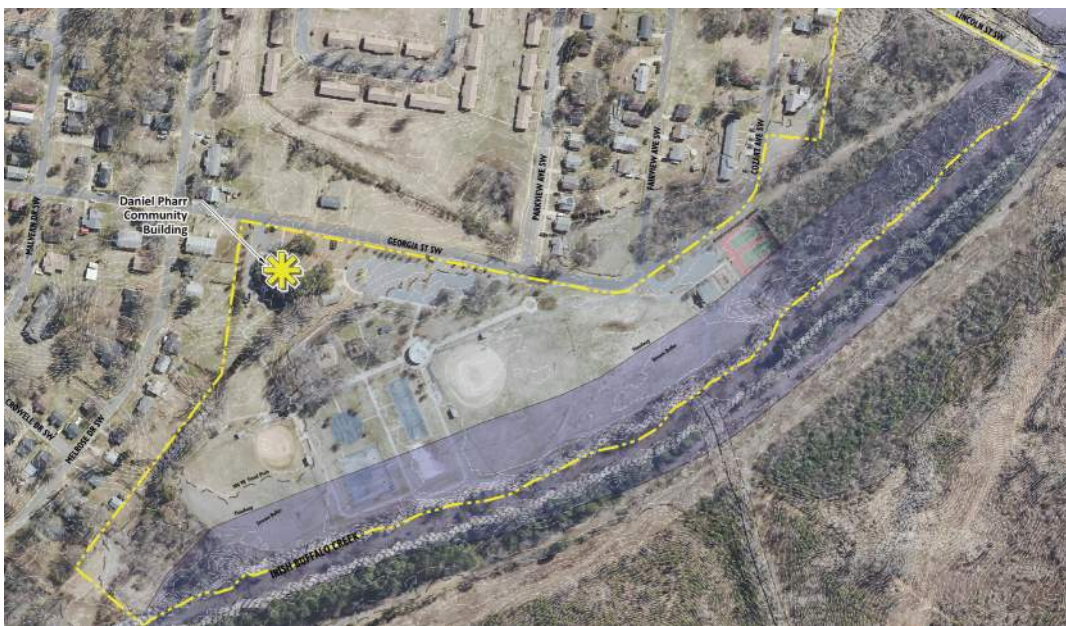
PLANNING OVERVIEW

In 1973, the City of Concord developed Marvin Caldwell Park (formerly Echo Park) in the Logan neighborhood in the southern portion of Concord. The park provides “walk to” amenities for many residents that live within a half mile radius. Irish Buffalo Creek forms the western edge of the park and has been designated as a priority corridor for the Carolina Thread Trail for the City as a 5-10 year development priority in the Open Space Connectivity Analysis adopted by City Council in May of 2019. Much of the park was originally developed using Land and Water Conservation Fund monies (LWCF 37-00295). The Daniel Pharr Community Center was added in 1999 and renovated and expanded in 2018.

Recognizing the growing need for more accessible parks and open space, the City issued a Request for Qualifications and selected a consultant to develop a Master Plan for the park in the Fall of 2018. The City’s intent is to develop a short and long term vision for the park, establish a budget for park improvements, and seek additional grant funding by having an adopted park master plan. Development of the park is anticipated over the course of the next 2-5 years.

Recognizing the importance of having the public as a partner in the planning process, one community workshop and a neighborhood meeting were held to discuss the development of the park and gather input with regards to desired recreation activities/facilities. Input from these community sessions guided the program for park development and the layout of park facilities.

The following document provides a summary of the planning process, includes a plan for park development, and provides a cost estimate for construction. The purpose of this master plan is to provide City staff and elected officials with a vision for park development, with the understanding that final design and construction will likely reflect changes based on future conditions.



EXISTING PARK SITE

SITE ANALYSIS

The following is a description of the existing natural and man-made features of Marvin Caldwell Park. These existing features are important determinants in planning the future park improvements.

NATURAL FEATURES

There are several natural features within the park site that impact future development. These features include:

Topography

There is considerable elevation change across the property, but mostly occurring in the northern corner of the site. The site's highest elevations are found along its northern boundary along the Georgia Street SW frontage. The elevations in this area range from 581 to 595. The site's lowest elevations are found along the Irish Buffalo Creek where the site is predominately flat for $\frac{3}{4}$ of the site with elevations ranging from 578 to 580.

With 30' of elevation change across the site, a small portion (under 15%) of the site has slopes in the 10-20% range. These areas of rather steep slopes run through the upper portion of the site where the Daniel Pharr Community Building and Logan Optimist Shelter are located. Areas associated with Irish Buffalo Creek, and along the flood plain, are the flattest areas on the site. Unfortunately, development of these flatter areas will be restricted due to Floodway and Special Flood Hazard designations. Upper areas of the site, running along the eastern boundary, have moderate slopes (5-10%) and can be used for some recreational activities/facilities.



While the site has considerable elevation change and areas of relatively steep slopes, the re-development of a Neighborhood Park (with low impact recreational facilities) and a greenway is an appropriate continued use of this site. Recreational facilities such as walking trails, picnic facilities, playgrounds, etc. can be developed on the slopes without significant cost or negative impact to existing site features.

Soils

Based on data obtained from the USDA Natural Resources Conservation Web Soil Survey, the site is predominantly comprised of Chewacla sandy loam (85%), with pockets of the site in the northeast and southeast corners containing Mecklenburg-Urban land complex (15%).

Chewacla sandy loams are somewhat shallow and somewhat poorly drained soils made from Loamy alluvium derived from igneous and metamorphic rock. These soils are typically found in floodplains. Areas with Chewacla sandy loam have very limited development potential for buildings and roads, with limited development potential for recreational use. Even with these prescribed development limitations, areas with Chewacla sandy loam will support road and building development, as indicated by the numerous single family homes built on similar soils in the immediate area. The construction of low impact recreational

facilities on these soils should not pose significant construction problems.

The second soil type found on the site is Mecklenburg-Urban land complex. This soil type is found along the hillsides. The Mecklenburg-Urban series consists of very deep, moderately well drained soils. The Mecklenburg soils consist of Saprolite derived from diorite and/or gabbro and/or diabase and/or gneiss. The Urban soils consist of impervious layers over human transported material.

Hydrology/Drainage

The western boundary of the park site is defined by Irish Buffalo Creek. The Floodway and 100-year Floodplain both follow the creek. There is a small tributary that drains towards the creek from the southeast corner. There is a 30' stream buffer on each side measured from the centerline of both the tributary and the creek. Given the topography, the entire site drains towards the creek.

Vegetation

The site is predominately open, some older hardwoods dot the hillside around the Daniel Pharr Community Building. There is mostly hardwood with some pine toward the eastern side along Lincoln Street SW. A few of the hardwoods within the site are of significant size, but additional inspection and confirmation is needed to determine current and future health of the trees. Any grading, demolition, construction and amenities as shown on this plan will accommodate and preserve existing trees to the greatest extent practical. There is also a thick layer of vegetation along the creek bank.

MAN-MADE FEATURES

Existing Facilities

Marvin Caldwell Park has served the residents of the Logan neighborhood for many years. The park provides opportunities for family and special events, summer day camps, walking, jogging, exercise and play. In recent years, the park has been underutilized as it begins to age within a transitioning neighborhood.

The park currently covers around 24 acres and provides a variety of active and passive recreation opportunities. The park has three entrances (and three parking areas) off Georgia Street SW, but the entrances do not connect to one another. Existing facilities in the park include:

- Daniel Pharr Community Building – Kitchen and meeting facilities, restrooms, HVAC, electricity
- Robert Mathis Amphitheater – electricity
- Logan Optimist Club Shelter – 10 picnic tables, electricity
- Caldwell Park Shelter #1 – no tables or grill
- Caldwell Park Shelter #2 – 2 picnic tables, grill
- Caldwell Park Shelter #3 - 2 picnic tables



- Tennis Court Shelter – 8 picnic tables, grill, restrooms, electricity
- Basketball Courts (4)
- Youth Baseball Fields (2)
- Tennis Courts (2)
- Playgrounds (2); Swing Set
- Skating Circle (1)
- Walking paths, sidewalks
- Restroom Building

The existing park facilities are functionally meeting many of the community’s recreational needs, however, they have been in place for many years. Some have been upgraded in recent years and others have not. This report will describe opportunities for upgrades and additions to the existing features offered at the park.

Playgrounds

The park currently has two playground areas; one playground area is located below the Daniel Pharr Community Building and features two sets of play equipment: 2-5 year olds and 5-12 year olds. Playground equipment is relatively recent with Fibar type surfacing. Two small plastic ADA access ramps were added in 2018 connecting the surrounding grass area to each play area. The second play area is located at the tennis courts and features a three-bay swing set (6 swings).



Picnic Shelters

There are five (5) picnic shelters within the park; one shelter (picnic tables and grill removed), is located near the north ballfield, one shelter (2 picnic tables, 1 grill), is located between the basketball courts and the parking area, one shelter is located southeast of the Daniel Pharr Community Building (2 picnic tables), the Logan Optimist Shelter (10 picnic tables, electricity), is located between the Daniel Pharr Community Building and the parking area, and one shelter (8 picnic tables, grill, restrooms, electricity) is located at the tennis courts. Four shelters should be replaced with updated facilities. The picnic tables have been removed from Caldwell Park Shelter #1 due to its hidden location within the park and the loitering and illicit activities that have occurred here in recent years. This shelter is still needed, but should be relocated to a more visible area of the park. Caldwell Park Shelters #2 and #3 are in need of replacement and better connectivity within the park. The Logan Optimist Shelter should become more open; the existing concrete wall is very confining and the structure exhibits signs of age and rot. The Tennis Court shelter should be reconfigured to eliminate the screening effect of the restroom component from the shelter side.



Community Building

The Daniel Pharr Community Building features a kitchen with meeting facilities, restrooms, HVAC, and electricity. It is routinely used by local community groups. The facility is in very good shape, but could be improved with the addition of attached outdoor space, either through a terrace or open air deck. The center could also benefit from some additional proximate parking spaces.

Trail System

There is an existing trail system with a combination soft surface/gravel trail on the creek side of the park connecting with the concrete sidewalks within the park forming walking and cycling loops that are well used by the neighborhood. Could become part of the future Irish Buffalo Creek Greenway.

Tennis Courts

The two tennis courts on the south end of the park are lighted and still in very good shape, but are exhibiting some cracking. There could be the opportunity to add striping for pickleball to expand the offerings at these courts.

Ballfields

There are two (2) lighted ballfields within the park; (1) - 275', (1) - 300'. Both fields are still in good shape, though the northern field is not used as much and will be pinched by the development of the future Irish Buffalo Creek Greenway corridor. Both fields have covered dugouts and bleacher seating.

Basketball Courts/Skating Circle

There are four (4) full size lighted basketball courts in the center of the park. All four courts have been recently resurfaced. Two of the courts are heavily used in the summer months by the Summer Playground program, so consideration should be given to providing a shade cover over at least two (2) of the courts with the ability to multi-stripe the courts for flex use. The skating circle is no longer used and could be relocated for conversion to a splash pad.

Amphitheater

The Robert Mathis Amphitheater is the only used element within the larger support facility for the ballfield.



The press box and concessions area are closed off. Local community groups use the amphitheater regularly during warmer months. It is worth considering replacement of this structure with a standalone amphitheater facility relocated away from the ball field and closer to restroom facilities.

Pedestrian and Bicycle Access

With approximately two-thirds of the park property bordering single and multi-family residences, future development of the property should facilitate pedestrian and bicycle access to and around the park and the connection to the future Irish Buffalo Creek Greenway. There is not currently a sidewalk running along the park frontage on Georgia Street SW.

Support Facilities

A restroom facility at the center ballfield and restrooms at the tennis courts serve the park. Fixtures and partitions in the restrooms may not all meet ADA requirements, so it is recommended that an ADA assessment be conducted. The current design of the central facility also currently creates potential blindspots. Not all recreation facilities in the park are conveniently connected to the restrooms in an accessible or proximate manner. Improvements should be made to the restrooms to provide better connectivity and accessibility.



Parking occurs in three non-connected locations off Georgia Street SW. A small lot (3 spaces) is located adjacent to the Daniel Pharr Community Building. The main parking area has 54 spaces and features a drop off below the Logan Optimist Shelter and the Daniel Pharr Community Building with connectivity uphill via sidewalk. There is another 24-space lot at the tennis courts with no striped ADA access aisles.

Existing Programs

Currently, the park is used for the following programs: Summer Playground for 6-10 year olds, Softball/Baseball team practice and play, and Football team practice. Community reservations are available at the park for the shelters and Daniel Pharr Community Building. Special events are also held at the park like National Night Out.

Zoning

The site is currently zoned RC which allows for development of all parks and open spaces with the facilities and activities proposed for this master plan.

Surrounding Land Use

The park site is surrounded on three sides by single family and multi-family residential of the Logan neighborhood. Irish Buffalo Creek forms the western edge of the park.

Utilities

With the park site being located within residential development, the site is well served by utilities. Water and sanitary sewer are available along Georgia Street SW. Sanitary sewer also crosses the length of site from the northeast to the southwest. Power is available on the site which also appears to offer 3-Phase lighting.

SITE ANALYSIS SUMMARY

Opportunities

- Flat to gently sloping site provides visual interest with some of the mature trees and some nice views. Elevation change is enough to add interest without creating development issues or creating barriers to accessibility.
- Site is well served by public utilities, reducing infrastructure installation costs.
- Existing open areas reduce potential construction costs by reducing clearing and grubbing required for re-development.
- Several existing facilities can remain in whole (Daniel Pharr Community Building, Tennis Courts, Ballfields) or in portion (Playgrounds, Basketball Courts, Parking Areas).
- Pedestrian and bicycle connectivity to the park in place with minor enhancements and off-site connections. Proposed development of the first segment of the Irish Buffalo Greenway will greatly enhance connectivity to the park and neighborhoods.
- Acquisition of several adjoining, vacant sites close to the railroad for continuation of the greenway and better connectivity to the neighborhood.

Constraints

- Large portions of the site lie within the floodway and floodplains from Irish Buffalo Creek. Recreation facilities must be carefully located to minimize flooding. Facilities must be designed to minimize flooding impacts.
- Majority of soils found onsite have development restrictions requiring special care in facility placement and design. Some undercutting and structural soil replacement may be required for the greenway and park structure pads. Subsurface soil investigation is recommended, and should occur during the detailed design phase to confirm any structural soil needs.
- Marvin Caldwell Park is still a popular park and is routinely used. The support structures (restrooms, shelters) are outdated and pose perceptions of “blindspots” to many users.
- Accessibility throughout park needs enhancement.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

There is an opportunity during this master planning process to apply the principles of CPTED in the design of the renovated park. These four principles include:

- o Natural Access Control - single, clearly identifiable, point of entry
- o Natural Surveillance – physical feature placement; maximize visibility
- o Territoriality – social control; reinforce public vs. private space
- o Maintenance – sense of ownership; support for space

COMMUNITY ENGAGEMENT

Recognizing that the proposed park re-development is important to the neighborhood and surrounding residents, the City embarked on a community engagement process to gather input from citizens on recreational needs and desired outcomes of this planning process. A community workshop was advertised through direct mail and email to households adjacent to or in the near vicinity of the park site as well as being posted on the City’s website.

Community Input - Part 1

The first community meeting was held October 14, 2019 from 5-7pm at the Daniel Pharr Community

Building. Twenty people attended the meeting. Staff from Benesch (the park planning consultant) and the City's Parks and Recreation Department facilitated the workshop and were available to discuss the project with attendees.

The format of the meeting was an informal drop-in workshop. Following sign in, attendees were invited to review display boards that provided information on existing conditions at the park site (man-made features, soils, slopes, etc.) and ask questions regarding the site and the City's future plans to re-develop a park. Following their review of existing conditions information, attendees were invited to consider a list of potential recreational activities that are typically found in a Neighborhood Park. Attendees were given 3 adhesive dots (blue and yellow) and asked to identify the activities that they felt should be included on the park master plan. In addition to providing a list of appropriate facilities and activities, attendees were instructed that they could write in any facilities or activities they felt should be included in the plan.

As part of their orientation, attendees were informed that the City does not have immediate plans for park development. The plan is to develop and adopt the Master Plan in 2020, with potential construction in 2021-2022.

Caldwell Park Master Plan | Recreational Amenities
 City of Concord Parks & Recreation | 10.14.2019
 Concord, North Carolina

Key
 ○ Currently Used
 ○ Would like to See Offered

PICNIC SHELTERS / PICNIC AREAS OUTDOOR BASKETBALL COVERED OUTDOOR COURT SPACE
 OUTDOOR TENNIS SPLASH PAD/WATER PARKS PLAYGROUNDS (2-5 YR)
 PLAYGROUNDS (5-12 YR) OUTDOOR MULTI-PURPOSE SPORT FIELDS BASEBALL & SOFTBALL FIELDS
 RESTROOMS/SHELTER COMBINATION OUTDOOR AMPHITHEATER GREENWAY TRAIL SYSTEM

benesch

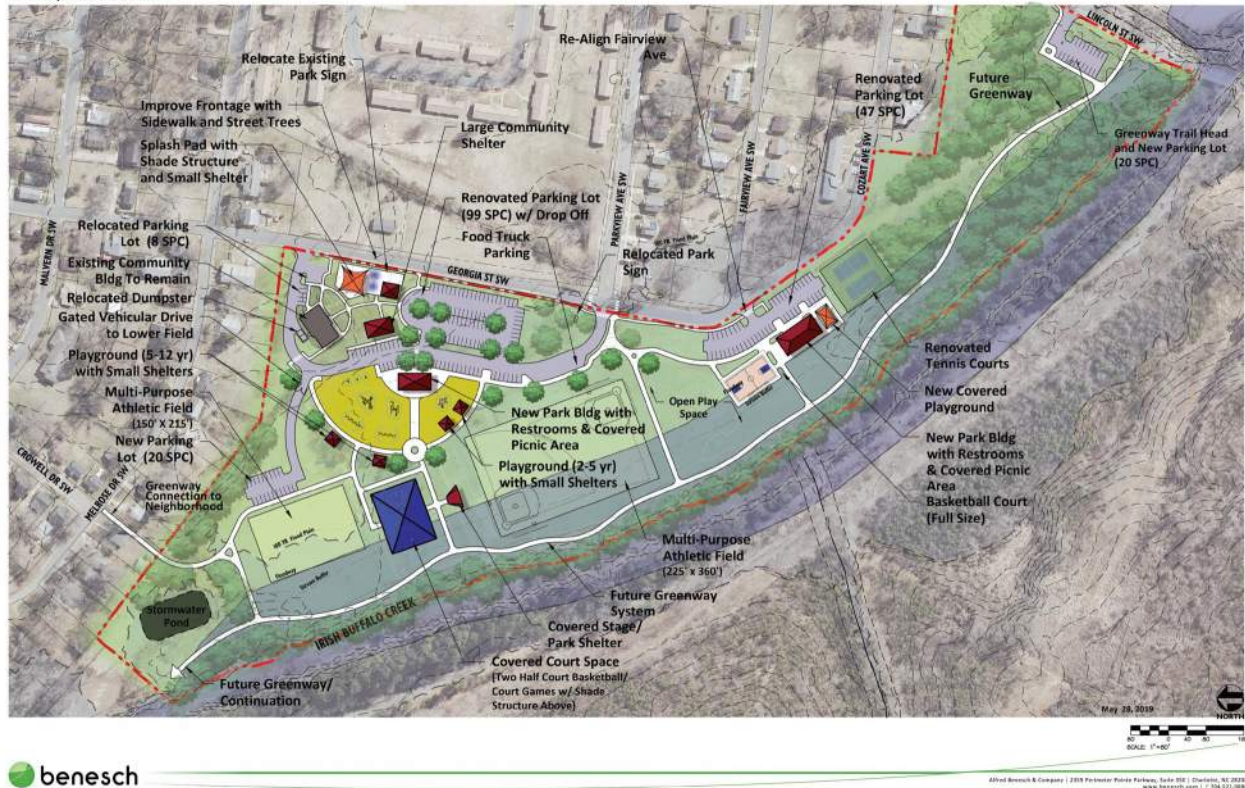
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Generally, everyone attending the workshop was supportive of park re-development and felt that new recreational facilities would be well used by those living in the area. As expected, many attendees expressed concerns over privacy, safety, traffic, etc. but everyone felt those issues could be addressed with proper care in developing the park plan.

Based on input from attendees, the following facilities were listed as the top priorities (in order of preference):

1. Splash Pad/Water Park
2. Covered Outdoor Court Space
3. Playgrounds (2-5 yrs.)
4. Greenways/Trails
5. Playgrounds (5-12 yrs.)
6. Multi-Purpose Sports Field
7. Outdoor Amphitheater
8. Restrooms/Shelters
9. Outdoor Tennis

Caldwell Park | Conceptual Site Plan
Concord, North Carolina



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In addition to “voting” on recreational facilities for future park development, attendees were invited to provide written comments with regard to conceptual site plan. The following comments were made:

- Expand Daniel Pharr Community building (outdoor space)
- Cover of open space at the amphitheater; fans overhead
- No name changes on shelters or buildings
- More swings
- Remove proposed parking (20 spaces) at new multi-purpose field location
- Leave existing amphitheater; church services held there now
- Need to develop organized basketball camp or tennis program (youth programs)
- Restroom/shelter combination upgrade is necessary
- I really like the proposed covered court space and the greenway/walking improvements
- We need covered playground structures for the kids!
- It would be helpful to have amphitheater closer to restrooms
- Covered shelter would be a great addition
- Consider adding a dog park
- We need more pickleball courts
- A splashpad would be wonderful because we do not have a swimming pool in this area

Overall, the workshop was well attended by regular park users and supporters and provided very good information with regard to desired activities and park development concerns. Input from the workshop was used to continue developing a program for park development and a preliminary master plan for the park.



An updated preliminary master plan was prepared and presented to Parks & Recreation staff. Staff approved the plan, but asked that the plan be modified to include a sidewalk connection from the Logan Community across Georgia Street SW and to change the large amphitheater to a multi-purpose shelter. A modified master plan was prepared for display to the neighborhood and community at the January 27, 2020 meeting.



Community Input - Part 2 (Logan Neighborhood Association Meeting)

The second community meeting was held January 27, 2020 at 6:00pm during the regular Logan Neighborhood meeting held at the Logan Multi-Purpose Center. Several neighborhood residents and city staff attended the meeting. Benesch (the park planning consultant) and the City’s Parks and Recreation Department presented the master plan and summarized the planning process as well as the results of the community workshop held in the Fall.

Comments and questions made during this meeting included the following:

- Please describe what is meant by “inclusive” play?
- Will the park have electrical outlets for food trucks to plug into?
- What is the anticipated date of construction?
- What are the next steps to get to construction?
- How will the greenway work in conjunction with the park?

RECREATIONAL FACILITY NEEDS

As a part of the Comprehensive Parks & Recreation Master Plan for Concord, developed in December 2016, there were some facility needs identified specifically for Marvin Caldwell Park, including:

- Replace playground safety surface to poured in place rubber and eliminate curb to allow for accessible play equipment (Accessible ramps were added in 2018)
- Provide shade structures at all uncovered bleachers

- Upgrade wood light poles (at basketball courts) and replace lighting with energy efficient fixtures
- Re-purpose empty space into sand volleyball court
- General Community Building and restroom upgrades (Building upgrades have been completed)
- Re-purpose skating rink to splash pad (locating a splash pad at Caldwell Park was also noted under Facility Recommendation 4: Develop New Special Purpose Facilities)
- Softball infields need general maintenance

Two strategies within the Comprehensive Parks & Recreation Master Plan can also be adopted in the re-development of Caldwell Park as far as applying system-wide accessibility standards for facilities. Performing park specific accessibility audits and inventories was partially conducted as part of the Caldwell Park master planning process. This inventory can be carried further as the planning process transitions into detailed design. Likewise, adopting a system-wide standard based on Universal Design Principles as part of the detailed design process should be explored as well.

PROGRAM DESCRIPTION/CONCEPT DEVELOPMENT

Based on the site analysis, site limitations and input received from Parks and Recreation staff and the community meetings, a final master plan was developed.

The Parks and Recreation staff reviewed and discussed the programming input and worked with Benesch to develop a final master plan based on the following program preferences:

- Greenway with Trailhead and Parking
- Open Space/Natural Areas
- Paved Walking Trails
- Inclusive Playground and Splash Pad (Splash pad would replace the existing Skating Circle)
- Picnic Shelters/Picnic Areas – Have one group shelter to replace the Logan Optimist Shelter and then several smaller shelters to replace existing small shelters located throughout the park
- Restrooms with Picnic Shelter Combinations to replace the existing restroom structures in the park.
- Covered Court Space (for summer day camp programs)
- Sidewalk connectivity along Georgia Street SW and pedestrian connections across Georgia to public multi-family housing property
- Food Truck parking with shade structures
- Replace/upgrade the Robert Mathis Amphitheater, including electrical connections
- Large Multi-Purpose Amphitheater/Stage
- Retain at least one diamond ballfield, if possible
- Two Multi-Purpose fields
- Deck/Terrace Addition to the Daniel Pharr Community Building
- Expanded parking and improved vehicular and pedestrian circulation throughout the park.

As a result of a severe weather event in early February 2020, an existing ballfield at Les Myers Park was heavily damaged. The combination of this extreme weather damage and an 80% increase in baseball sign-ups for Spring 2020, the City determined that both existing ballfields at Caldwell Park needed to remain in use for the near-term future necessitating additional modifications to the final master plan. A revised final master plan, including two ballfields and one multi-purpose field, was prepared and presented to Parks & Recreation staff. Staff approved the plan, and recommended it be presented to the Logan Neighborhood Board in May 2020 and the City Council for adoption in June 2020.

Caldwell Park | Master Plan

Concord, North Carolina



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FINAL MASTER PLAN/PHYSICAL NEEDS

The final master plan was developed by matching the recreational needs expressed by the community and staff with the physical conditions found on the existing site for the park re-development. The description of park elements is broken into the different recreation areas.

Greenway/Walking Trails

Paved walking trails (8-10' wide), including loop trails will be developed within the park to provide circulation and exercise for walking and jogging. In addition, the first segment of the Concord end of Irish Buffalo Creek Greenway is proposed as a part of the park renovation. The greenway will extend approximately 2,800 LF across the length of the park starting at a trailhead with parking at Lincoln Street SW with neighborhood connections to the north at Melrose Drive SW as well as connections within the park. Sidewalk across the frontage of Georgia Street SW is proposed as well as new pedestrian connections to the east via Parkview Avenue SW.

"Inclusive" Playground

The master plan proposes enlarging the core playground area with play equipment and swings all combined within poured in place or other comparable, accessible surface type. Existing play equipment from the core playground area will be relocated to the tennis court area. While the current play equipment is still in good shape and could be reused, there is an opportunity to introduce more inclusive playground elements to serve a broader range of the special needs population making the playground more of a destination for the local region as well as the neighborhood.



Picnicking

The ‘Logan Optimist’ community shelter will be replaced, relocated, and maintained as a large group shelter. Group shelters will also be constructed in combination with the restroom facility in the core area of the park, and with the restroom at the tennis courts. A smaller shelter will be located at splash pad. In addition, fabric type shade structures will be constructed around the multi-purpose field that can be used in conjunction with food truck events and small group usage.

Splash Pad

A splash pad will be constructed to replace the existing skating circle. A shade structure will be included in addition to the shelter mentioned in the picnicking section above.

Basketball/Covered Court Space

Two of the existing basketball courts will remain in the core area, but will be covered to increase usage of the courts during the summer camp programs. Two new basketball courts will be located at the south end of the park near the tennis. There will still be four (4) basketball courts in the park that can be flexed for other court games.

Tennis/Pickleball

The existing tennis courts will remain in the south end of the park, but will also be striped to accommodate an opportunity to introduce pickleball in the park.

Baseball/Multi-Purpose Fields

Due to the damage to the ballfield at Les Myers Park both diamond ballfields will remain at Caldwell Park, but be redefined/resized for particular youth leagues. The larger ballfield will be reduced in size to a 275’ outfield to allow more room for the greenway corridor. A multi-purpose field, sized for soccer, is proposed paralleling the creek extending from the outfield of the smaller ballfield (200’ outfield) towards the relocated basketball courts to the south. All fields will be lighted.

Special Events

Special events are also supported in the park with the replacement and proposed relocation of the Robert Mathis amphitheater, south of the Daniel Pharr Community Building, as well as the shade structures and parallel parking along the park entrance road to support food truck events.

Support Facilities

Both restroom facilities will be replaced at each end of the park and will be enhanced with combination picnic shelters. The core parking has been expanded and is now connected to a secondary access from Georgia Street SW via the drive access to the Daniel Pharr Community Building. Additional parking is also proposed at the south end of the park supporting the tennis area, and at the new greenway trailhead off Lincoln Street SW.

PROJECT COSTS

An order of magnitude budget estimate was developed for the improvements shown in the final park master plan. Total build out of Marvin Caldwell Park, including a portion of the Irish Buffalo Creek Greenway, is currently estimated to cost approximately \$8,534,836.32. This overall projected construction cost is broken into the following project element costs:

Order of Magnitude Budget Estimate

Prepared 5/22/2020; Based on Master Site Plan - dated 5/21/2020

<u>Item</u>	<u>Cost</u>
Clearing/Demolition	\$357,500.00
Grading/Erosion Control	\$467,850.00
Storm Drainage	\$261,100.00
Parking Improvements	\$380,075.00
Sidewalks	\$364,260.00
Greenway & Greenway Parking Lot	\$679,089.00
Connectivity - Offsite	\$305,210.00
Park Structures	\$920,000.00
Park Furnishings	\$ 83,600.00
Basketball	\$364,900.00
Park Amenities	\$490,900.00
Playgrounds	\$489,000.00
Multi-Purpose Field	\$273,350.00
Baseball Field, 200' Outfield	\$205,477.50
Baseball Field, 275' Outfield	\$357,777.50
Landscape	\$ 83,475.00
Utilities	<u>\$101,100.00</u>
Probable Sub-Contractor Budget	\$6,184,664.00
Contractor Fees and General Conditions (15% +/-)	<u>\$ 927,699.60</u>
Probable Total Construction Budget (w/out Contingency)	\$7,112,363.60
Design Fees, Survey, Geotechnical (10%+/-)	\$711,236.36
General Contingency (10%+/-)	\$711,236.36
Total additional fee items and contingency	<u>\$1,422,472.72</u>
Probable Total Budget (w/additional fees and contingency)	\$8,534,836.32

The City should consider seeking grant funding through Land and Water Conservation Fund (LWCF) and/or Parks and Recreation Trust Fund (PARTF) to assist with phasing of the park. Likewise, grant funding from Carolina Thread Trail (CTT), Recreational Trails Program (RTP) and/or Clean Water Management Trust Fund (CWMTF) may assist with the development of the greenway. Other City departments/agencies may be able to assist and partner on developing some of the pedestrian infrastructure along Georgia Street SW.

Grant parameters include:

- PARTF - Applications due 5/1; 50/50 match up to \$500,000; awards made in late Summer
- LWCF - Applications due 7/1; 50/50 match up to \$500,000; awards made in the Fall
- CTT - Spring & Fall funding cycles; Trail construction grant requests up to \$100,000
- RTP - Pre-applications due late February; final applications due in September; awards made in October
- CWMTF - Applications due early February; awards made in September



EXHIBITS

Caldwell Park | Master Plan

Concord, North Carolina



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Caldwell Park
Concord, North Carolina
Order of Magnitude Budget Estimate (Full)
Prepared 05/22/2020
Based on Master Site Plan dated 05/21/2020

Item	Cost
Clearing/Demolition	\$357,500.00
Grading/Erosion Control	\$467,850.00
Storm Drainage	\$261,100.00
Parking Improvements	\$380,075.00
Sidewalks	\$364,260.00
Greenway & Greenway Parking Lot	\$679,089.00
Connectivity - Offsite	\$305,210.00
Park Structures	\$920,000.00
Park Furnishings	\$83,600.00
Landscape	\$83,475.00
Basketball	\$364,900.00
Park Amenities	\$490,900.00
Playgrounds	\$489,000.00
Multi Purpose Field	\$273,350.00
Baseball Field, 200' Outfield	\$205,477.50
Baseball Field, 275' Outfield	\$357,777.50
Utilities	\$101,100.00
Probable Sub-Contractor Budget	\$6,184,664.00
Contractor Fees and General Conditions (15%+/-)	\$927,699.60
Probable Total Construction Budget (Without Contingency)	\$7,112,363.60
Design Fees, Survey, Geotechnical (10%+/-)	\$711,236.36
General Contingency (10%+/-)	\$711,236.36
Total additional fee items and contingency	\$1,422,472.72
Probable Total Budget (including additional fees and contingency)	\$8,534,836.32

Note: This estimate has been prepared based on the elements reflected at a master planning level. General assumptions have been made on anticipated design & engineering needs that may be needed to implement the master plan elements. Upon completion of an as-built survey, subsurface investigation and final design, engineering & architecture, a refined cost estimate should be prepared reflective of a complete final design. Furthermore, the above estimate is based on 2020 construction dollars and will need to be updated to reflect the time frame in which the project will be constructed.



Caldwell Park Master Plan

Clearing/Demolition

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Clearing and Grubbing (General)	ac	2.00	\$7,000.00	\$14,000.00
2	Remove Existing Trees	ls	1	\$25,000.00	\$25,000.00
3	Remove Asphalt Pavement (Parking and Misc Courts)	sy	5,500	\$10.00	\$55,000.00
4	Remove Asphalt Pavement (Tennis Courts)	sy	0	\$10.00	\$0.00
5	Remove Concrete Sidewalk	sy	4,000	\$12.00	\$48,000.00
6	Remove Shelter (Large)	ea	1	\$8,000.00	\$8,000.00
7	Remove Shelters (Small)	ea	3	\$6,000.00	\$18,000.00
8	Remove Dugouts	ea	4	\$6,000.00	\$24,000.00
9	Remove Park Buildings	ea	3	\$15,000.00	\$45,000.00
10	Remove Dumpster Enclosure	ea	1	\$4,500.00	\$4,500.00
11	Remove Athletic Field Fencing	lf	3,800	\$6.00	\$22,800.00
12	Relocate Bleachers - Onsite (4 row x 28 length)	ea	4	\$550.00	\$2,200.00
13	Sport Lighting Poles (To Owner Storage Yard)	ea	26	\$3,500.00	\$91,000.00
Probable Clearing/Demolition Budget					\$357,500.00

Grading/ Erosion Control

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Construction Layout and Mobilization	acre	18.00	\$4,400.00	\$79,200.00
2	Silt Fence	lf	2,750	\$4.50	\$12,375.00
3	Construction Entrance	ea	1	\$2,500.00	\$2,500.00
4	Erosion Control/Skimmer Basins	ea	2	\$12,000.00	\$24,000.00
5	Temporary Diversion Ditch	lf	3,000	\$4.00	\$12,000.00
6	Grading with On-Site Material, Cut/fill 1.5'	cy	26,000	\$5.00	\$130,000.00
7	Grading with Off-Site Material	cy	7,000	\$18.00	\$126,000.00
8	Strip Topsoil, 6" Depth (Parking/Sidewalks)	cy	10,000	\$4.75	\$47,500.00
9	Inlet Protection	ea	12	\$200.00	\$2,400.00
10	Grassing, Fertilizer, Mulch	acre	9.00	\$2,800.00	\$25,200.00
11	Swale and Slope Stabilization	ls	1	\$3,000.00	\$3,000.00
12	Rock Opening in Silt Fence	ea	3	\$245.00	\$735.00
13	Rock Check Dam	ea	12	\$245.00	\$2,940.00
Probable Grading/Erosion Control Budget					\$467,850.00

Storm Drainage

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Catch Basin/ Yard Inlet	ea	12	\$2,600.00	\$31,200.00
2	Stormwater Detention Pond	ls	2	\$50,000.00	\$100,000.00
3	18" RCP (Assumed Size)	lf	2500	\$48.00	\$120,000.00
4	18" Pipe End Section	ea	6	\$1,000.00	\$6,000.00
5	Rip-rap	ton	60	\$65.00	\$3,900.00
Probable Storm Drainage Budget					\$261,100.00

Caldwell Park Master Plan

Parking Lot Improvements

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Asphalt - Standard Duty (2" Depth, Parking Lot)	ton	460	\$125.00	\$57,500.00
2	ABC Stone, (6" depth)	ton	1,380	\$35.00	\$48,300.00
3	Asphalt - Heavy Duty (4" Depth, Parking Lot)	ton	995	\$125.00	\$124,375.00
4	ABC stone, (8" Depth)	ton	1,990	\$35.00	\$69,650.00
5	Curb and Gutter, 1'-6"	lf	2,200	\$16.00	\$35,200.00
6	Fine Grade Roads/Parking	sy	8,675	\$2.00	\$17,350.00
7	Parking Lot Striping / ADA signage	ls	1	\$3,500.00	\$3,500.00
8	Cross Walk Striping / ADA signage	ea	5	\$2,000.00	\$10,000.00
9	Accessible Curb Ramps	ea	12	\$1,000.00	\$12,000.00
10	Stop Signs, Misc. Signage	ls	1	\$1,000.00	\$1,000.00
11	Conc. Wheelstops	ea	8	\$150.00	\$1,200.00
12	Parking Lot Lighting (By Owner)	ea	0	----	-----
Probable Parking Improvements Budget					\$380,075.00

Sidewalks/Concrete Paving

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Concrete Sidewalk (On Site)	sy	7,315	\$40.00	\$292,600.00
2	Concrete Paving, Heavy Duty and Pads	sy	800	\$48.00	\$38,400.00
3	Patio (Daniel Pharr Community Bldg)	sf	900	\$15.00	\$13,500.00
4	Fine Grade Sidewalks	sy	9,880	\$2.00	\$19,760.00
Probable Sidewalks Budget					\$364,260.00

Caldwell Park Master Plan

Greenway & Greenway Parking

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Clearing and Grubbing	ac	3	\$7,000.00	\$19,950.00
2	Construction Entrance	ea	1	\$2,500.00	\$2,500.00
3	Grading With On-Site Material, Cut/fill 1.5'	cy	9,000	\$5.00	\$45,000.00
4	Silt Fence	lf	3,000	\$4.50	\$13,500.00
5	Silt Fence Rock Opening	ea	5	\$245.00	\$1,225.00
6	Rock Check Dam	ea	12	\$245.00	\$2,940.00
7	Permanent Swale	lf	6,000	\$5.00	\$30,000.00
8	Sediment Trap	ls	4	\$9,500.00	\$38,000.00
9	Undercut of Unsuitable Material	cy	3,800	\$15.00	\$57,000.00
10	Import of Engineered Soil	cy	3,800	\$25.00	\$95,000.00
11	Asphalt Trail (2" depth)	ton	735	\$125.00	\$91,875.00
12	ABC Stone (6" depth)	ton	2,205	\$35.00	\$77,175.00
13	Fine Grade	sy	6,650	\$2.00	\$13,300.00
14	Asphalt - Parking Lot (2" Depth)	ton	100	\$125.00	\$12,500.00
15	ABC Stone, (6" depth)	ton	300	\$35.00	\$10,500.00
16	Fine Grade	sy	880	\$2.00	\$1,760.00
17	18" Curb & Gutter	lf	540	\$16.00	\$8,640.00
18	Parking Lot Striping / ADA signage	ls	1	\$500.00	\$500.00
19	Concrete Sidewalk	sy	312	\$40.00	\$12,480.00
20	Fine Grade	sy	312	\$2.00	\$624.00
21	18" Storm Drainage Pipe	lf	1,200	\$48.00	\$57,600.00
22	Flared End Section	ea	4	\$1,200.00	\$4,800.00
23	Geo-Grid	sy	5,000	\$5.50	\$27,500.00
24	Seeding	acre	2.40	\$2,800.00	\$6,720.00
25	Vehicular Gates	ea	2	\$3,500.00	\$7,000.00
26	Signage, Trail Head Monumentation	ea	2	\$9,500.00	\$19,000.00
27	Signage, Neighborhood Connection	ea	2	\$3,100.00	\$6,200.00
28	Signage, Trail Informational (Minor)	ea	8	\$350.00	\$2,800.00
29	Trash/Recycle Station (2 units/station)	ea	1	\$8,000.00	\$8,000.00
30	Removeable Bollards	ea	4	\$500.00	\$2,000.00
31	Permanent Bollards	ea	10	\$300.00	\$3,000.00
Probable Greenway & Greenway Parking Lot Budget					\$679,089.00

Connectivity - Offsite

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Clearing and Grubbing (No Side of Georgia)	ac	0.3	\$7,000.00	\$1,750.00
2	Grading w/On-Site Material, Cut/fill 1.0'	cy	500	\$5.00	\$2,500.00
3	Silt Fence (No Side of Georgia)	lf	900	\$4.50	\$4,050.00
4	Silt Fence Rock Opening (No Side of Georgia)	ea	2	\$245.00	\$490.00
5	Rock Check Dam (No Side of Georgia)	ea	2	\$245.00	\$490.00
6	Permanent Swale (No Side of Georgia)	lf	500	\$5.00	\$2,500.00
7	Concrete Pathway (No Side of Georgia)	sy	775	\$40.00	\$31,000.00
8	Fine Grade (No Side of Georgia)	sy	775	\$2.00	\$1,550.00
9	24" Storm Drainage Pipe (No Side of Georgia)	lf	30	\$56.00	\$1,680.00
10	Flared End Section (No Side of Georgia)	ea	2	\$1,200.00	\$2,400.00
11	Geo-Grid (No Side of Georgia)	sy	1,100	\$5.00	\$5,500.00
12	Seeding (No Side of Georgia)	acre	0.25	\$2,800.00	\$700.00
13	Cross Walk Striping / ADA signage (No Side of Georgia)	ea	3	\$2,000.00	\$6,000.00
14	Concrete Sidewalk (Georgia Ave. Frontage 1,550 LF)	sy	865	\$40.00	\$34,600.00
15	Rdwy - Georgia & Fairview - Rev Intersection	ls	1	\$75,000.00	\$75,000.00
16	Rdwy - Georgia - Round About at Entry	ls	1	\$135,000.00	\$135,000.00
Probable Connectivity Budget					\$305,210.00

Caldwell Park Master Plan

Park Structures

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Park Building w/ Restroom (1 Men & 1 Women)	ea	2	\$285,000.00	\$570,000.00
2	Maintenance/Storage Building	ea	0	\$100,000.00	\$0.00
3	26'x26' Picnic Shelters/Concrete Pad (Splash Pad)	ea	1	\$50,000.00	\$50,000.00
4	30'x70' Picnic Shelter/Concrete Pad (Logan Optimist)	ea	1	\$125,000.00	\$125,000.00
5	30'x30' Shade Structures (Multi-Purpose Field)	ea	2	\$45,000.00	\$90,000.00
6	Amphitheater/Stage (Robert Mathis)	ea	1	\$50,000.00	\$50,000.00
7	Existing Park Sign (to remain)	ls	---	---	---
8	Dumpster Enclosure Relocation	ls	1	\$35,000.00	\$35,000.00
Probable Park Structures Budget					\$920,000.00

Park Furnishings

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Trash/Recycle Stations (2 units/station)	ea	3	\$8,000.00	\$24,000.00
2	Benches	ea	14	\$1,000.00	\$14,000.00
3	Picnic Tables	ea	14	\$1,200.00	\$16,800.00
4	Picnic Table, ADA	ea	4	\$1,300.00	\$5,200.00
5	Large Group Grills	ea	4	\$800.00	\$3,200.00
6	Water Fountains	ea	2	\$2,500.00	\$5,000.00
7	Bike Racks	ea	2	\$800.00	\$1,600.00
8	Vehicular Gates	ea	3	\$3,500.00	\$10,500.00
9	Removable Bollards	ea	3	\$500.00	\$1,500.00
10	Permanent Bollards	ea	6	\$300.00	\$1,800.00
Probable Park Furnishings Budget					\$83,600.00

Landscape

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Large Trees, Park Area	ea	90	\$375.00	\$33,750.00
2	Large Trees, Greenway Area	ea	35	\$375.00	\$13,125.00
3	Small Trees/Large Shrubs	ea	100	\$175.00	\$17,500.00
4	Medium Shrubs, Parking Area	ea	100	\$65.00	\$6,500.00
5	Meadow Mix	ac	2	\$6,300.00	\$12,600.00
Probable Landscape Budget					\$83,475.00

Caldwell Park Master Plan

Basketball (2 Full Courts/Covered)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Fence - 10' hgt., 9 ga., galvanized	lf	0	\$40.00	\$0.00
2	Asphalt Paving, 2"	ton	265	\$125.00	\$33,125.00
3	CABC Stone, 6"	ton	795	\$35.00	\$27,825.00
4	Fine Grading	sy	2,400	\$2.00	\$4,800.00
5	Basketball Goal & Backboard	ls	4	\$3,500.00	\$14,000.00
6	Court Surface	ea	2	\$8,600.00	\$17,200.00
7	Fabric Shade Structure	ea	1	\$150,000.00	\$150,000.00
Probable Basketball Court Budget					\$246,950.00

Basketball (2 Full Courts)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Fence - 10' hgt., 9 ga., galvanized	lf	525	\$40.00	\$21,000.00
2	Asphalt Paving, 2"	ton	265	\$125.00	\$33,125.00
3	CABC Stone, 6"	ton	795	\$35.00	\$27,825.00
4	Fine Grading	sy	2,400	\$2.00	\$4,800.00
5	Basketball Goal & Backboard	ls	4	\$3,500.00	\$14,000.00
6	Court Surface	ea	2	\$8,600.00	\$17,200.00
Probable Basketball Court Budget					\$117,950.00

Park Amenities

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Splash Pad, Accessories & Equipment (Allowance)	ea	1	\$425,000.00	\$425,000.00
2	Ornamental Metal Fence, 4' hgt. (splash pad)	lf	550	\$38.00	\$20,900.00
3	Fabric Shade Structure (Splash Pad)	ea	1	\$45,000.00	\$45,000.00
4	Tennis Court Renovation	ea	0	\$50,000.00	\$0.00
5	Tennis Court Lighting Renovation/Re-lamp	ea	0	\$25,000.00	\$0.00
Probable Park Amenities Budget					\$490,900.00

Playground 1 (5-12 yr Age Group)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Surfacing 12" (Poured In Place)	sf	5,500	\$18.00	\$99,000.00
2	Ornamental Metal Fence, 4' hgt.	lf	0	\$38.00	\$0.00
2	Play Equipment (Allowance)	ls	1	\$75,000.00	\$75,000.00
3	Fabric Shade Structure	ea	1	\$50,000.00	\$50,000.00
Probable Playground 1 Budget					\$224,000.00

Playground 2 (2-5 yr Age Group)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Surfacing 12" (Poured In Place)	sf	5,500	\$18.00	\$99,000.00
2	Ornamental Metal Fence, 4' hgt.	lf	0	\$38.00	\$0.00
2	Play Equipment (Allowance)	ls	1	\$50,000.00	\$50,000.00
3	Fabric Shade Structure	ea	1	\$50,000.00	\$50,000.00
Probable Playground 2 Budget					\$199,000.00

Playground 3 (Tennis Court Area)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Surfacing 12" (Fibar)	sf	1,200	\$5.00	\$6,000.00
2	Play Equipment (Relocate newer unit from Core Playground)	ls	1	\$10,000.00	\$10,000.00
3	Fabric Shade Structure	ea	1	\$50,000.00	\$50,000.00
Probable Playground 3 Budget					\$66,000.00

Multi-Purpose Field - 180'x300' (Youth Size)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Soccer Goals (By Owner)	ea	2	\$0.00	\$0.00
2	Fine Grading	sy	7,000	\$2.50	\$17,500.00
3	Sprigging (Bermuda)	sf	63,000	\$0.12	\$7,560.00
4	Grassing Maintenance	ea	0	\$3,500.00	\$0.00
5	Team Benches (By Owner)	ea	2	\$0.00	\$0.00
6	Spectator Bleachers (Relocated/Re-Used - By Owner)	ls	1	\$0.00	\$0.00
7	Soil Amendments; Sand, 2" depth	cy	390	\$42.00	\$16,380.00
8	Soil Conditioner; 3" depth	cy	585	\$46.00	\$26,910.00
9	Irrigation	ls	1	\$25,000.00	\$25,000.00
10	Lighting - 50/30 ft-c, 1500W MH, 4 poles	ls	1	\$180,000.00	\$180,000.00
Probable Field Budget					\$273,350.00

Youth Baseball Field - 200'; 60' baselines

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Backstop - Traditional	ea	1	\$7,800.00	\$7,800.00
2	Fence - 8' hgt.,9 ga. (Partial Side Line)	lf	160	\$38.00	\$6,080.00
3	Fence - 6' hgt.,9 ga. (Partial Side Line)	lf	225	\$38.00	\$8,550.00
4	Fence - 6' hgt.,9 ga. (Out Field)	lf	400	\$38.00	\$15,200.00
5	Service Gate - 6' hgt.x12'w	ea	2	\$3,200.00	\$6,400.00
6	Bases (By Owner)	ls	1	\$0.00	\$0.00
7	Foul Pole (By Owner)	ea	2	\$0.00	\$0.00
8	Team Benches (By Owner)	ea	2	\$0.00	\$0.00
9	Infield Mix - 6" depth, 60/40 clay/sand	cy	95	\$85.00	\$8,075.00
10	Turf - Infield additives	ton	10	\$325.00	\$3,250.00
11	Fine Grading	sy	4,833	\$2.50	\$12,082.50
12	Outfield/Infield Foul Territory - Sprigging (Bermuda)	sf	30,000	\$0.12	\$3,600.00
13	Infield - Sod (Bermuda)	sf	3,000	\$0.60	\$1,800.00
14	Grassing Maintenance	ea	0	\$3,000.00	\$0.00
15	Dugout (By Owner)	ea	2	\$0.00	\$0.00
16	Spectator Bleachers (Relocated/Re-Used - By Owner)	ea	2	\$0.00	\$0.00
17	Soil Amendments; Sand, 2" depth	cy	205	\$42.00	\$8,610.00
18	Soil Conditioner; 3" depth	cy	305	\$46.00	\$14,030.00
19	Irrigation	ls	1	\$20,000.00	\$20,000.00
20	Lighting - 50/30 ft-c, 1500W MH, 4 poles	ls	1	\$90,000.00	\$90,000.00
21	Scoreboard (By Owner)	ea	1	\$0.00	\$0.00
22	Signage	ls	1	\$1,200.00	\$0.00
Probable 200' Ballfield Budget					\$205,477.50

Youth Baseball Field - 275'; 60' Baselines

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Backstop - Traditional	ea	1	\$7,800.00	\$7,800.00
2	Fence - 8' hgt.,9 ga. (Partial Side Line)	lf	160	\$38.00	\$6,080.00
3	Fence - 6' hgt.,9 ga. (Partial Side Line)	lf	400	\$36.00	\$14,400.00
4	Fence - 6' hgt.,9 ga. (Out Field)	lf	500	\$36.00	\$18,000.00
5	Service Gate - 6' hgt.x12'w	ea	2	\$3,200.00	\$6,400.00
6	Bases (By Owner)	ea	1	\$0.00	\$0.00
7	Foul Pole (By Owner)	ea	2	\$0.00	\$0.00
8	Team Benches- (By Owner)	ea	2	\$0.00	\$0.00
9	Infield Mix-6" depth, 60/40 clay/sand	cy	105	\$85.00	\$8,925.00
10	Turf-Infield additives	ton	10	\$325.00	\$3,250.00
11	Fine Grading	sy	8,333	\$2.50	\$20,832.50
12	Outfield/Infield Foul Territory - Sprigging (Bermuda)	sf	60,000	\$0.12	\$7,200.00
13	Infield - Sod (Bermuda)	sf	3,000	\$0.60	\$1,800.00
14	Grassing Maintenance	ea	1	\$3,000.00	\$3,000.00
15	Dugout	ea	2	\$7,200.00	\$14,400.00
16	Spectator Bleachers (Relocated/Re-Used)	ea	2	\$1,200.00	\$2,400.00
17	Soil Amendments; Sand, 2" depth	cy	390	\$42.00	\$16,380.00
18	Soil Conditioner; 3" depth	cy	585	\$46.00	\$26,910.00
19	Irrigation	ls	1	\$25,000.00	\$25,000.00
20	Lighting - 50/30 ft-c, 1500W MH, 6 poles	ls	1	\$175,000.00	\$175,000.00
21	Scoreboard (By Owner)	ea	1	\$0.00	\$0.00
22	Signage	ls	1	\$1,200.00	\$0.00
Probable 275' Ballfield Budget					\$357,777.50

Caldwell Park Master Plan

Utilities *

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	3/4" PVC Domestic Water	lf	300	\$10.00	\$3,000.00
2	1" Gate Valve	ea	3	\$550.00	\$1,650.00
3	1.5" PVC Domestic Water	lf	1100	\$15.00	\$16,500.00
4	1.5" Gate Valve	ea	3	\$750.00	\$2,250.00
5	Misc. Water Fittings, Supports, Junctions, Connection	ls	1	\$5,500.00	\$5,500.00
6	Electrical Services (Secondary)	ls	1	\$55,000.00	\$55,000.00
7	Drinking Fountain (Freestanding w/Spout)	ea	2	\$4,000.00	\$8,000.00
8	4" PVC Sanitary (Gravity Line, to in site source)	lf	500	\$16.00	\$8,000.00
9	4" PVC clean-out	ea	4	\$300.00	\$1,200.00
				Probable Utilities Budget	\$101,100.00

*Based on the assumption the park uses existing on-site utilities and the service taps will be re-used

Caldwell Park Master Plan - LWCF Facilities

Basketball (2 Full Courts/Covered)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Fence - 10' hgt., 9 ga., galvanized	lf	0	\$40.00	\$0.00
2	Asphalt Paving, 2"	ton	265	\$125.00	\$33,125.00
3	CABC Stone, 6"	ton	795	\$35.00	\$27,825.00
4	Fine Grading	sy	2,400	\$2.00	\$4,800.00
5	Basketball Goal & Backboard	ls	4	\$3,500.00	\$14,000.00
6	Court Surface	ea	2	\$8,600.00	\$17,200.00
7	Fabric Shade Structure	ea	1	\$150,000.00	\$150,000.00
Probable Basketball Court Budget					\$246,950.00

Playground 1 (5-12 yr Age Group)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Surfacing 12" (Poured In Place)	sf	5,500	\$18.00	\$99,000.00
2	Ornamental Metal Fence, 4' hgt.	lf	0	\$38.00	\$0.00
2	Play Equipment (Allowance)	ls	1	\$75,000.00	\$75,000.00
3	Fabric Shade Structure	ea	1	\$50,000.00	\$50,000.00
Probable Playground 1 Budget					\$224,000.00

Playground 2 (2-5 yr Age Group)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Surfacing 12" (Poured In Place)	sf	5,500	\$18.00	\$99,000.00
2	Ornamental Metal Fence, 4' hgt.	lf	0	\$38.00	\$0.00
2	Play Equipment (Allowance)	ls	1	\$50,000.00	\$50,000.00
3	Fabric Shade Structure	ea	1	\$50,000.00	\$50,000.00
Probable Playground 2 Budget					\$199,000.00

Multi-Purpose Field - 180'x300' (Youth Size)

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Soccer Goals (By Owner)	ea	2	\$0.00	\$0.00
2	Fine Grading	sy	7,000	\$2.50	\$17,500.00
3	Sprigging (Bermuda)	sf	63,000	\$0.12	\$7,560.00
4	Grassing Maintenance	ea	0	\$3,500.00	\$0.00
5	Team Benches (By Owner)	ea	2	\$0.00	\$0.00
6	Spectator Bleachers (Relocated/Re-Used - By Owner)	ls	1	\$0.00	\$0.00
7	Soil Amendments; Sand, 2" depth	cy	390	\$42.00	\$16,380.00
8	Soil Conditioner; 3" depth	cy	585	\$46.00	\$26,910.00
9	Irrigation	ls	1	\$25,000.00	\$25,000.00
10	Lighting - 50/30 ft-c, 1500W MH, 4 poles	ls	0	\$180,000.00	\$0.00
Probable Field Budget					\$93,350.00

Youth Baseball Field - 200'; 60' baselines

Item No.	Item	Unit	Estimated Quantity	Unit Price	Sub-Total
1	Backstop - Traditional	ea	1	\$7,800.00	\$7,800.00
2	Fence - 8' hgt.,9 ga. (Partial Side Line)	lf	160	\$38.00	\$6,080.00
3	Fence - 6' hgt.,9 ga. (Partial Side Line)	lf	225	\$38.00	\$8,550.00
4	Fence - 6' hgt.,9 ga. (Out Field)	lf	400	\$38.00	\$15,200.00
5	Service Gate - 6' hgt.x12'w	ea	2	\$3,200.00	\$6,400.00
6	Bases (By Owner)	ls	1	\$0.00	\$0.00
7	Foul Pole (By Owner)	ea	2	\$0.00	\$0.00
8	Team Benches (By Owner)	ea	2	\$0.00	\$0.00
9	Infield Mix - 6" depth, 60/40 clay/sand	cy	95	\$85.00	\$8,075.00
10	Turf - Infield additives	ton	10	\$325.00	\$3,250.00
11	Fine Grading	sy	4,833	\$2.50	\$12,082.50
12	Outfield/Infield Foul Territory - Sprigging (Bermuda)	sf	30,000	\$0.12	\$3,600.00
13	Infield - Sod (Bermuda)	sf	3,000	\$0.60	\$1,800.00
14	Grassing Maintenance	ea	0	\$3,000.00	\$0.00
15	Dugout (By Owner)	ea	2	\$0.00	\$0.00
16	Spectator Bleachers (Relocated/Re-Used - By Owner)	ea	2	\$0.00	\$0.00
17	Soil Amendments; Sand, 2" depth	cy	205	\$42.00	\$8,610.00
18	Soil Conditioner; 3" depth	cy	305	\$46.00	\$14,030.00
19	Irrigation	ls	1	\$20,000.00	\$20,000.00
20	Lighting - 50/30 ft-c, 1500W MH, 4 poles	ls	1	\$90,000.00	\$90,000.00
21	Scoreboard (By Owner)	ea	1	\$0.00	\$0.00
22	Signage	ls	1	\$1,200.00	\$0.00
Probable 200' Ballfield Budget					\$205,477.50
Total Phase One Cost					\$968,777.50
Total LWCF Grant Request					\$484,388.75
Total City of Concord Match					\$484,388.75

IRISH BUFFALO CREEK GREENWAY > PHASE 1

MELROSE DRIVE TO WARREN C. COLEMAN BLVD. (HWY. 601)

The section of Irish Buffalo Creek (IBC) Greenway between Melrose Drive and Warren C. Coleman Blvd (Hwy. 601) utilizes Marvin Caldwell Park as the anchor, eventually extending north to McGill Avenue with Phases 2 and 3 and south beyond NC-49, eventually tying into Rocky River Greenway Corridor with future phases. This first phase will solidify a trail corridor upon which the City can build, with the advantage of existing parking and facilities at Caldwell Park that serve as a trailhead. Property for an additional trailhead should be acquired along Warren C. Colman Boulevard. Irish Buffalo Creek Greenway Phase 1 will tie into proposed multi-use paths along Warren C. Coleman Blvd.

Project Snapshot

- > Project Location: Between Caldwell Park (Logan Community) and Highway 601
- > Project Type: Greenway
- > Length of Project: 1.37 Miles
- > Estimated Construction Year: 2020
- > Trail Trip generators
 - Marvin Caldwell Park
 - Logan Multi-purpose Center
 - Logan Community

Previous Planning Efforts

- > Carolina Thread Trail Master Plan – For Cabarrus County Communities (2009)
- > Livable Community Blueprint for Cabarrus County (2001-2010)
- > Concord Comprehensive Parks and Recreation Master Plan (2016)

Potential Right of Way Needs

- > Total estimated area needed: 6.74 AC
- > Number of impacted parcels (not City owned): 10
- > Number of impacted property owners: 8

Potential Permitting Needs

- > Erosion Control
- > NCDOT Encroachments
- > CLOMR/LOMR flood modeling permits
- > 401/404 permitting

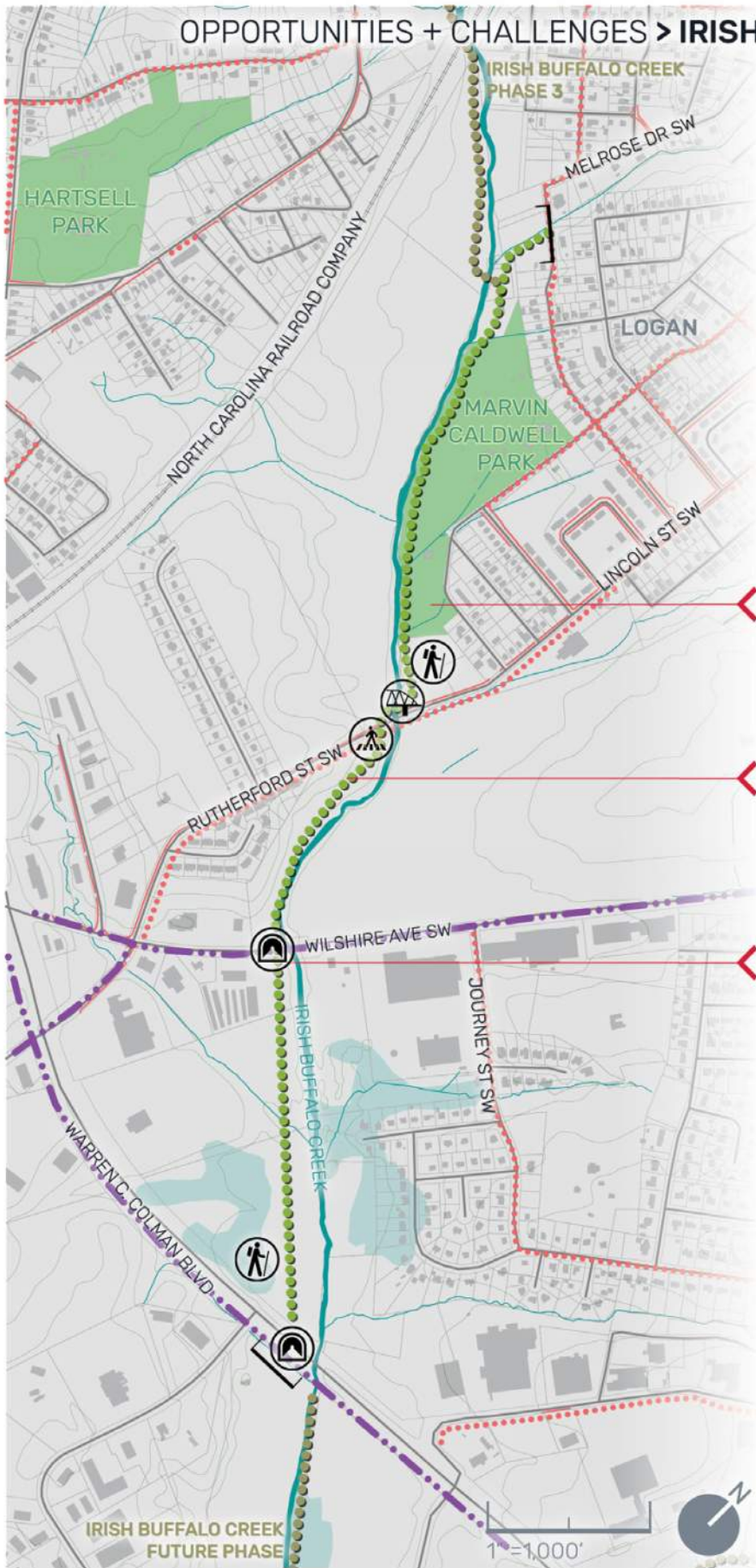
Estimated Project Cost

2019 Construction Cost Estimate (Basis for Calculations):	\$ 1,960,000.00
Escalated Construction Cost Estimate (FY2020):	\$ 2,100,000.00
10% Contingency:	\$ 210,000.00
Estimated Right of Way Costs:	\$ 40,000.00
Estimated Design Services ±3% *adjust per project	\$ 216,000.00
Estimated CEI Services ±2% *adjust per project	\$ 210,000.00
TOTAL ESTIMATED BUDGET RECOMMENDATION:	\$ 2,776,000.00

Potential Funding Sources

- > CRMPO/LAPP funding
- > NCDOT/STI funding – TAP, CMAQ
- > City of Concord CIP funding
- > Bonds
- > Carolina Thread Trail Grant

OPPORTUNITIES + CHALLENGES > IRISH BUFFALO CREEK PHASE 1



Marvin Caldwell Park contains ball courts, trails, ball fields, an amphitheater, a playground, and plenty of shelters and flexible spaces along Irish Buffalo Creek.

Project will require FEMA floodplain modeling and permitting.

Design should investigate appropriate crossing of Wilshire Avenue.

LEGEND

- PROPOSED GREENWAY TRAIL
- BOARDWALK POTENTIALLY REQUIRED
- ADJACENT GREENWAY PROJECT
- PROPOSED MULTI-USE CORRIDOR
- PROPOSED SIDEWALK
- FUNDED PROJECT
- EXISTING GREENWAY
- EXISTING SIDEWALK
- EXISTING STREET
- CITY CORPORATE LIMITS
- STREAM
- WETLAND
- PEDESTRIAN CROSSWALK
- PEDESTRIAN BRIDGE
- PEDESTRIAN UNDERPASS
- POTENTIAL TRAILHEAD PARKING

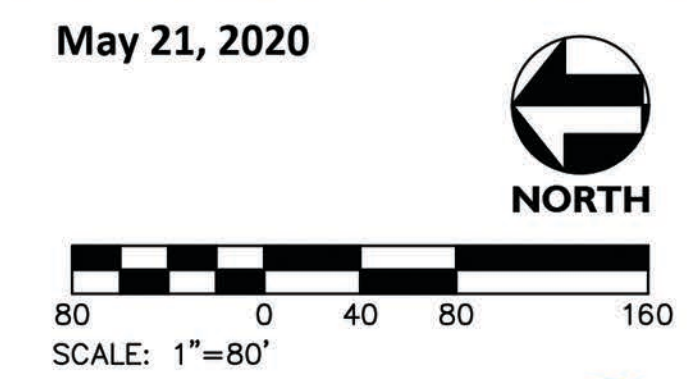
RECOMMENDATIONS

Caldwell Park | Master Plan

Concord, North Carolina



Note:
Any grading, demolition, construction and amenities as shown on this plan will accommodate and preserve existing trees to the greatest extent practical.



TO: City of Concord
FROM: Nexsen Pruet, PLLC
DATE: June 1, 2020
RE: Barber-Scotia College Campus and Downtown Concord

We propose our services to the City of Concord to explore and develop ways to enhance the Barber-Scotia Campus for the overall benefit of the citizens of Concord. We recognize the challenges and sensitivities surrounding such an endeavor. We will use great care and are committed to taking the comprehensive, multilevel approach this endeavor requires. We also recognize the enormous rewards and vast benefits this project could bring for Concord, its citizens and this historic college, which has been an important part of the Concord community for more than 150 years. This revitalization stands to catalyze, unify and energize downtown Concord in a way that few projects can. The possibilities are exciting to consider.

This work would include gaining the community's input and participation in visioning for renewed use of the campus and support of Barber-Scotia; analyzing feasibility to achieve the elements of the community vision; developing strategies to partner and work with the College's administration, current lienholders and other public and private partners; and developing implementation plans for execution. It also includes a related Media Plan to support all efforts of this endeavor.

Nexsen Pruet, PLLC (the "Firm") will lead this engagement and closely collaborate with NP Strategy, its strategic communications and public affairs subsidiary, especially for providing and managing community relations and communications support. In addition, Sanford Holshouser Economic Development Consulting will provide economic impact analysis and related services.

Third-party professional services will be required and likely include engineering, surveying, city and urban planning, architecture and historic preservation. These will be billed at cost to the City separate from our fees, with cost estimates being provided for approval prior to engagement.

We will bill at our standard hourly rates discounted by ten percent (10%). We will work as efficiently as possible and closely manage costs. However, we cannot make hard estimates due to the unknown nature of various factors such as the willingness of interested parties to participate and cooperate with the City in this endeavor.

We are excited to support and partner with Concord in this important, historic work.

Sincerely,

Christopher (Chris) H. Kouri
Member – Nexsen Pruet, PLLC
(T) 704.338.5333
(E) CKouri@nexsenpruet.com

Because of its likely complex and multifaceted nature, this project will require flexibility to redirect focus among the Programs of Work set forth below as the needs of the project dictate. Our rough fee estimate for the Programs of Work and Media Plan is set below.

PROGRAM I: Establish the Vision: Community and Stakeholder Input, Focus Groups, Optimal Economic Development

At the outset, we will map constituent parties and stakeholders to determine the various individuals and organizations with potential interest in this endeavor. Without limitation, such parties include the following:

- Barber-Scotia's current administration, students, alumni, and alumni groups
- Citizens of Concord
- The neighboring Logan Community
- The neighboring Gibson Community
- Piedmont Preservation Society
- Media
- Concord elected officials and senior City staff
- Other constituencies and citizen groups in Concord
- Cabarrus County School System
- Rowan Cabarrus Community College
- UNC Charlotte
- Other interested parties outside of Concord (e.g., Cabarrus County, State of North Carolina, HBCU-related associations, US Department of Education)

We will lead focus group discussions and analyses to obtain community input about goals and public policy aims and begin forming the vision for renewal of the campus that will bring the widest benefits to the overall community, including Barber-Scotia; emphasis of this work to result in:

- Public Participation
- Shared Community Vision
- Identification of alliances, popular themes, obstacles and challenges

We will explore with the community and various stakeholders the current status and potential future vision for renewal of the historic Barber-Scotia College campus. Such work to include:

- Review accreditation status and level of ongoing education mission
- Identify existing materials and historical information about the College and the African American history of the School, the City, State and Community
- Identify potential opportunities to tie this history into renewal of the campus
- Obtain community input on how best to preserve and archive and highlight this history
- Facilitate community and stakeholder vision in the context of these public policy goals:
 - **Education**
 - **Culture and History**
 - **Support for the Logan and Gibson Communities**
 - **Economic Development and Opportunity**

We will also analyze market opportunities and industry demand to develop recommendations for optimal Economic Development.

PROGRAM II: Evaluate Feasibility for Vision: Economic Impact Study; Analysis of Campus Real Estate Issues and Related Strategies; Physical Plant Evaluation

To help evaluate the potential impact of this project, our partner Sanford Holshouser Economic Development Consulting Services will conduct an economic and fiscal impact study evaluating the renewal at Barber-Scotia's campus. Such a study will provide critical information pertaining to the direct, indirect and induced impacts from the renewal. This study will flow from information derived from Program I.

With a vision articulated, we will analyze the real estate ownership and existing liens in connection with Barber-Scotia's campus. We will begin to develop recommendations for various partnerships with the interested parties to embark on renewal. We recognize City Attorney Valerie Kolczynski has performed the title work on the property and would like to work closely with her to review and understand the findings. In this regard, Program II work includes, but is not limited to, the following:

- Assess the parties with a legal ownership interest in the campus real estate
- Determine the estimated value of each such ownership interest
- Determine the current status of Barber-Scotia College: board of directors, officers, students, accreditation status, financial status, future vision
- Determine the School's property tax-exempt status
- Develop strategies relating to renewed use of the real estate

The condition and overall state of the physical plant of the campus (including its buildings and historic structures, especially Faith Hall) must be evaluated by third party professionals, to determine the extent of work required, and rough cost estimates, for rehabilitation and improvements in furtherance of the vision derived from Program I. In addition to engineers and architects, this would require the services of an urban and city planning and design firm, an*

historic preservation firm and a landscape architect, among others, to further evaluate the physical plant in the context of the community vision of this potential campus renewal.

Various site plans will be prepared to illustrate to the community the potential vision. In addition, we will ascertain cost estimates for various proposals to preserve buildings and build out the campus under leading scenarios of the vision.

**All third party professional services required in this Program II will be billed to City at cost and are not included in our estimated fees below.*

Program III: Develop Alternative Partnership Arrangements; Partnership Building

We will analyze the information obtained from Programs I and II to develop various partnership options to accomplish the vision. We will facilitate discussion and opportunities to forge these partnerships in order to execute on the vision. This will require the cooperation and participation of City Officials.

A myriad of potential partnership opportunities may be envisioned during Programs I and II related to:

- *The goals and ideas articulated in Barber-Scotia’s 2019-2025 strategic plan such as:*
 - *“creating academic relationships with other educational institutions and corporations to safeguard financial stability”*
 - *incorporating a “workforce development component”*
 - *supporting traditional and nontraditional learning environments, collegiate preparatory programs, entrepreneurship programs, renewable energy education and executive training, programs related to equity and social justice, public policy and urban affairs*
 - *The Mary McLeod Bethune Museum and Archive*
- *Other initiatives to support the public policy goals of Education, Culture and History, Support for the Logan and Gibson Communities Economic Development and Opportunity, for example:*
 - *a pre-K program, IT training and partnerships, campus development, public-private endeavors or other concepts that potentially arise as community priorities during the visioning and evaluation phases*
- *Private real estate development and industry demand suitable to this opportunity.*

PROGRAM IV: Present Recommendations; Confirm Public Policy Goals; Provide Implementation Plan

We will develop and present to City Council a set of detailed recommendations regarding how best to renew the Barber-Scotia campus based on all Programs of work set forth herein. We will present these recommendations for City Council review, revisions and approval. Upon approval of the plan, we will prepare a detailed step-by-step Implementation Plan for the various public

and private partners to execute. The plans will provide a roadmap for successfully implementing the recommendations, based on community involvement and thorough legal, strategic planning and economic development work and collaboration with Barber-Scotia's administration.

MEDIA PLAN

NP Strategy will provide specific media support to the City of Concord's Mayor, Council and Professional Staff in furtherance of the City's participation in Barber-Scotia's Campus renewal. This Media Plan will include important development of strategic communication and necessary collaboration and preparation of all participating City officials as necessary during our representation.

Estimated Cost: \$215,000*

**This estimate does not include (i.) expenses (such as approved travel and reasonable postage, printing and production of necessary materials); and (ii.) the cost of third-party technical and professional services set forth in Program II.*

Hourly Rates*

Christopher Kouri	\$520	Erin Sanders	\$250
Ernie Pearson	\$520	Jesica Mackey	\$240
Other Nexsen Pruet lawyers <i>varying rates \$280 to \$380</i>		Other NP Strategy+ professionals <i>varying rates \$150 - \$200</i>	
Ronnie L. Bryant RLB Consulting	\$330	Sanford Holshouser Economic Development Consulting	\$200

*All hourly rates to be discounted by 10%



Christopher H. Kouri
Attorney and Economic Development Professional

Chris Kouri is a member of Nexsen Pruet, LLC who focuses on government affairs, economic development and general corporate law. He assists his clients with their government affairs needs, fostering relationships, collaboration and understanding between the public and private sector. He also is experienced in incentive negotiations, advising corporate clients in state and local economic incentive packages in the Carolinas, the Southeast and across the country. Chris approaches government affairs with respect and appreciation for state and local officials – from this perspective, he has helped his clients in their myriad government affairs needs with the results ranging from the award and approval of significant public contracts, the provision of significant economic development incentives, resolution of various state and local tax issues and the structuring of partnerships for improvements in public infrastructure.

Prior to re-starting his private practice in 2011, Chris served for six years as General Counsel and Director of Community Relations of Charlotte Motor Speedway. Directly involved in regional economic development matters since 2005, Chris began his current 15-year affiliation with the Charlotte Regional Partnership while working at the Speedway for Humpy Wheeler, an outspoken advocate for regional economic development. Chris has been a board member, executive committee member and General Counsel of the Charlotte Regional Partnership. His work for the organization culminated in the collaboration with officers of the Charlotte Chamber of Commerce to forge the new unified Charlotte Regional Business Alliance.

Before joining the Speedway, Chris was a corporate lawyer at Smith Helms Mulliss & Moore. During his time at Smith Helms, Chris took leave to run his 2002 campaign for Congress in NC's 8th US House District. He was his party's primary election in this 10-county district, and his campaign garnered national attention. Between his run for congress, his work for the Speedway, and support of elections across North Carolina, Chris has built a strong statewide network of friends, allies and acquaintances that includes officials at all levels of government. Prior to law school, Chris worked on the Sea Island Preservation Project and wrote the history of the African American community established in the Reconstruction era on Sandy Island, South Carolina; after that, he was a Community Relations Specialist working with the City of Charlotte to help organize lower income neighborhoods in the Charlotte.

A Charlotte native, Chris attended Charlotte Catholic High School where he played football for legendary coach Jim Oddo. He attended Yale University where he played for another coaching legend: Hall of Famer Carm Cozza. While at Yale, Chris was named MVP and First Team All-Ivy League running back following his senior season. Just before graduating from Yale in 1992, Chris was signed as a free agent by the Miami Dolphins; released in preseason, Chris eventually found a spot in the *other* "NFL" (the *National French League* [sic]) where in 1995 he led the Aix-En-Provence Argonauts to an undefeated season and the French National Championship, earning MVP honors in the championship game. Chris was inducted into the Charlotte Catholic High School Sports Hall of Fame in 2004.

In 1992 Chris received his B.A. from Yale and in 2000 earned both his law degree from the UNC School of Law and his master of public policy degree from Duke University. Chris serves on the boards of the NC Economic Development Association, the NC Motorsports Association and the Yale Football Association.



Ronnie L. Bryant, CEcD, FM, HLM

Ronnie L. Bryant is Founder and Lead Consultant at Ronnie L. Bryant, LLC, a consulting firm specializing in executive coaching, organizational management, and board development and training for top-level corporate and not-for-profit managers. Bryant created the company in 2017 to help executives improve their leadership skills and business acumen to operate organizations while maintaining a competitive edge in diverse, evolving domestic and global marketplaces.

Prior to forming Ronnie L. Bryant, LLC, Bryant served as President & CEO of Charlotte Regional Partnership in North Carolina, for fifteen years. Bryant and his team marketed the sixteen-county region to domestic and global companies as the premier site for expansion and relocation. He created strategic partnerships and brokered viable collaborations, which earned him a national reputation for creating and implementing effective economic development programs.

Bryant's leadership in economic development spans thirty-five years, including executive positions at Greater Shreveport Chamber of Commerce (Louisiana), St. Louis Regional Chamber & Growth Association (Missouri), and Pittsburgh Regional Alliance (Pennsylvania). Bryant quickly became one of the nation's most sought-after economic developers, piquing the interests of Charlotte business leaders, who hired him to lead Charlotte Regional Partnership in 2005.

Bryant currently serves in the Charlotte business community as a board director for American Leadership Forum, Aspire Community Capital, Goodwill Industries of the Southern Piedmont, Charlotte City Club, and Jazz Arts Charlotte. Bryant is a national board member for The Bollinger Foundation (Washington, D.C.) and The Institute for Work and the Economy (Illinois). He is a former board member for The Federal Reserve Bank of Cleveland Pittsburgh Branch.

Additionally, Bryant is a past chairman for International Economic Development Council and a member of Southern Economic Developers Council, among other associations. He is a former dean and a faculty member for University of Oklahoma's Economic Development Institute, an adjunct professor for University of North Carolina at Charlotte, and serves as a Visiting Lecturer at Cornell University's Institute for Public Affairs.

Bryant earned a B.S. in business management from Louisiana State University in Shreveport. He was a fellow at The Center for Intentional Leadership®, Center for Creative Leadership, Northwestern University Kellogg School of Management, and University of Oklahoma's Economic Development Institute. Bryant is a recipient of the American Economic Development Council's Robert B. Cassell Leadership Award.

Throughout his career, Bryant has garnered national recognition and top industry ranking for his leadership by *Site Selection* magazine, *Pittsburgh Post-Gazette*, and *Charlotte Magazine*. He is an acclaimed contributor to and global lecturer in economic development marketing, organizational governance, strategic management, and current trends in civic and community engagements. His first book, *Driving from the Backseat – Tips for Surviving as a Not-for-Profit CEO*, was released in April 2019.



Erin K. Sanders
Senior Communications Advisor, NP Strategy

Erin Sanders is a seasoned integrated communications professional with more than 20 years of experience in assisting organizations to successfully navigate challenging situations or leverage opportunities.

Erin has spent her career in leading global and regional communications agencies, and has created award-winning and highly successful communications programs for clients across a multitude of industries from energy, healthcare and tourism to manufacturing, finance and environment.

She has counseled some of the top corporations in the world in overcoming crisis situations, from environmental disasters to corporate financial scandals. Erin has helped build the brand identities of Fortune 500 companies, supported clients in their pursuit or defense of litigation and developed extensive nationwide media relations campaigns that generated vast exposure for those companies. Erin uses the power of communications to inform, persuade and motivate people, organizations and leadership for the benefit of her clients.

Erin currently is a member NP Strategy, a communications subsidiary of Nexsen Pruet, a large regional law firm based in the Carolinas. In this role, Erin supports and is on call to the firm's 200 lawyers to assist in all manner of issues that their clients may face, especially sensitive situations that may involve:

- litigation
- media scrutiny
- regulatory action
- community activism
- negative market response
- government intervention
- criminal investigation
- social media backlash

In many situations, however, Erin's strategic communications experience is utilized to leverage positive opportunities for corporations; to pave the way to success. Erin's team, for example, assisted in the plant siting of a major global technology manufacturer's newest facility. We developed and implemented the siting announcement, integration into the community, staff onboarding and grand opening celebrations. We now provide communications and community relations support for the ongoing operations, including media and social media campaigns, video features, announcements of strategic partnerships, speakers' bureaus and philanthropic programs.

Erin is skilled in managing complex initiatives and developing strategies to achieve the goals of her clients. Whether through a strategic public relations initiative, compelling advocacy campaign or a meaningful integrated marketing program, Erin has enjoyed contributing to the success of countless organizations.

Clients have included Shell Oil, Duke University Medical Center, Lone Star Ag Credit, Safety-Kleen Corp., Southwire Company, Dominion Energy, New York Power Authority, Samsung, Myrtle Beach Chamber of Commerce, American Council of Engineering Companies, Nickelodeon TV, Liberty Insurance, Michelin Tire, Pirelli Cable, Haile Gold Mine (OceanaGold), Adams Electric, Mako Medical, Albemarle Corporation and numerous others.



Ernest C. Pearson
Attorney and Economic Development Professional

Ernie Pearson believes that experience, hard work and creative approaches lead to the best results for clients faced with new challenges and opportunities. Throughout his career, he has depended upon these foundations in building what has been rated by third party sources as one of the most successful economic development practices in the country.

Best Lawyers in America listed Ernie as one of only 28 lawyers in the country in the category of Economic Development in 2013 has been listed in this category every year since. Southern Business and Development magazine has chosen him for several years as one of the top economic development lawyers in 18 southern states.

Helping Businesses and Communities Grow and Thrive

Ernie has unparalleled experience in economic development matters. As Assistant Secretary for Economic Development during one of North Carolina's most successful periods of economic growth, he worked with scores of economic development projects and understands matters from that perspective. Having worked for over one hundred companies in site selection and incentive negotiation projects he has seen the process from that side and understands the company's point of view. His work with numerous local and regional economic development programs gives him an understanding of economic development from that side of the table.

That in-depth, varied experience makes it possible for Ernie to craft creative and successful solutions for companies expanding existing or locating new facilities that take into account all site selection needs and maximize incentive support. This experience also benefits local and regional economic development efforts by leading them to creative cost effective approaches to economic development successes.

Ernie's previous work is in a broad range of legal disciplines includes corporate, real estate, employment and labor law, environmental, litigation and regulatory matters. This broad experience coupled with his focused experience in economic development matters allows him to understand and coordinate all legal issues connected with a company's siting of a new or expanded facility, and to provide continuing assistance to a company on legal matters after a new site is chosen.

Ernie is also the founder of Sanford Holshouser Economic Development Consulting (SHEDC), which has earned a reputation over its 18-year history as a highly-respected economic development consulting firm. SHEDC offers a team of innovative, accomplished economic development professionals who have successful frontline experience at the local, regional and state levels.



Jesica Mackey
Senior Project Advisor, NP Strategy

Jesica Johnson Mackey is an experienced strategic communications professional working with government agencies, non-profits and public sector companies to deliver their message. She has built her career in South Carolina helping clients manage their social and political risks, improve their images, and gain public or political buy-in for their projects.

Being raised in South Carolina, Jesica has a passion for improving communities in her state. She began her career working in local government for the City of Goose Creek. Combining her communication and public policy experience, she helped lead communication, economic development, branding and website redevelopment efforts for the state's twelfth largest municipality. Prior to joining NP Strategy, Jesica worked as a strategic communications consultant at a global engineering firm, advising public and private sector clients, in North and South Carolina on communications strategies for large, complex projects.

Jesica attended the University of South Carolina where she received a Bachelor of Arts in Journalism and Mass Communications and a Masters of Public Administration. She is a graduate of the South Carolina Economic Development Institute, Leadership Columbia and has been honored by Columbia Business Monthly as a Best and Brightest 35 and Under.

Committed to inspiring positive change in her community, Jesica serves on the boards of United Way of the Midlands Education Council, Emerge South Carolina, WTS South Carolina Chapter and Mental Illness Recovery Center, Inc.

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Approp. Fund Balance	5,348,035	5,563,035	215,000
Total				215,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4110-5194000	Contract Services	78,000	293,000	215,000
Total				215,000

Reason: To appropriate fund balance reserves to fund professional service fees associated with Barber-Scotia research.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

CONCORD CITY COUNCIL
BOARD AND COMMISSION APPOINTMENTS (All are 3 year terms
with the exception of the Fireman’s Relief Fund and the CDDC Board of
Directors)

TERM EXPIRES

Alcoholic Beverage Control Board

(3 members all appointed by City) (NO LIMIT ON TERMS)

- | | | | |
|----|---|---------|---|
| 1. | Dr. Wanda White | 6/30/20 |  |
| 2. | Todd Phillips | 6/30/21 | |
| 3. | Vacant - Gary Walker (Resigned 4/16/2020) | 6/30/22 |  |

Fireman’s Relief Fund – (no term limit)

1. Jennifer Parsley
2. Terry Crawford

Concord/Kannapolis Transit Commission

(two Council Members appointed by City of Concord)

- | | | |
|----|----------------|----------|
| 1. | Ella Mae Small | 12/31/20 |
| 2. | JC McKenzie | 12/31/20 |

**Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO);
TAC and TCC
(One-year terms)**

TAC – (2 Council Members appointed)

- | | | |
|----|----------------------------|----------|
| 1. | JC McKenzie | 12/31/20 |
| 2. | Terry Crawford – alternate | 12/31/20 |

TCC – (2 City staff members appointed)

- | | | |
|----|--------------------------------|----------|
| 1. | Phillip Graham | 12/31/20 |
| 2. | LeDerick Blackburn – alternate | 12/31/20 |

Centralina Council of Governments (CCOG) (one-year terms)

- | | | |
|----|------------------------|----------|
| 1. | Andy Langford | 12/31/20 |
| 2. | John Sweat – alternate | 12/31/20 |

Planning & Zoning Commission

(7 members – 6 appointed by City and 1 by County (ETJ); 2 alternates – appointed by City)
(MEMBERS CANNOT SERVE MORE THAN 2 CONSECUTIVE 3-YEAR TERMS)

- | | | |
|---------------------------------|---|---------|
| 1. | Kevin Killough (reappointed 6/13/19 – 2 nd term) | 6/30/22 |
| 2. | Eric Williamson (appointed 6/14/18) | 6/30/21 |
| 3. | J King | 6/30/20 |
| 4. | Debbie Norman (second term) | 6/30/21 |
| 5. | William Isenhour (second term) | 6/30/21 |
| 6. | John Howard | 6/30/22 |
| 7. | ETJ (County appointment) | |
| Alternates: 1. Charles Grimsley | | 6/30/22 |
| | 2. Maya Jones | 6/30/22 |

Board of Adjustment

(7 members – 6 appointed by City and 1 by County (ETJ); 2 alternates – appointed by City)
(MEMBERS CANNOT SERVE MORE THAN 2 CONSECUTIVE 3-YEAR TERMS)

1.	Steve Bradley	6/30/20
2.	Ford Craven (second term) cannot be reappointed	6/30/20
3.	Ginger Moore (second term) cannot be reappointed	6/30/20
4.	Tim Andexler (second term) cannot be reappointed	6/30/20
5.	Cesar Correa	6/30/20
6.	James McDonald	6/30/21
7.	ETJ member	
Alternates:	1. Steve Tice	6/30/22
	2. David Niekamp	6/30/22



Historic Preservation Commission (members do NOT have to reside in Historic District) (7 members and 2 alternates all appointed by City)

(MEMBERS CANNOT SERVE MORE THAN 2 CONSECUTIVE 3-YEAR TERMS)

1.	Brian Floyd (appointed 1/11/18)	6/30/21
2.	Lee Gray (first full term)	6/30/21
3.	Jim Ramseur (appointed 6/14/18)	6/30/21
4.	Lea Halloway (reappointed 6/13/19 - 2 nd term)	6/30/22
5.	Carolyn Coggins (appointed 6/14/18)	6/30/21
6.	Scott Elliott (appointed 6/14/18)	6/30/21
7.	Casey Killough (second term) cannot be reappointed	6/30/20
Alternates:	1. Amy Landis (appointed 10/9/18)	6/30/21
	2. Vacant	

Library Board of Trustees

(County Board – City appoints 1 member and confirms 1 County appointment) (MEMBERS CANNOT SERVE MORE THAN 2 CONSECUTIVE TERMS)

City Appointment:	Michael Cook- (2 nd term)	6/30/22
Confirmed County Appointment:	Carol Schmidt (2 nd term)	6/30/20

WSACC

Council Appt'd:	David Phillips	6/30/20
City Member:	* Jeff Corley	6/30/22

*Jeff Corley appt'd 12/12/19 to fill unexpired term of Christie Putnam

Stormwater Management Advisory Committee

Group 1 - (2 members with engineering or scientific training, vocational experience, or strong personal interest in environmental mgmt. or preservation)

Group 2 - (2 members from recognized neighborhood associations)

Group 3 - (2 members from business or non-profit organizations)

At-Large Members (3)

(MEMBERS CANNOT SERVE MORE THAN 2 CONSECUTIVE TERMS)

Group 1

1.	Vacant	
2.	Bertram Hinton, Jr.	6/30/21

Group 2

3.	Vacant Viola Mason (second term) (Resigned 3/4/20)	6/30/20
4.	Douglas Williams (second term)	6/30/21

Group 3

5.	Vacant - Noelle Scott (Resigned 8/18/19)	6/30/22
----	---	--------------------

4/8/20

6.	Anthony Weiss	6/30/21
<u>At large members</u>		
7.	Kim Greer	6/30/20
8.	Don Seitz	6/30/21
9.	Jenny Reed	6/30/21

At the June 8, 2017 City Council mtg, the Council voted to adopt Ord. #17-46 to amend the Chapter 60 of the City Code. The amendment reduced the number of members in each group from three (3) members to two (2) members and the remaining three (3) members were appointed as Members At Large.

CDDC Board of Directors – (one-year term)

City Member: Josh Smith – (reappointed 6/13/19) 06/30/20

Barber Scotia Property Task Force Committee

At the July 20, 2017 City Council meeting, the Council voted to appoint an advisory committee related to the future of the Barber Scotia Campus. This committee was labeled the Barber Scotia Property Task Force Committee. Council Members, City staff, community members and leaders, and Barber Scotia Alumni were appointed to serve on the Committee. There are no term limits for this Committee.

Current Members:

1. Council Member JC McKenzie (appointed 12/12/19)
2. Council Member Ella Mae Small
3. City Manager, Lloyd Payne
4. PND Director, Steve Osborne
5. EDC Director, Robert “Robbie” Carney
6. Barber Scotia Alumni, Alice Steele Robinson
7. CDDC Director, Johnson Bray
8. Barber Scotia Alumni, Betty Stocks (appointed 2/14/19)
9. David Smith (appointed 3/14/19)
10. Carol Saloum (appointed 3/14/19)
11. Dianne Snyder (appointed 10/10/19)

Public Art Advisory Committee

At the November 13, 2014 City Council meeting, the Council voted to establish a permanent 10 member Public Art Advisory Committee to facilitate delegated City funded art projects, identify potential project areas within Center City, and to make recommendations on potential (if any) zoning / development regulations as it relates to public art and encourage privately funded “public” art projects. This committee will consist of the following:

City Council Members (2)

Council Member Small
Council Member Langford (appointed 1/09/20)

Planning & Neighborhood Development staff members (2)

Sarah Gay
Starla Rogers

4/8/20

Director of Concord Downtown Development Corporation (CDDC)

Johnson Bray (replaced Diane Young in July 2018)

Director of Cabarrus Arts Council

Noell Scott

Cabarrus Arts Council Board Member (1)

Rebecca Collins

Local Community Member (1)

Tara Bengle

Artist (1)

Julia Lawing (appointed 6/13/19)

Downtown building owner (1)

Justin Mueller (appointed 6/13/19)

Concord Family Enrichment Association (1-yr term limit)

At the April 11, 2019 City Council meeting, the Council voted to create a nonprofit tax exempt entity to enable staff to apply for grants and/or funds that would not otherwise be available to the Housing Department. This entity is a supporting organization of the City, meaning that the funds received and/or raised can be utilized to directly benefit the City's affordable housing initiatives.

The Housing Director, Angela Graham, was appointed as the Director of the Concord Family Enrichment Association.

The following Board members were appointed for a 1-yr term. In January 2020, the bylaws were amended to extend the terms to 3-yr terms ending 6/30 with no term limits:

Maya Jones (appointed 5/14/20)	6/30/22
John Sears	6/30/22
Council Member Terry Crawford	6/30/22
Council Member JC McKenzie	6/30/22
Steve Osborne, Planning and Neighborhood Development Director	6/30/22
Josh Smith, Assistant City Manager	6/30/22

CITY OF CONCORD ENGINEERING DEPARTMENT
ALFRED M. BROWN OPERATIONS CENTER
635 Alfred Brown Jr. Court SW
CONCORD, NC 28026-0308
PHONE 704.920.5425

BID TABULATION FORM
BOC Parking Lot Expansion
2008-032

No.	Sect. No.	Item Description	Quantity	Unit	Carolina Siteworks		Ikes Construction		Trull		Piedmont Asphalt Paving	
					Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	NCDOT 800	Mobilization	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 43,000.00	\$ 43,000.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00
2	NCDOT 200	Clearing and Grubbing	1	LS	\$ 11,800.00	\$ 11,800.00	\$ 3,900.00	\$ 3,900.00	\$ 5,000.00	\$ 5,000.00	\$ 16,000.00	\$ 16,000.00
3	NCDOT 226	Grading	1	LS	\$ 20,942.00	\$ 20,942.00	\$ 18,000.00	\$ 18,000.00	\$ 35,000.00	\$ 35,000.00	\$ 65,000.00	\$ 65,000.00
4	NCDOT 226	Undercut Excavation	200	CY	\$ 56.00	\$ 11,200.00	\$ 18.00	\$ 3,600.00	\$ 50.00	\$ 10,000.00	\$ 50.00	\$ 10,000.00
5	NCDOT 265	Select Granular Material	200	CY	\$ 82.00	\$ 16,400.00	\$ 24.00	\$ 4,800.00	\$ 50.00	\$ 10,000.00	\$ 130.00	\$ 26,000.00
6	NCDOT 270	Geotextile for Soil Stabilization	1224	SY	\$ 2.00	\$ 2,448.00	\$ 2.00	\$ 2,448.00	\$ 5.00	\$ 6,120.00	\$ 5.00	\$ 6,120.00
7	NCDOT 305	8" Drainage Pipe	72	LF	\$ 33.00	\$ 2,376.00	\$ 15.00	\$ 1,080.00	\$ 100.00	\$ 7,200.00	\$ 20.00	\$ 1,440.00
8	NCDOT 520	Aggregate Base Course	435	TN	\$ 40.00	\$ 17,400.00	\$ 40.00	\$ 17,400.00	\$ 40.00	\$ 17,400.00	\$ 65.00	\$ 28,275.00
9	NCDOT 545	Incidental Stone Base	3	TN	\$ 40.00	\$ 120.00	\$ 60.00	\$ 180.00	\$ 100.00	\$ 300.00	\$ 65.00	\$ 195.00
10	NCDOT 600	Prime Coat	640	GA	\$ 7.30	\$ 4,672.00	\$ 19.00	\$ 12,160.00	\$ 5.00	\$ 3,200.00	\$ 50.00	\$ 32,000.00
11	NCDOT 607	Incidental Milling	70	SY	\$ 10.00	\$ 700.00	\$ 48.00	\$ 3,360.00	\$ 20.00	\$ 1,400.00	\$ 50.00	\$ 3,500.00
12	NCDOT 610	Asphalt Concrete Surface Course, Type S9.5B	145	TN	\$ 134.00	\$ 19,430.00	\$ 137.00	\$ 19,865.00	\$ 135.00	\$ 19,575.00	\$ 225.00	\$ 32,625.00
13	NCDOT 848	4" Concrete Sidewalk	10	SY	\$ 80.00	\$ 800.00	\$ 110.00	\$ 1,100.00	\$ 250.00	\$ 2,500.00	\$ 600.00	\$ 6,000.00
14	NCDOT 867	Chainlink Fence Reset	320	LF	\$ 23.00	\$ 7,360.00	\$ 21.00	\$ 6,720.00	\$ 10.00	\$ 3,200.00	\$ 40.00	\$ 12,800.00
15	NCDOT 1605	Temporary Silt Fence	282	LF	\$ 4.00	\$ 1,128.00	\$ 4.00	\$ 1,128.00	\$ 5.00	\$ 1,410.00	\$ 7.50	\$ 2,115.00
16	NCDOT 1610	Stone for Erosion Control, Class A	10	TN	\$ 45.00	\$ 450.00	\$ 50.00	\$ 500.00	\$ 100.00	\$ 1,000.00	\$ 70.00	\$ 700.00
17	NCDOT 1610	Sediment Control Stone	5	TN	\$ 45.00	\$ 225.00	\$ 80.00	\$ 400.00	\$ 100.00	\$ 500.00	\$ 70.00	\$ 350.00
18	NCDOT 1630	Silt Excavation	1	CY	\$ 1.00	\$ 1.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 50.00	\$ 50.00
19	NCDOT 1660	Seeding and Mulching	0.2	AC	\$ 5,500.00	\$ 1,100.00	\$ 6,000.00	\$ 1,200.00	\$ 5,000.00	\$ 1,000.00	\$ 6,000.00	\$ 1,200.00
20	SP	Relay 15" Storm Pipe	10	LF	\$ 35.00	\$ 350.00	\$ 72.00	\$ 720.00	\$ 100.00	\$ 1,000.00	\$ 100.00	\$ 1,000.00
21	SP	Relocate Gazebo	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 720.00	\$ 720.00	\$ 500.00	\$ 500.00	\$ 5,000.00	\$ 5,000.00
22	SP	Concrete Wheel Stops	28	EA	\$ 87.00	\$ 2,436.00	\$ 130.00	\$ 3,640.00	\$ 100.00	\$ 2,800.00	\$ 130.00	\$ 3,640.00
BASE BID						\$ 126,338.00		\$ 146,021.00		\$ 134,205.00		\$ 274,010.00
10% Contingency						12633.8		14602.1		13420.5		27401
TOTAL BID						\$ 138,971.80		\$ 160,623.10		\$ 147,625.50		\$ 301,411.00

**CAPITAL PROJECT ORDINANCE
General Capital Projects**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The projects authorized are General Capital Projects for Parking at the Brown Operations Center.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
Total				

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8800-5811275	BOC Parking	110,000	139,972	29,972
8800-5811261	Upper Laydown Yard	700,000	670,028	(29,972)
8800-5811261				
Total				0

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

RESOLUTION

WHEREAS, all of SR-2506 (Old Farm Road) is located within the corporate limits of the City of Concord and more specifically described as lying between SR-2635 (Old Airport Road) and SR-2636 (Heglar Road); and

WHEREAS, SR-2506 (Old Farm Road) is currently listed by the North Carolina Department of Transportation as part of the state system ;and

WHEREAS, it is the desire of the City of Concord to maintain said road for the residents in the City of Concord; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Concord, North Carolina, does hereby request that the North Carolina Department of Transportation abandon said section of SR-2506 (Old Farm Road) from state maintenance to the City of Concord street maintenance system and that any and all public road right-of-way/easement be assigned to the City of Concord.

<u>SR Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>	<u>Length</u>
SR 2506	Old Farm Road	SR 2635	SR 2636	0.49 miles

Adopted this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

ATTEST:

Kim Deason, City Clerk

William C. Dusch, Mayor

City of Concord, North Carolina
Preliminary Application – Extension of Concord Utilities outside Concord City Limits
(Please type or print in black ink)

1. Name of development: NONE - Single Family Lot
Current Owners: Mabry and Betty Black
2. Name and address of owner(s)/developer(s): Buyers: Eliether and Mayra Resto
3. Owner(s)/developer(s) telephone: 704.699.9340 - BUYER Fax: _____
4. Name and address of surveyor/engineer: Mayra(Ally) Resto
N/A - building a home within the next 12 months
5. Surveyor/engineer's telephone: N/A Fax: _____
6. Name, telephone and fax number, and address of agent (if any): _____
Erich Hahne, Buyer's Agent, 704.400.7560, ekh@southcre.com (Realtor)
7. Name and address of person to whom comments should be sent: _____
Eliether (Eli) and Mayra (Ally) Resto - restoae@hotmail.com, CC: ekh@southcre.com
8. Telephone number of person to whom comments should be sent: 704.699.9340
Fax: _____
9. Location of property: 3887 NC Hwy 200, Concord, NC 28025
10. Cabarrus County P.I.N.#: 55479830630000
11. Current zoning classification: AO
12. Total acres: 1.08 acres Total lots proposed: 1
13. Brief Description of development: Single Family Home
14. Proposed Construction Schedule Estimated within next 12 months
15. Type of Service requested City of Concord Water Service

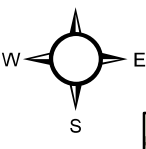
Date

Signature of Owner/Agent

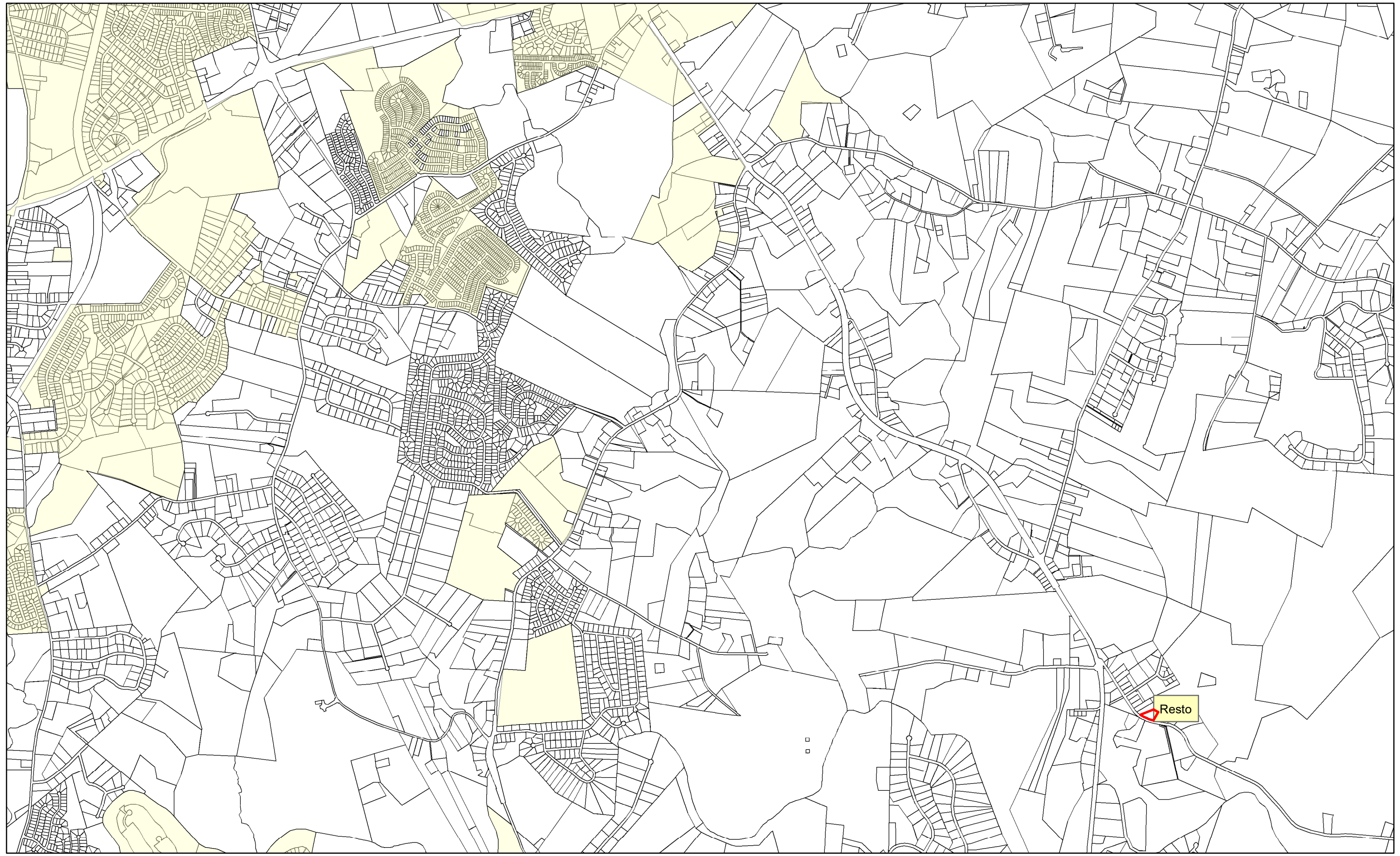
Name (printed)

NOTE: *By affixing his or her signature hereto, the owner/developer acknowledges understanding of and agreement to comply with all provisions of the Concord City Code section 62.*

Staff Use Only:	
Received by: _____	Date: _____



Preliminary Application



City of Concord, North Carolina ***Preliminary Application – Extension of Concord
Utilities outside Concord City Limits*** (Please type or print in black ink)

1. Name of development:

Housing

2. Name and address of owner(s)/developer(s):

1300 Hess Rd , Nelson Vasquez Ortiz

3. Owner(s)/developer(s) telephone: **704-575-3545** Fax:

4. Name and address of surveyor/engineer:

John A. Mchenry , 175 Rainey Road

Salisbury, NC 28081

5. Surveyor/engineer's telephone: **704-431-2687** Fax:

6. Name, telephone and fax number, and address of agent (if any):

7. Name and address of person to whom comments should be sent:

Nelson Vasquez , 1514 Stoney Ln Concord NC, 28027

8. Telephone number of person to whom comments should be sent:

704 - 575 - 3545

Fax:

9. Location of property:

1300 Hess Rd Concord,

NC 28025

10. Cabarrus County P.I.N.#:

5640-93-0994

11. Current zoning

classification:

12. Total acres: **3.19** Total lots proposed: **10-11 (2)**

13. Brief Description of development: _____ Building House (2 story) _____

14. Proposed Construction Schedule _____

15. Type of Service requested ___ Water Meter _____

Date Signature of Owner/Agent

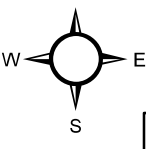
5/8/20 Nelson Vasquez Ortiz

_____ **Nelson Vasquez**
Ortiz _____
Name
(printed)

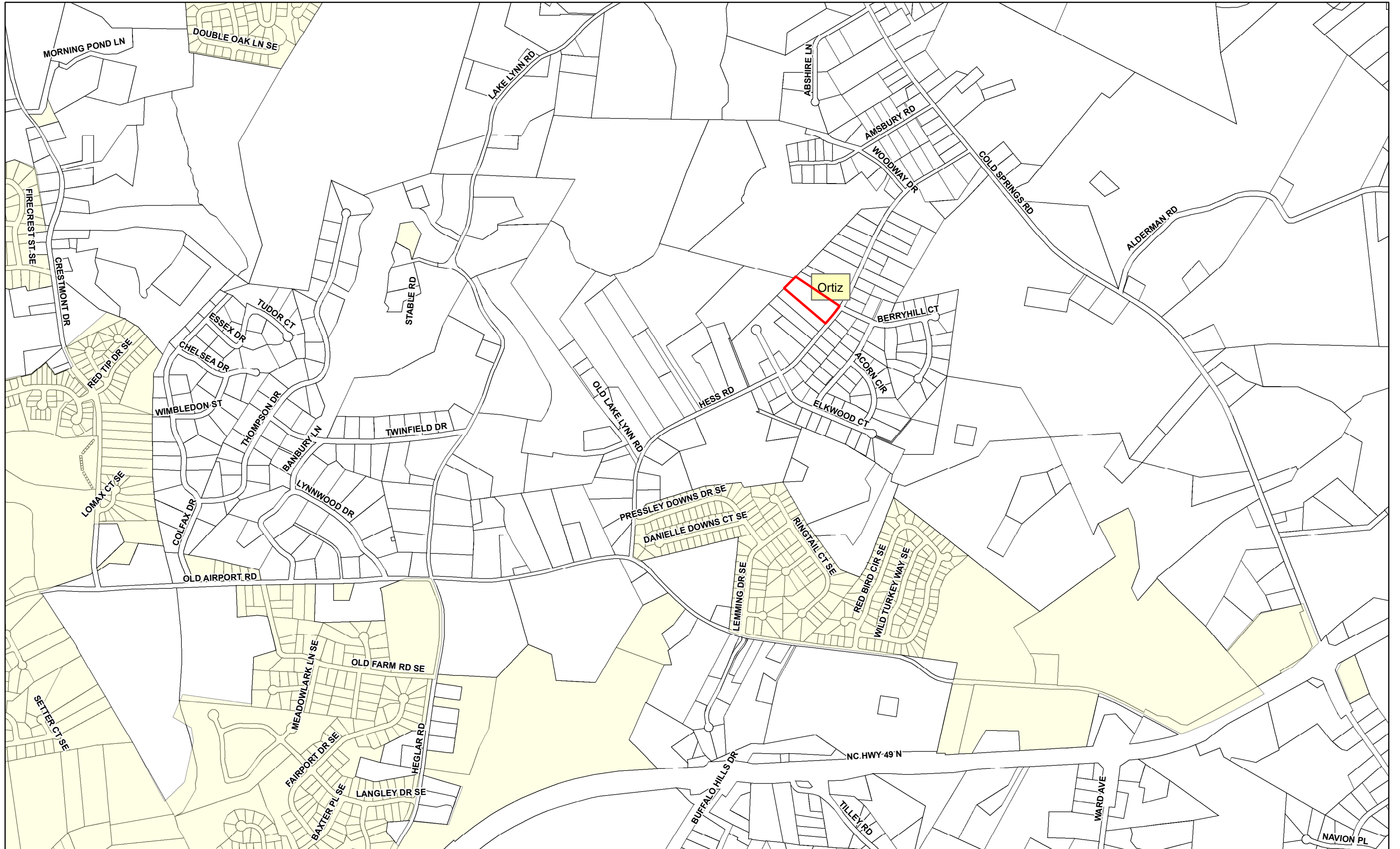
NOTE: By affixing his or her signature hereto, the owner/developer acknowledges understanding of and agreement to comply with all provisions of the Concord City Code section 62.

**Staff Use
Only:**

Received by: _____ Date: _____



Preliminary Application



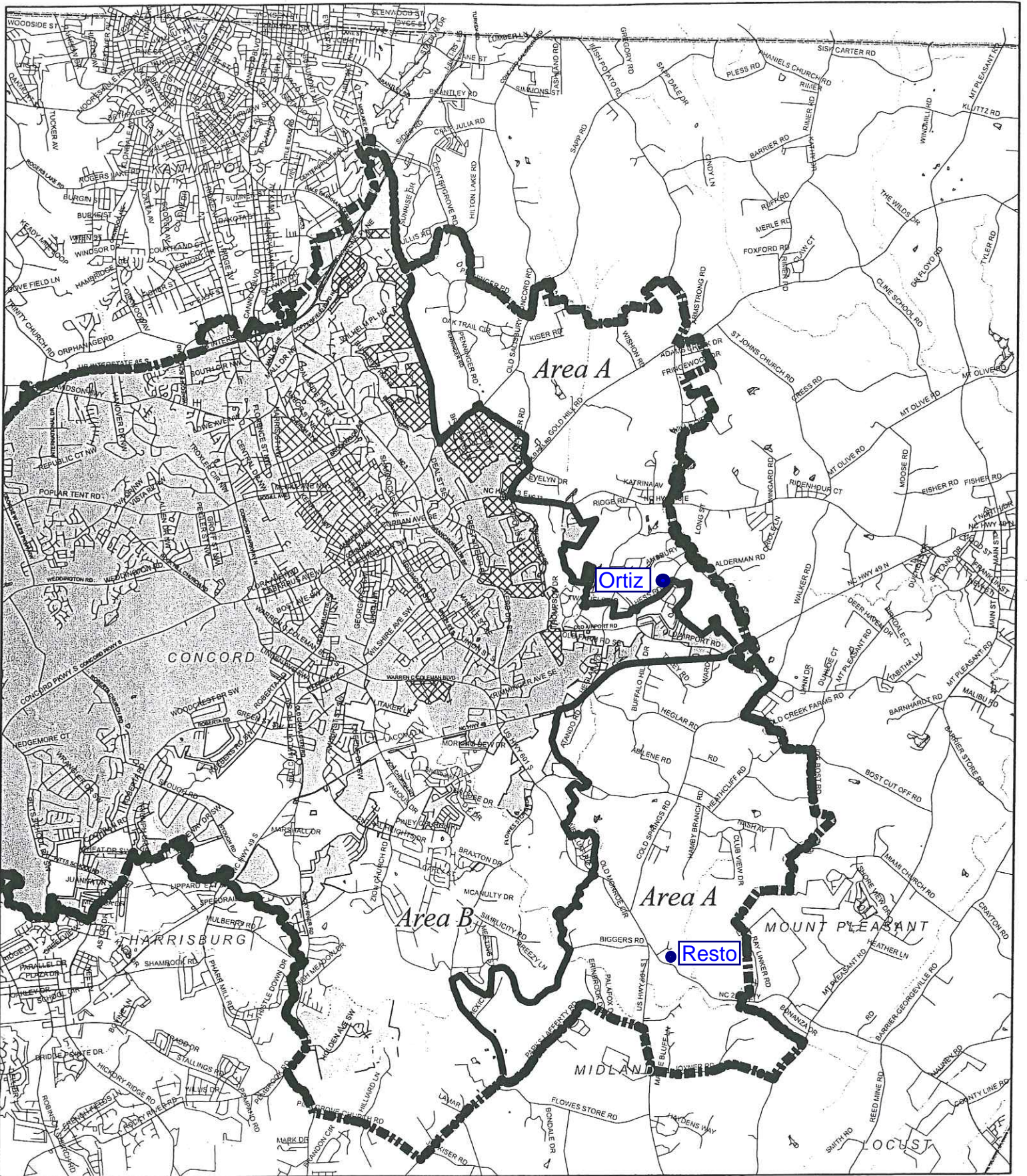









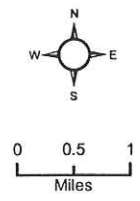


EXHIBIT A

-  Planning Area
-  Sub Area Boundary (Urban Services Boundary)
-  Concord ETJ
-  City of Concord
-  Other Municipalities
-  Cabarrus Co.
-  Streets
-  Rivers
-  Lakes & Ponds



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

CITY OF CONCORD- CABARRUS COUNTY
INTERLOCAL AGREEMENT REGARDING
THE CENTRAL AREA PLAN

This INTERLOCAL AGREEMENT REGARDING THE CENTRAL AREA PLAN ("Interlocal Agreement"), is entered into effective June 29, 2008 by, between and among the CITY OF CONCORD ("Concord"), a North Carolina municipal corporation and CABARRUS COUNTY ("County"), a body politic and political subdivision of the State of North Carolina, and the WATER AND SEWER DISTRICT OF CABARRUS COUNTY, ("District"), a water and sewer district formed pursuant to N.C. Gen. Stat. Chapter 162A.

PREMISES

1. The City, the County and the District have been involved in lawsuits (the "Litigation") that are more particularly identified as the cases of Craft Development, LLC, et v City of Concord, et al, 03 CVS 2400, and Morrison et al v City of Concord, 03 CVS 2462 (Cabarrus County Superior Court).
2. All of the claims in the Litigation have been settled, dismissed or otherwise resolved, with the exception of the claims by the City against the County and the District, and the claims of the County and the District against the City.
3. On or about December 6, 2004, the City and the County entered into a Memorandum of Understanding (the "2004 MOU"), in which the City and County set out a framework by which they hoped to resolve the remaining claims in the Litigation and to settle any remaining differences between them pertaining to such claims.
4. On January 21, 2006, the parties reached an agreement (the "Agreement") to resolve all of the differences and disputes between them that were the subject of the Litigation.
5. This Agreement was attached to and incorporated into a Consent Judgment dated January 23, 2006 and signed by Superior Court Judge Clarence E. Horton, Jr.
6. The parties subsequently amended that Agreement by a document termed the "Amended Agreement", which was attached to and incorporated into an "Amended Consent Judgment" dated October 30, 2007 and signed by Superior Court Judge W. Erwin Spainhour.
7. In the Amended Agreement, the parties agreed to modify the Agreement to divide Concord's Utility Service Area into two subareas and set forth temporary rules in each subarea with regard to the provision of utilities to property in the Utility Service Area while they worked on a land use plan known as the "Central Area Plan" (also referred to as "CAP"). The CAP is presently in draft form and has not yet been approved by the parties.
8. This Amended Agreement contained an expiration date of June 30, 2008.
9. The parties now desire to enter into a new agreement regarding the Central Area Plan and for the provision of utilities in Concord's Utility Service Area.

In consideration of these Premises and the Terms below, and the provisions of N.C. Gen. Stat. §160A-460 *et seq.*, which the parties acknowledge make this Interlocal Agreement binding and enforceable, the parties agree as follows.

TERMS

1. The parties agree to use their best efforts to jointly plan for growth in Concord's Utility Service Area, particularly in the geographic area included in the Central Area Plan and located outside of the Concord's planning and zoning jurisdiction. Such planning shall take into consideration the goals of fiscally responsible growth management, rural preservation, protection of farmland, preservation of natural areas, conservation, sustainable development and the impact of the extension of water and sewer utility services with its resultant likely increase in development intensity in that Area. No wording in this paragraph shall be construed to mean that the County has acquired any additional powers to control, manage or direct growth in those areas within the municipal boundaries of and the extraterritorial jurisdiction of Concord.

2. The parties agree to jointly adopt the same CAP for the Central Area outside of the planning and zoning jurisdictions of the Cities of Concord and Kannapolis but only within the Utility Service Area of Concord. Pursuant to the Amended Agreement, the parties have been working on the proposed CAP, which work is being developed and coordinated by LandDesign. The parties agree that the CAP will be diligently completed and then forthwith approved by each of the parties pursuant to the procedures provided in the respective ordinances of the parties. Specifically, the parties agree that each will submit the CAP for consideration to their respective planning and zoning boards no later than the regularly scheduled August, 2008 meeting for each such board (or at the next regularly scheduled meeting if the August meeting is not convened for lack of a quorum) and that the CAP will be considered by their respective governing boards no later than the next regularly scheduled meeting for each board after the respective planning and zoning boards refer the CAP to their respective boards for consideration. The parties acknowledge that each must adopt the same CAP in order for this Interlocal Agreement to accomplish its purposes. The County agrees to assume primary responsibility for finalizing the CAP and initiating any zoning changes as a result in areas outside the extra-territorial zoning jurisdiction of the City. The draft CAP map is attached at Exhibit B.

3. The parties have agreed on two areas in the Utility Service Area referred to as Areas "A" and "B". The location of these areas is shown on a map attached as Exhibit A and incorporated by reference. The line dividing the two areas is referred to as the Utility Service Boundary ("USB"). For all those properties located in Area B the parties agree that Concord at its sole option may extend utility service to owners and developers of such properties. For all those properties located within Area A, Concord shall not extend water and sewer utilities except for those for which Concord has already entered into a construction contract or for extensions required by an emergency, including but not limited to failing on-site waste water treatment systems or failing on-site water wells; or either to (i) properties located within Concord municipal limits or ETJ, or (ii) to individual buildings adjacent to wastewater or water lines as either may exist on June 30, 2008. Concord and the County do consent to the extension of utilities to development owned and operated by the federal, state, county or municipal governments, or to "employment centers" as shown on the CAP now or through amendment approved by both Concord and the County, or to regional utility lines such as a water pipeline from the Yadkin River basin to Concord.

4. The parties each agree to rezone the affected properties in the CAP in their respective jurisdictions to that zoning classification that matches the land use and densities recommended in the revised CAP.

5. This Interlocal Agreement shall commence on the effective date stated above and continue for a period of fifteen (15) years, terminating on June 29, 2023. Notwithstanding, the parties agree to review this Interlocal Agreement at least every five (5) years from the effective date in order to determine if the Interlocal Agreement continues to accomplish its purpose. The parties may amend this Interlocal Agreement at any time by a written instrument agreed to and executed by all the parties.

6. No provision of this Interlocal Agreement shall be construed to impair Concord's right to annex any property in its Utility Service Area, except to the extent that such an annexation by law would require Concord to provide water and/or sewer utility service to a property that would violate the terms of this Interlocal Agreement. In such cases, Concord may annex, but decline to provide utilities.

7. Contemporaneously with the execution of this Interlocal Agreement, the parties agree to amend accordingly the Agreements and Amended Agreement which are incorporated respectively into the Consent Judgment of January 23, 2006 and the Amended Consent Judgment of October 30, 2007. Except as changed by this Interlocal Agreement, the definitions contained in such documents shall retain their meanings.

8. The parties understand and acknowledge that a breach of this Interlocal Agreement would accord the non-breaching party an inadequate remedy at law and that injunctive relief and specific performance would be the only effective remedies. The parties agree that the non-breaching party may seek and obtain injunctive relief and specific performance to enforce the terms of this Interlocal Agreement. The prevailing party in any such litigation shall be entitled to recover its attorneys fees and cost of litigation from the party which defaults or breaches the Interlocal Agreement.

9. Should Concord breach this Interlocal Agreement by extending water and sewer utility services to property located in Area A, other than the provision described in Paragraph 3 above, the County as an additional remedy may withhold issuing building permits for development of such property. Should the County breach this Interlocal Agreement, Concord is not required to extend water and sewer utilities to any development approved by the County in derogation of this Agreement, nor is Concord required to continue to follow this Agreement.

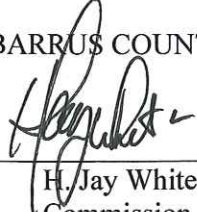
10. This document and the corresponding Second Amended Consent Judgment containing the Second Amended Agreement collectively comprise the entire agreement between the parties with reference to the matters contemplated by such writings. No modification or amendment shall be valid and enforceable unless reduced to writing and signed by all the parties.

IN WITNESS, the parties have each executed this Interlocal Agreement by their respective authorized officials pursuant to the authority specifically granted by their respective governing boards at a joint public meeting held on June 25, 2008.


CITY OF CONCORD

CABARRUS COUNTY

By: 
J. Scott Padgett
Mayor

By: 
H. Jay White, Sr.
Commission Chair

ATTEST:


Kim Deason
City Clerk




ATTEST:

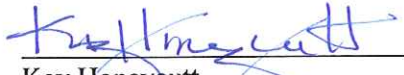

Kay Honeycutt
Clerk to the Board of Commissioners



WATER AND SEWER DISTRICT
OF CABARRUS COUNTY

By: 
H. Jay White, Sr.
Chair

ATTEST:


Kay Honeycutt
Clerk to the District

WATER DISTRICT OF
CABARRUS COUNTY

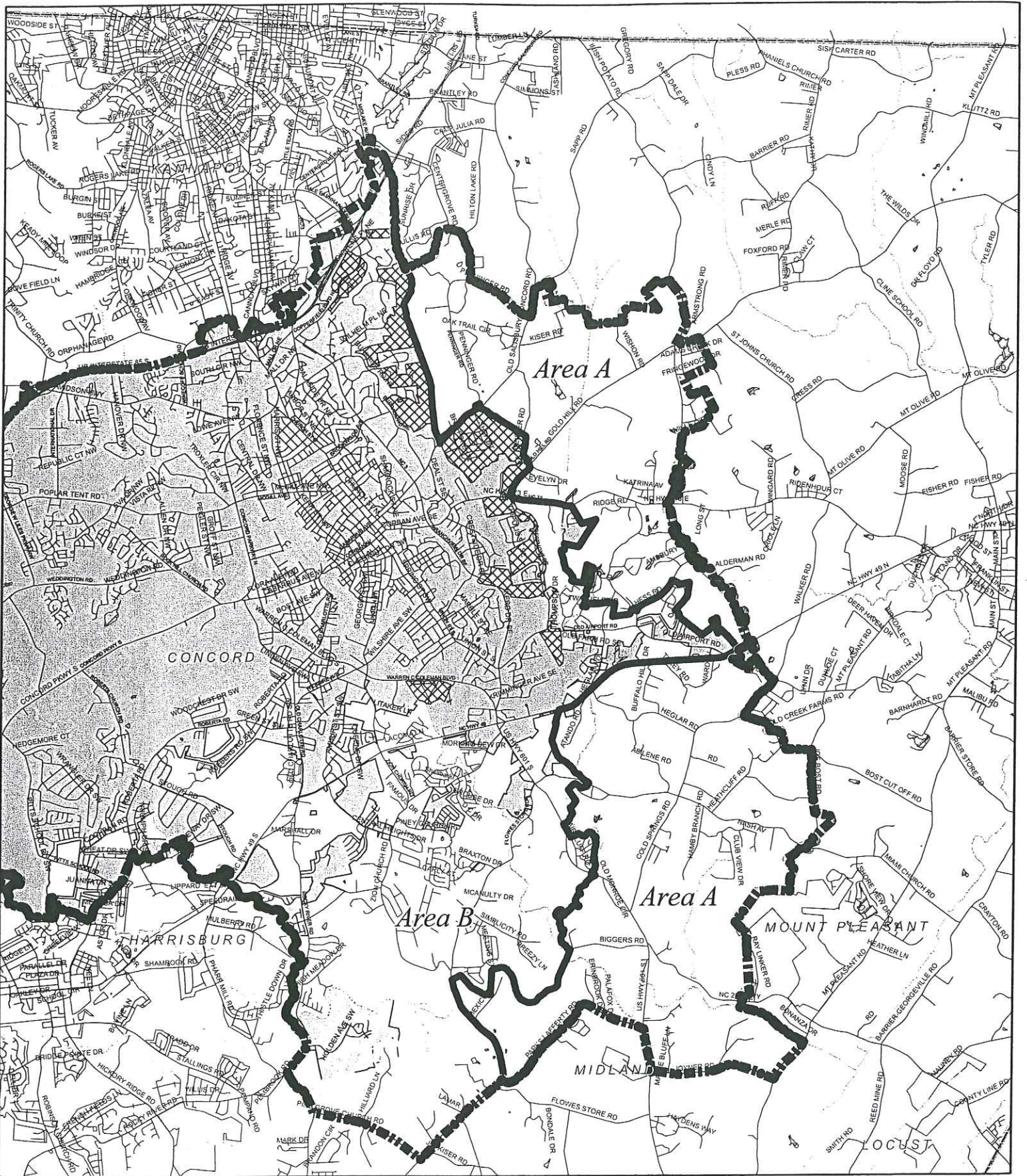









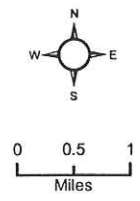
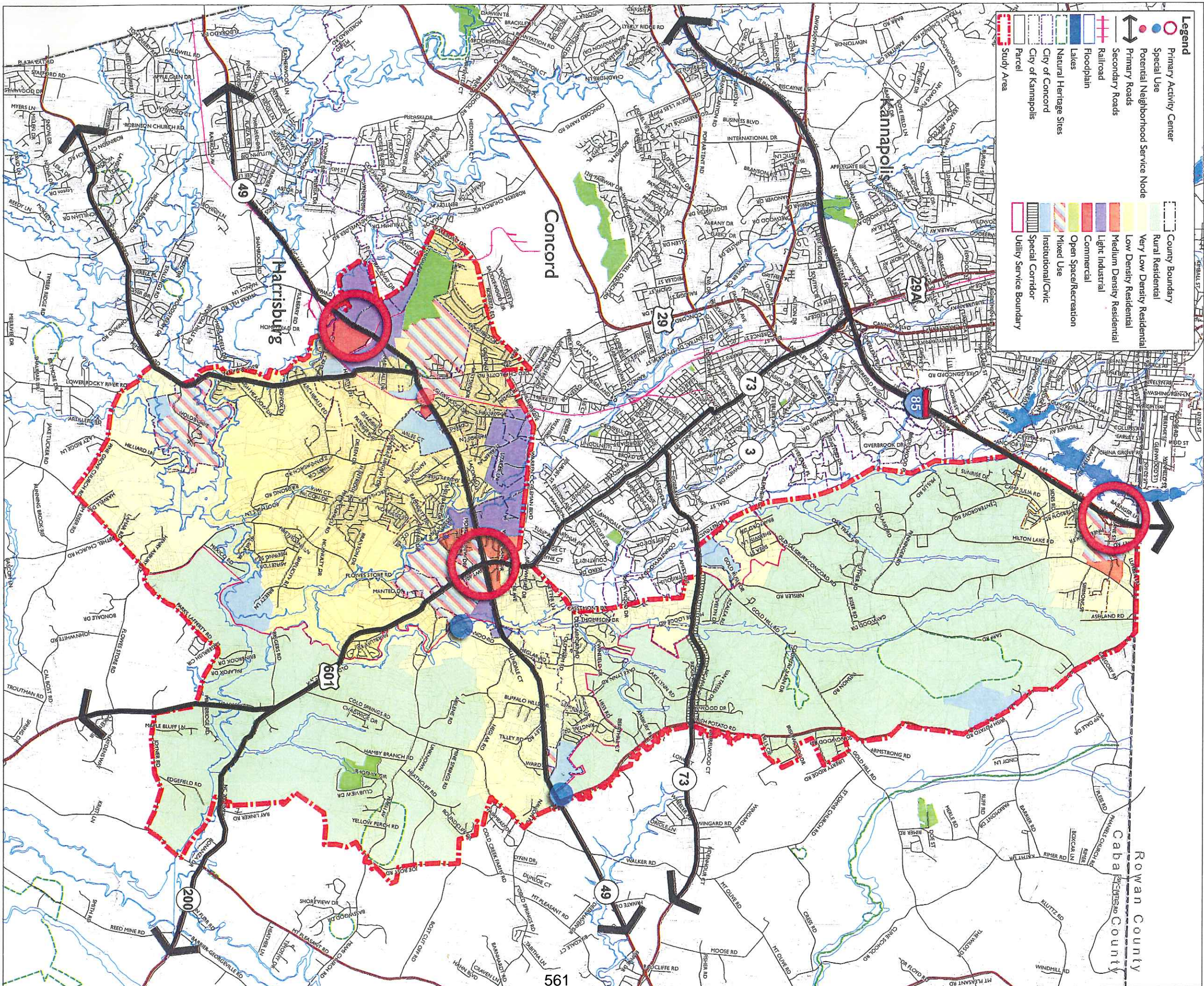


EXHIBIT A

-  Planning Area
-  Sub Area Boundary (Urban Services Boundary)
-  Concord ETJ
-  City of Concord
-  Other Municipalities
-  Cabarrus Co.
-  Streets
-  Rivers
-  Lakes & Ponds





DRAFT LAND USE PLAN (Figure 10)

Central Area Plan

Cabarrus County, North Carolina

WARREN & ASSOCIATES

CODE STUDIO

Exhibit "B"



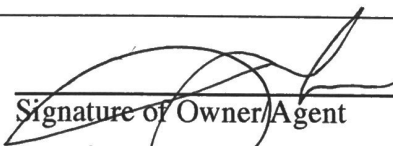
DATE: 04/11/2008
 DRAWN BY: J. W. WILSON
 CHECKED BY: J. W. WILSON
 APPROVED BY: J. W. WILSON
 PROJECT: CABARRUS COUNTY LAND USE PLAN
 SHEET: 10 OF 10

Preliminary Application – Extension of Concord Utilities outside Concord City Limits

(Please type or print in black ink)

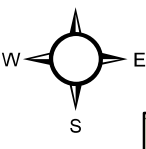
1. Name of development: _____
2. Name and address of owner(s)/developer(s): James Garmon
3. Owner(s)/developer(s) telephone: 704.791.5075 Fax: _____
4. Name and address of surveyor/engineer: _____
5. Surveyor/engineer's telephone: _____ Fax: _____
6. Name, telephone and fax number, and address of agent (if any): _____
7. Name and address of person to whom comments should be sent: James Garmon
8. Telephone number of person to whom comments should be sent: 704.791.5075
Fax: _____
9. Location of property: 2643 Miami Church Rd 28025
10. Cabarrus County P.I.N.#: 55493046410000
11. Current zoning classification: A0
12. Total acres: 3+ Total lots proposed: 1
13. Brief Description of development: existing Shop - just needs
water meter/hookup
14. Proposed Construction Schedule _____
15. Type of Service requested Water Hookup

5-5-20
Date

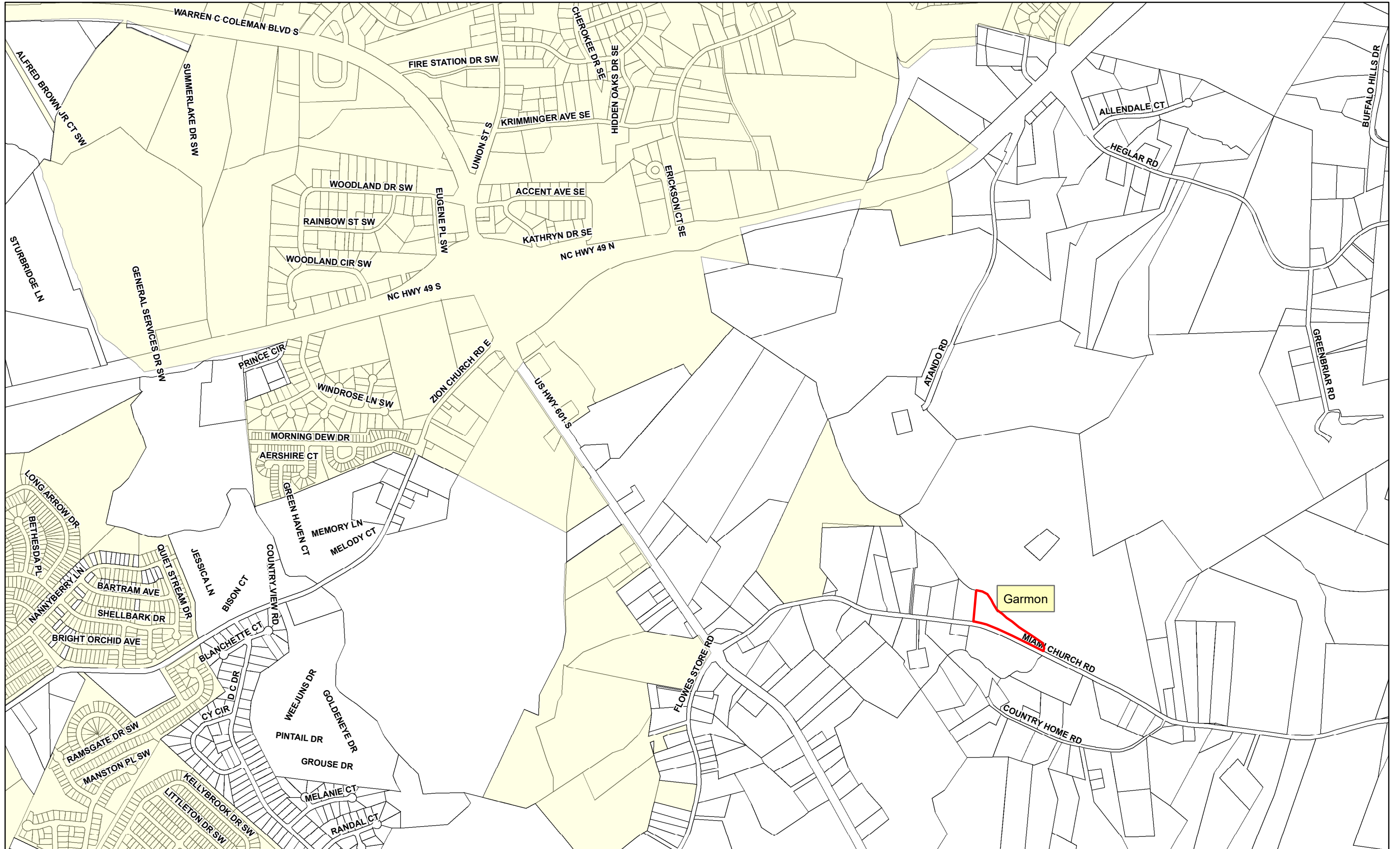

Signature of Owner/Agent
James Garmon
Name (printed)

NOTE: By affixing his or her signature hereto, the owner/developer acknowledges understanding of and agreement to comply with all provisions of the Concord City Code section 62.

Staff Use Only:	
Received by: _____	Date: _____



Preliminary Application



NORTH CAROLINA
CABARRUS COUNTY

**STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND
MAINTENANCE AGREEMENT**

THIS STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ("Agreement"), made this 22nd day of May, 2020, by Boys and Girls Club of Cabarrus County, Inc., whose principal address is 247 Spring Street NW, Concord, NC 28025 (hereinafter "Grantor"), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, (hereinafter "Grantee" or "City").

WITNESSETH:

WHEREAS, THE CITY COUNCIL ACCEPTED THIS STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON _____

WHEREAS, Grantor is the owner in fee simple of certain real property situated in the City of Concord, County of Cabarrus, North Carolina and more particularly described as follows: 247 Spring Street NW, Concord, NC, Cabarrus County Property Identification Number (PIN): 5620-69-2741. It being the land conveyed to Grantor by deed recorded in Book and Page 13640/100 in the Office of the Register of Deeds for Cabarrus County (hereinafter referred to as the "Property"); and

WHEREAS, Grantor desires to develop or redevelop all or portions of the Property; and

WHEREAS, the Property is located within the planning jurisdiction of the City of Concord, and is subject to certain requirements set forth in the City of Concord Code of Ordinances Chapter 60, the Concord Development Ordinance, (hereafter "CCDO"), and the Concord Technical Standards Manual (hereafter "Concord Manual"); and

WHEREAS, conditions for development and/or redevelopment of the Property includes (i) the construction, operation and maintenance of an engineered stormwater control structure, namely an ADS BayFilter, as provided in the CCDO and the Concord Manual (the "Stormwater Control Measure" or

“SCM”), (ii) Grantor’s dedication of a non-exclusive access easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measure; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

WHEREAS, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et. seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

WHEREAS, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns.

NOW, THEREFORE, for valuable consideration, including the benefits Grantor may derive there from, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby dedicates, bargains, grants and conveys unto Grantee, and its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in gross (of the nature and character and to the extent hereinafter set forth) in, on, over, under, through and across those portions of the Property shown on the attached **Exhibit “A” titled “Boys & Girls Club SCM & Access Easement” and labeled “SCM & Access Easement 7417.94 sf 0.170 AC”**, for the purpose of inspection and maintenance of the Stormwater Control Measure (hereinafter referred to as “SCM Easement”). Within the SCM Easement Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easement, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measure or SCM, which include (i) the SCM and any other stormwater quantity and/or quality control devices and/or structures, described on the plans approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCM across that portion of the Property shown on the attached **Exhibit “A” and labeled “Alexander Street NW Variable Public R/W”**, for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCM, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Grantor’s Property to the general public or for any public use or purpose whatsoever, and further except as specifically provided herein for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easement is more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the ADS BayFilter Inspection and Maintenance Plan attached as **Exhibit “B”** and (iv) as provided in the N.C. Dept. of Environment and Natural Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the “NCDENR Manual”), all of which are incorporated herein by reference as if set forth in their entirety below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

a. All components of the SCM and related improvements within the SCM Easement are to be kept in good working order.

b. The components of the SCM and related improvements within the SCM Easement shall be maintained by Grantor as described in “**Exhibit B**”, the ADS BayFilter Inspection and Maintenance Plan.

2. Upon completion of the construction of the SCM, Grantor’s N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCM and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as “Annual Report(s)”) are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report(s) shall describe the condition and functionality of the SCM, and shall describe any maintenance performed thereon during the preceding year. The Annual Report(s) shall be submitted with the signature and seal of Grantor’s N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCM and all components and structures related to the SCM functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report(s) recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plan describes the specific actions needed to maintain the SCM.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCM, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plan and as provided in the NCDENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee’s name, address of the Property, transferee’s mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee’s name, address of the Property; transferee’s mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and Maintenance Plan, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated, to enter the SCM Easement whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith,

to maintain same and make repairs or replacements to the SCM, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, in all other respects, remain the fee owners of the Property and areas subject to the SCM Easement, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easement and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **“Notice: The Property is subject to a Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB _____ PG ____.”** shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor may be divested of either the fee simple title to or possessory interests in the subject Property. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement dated May 22, 2020 with and for the benefit of the City of Concord, recorded in Book _____, Page _____ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same are free

from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Property hereinabove described is subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENTS AND ACCEPTED THE SCM EASEMENTS AT THEIR MEETING OF _____, 2020 AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS AGREEMENT AND EASEMENT IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

GRANTOR:

Boys and Girls Club of Cabarrus County, Inc.

By: Valerie Melton
Name: Valerie Melton
Title: Executive Director

GRANTEE:

City of Concord, a municipal corporation

By: _____
Lloyd Wm. Payne, Jr., City Manager

ATTEST:

Kim J. Deason, City Clerk
[SEAL]

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

STATE OF North Carolina
COUNTY OF Cabarrus

I, Larry G. Hathcock, a Notary Public of the aforesaid County and State, do hereby certify that Valerie Melton personally appeared before me this day and acknowledged that he/she is the Executive Director of Boys and Girls Club of Cabarrus County, Inc. and that he/she as Executive Director being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and Notarial Seal this the 22nd day of May, 2020



Larry G. Hathcock
Notary Public
My commission expires: February 3, 2025

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT was approved by the Concord City Council at its meeting held on _____ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the _____ day of _____, 2020.

Notary Public _____
My commission expires: _____

EXHIBIT A

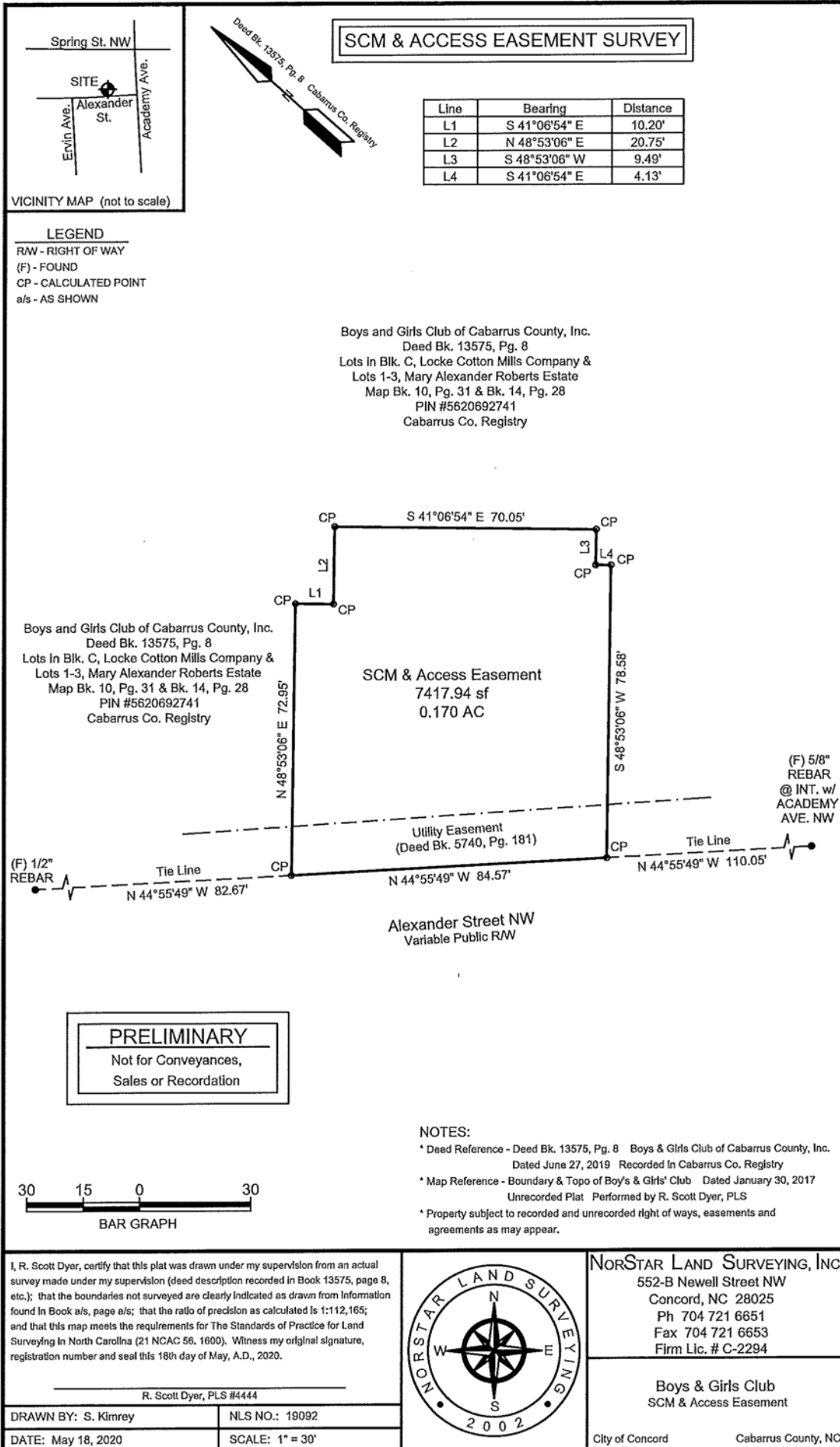


EXHIBIT B



ADS BayFilter Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

Important inspection and maintenance procedures:

- The drainage area will be carefully managed to reduce the sediment load to the BayFilter.
- The sedimentation chamber or forebay will be cleaned out whenever sediment depth exceeds 6 inches.

The BayFilter system will be inspected **quarterly**. Records of inspection and maintenance will be kept in a known set location and will be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
Entire SCM	Trash/debris is present.	Remove the trash/debris.
Adjacent pavement (if applicable)	Sediment is present on the pavement surface.	Sweep or vacuum the sediment as soon as possible.
Flow diversion structure	The structure is clogged.	Unclog the conveyance and dispose of any sediment offsite.
	The structure is damaged.	Make any necessary repairs or replace if damage is too large for repair.
BayFilter Cartridges	Cartridges not performing as designed – see ADS I&M document to determine if cartridge maintenance is required.	Replace cartridges per manufacturer’s recommendations.
Outlet device	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment offsite.
	The outlet device is damaged	Repair or replace the outlet device.
Receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact the City of Concord Stormwater Services at 704-920-5555.

Consent of Lienholder

Farmers & Merchants Bank a/k/a F&M Bank ("Lienholder"), hereby consents to the grant of the foregoing Stormwater Control Measure (SCMS, Access Easement and Maintenance Agreement by Boys and Girls Club of Cabarrus County, Inc., filed in Deed Book _____ at Page _____, and joins in the execution hereof solely as Lienholder and hereby does agree that in the event of the foreclosure of the Deed of Trust Securing Future Advances, and any amendments thereto recorded in Deed Book 13575, Page 13 of the Cabarrus County Register of Deeds Office or other sale of said property described in the aforesaid documents under judicial or non-judicial proceedings, the same shall be sold subject to said Agreement and Easement.

SIGNED AND EXECUTED this 22nd day of May, 2020.

Farmers & Merchants Bank a/k/a
F&M Bank

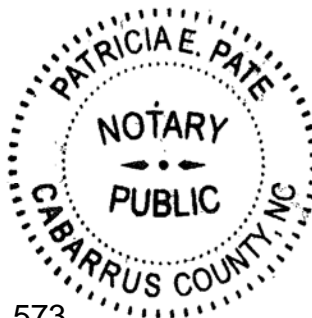
By: [Signature]
Name: William W Swink Jr
Title: vice President

STATE OF North Carolina
COUNTY OF Cabarrus

I, Patricia E. Pate, a Notary Public in and for Cabarrus County and State of North Carolina, do hereby certify that William W. Swink Jr, as Vice President of Farmers & Merchants Bank a/k/a F&M Bank personally appeared before me this day and acknowledged to me voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and Notarial Seal this the 22nd day of May, 2020.

My Commission Expires: 02-17-2023 Patricia E. Pate Notary Public



NORTH CAROLINA
CABARRUS COUNTY

**STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND
MAINTENANCE AGREEMENT**

THIS STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT (“Agreement”), made this _____ day of _____, 2020, by Beechwood Place, LP, a North Carolina limited partnership, whose principal address is 125 Old Chapin Road, Lexington, SC 29072 (hereinafter “Grantor”), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, (hereinafter “Grantee” or “City”).

WITNESSETH:

WHEREAS, THE CITY COUNCIL ACCEPTED THIS STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON _____
_____.

WHEREAS, Grantor is the owner in fee simple of certain real property situated in the City of Concord, County of Cabarrus, North Carolina and more particularly described as follows: 810-890 Breeze Court and 240 Warren C. Coleman Boulevard, Concord, NC, Cabarrus County Property Identification Number (PIN): 5529-39-8664. It being the land conveyed to Grantor by deed recorded in Book and Page 13183/15 in the Office of the Register of Deeds for Cabarrus County (hereinafter referred to as the “Property”); and

WHEREAS, Grantor desires to develop or redevelop all or portions of the Property; and

WHEREAS, the Property is located within the planning jurisdiction of the City of Concord, and is subject to certain requirements set forth in the City of Concord Code of Ordinances Chapter 60, the Concord Development Ordinance, (hereafter “CCDO”), and the Concord Technical Standards Manual (hereafter “Concord Manual”); and

WHEREAS, conditions for development and/or redevelopment of the Property includes (i) the construction, operation and maintenance of an engineered stormwater control structure, namely a Sand

Filter, as provided in the CCDO and the Concord Manual (the “Stormwater Control Measure” or “SCM”), (ii) Grantor’s dedication of a non-exclusive access easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measure; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

WHEREAS, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et. seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

WHEREAS, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns.

NOW, THEREFORE, for valuable consideration, including the benefits Grantor may derive there from, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby dedicates, bargains, grants and conveys unto Grantee, and its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in gross (of the nature and character and to the extent hereinafter set forth) in, on, over, under, through and across those portions of the Property shown on the attached **Exhibit “A” titled “Easement Exhibit Only (Not for Conveyance) Beechwood)” and labeled “SCM Access and Maintenance Easement 0.634 AC 27,600 SQFT”**, for the purpose of inspection and maintenance of the Stormwater Control Measure (hereinafter referred to as “SCM Easement”). Within the SCM Easement Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easement, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measure or SCM, which include (i) the SCM and any other stormwater quantity and/or quality control devices and/or structures, described on the plans approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCM across that portion of the Property shown on the attached **Exhibit “A” and labeled “Warren C Coleman Blvd. South (U.S. HWY. 601) 160’ Public Right of Way”**, for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCM, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Grantor’s Property to the general public or for any public use or purpose whatsoever, and further except as specifically provided herein for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easement is more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the Sand Filter Inspection and Maintenance Plan attached as **Exhibit “B”** and (iv) as provided in the N.C. Dept. of Environment and Natural Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the “NCDENR Manual”), all of which are incorporated herein by reference as if set forth in their entireties below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

a. All components of the SCM and related improvements within the SCM Easement are to be kept in good working order.

b. The components of the SCM and related improvements within the SCM Easement shall be maintained by Grantor as described in “**Exhibit B**”, the Sand Filter Inspection and Maintenance Plan.

2. Upon completion of the construction of the SCM, Grantor’s N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCM and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as “Annual Report(s)”) are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report(s) shall describe the condition and functionality of the SCM, and shall describe any maintenance performed thereon during the preceding year. The Annual Report(s) shall be submitted with the signature and seal of Grantor’s N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCM and all components and structures related to the SCM functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report(s) recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plan describes the specific actions needed to maintain the SCM.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCM, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plan and as provided in the NCDENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee’s name, address of the Property, transferee’s mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee’s name, address of the Property; transferee’s mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and Maintenance Plan, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated, to enter the SCM Easement whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the SCM, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, other than as set forth in Section 3 above, remain the fee owner of the Property and areas subject to the SCM Easement, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easement and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **“Notice: The Property is subject to a Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB _____ PG ____.”** shall be inserted by Grantor in any subsequent deed or other document of conveyance by which Grantor may be divested of either the fee simple title to or possessory interest in the subject Property; notwithstanding the foregoing, any Deed of Trust from Grantor to a trustee for the benefit of a lender that is not affiliated with the Grantor shall not be subject to this section 9(a). The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement dated _____, 2020 with and for the benefit of the City of Concord, recorded in Book _____, Page _____ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same are free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Property hereinabove described is subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

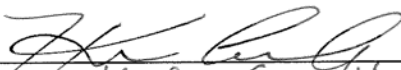
THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENTS AND ACCEPTED THE SCM EASEMENTS AT THEIR MEETING OF _____, 2020 AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS AGREEMENT AND EASEMENT IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

GRANTOR:

Beechwood Place, LP, a
North Carolina limited partnership

By: 
Name: T. Kevin Condit
Title: Manager Member
For: CDNC Concord, LLC
As: General Partner

GRANTEE:

City of Concord, a municipal corporation

By: _____
Lloyd Payne, City Manager

ATTEST:

Kim J. Deason, City Clerk
[SEAL]

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

STATE OF South Carolina
COUNTY OF Lexington

I, Pamela A Carpenter, a Notary Public of the aforesaid County and State, do hereby certify that T. Kevin Connelly personally appeared before me this day and acknowledged that he/she is the Mgr. Member of Beechwood Place, LP, a North Carolina limited partnership and that he/she as Gen. Partner being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and Notarial Seal this the 20th day of May, 2020.

Pamela A Carpenter

Notary Public

My commission expires: 12



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT was approved by the Concord City Council at its meeting held on _____ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the _____ day of _____, 2020.

Notary Public _____

My commission expires: _____

EXHIBIT B



Sand Filter Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

Important maintenance procedures:

- The drainage area will be carefully managed to reduce the sediment load to the sand filter.
- Once a year, sand media will be skimmed.
- The sand filter media will be replaced whenever it fails to function properly after vacuuming.

The sand filter will be inspected **quarterly and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance will be kept in a known set location and will be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The adjacent pavement (if applicable)	Sediment is present on the pavement surface.	Sweep or vacuum the sediment as soon as possible.
The perimeter of the sand filter	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.
The flow diversion structure	The structure is clogged.	Unclog the conveyance and dispose of any sediment off-site.
	The structure is damaged.	Make any necessary repairs or replace if damage is too large for repair.

The pretreatment area	Sediment has accumulated to a depth of greater than six inches.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If a pesticide is used, wipe it on the plants rather than spraying.

SCM element:	Potential problem:	How I will remediate the problem:
The filter bed and underdrain collection system	Water is ponding on the surface for more than 24 hours after a storm.	Check to see if the collector system is clogged and flush if necessary. If water still ponds, remove the top few inches of filter bed media and replace. If water still ponds, then consult an expert.
The outflow spillway and pipe	Shrubs or trees have started to grow on the embankment.	Remove shrubs and trees immediately.
	The outflow pipe is clogged.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	The outflow pipe is damaged.	Repair or replace the pipe.
The receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact Stormwater Services at 704-920-5360.

Consent of Lienholder

Fifth Third Bank, an Ohio banking corporation ("Lienholder"), hereby consents to the grant of the foregoing Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement by Beechwood Place, LP, a North Carolina limited partnership, filed in Deed Book _____ at Page _____, and joins in the execution hereof solely as Lienholder and hereby does agree that in the event of the foreclosure of the Construction Deed of Trust, Security Agreement, Fixture Filing and Assignment of Leases and Rents, and any amendments thereto recorded in Deed Book 13404, Page 75, the Assignment of Leases and Rents recorded in Deed Book 13404, Page 101 and the UCC Financing Statement recorded in Deed Book 13404, Page 110, all of the Cabarrus County Register of Deeds Office or other sale of said property described in the aforesaid documents under judicial or non-judicial proceedings, the same shall be sold subject to said Agreement and Easement.

SIGNED AND EXECUTED this 14th day of May, 2020.

Fifth Third Bank, an Ohio banking corporation

By: [Signature]
Name: James Beltz
Title: vice president

STATE OF Ohio
COUNTY OF Hamilton

I, Tammy Reeves, a Notary Public in and for Hamilton County and State of Ohio, do hereby certify that James Beltz, as vice president of Fifth Third Bank, an Ohio banking corporation personally appeared before me this day and acknowledged to me voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and Notarial Seal this the 14th day of May, 2020.

My Commission Expires: 6-14-2023 Tammy Reeves Notary Public



TAMMY REEVES
Notary Public, State of Ohio
My Commission Expires 06-14-2023

Consent of Lienholder

North Carolina Housing Finance Agency ("Lienholder"), hereby consents to the grant of the foregoing Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement by Beechwood Place, LP, a North Carolina limited partnership, filed in Deed Book _____ at Page _____, and joins in the execution hereof solely as Lienholder and hereby does agree that in the event of the foreclosure of the Deed of Trust, Assignment of Rents and Leases, and Security Agreement, and any amendments thereto recorded in Deed Book 13786, Page 313, the Deed of Trust, Assignment of Rents and Leases, and Security Agreement Workforce Housing Loan Program, and any amendments thereto recorded in Deed Book 13786, Page 340, the UCC Financing Statement recorded in Deed Book 13786, Page 336, and the UCC Financing Statement recorded in Deed Book 13786, Page 352, all of the Cabarrus County Register of Deeds Office or other sale of said property described in the aforesaid documents under judicial or non-judicial proceedings, the same shall be sold subject to said Agreement and Easement.

SIGNED AND EXECUTED this 6 day of May, 2020.

North Carolina Housing Finance Agency

By: Chris Austin
Name: Chris Austin
Title: Director of Rental Investment

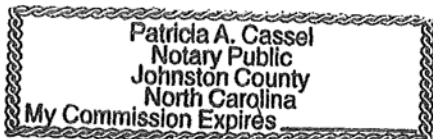
STATE OF NORTH CAROLINA
COUNTY OF WAKE Johnston

I, Patricia A. Cassel, a Notary Public in and for Johnston County and State of North Carolina, do hereby certify that Chris Austin, as Director of Rental Investment of North Carolina Housing Finance Agency personally appeared before me this day and acknowledged to me voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and Notarial Seal this the 6 day of May, 2020.

Patricia A. Cassel
Notary Public

My Commission Expires: 5-23-2023



Consent of Lienholder

Fannie Mae, a federally-charted and stockholder-owned corporation ("Lienholder"), hereby consents to the grant of the foregoing Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement by Beechwood Place, LP, a North Carolina limited partnership, filed in Deed Book _____ at Page _____, and joins in the execution hereof solely as Lienholder and hereby does agree that in the event of the foreclosure of the Subordinate Delivery Assurance Non-Recourse Deed of Trust, Assignment of Rents and Security Agreement, and any amendments thereto recorded in Deed Book 13404, Page 125 of the Cabarrus County Register of Deeds Office or other sale of said property described in the aforesaid documents under judicial or non-judicial proceedings, the same shall be sold subject to said Agreement and Easement.

SIGNED AND EXECUTED this 19th day of May, 2020.

FANNIE MAE, a federally-charted and stockholder-owned corporation

By: **ORIX REAL ESTATE CAPITAL, LLC**
a Delaware limited liability company
its attorney-in-fact

By: *Michelle Duffill*
Michele Duffill
Managing Director

STATE OF OHIO
COUNTY OF Franklin

I, Adriane Shelhart, a Notary Public in and for Franklin County and State of Ohio, do hereby certify that Michele Duffill, as Managing Director of ORIX Real Estate Capital, LLC, a Delaware limited liability company, attorney-in-fact for Fannie Mae, a federally-charted and stockholder-owned corporation personally appeared before me this day and acknowledged to me voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and Notarial Seal this the 19th day of May, 2020.



ADRIANE R. SHELHART
Notary Public, State of Ohio
My Commission Expires 11-27-2021

[Signature]
Notary Public

LIMITED POWER OF ATTORNEY

DISTRICT OF COLUMBIA

This LIMITED POWER OF ATTORNEY is effective as of the Date of Execution until two (2) years from the Date of Execution, and given by FANNIE MAE (“Fannie Mae”), a corporation organized and existing under the laws of the United States of America, with an office located at Midtown Center, 1100 15th Street, NW, Washington, DC 20005, to ORIX Real Estate Capital, LLC (“Servicer”) a limited liability company organized and existing under the laws of the state of Delaware, with an office located at 10 West Broad Street, 8th Floor, Columbus, OH, 43215.

RECITALS

A. The Servicer sold to Fannie Mae and is currently servicing certain mortgage loans (individually, a “Mortgage Loan”, and collectively, the “Mortgage Loans”) pursuant to the terms of (i) a Mortgage Selling and Servicing Contract (together with all Addenda attached thereto and as amended, modified and supplemented from time to time, collectively, the “Selling and Servicing Agreement”), and (ii) Fannie Mae’s Multifamily Selling and Servicing Guide (as amended, modified and supplemented from time to time, collectively, the “Guide”), and which Mortgage Loans are secured by a lien or encumbrance on real property (individually, a “Property”, and collectively, the “Properties”) pursuant to a mortgage, deed of trust or deed to secure debt in the appropriate jurisdiction (individually, a “Security Instrument”, and collectively, the “Security Instruments”).

B. Fannie Mae owns and is entitled to all rights, titles, and interests in and to the Mortgage Loans and is lien holder of record to each of the Security Instruments. Under the Selling and Servicing Agreement and the Guide, the Servicer has certain rights and obligations to process, document, and make certain underwriting and/or servicing decisions concerning (i) the assumption of Mortgage Loan obligations in connection with the sale of the Property securing a Mortgage Loan, or a transfer of ownership interests in the borrower of such Mortgage Loan (collectively, a “Transfer/Assumption”), (ii) the granting of partial releases of the Property securing a Mortgage Loan, the granting of easements on the Property securing a Mortgage Loan, condemnation actions affecting the Property securing a Mortgage Loan and other matters affecting the Property securing a Mortgage Loan (collectively, “Collateral Administration”), or (iii) modifications to Mortgage Loans in connection with any of (x) the closing of a new Mortgage Loan (a “Supplemental Loan”) secured by a subordinate lien on Property securing an existing Mortgage Loan (any such modification, a “Subordinate Lien Amendment”), (y) the conversion of a floating rate Mortgage Loan (a “Variable Rate Mortgage Loan”) to a fixed rate Mortgage Loan (a “Fixed Rate Mortgage Loan”; and any such modification, a “Rate Conversion Amendment”) or (z) the cross-collateralization and cross-defaulting of an existing Mortgage Loan with a new or existing loan (secured by a lien on adjacent or nearby Property) made or to be made by Fannie Mae (or Servicer on behalf of Fannie Mae) to an affiliate of the borrower under the existing Mortgage Loan (any such loan, a “Crossed Loan”; and any such modification, a “Loan Crossing Amendment”).

C. In connection with any Mortgage Loan and in order to save the time and expense that would be required for Fannie Mae to execute and deliver (i) Transfer/Assumption documents or, when necessary, any modification of the multifamily loan and security agreement (the "Loan Agreement") or the Security Instrument evidencing or securing a Mortgage Loan necessitated in connection with a Transfer/Assumption and approved in accordance with the Guide (collectively, the "Transfer/Assumption Documents"), or (ii) documents approved by the Servicer, when necessary, to evidence Collateral Administration matters or actions approved in accordance with the Guide (collectively, the "Collateral Administration Documents"), or (iii) documents amending a Mortgage Loan in connection with a Subordinate Lien Amendment, a Rate Conversion Amendment or a Loan Crossing Amendment, in each case only if such amendments are permitted by the Guide or by the existing Loan Agreement for the Mortgage Loan in question or are otherwise approved by Fannie Mae in writing (each such amendment, individually, an "Other Amendment Document"; and any such amendments, collectively, the "Other Amendment Documents"), Fannie Mae desires to appoint the Servicer as its attorney-in-fact so that the Servicer may sign, acknowledge, deliver and record any Assumption Document, Collateral Administration Document or Other Amendment Document on behalf of Fannie Mae.

IRREVOCABLE APPOINTMENT OF ATTORNEY-IN-FACT

1. Fannie Mae hereby constitutes and appoints the Servicer its true and lawful attorney-in-fact for it, and in its name, place, and stead, and for its use and benefits, for and in the name of Fannie Mae, to execute, endorse, and have acknowledged all Transfer/Assumption Documents, Collateral Administration Documents and Other Amendment Documents and to do and perform every act and thing customarily and reasonably or proper to be done in connection with:

- (a) a Transfer/Assumption, including but not limited to:
 - (i) the release of existing borrowers, key principals and/or guarantors from their obligations under and in connection with the Mortgage Loan;
 - (ii) the acceptance of the assumption of obligations under and in connection with the Mortgage Loan by new borrowers, key principals and/or guarantors;
 - (iii) the release of escrowed funds, collateral, guaranties and other credit support with respect to the existing borrowers, key principals and/or guarantors, and the acceptance of new deposits, collateral and other credit support with respect to the new borrowers, key principals and/or guarantors;
 - (iv) the modification or amendment of the provisions of the documents evidencing or securing a Mortgage Loan, including without limitation, the Loan Agreement, the Security Instrument and UCC filings, provided no liens are released with respect to the Property securing the Mortgage Loan; or

- (b) Collateral Administration, including but not limited to:
- (i) the granting of, or amendment to, an easement on or affecting the Property securing a Mortgage Loan, including the execution of any easement agreement, amendment to easement, easement subordination agreement, replat of the Property, or other document or instrument creating, amending, or approving the granting of the easement;
 - (ii) the conveyance or partial release of lien of a portion of the Property securing a Mortgage Loan, including any modification or amendment to the legal description of the Property as set forth in the Security Instrument and UCC filings, to reflect such partial release, provided no liens are released with respect to the portion of the Property remaining as security for the Mortgage Loan;
 - (iii) the settlement of a condemnation action or proceeding affecting the Property securing a Mortgage Loan, including the acceptance of any compensation or award in connection with the condemnation, conveyance and release of lien of a portion of the Property, any modification or amendment to the legal description of the Property as set forth in the Security Instrument or UCC filings, or any consent to a deed by the borrower of that portion of the Property subject to the condemnation action, provided no liens are released with respect to the portion of the Property remaining as security for the Mortgage Loan;
 - (iv) renewals or continuations of a UCC filing and amendments to correct scrivener errors in connection with a UCC filing;
 - (v) consents to a condominium conversion agreement or condominium termination agreement impacting the Property securing a Mortgage Loan;
 - (vi) Replacement Reserve Agreements, any amendment to a Replacement Reserve Agreement, or any amendment to a Loan Agreement that modifies or amends the replacement reserve terms of Part V of Schedule 2, Summary of Loan Terms, to the Loan Agreement, and any related schedules;
 - (vii) Completion/Repair Agreements, any amendment to a Completion/Repair Agreement, or any amendment to the Loan Agreement that modifies or amends the completion/repair terms of Part V of Schedule 2, Summary of Loan Terms, to the Loan Agreement, and any related schedules;
 - (viii) replacements or renewals of hedge documents where Fannie Mae is not also a credit enhancer of the hedge transaction;

- (ix) any subordination, non-disturbance and attornment agreement or estoppel certificate in connection with an approval of a commercial lease or an approval of any amendment to a commercial lease, affecting the Property securing a Mortgage Loan, including in connection with any lease regarding mineral rights, subsurface oil and/or gas rights;
 - (x) any insurance loss proceeds agreement or any amendment to an insurance loss proceeds agreement;
 - (xi) any assignment of management agreement or any amendment to assignment of management agreement; or
- (c) Other Amendment Documents, including:
- (i) a Subordinate Lien Amendment (including any modification to a Mortgage Loan made contemporaneously with the closing of a Supplemental Loan by the Servicer or its affiliate, and to be secured by a subordinate lien in the same Property securing the existing Mortgage Loan), provided that the Servicer or its lending affiliate has received a confirmed commitment from Fannie Mae to purchase the Supplemental Loan, subject to all terms of the Guide, including delegations of authority;
 - (ii) a Rate Conversion Amendment (including any modification to a Mortgage Loan made contemporaneously with the conversion of a Variable Rate Mortgage Loan (Adjustable Rate Mortgage Loan or Structured ARM Loan) to a Fixed Rate Mortgage Loan), provided that the Servicer or its lending affiliate has received a confirmed commitment from Fannie Mae to convert the Variable Rate Mortgage Loan to a Fixed Rate Mortgage Loan, subject to all terms of the Guide, including delegations of authority; and
 - (iii) a Loan Crossing Amendment (including any modification to a Mortgage Loan made contemporaneously with or in anticipation of the closing of a Crossed Loan, to cross-collateralize and cross-default the Mortgage Loan to or with such Crossed Loan), provided that, in the case of any Loan Crossing Amendment entered into in connection with a new Crossed Loan being made by Fannie Mae or a Servicer, the Servicer or its lending affiliate has received a confirmed commitment from Fannie Mae to make the Crossed Loan, subject to all terms of the Guide, including delegations of authority.

2. Third parties may rely upon the powers granted under this Limited Power of Attorney and upon the exercise of such power of the attorney-in-fact that all requirements and conditions precedent to such exercise of power have been satisfied. Any photocopy or other reproduction of this Limited Power of Attorney may be used, accepted and relied upon in lieu of the original hereof for the purpose of recording, filing, or otherwise utilizing the same.

3. The powers granted under this Limited Power of Attorney are for limited administrative purposes only and do not create an agency relationship between the Servicer and Fannie Mae, other than the authority expressly outlined in this Limited Power of Attorney.

This Limited Power of Attorney is executed this 7th day of October 2019
("Date of Execution").

WITNESS

FANNIE MAE

By: *Angela Duronio*
Name: Angela Duronio

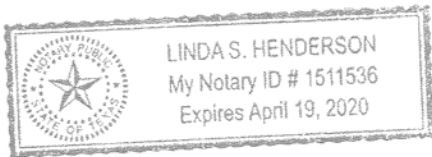
By: *[Signature]*
Robert E. Walton, Jr.
Vice President

By: *Nicole Duffley*
Name: Nicole Duffley

Plano, Texas.

I, *Linda S Henderson*, a notary public in and for the ^{Plano TX} ~~District of~~
~~Columbia~~, do hereby certify that Robert E. Walton, Jr, Vice President of Fannie Mae, personally
known to me or proved to me on the basis of satisfactory evidence to be the individual whose name
is subscribed to the within instrument and acknowledged to me that he executed the same in his
capacity, and that by his signature acted, executed the instrument.

Given under my hand and seal this 7th day of October 2019



Linda S Henderson
Notary Public

My Commission expires: 4-19-20

NORTH CAROLINA
CABARRUS COUNTY

**STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND
MAINTENANCE AGREEMENT**

THIS STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT (“Agreement”), made this 22nd day of May, 2020, by Dalton Woods, LLC, a North Carolina limited liability company, whose principal address is 1401 E 7th St., Ste. 200, Charlotte, NC 28204 (hereinafter “Grantor”), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, (hereinafter “Grantee” or “City”).

WITNESSETH:

WHEREAS, THE CITY COUNCIL ACCEPTED THIS STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON _____

WHEREAS, Grantor is the owner in fee simple of certain real property situated in the City of Concord, County of Cabarrus, North Carolina and more particularly described as follows: 10537 & 10575 Ellenwood Rd., Huntersville, NC, Cabarrus County Property Identification Numbers (PINs): 4670-73-6766 and 4670-73-0952. It being the lands conveyed to Grantor by deed recorded in Book and Page 13085/150 in the Office of the Register of Deeds for Cabarrus County (hereinafter referred to as the “Property”); and

WHEREAS, Grantor desires to develop or redevelop all or portions of the Property; and

WHEREAS, the Property is located within the planning jurisdiction of the City of Concord, and is subject to certain requirements set forth in the City of Concord Code of Ordinances Chapter 60, the Concord Development Ordinance, (hereafter “CCDO”), and the Concord Technical Standards Manual (hereafter “Concord Manual”); and

WHEREAS, conditions for development and/or redevelopment of the Property include (i) the construction, operation and maintenance of two (2) engineered stormwater control structures, namely

two (2) Sand Filters, as provided in the CCDO and the Concord Manual (the “Stormwater Control Measures” or “SCMs”), (ii) Grantor’s dedication of a non-exclusive access easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measures; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

WHEREAS, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et. seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

WHEREAS, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns.

NOW, THEREFORE, for valuable consideration, including the benefits Grantor may derive there from, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby dedicates, bargains, grants and conveys unto Grantee, and its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in gross (of the nature and character and to the extent hereinafter set forth) in, on, over, under, through and across those portions of the Property shown on the attached **Exhibit “A” titled “SCM Easement Map” and labeled “SCM Access and Maintenance Easement 47,101 SF 1.08 Acres (Sand Filter 1 (SF1) and Sand Filter 2 (SF2))”**, for the purpose of inspection and maintenance of the Stormwater Control Measures (hereinafter referred to as “SCM Easements”). Within the SCM Easements Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easements, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measures or SCMs, which include (i) the SCMs and any other stormwater quantity and/or quality control devices and/or structures, described on the plans approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCMs across that portion of the Property shown on the attached **Exhibit “A” via Ellenwood Road Variable Public R/W Map Bk 52 PG 87 and Dalton Woods Ct. 50’ Public R/W** for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCMs, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Grantor’s Property to the general public or for any public use or purpose whatsoever, and further except as specifically provided herein for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easements are more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the Sand Filter Inspection and Maintenance Plan attached as **Exhibit “B”** and (iv) as provided in the N.C. Dept. of Environment and Natural Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the “NCDENR Manual”), all of which are incorporated herein by reference as if set forth in their entirety below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

- a. All components of the SCMs and related improvements within the SCM Easements are to be kept in good working order.
- b. The components of the SCMs and related improvements within the SCM Easements shall be maintained by Grantor as described in "**Exhibit B**", the Sand Filter Inspection and Maintenance Plan.

2. Upon completion of the construction of the SCMs, Grantor's N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCMs and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as "Annual Report(s)") are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report(s) shall describe the condition and functionality of the SCMs, and shall describe any maintenance performed thereon during the preceding year. The Annual Report(s) shall be submitted with the signature and seal of Grantor's N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCMs and all components and structures related to the SCMs functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report(s) recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plan describes the specific actions needed to maintain the SCMs.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCMs, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plan and as provided in the NC DENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee's name, address of the Property, transferee's mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee's name, address of the Property; transferee's mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and Maintenance Plan, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated, to enter the SCM Easements whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the SCMs, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, in all other respects, remain the fee owners of the Property and areas subject to the SCM Easements, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easements and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **“Notice: The Property is subject to a Stormwater Control Measures (SCMs), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB _____ PG ____.”** shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor may be divested of either the fee simple title to or possessory interests in the subject Property. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain Stormwater Control Measures (SCMs), Access Easement and Maintenance Agreement dated May 22, 2020 with and for the benefit of the City of Concord, recorded in Book _____, Page _____ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said

premises in fee and has the right to convey the same, that except as set forth below the same are free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Properties hereinabove described are subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

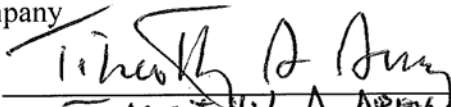
THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENTS AND ACCEPTED THE SCM EASEMENTS AT THEIR MEETING OF _____, 2020 AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS AGREEMENT AND EASEMENT IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

GRANTOR:

Dalton Woods, LLC, a North Carolina limited liability company

By: 
Name: TIMOTHY A. AREY Manager

GRANTEE:

City of Concord, a municipal corporation

By: _____
Lloyd Payne, City Manager

ATTEST:

Kim J. Deason, City Clerk
[SEAL]

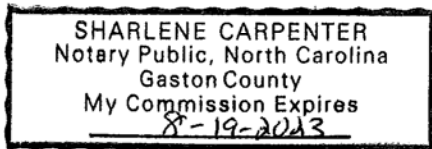
APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

STATE OF NC
COUNTY OF Cabarrus

I, Sharlene Carpenter, a Notary Public of the aforesaid County and State, do hereby certify that Timothy A. Arley personally appeared before me this day and acknowledged that he is the Manager of Dalton Woods, LLC, a North Carolina limited liability company and that he/she as Manager being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and Notarial Seal this the 2nd day of May, 2020



Sharlene Carpenter
Notary Public
My commission expires: 8-19-2023

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT was approved by the Concord City Council at its meeting held on _____ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the _____ day of _____, 2020.

Notary Public _____
My commission expires: _____

EXHIBIT B



Sand Filter Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

Important maintenance procedures:

- The drainage area will be carefully managed to reduce the sediment load to the sand filter.
- Once a year, sand media will be skimmed.
- The sand filter media will be replaced whenever it fails to function properly after vacuuming.

The sand filter will be inspected **quarterly and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance will be kept in a known set location and will be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The adjacent pavement (if applicable)	Sediment is present on the pavement surface.	Sweep or vacuum the sediment as soon as possible.
The perimeter of the sand filter	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.
The flow diversion structure	The structure is clogged.	Unclog the conveyance and dispose of any sediment off-site.
	The structure is damaged.	Make any necessary repairs or replace if damage is too large for repair.

The pretreatment area	Sediment has accumulated to a depth of greater than six inches.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If a pesticide is used, wipe it on the plants rather than spraying.

SCM element:	Potential problem:	How I will remediate the problem:
The filter bed and underdrain collection system	Water is ponding on the surface for more than 24 hours after a storm.	Check to see if the collector system is clogged and flush if necessary. If water still ponds, remove the top few inches of filter bed media and replace. If water still ponds, then consult an expert.
The outflow spillway and pipe	Shrubs or trees have started to grow on the embankment.	Remove shrubs and trees immediately.
	The outflow pipe is clogged.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	The outflow pipe is damaged.	Repair or replace the pipe.
The receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact Stormwater Services at 704-920-5360.

NORTH CAROLINA
CABARRUS COUNTY

**STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND
MAINTENANCE AGREEMENT**

THIS STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT (“Agreement”), made this _____ day of _____, 2020, by Dependable Development, Inc., a North Carolina corporation, whose principal address is 2627 Brekonridge Centre Dr., Ste 104, Monroe, NC 28110 (hereinafter “Grantor”), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, (hereinafter “Grantee” or “City”).

WITNESSETH:

WHEREAS, THE CITY COUNCIL ACCEPTED THIS STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON _____

WHEREAS, Grantor is the owner in fee simple of certain real property situated in the City of Concord, County of Cabarrus, North Carolina and more particularly described as follows: East Side of Flowes Store Road (Haven at Rocky River Development), Concord, NC, Cabarrus County Property Identification Number (PIN): 5538-58-6750. It being the land conveyed to Grantor by deed recorded in Book and Page 12102/1 in the Office of the Register of Deeds for Cabarrus County (hereinafter referred to as the “Property”); and

WHEREAS, Grantor desires to develop or redevelop all or portions of the Property; and

WHEREAS, the Property is located within the planning jurisdiction of the City of Concord, and is subject to certain requirements set forth in the City of Concord Code of Ordinances Chapter 60, the Concord Development Ordinance, (hereafter “CCDO”), and the Concord Technical Standards Manual (hereafter “Concord Manual”); and

WHEREAS, conditions for development and/or redevelopment of the Property includes (i) the construction, operation and maintenance of three (3) engineered stormwater control structures, namely

three (3) Wet Detention Ponds, as provided in the CCDO and the Concord Manual (the "Stormwater Control Measures" or "SCMs"), (ii) Grantor's dedication of a non-exclusive access easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measures; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

WHEREAS, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et. seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

WHEREAS, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns.

NOW, THEREFORE, for valuable consideration, including the benefits Grantor may derive there from, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby dedicates, bargains, grants and conveys unto Grantee, and its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in gross (of the nature and character and to the extent hereinafter set forth) in, on, over, under, through and across those portions of the Property shown on the attached **Exhibit "A" titled "Final Plat The Haven at Rocky River Map 1 (Sheets 1-5)" and labeled "SCM 1 (Sheet 1 of 5)", "SCM 2 SCM Maintenance Easement (Sheet 3 of 5)", and "SCM 3 SCM Maintenance Easement (Sheet 4 of 5)**, for the purpose of inspection and maintenance of the Stormwater Control Measures (hereinafter referred to as "SCM Easements"). Within the SCM Easements Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easements, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measures or SCMs, which include (i) the SCMs and any other stormwater quantity and/or quality control devices and/or structures, described on the plans approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCMs across that portion of the Property shown on the attached **Exhibit "A" titled "Final Plat The Haven at Rocky River Map 1 (Sheets 1-5) and labeled "20" SCM Access Easement Overlapping with SSE Easement (Sheet 1 of 5)", "SCM Access Easement and 50' SCM Access Easement via Rocky Wagon Lane SW 50' Public R/W and River Haven Avenue SW 50' Public R/W", "SCM Access Easement (Sheet 3 of 5)" and "SCM Access and Maintenance Easement (Sheet 4 of 4) via Clarisse Drive SW 50' Public R/W"**, for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCMs, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Grantor's Property to the general public or for any public use or purpose whatsoever, and further except as specifically provided herein for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easements are more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the Wet Detention Pond Inspection and Maintenance Plans attached as **Exhibit "B"** and (iv) as provided in the N.C. Dept. of Environment and Natural

Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the "NCDENR Manual"), all of which are incorporated herein by reference as if set forth in their entireties below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

a. All components of the SCMs and related improvements within the SCM Easements are to be kept in good working order.

b. The components of the SCMs and related improvements within the SCM Easements shall be maintained by Grantor as described in "**Exhibit B**", the Wet Detention Pond Inspection and Maintenance Plans.

2. Upon completion of the construction of the SCMs, Grantor's N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCMs and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as "Annual Report(s)") are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report(s) shall describe the condition and functionality of the SCMs, and shall describe any maintenance performed thereon during the preceding year. The Annual Report(s) shall be submitted with the signature and seal of Grantor's N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCMs and all components and structures related to the SCMs functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report(s) recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plan describes the specific actions needed to maintain the SCMs.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCMs, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plan and as provided in the NCDENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee's name, address of the Property, transferee's mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee's name, address of the Property; transferee's mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and

Maintenance Plan, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated, to enter the SCM Easements whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the SCMs, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, in all other respects, remain the fee owners of the Property and areas subject to the SCM Easements, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easements and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **“Notice: The Property is subject to a Stormwater Control Measures (SCMs), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB _____ PG ____.”** shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor may be divested of either the fee simple title to or possessory interests in the subject Property. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain Stormwater Control Measures (SCMs), Access Easement and Maintenance Agreement dated _____, 2020 with and for the benefit of the City of Concord, recorded in Book _____, Page _____ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same are free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Property hereinabove described is subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

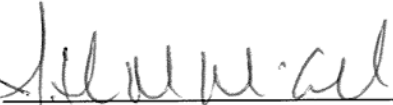
THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENTS AND ACCEPTED THE SCM EASEMENTS AT THEIR MEETING OF _____, 2020 AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS AGREEMENT AND EASEMENT IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

GRANTOR:

Dependable Development, Inc.,
a North Carolina corporation

By: 
Name: Johnathan M. McCall, COO

GRANTEE:

City of Concord, a municipal corporation

By: _____
Lloyd Wm. Payne, Jr., City Manager

ATTEST:

Kim J. Deason, City Clerk
[SEAL]

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

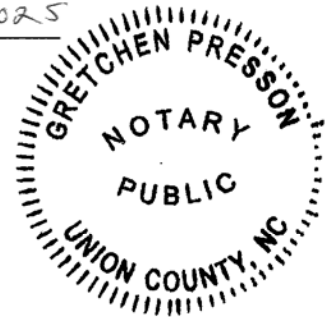
STATE OF North Carolina
COUNTY OF Union

I, Gretchen Presson, a Notary Public of the aforesaid County and State, do hereby certify that Johnathan m. McCall personally appeared before me this day and acknowledged that he/she is the Chief Operating Officer of Dependable Development, Inc., a North Carolina corporation and that he/she as Chief Operating Officer being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and Notarial Seal this the 27 day of May, 2020

Gretchen Presson

Notary Public
My commission expires: 3-29-2025

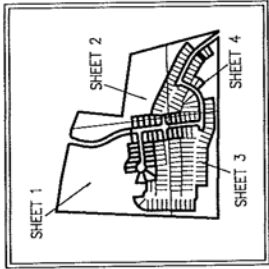


STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT was approved by the Concord City Council at its meeting held on _____ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the _____ day of _____, 2020.

Notary Public _____
My commission expires: _____



KEY MAP (N.T.S.)



**PRELIMINARY NOT FOR
RECORDATION, CONVEYANCE
OR SALES**

SHEET 2 OF 5

FINAL PLAT
THE HAVEN AT ROCKY RIVER,
MAP 1

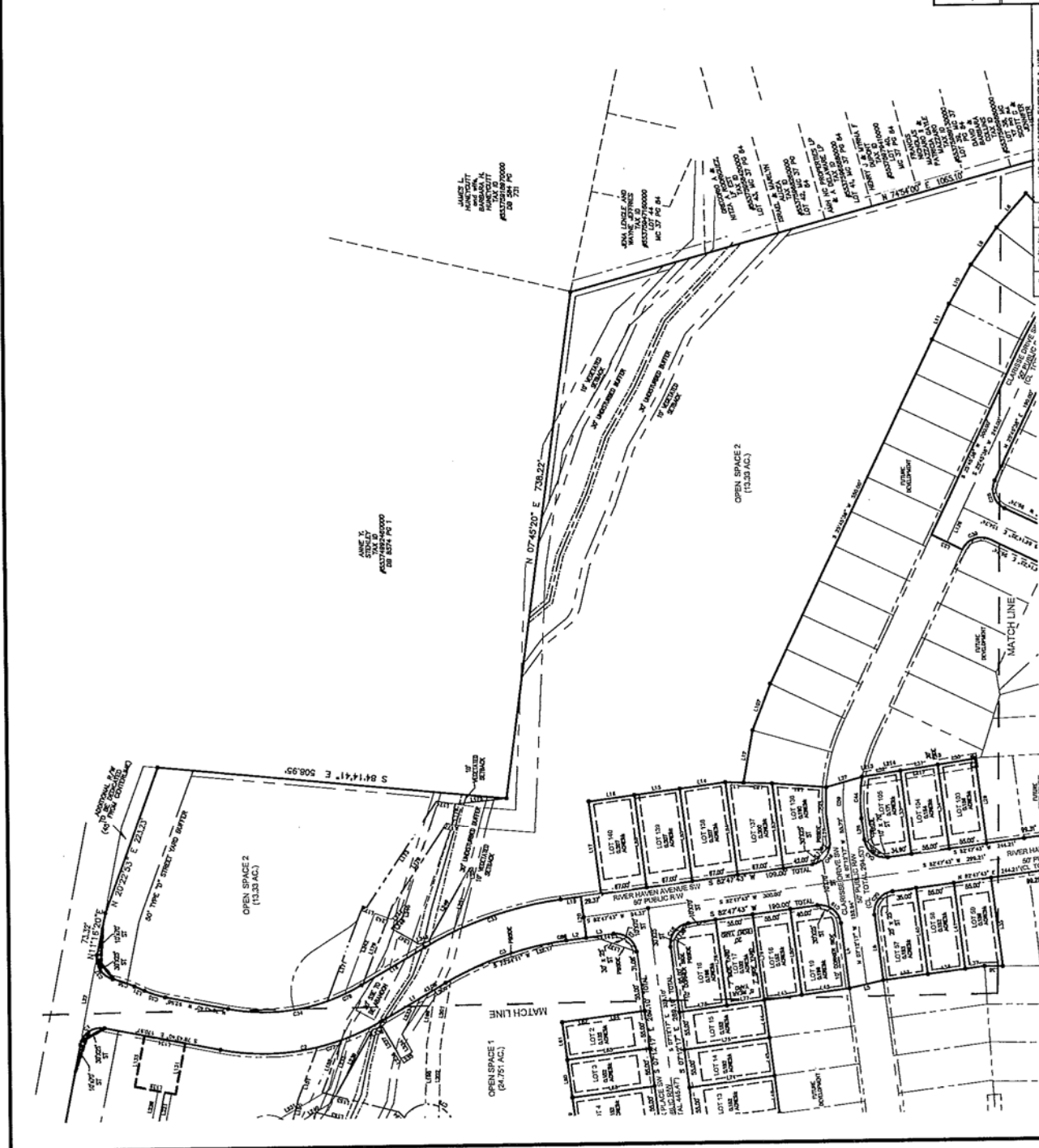
DEPENDABLE DEVELOPMENT, INC.
2827 BREKONDRIDGE CENTRE DRIVE, STE. 104
MONROE NC 28110
DB 12102 PG 1

Location:
CITY OF CONCORD, NO. 11 TOWNSHIP
COUNTY OF CABARRUS, STATE OF NORTH CAROLINA

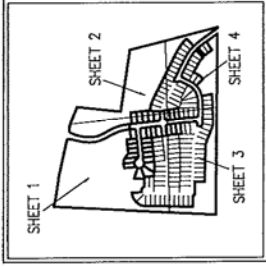
#	DATE	BY	REASON
3	5/29/20	TMM	ADD SOW ACCESS EASEMENT & NOTE
2	4/1/20	TMM	ADDRESS MUNICIPAL COMMENTS
1	4/1/20	TMM	ADDRESS CLIENTS COMMENTS

DELTA LAND SERVICES, INC.
FIRM LICENSE #C-735
608-C Matthews Mint Hill Road
MATTHEWS, NORTH CAROLINA 28105
PHONE NUMBER (704) 847-4700

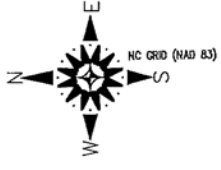
Source: 03/29/20
Drawn By: [Blank]
Check No.: [Blank]
Job No.: [Blank]



THIS DOCUMENT IS UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



KEY MAP (N.T.S.)



PRELIMINARY NOT FOR RECORDATION, CONVEYANCE OR SALES

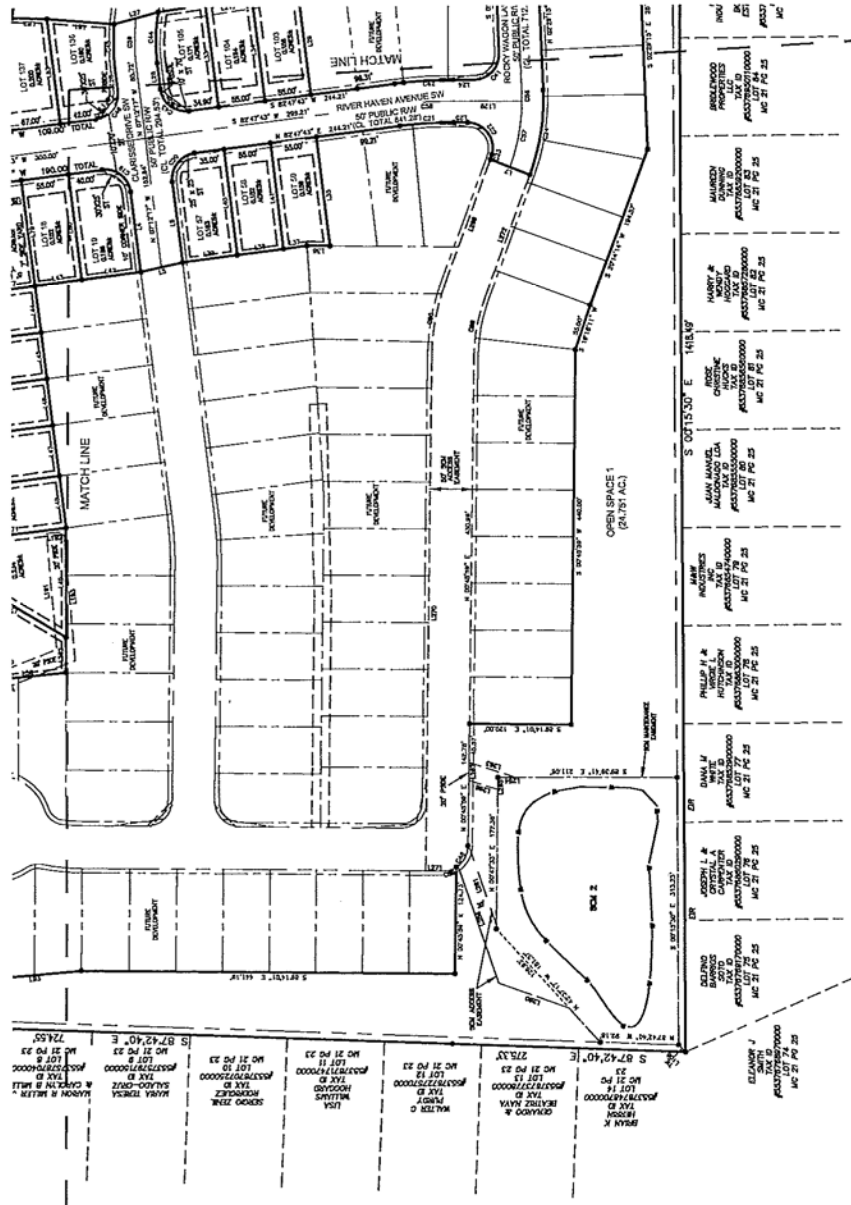
SHEET 3 OF 5

FINAL PLAT
THE HAVEN AT ROCKY RIVER,
MAP 1

DEPENDABLE DEVELOPMENT, INC.
28827 BRECKENRIDGE CENTRE DRIVE, STE. 104
MONROE NC 28110
DB 12102 PG 1

Location:
CITY OF CONCORD, NO. 11 TOWNSHIP
COUNTY OF CABARRUS, STATE OF NORTH CAROLINA

Date: 03/28/20 Drawn By: Checked By: Job No. 10000000000000000000



NO	DATE	BY	ADDRESS COMMENTS
1	4/1/20	TAM	ADDRESS COMMENTS
2	4/1/20	TAM	ADDRESS COMMENTS
3	5/21/20	TAM	ADD S/N ACCESS EASEMENT & NOTE

NO	DATE	BY	ADDRESS COMMENTS
1	4/1/20	TAM	ADDRESS COMMENTS
2	4/1/20	TAM	ADDRESS COMMENTS
3	5/21/20	TAM	ADD S/N ACCESS EASEMENT & NOTE

DELTA LAND SERVICES, INC.
FIRM LICENSE #C-735
608-G Matthews Mint Hill Road
MATTHEWS, NORTH CAROLINA 28105
PHONE NUMBER (704) 847-4700

**EXHIBIT B
(1 of 3)**



Wet Detention Basin Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

The wet detention basin system is defined as the wet detention basin, pretreatment including forebays and the vegetated filter if one is provided.

This system (check one):

does does not **incorporate a vegetated filter at the outlet.**

This system (check one):

does does not **incorporate pretreatment other than a forebay.**

Important maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet detention pond should be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the wet detention basin.
- If the basin must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain should be minimized to the maximum extent practical.
- Once a year, a dam safety expert should inspect the embankment.

After the wet detention pond is established, it should be inspected **once a month and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance should be kept in a known set location and must be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet detention basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.

SCM element:	Potential problem:	How I will remediate the problem:
The inlet device: pipe or swale	The pipe is clogged.	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
	Erosion is occurring in the swale.	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
The forebay	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The vegetated shelf	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices
	Plants are dead, diseased or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The main treatment area	Sediment has accumulated to a depth greater than the original design sediment storage depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control the algal growth.
	Cattails, phragmites or other invasive plants cover 50% of the basin surface.	Remove the plants by wiping them with pesticide (do not spray).

SCM element:	Potential problem:	How I will remediate the problem:
The embankment	Shrubs have started to grow on the embankment.	Remove shrubs immediately.
	Evidence of muskrat or beaver activity is present.	Use traps to remove muskrats and consult a professional to remove beavers.
	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.
	An annual inspection by an appropriate professional shows that the embankment needs repair.	Make all needed repairs.
The outlet device	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
The receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact the local NC Division of Water Quality Regional Office, or the 401 Oversight Unit at 919-733-1786.

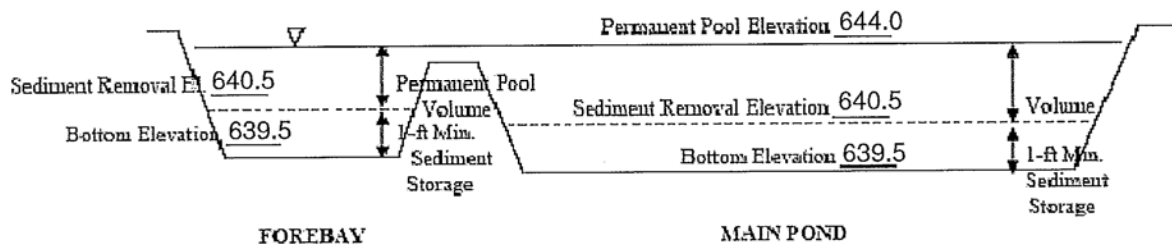
The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

Elevations used are approved design or equivalent as-built elevations. (Indicate which is being indicated in this document.)

When the permanent pool depth reads 3.5 feet in the main pond, the sediment shall be removed.

When the permanent pool depth reads 3.5 feet in the forebay, the sediment shall be removed.

BASIN DIAGRAM
(fill in the blanks)



BMP#3

**EXHIBIT B
(2 of 3)**



Wet Detention Basin Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

The wet detention basin system is defined as the wet detention basin, pretreatment including forebays and the vegetated filter if one is provided.

This system (check one):

does does not **incorporate a vegetated filter at the outlet.**

This system (check one):

does does not **incorporate pretreatment other than a forebay.**

Important maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet detention pond should be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the wet detention basin.
- If the basin must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain should be minimized to the maximum extent practical.
- Once a year, a dam safety expert should inspect the embankment.

After the wet detention pond is established, it should be inspected **once a month and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance should be kept in a known set location and must be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet detention basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.

SCM element:	Potential problem:	How I will remediate the problem:
The inlet device: pipe or swale	The pipe is clogged.	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
	Erosion is occurring in the swale.	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
The forebay	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The vegetated shelf	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices
	Plants are dead, diseased or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary.
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The main treatment area	Sediment has accumulated to a depth greater than the original design sediment storage depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control the algal growth.
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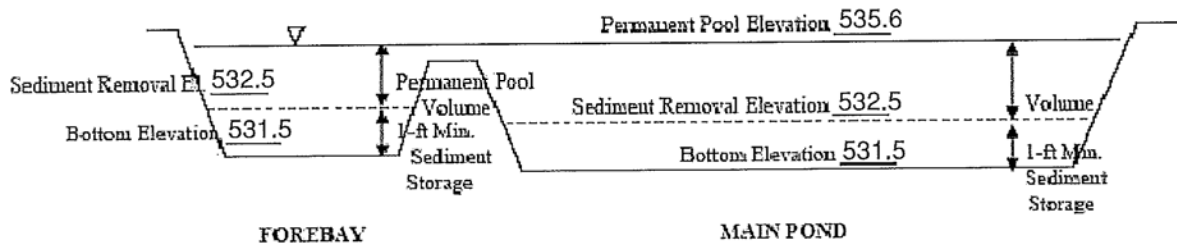
The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

Elevations used are approved design or equivalent as-built elevations. (Indicate which is being indicated in this document.)

When the permanent pool depth reads 3.1 feet in the main pond, the sediment shall be removed.

When the permanent pool depth reads 3.1 feet in the forebay, the sediment shall be removed.

BASIN DIAGRAM
(fill in the blanks)



BMP#1



Wet Detention Basin Inspection and Maintenance Plan

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SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet detention basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.

SCM element:	Potential problem:	How I will remediate the problem:
The inlet device: pipe or swale	The pipe is clogged.	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
	Erosion is occurring in the swale.	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
The forebay	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
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	Plants are dead, diseased or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The main treatment area	Sediment has accumulated to a depth greater than the original design sediment storage depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control the algal growth.
	Cattails, phragmites or other invasive plants cover 50% of the basin surface.	Remove the plants by wiping them with pesticide (do not spray).

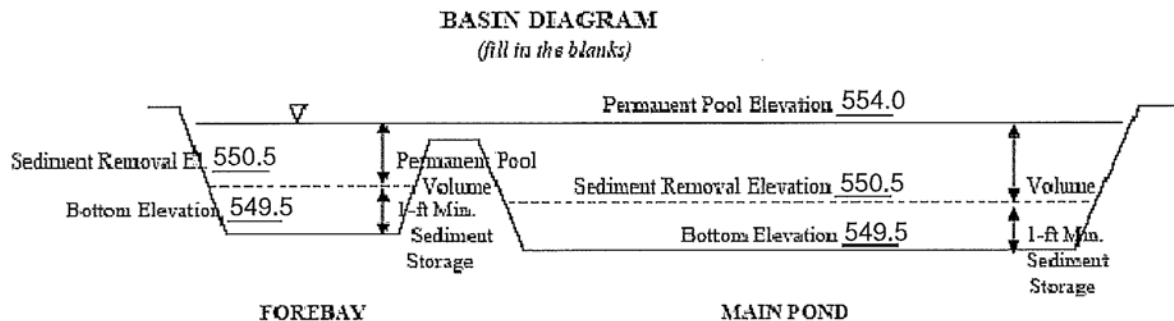
SCM element:	Potential problem:	How I will remediate the problem:
The embankment	Shrubs have started to grow on the embankment.	Remove shrubs immediately.
	Evidence of muskrat or beaver activity is present.	Use traps to remove muskrats and consult a professional to remove beavers.
	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.
	An annual inspection by an appropriate professional shows that the embankment needs repair.	Make all needed repairs.
The outlet device	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
The receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact the local NC Division of Water Quality Regional Office, or the 401 Oversight Unit at 919-733-1786.

The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

Elevations used are approved design or equivalent as-built elevations. (Indicate which is being indicated in this document.)

When the permanent pool depth reads 3.5 feet in the main pond, the sediment shall be removed.

When the permanent pool depth reads 3.5 feet in the forebay, the sediment shall be removed.



CONSENT OF LIENHOLDER

The undersigned **Wellspring Carolina Investments, LLC** ("Lienholder"), the holder of a certain promissory note which is secured, in part, by that certain Deed of Trust given by **Dependable Development, Inc.**, recorded on **February 6, 2019** (recording date of deed of trust or encumbrance) in Book 13364, Page 275, in the Office of the Register of Deeds of Cabarrus County, North Carolina, (together with any and all other documents and/or instruments evidencing or securing the loan evidenced by said note(s), the "Security Instruments"), for itself and its successors and assigns, hereby gives all consents necessary, and hereby subordinates the liens and security instruments granted by the Security Instruments to the foregoing Stormwater Control Measures, Access Easement and Maintenance Agreement executed by **Dependable Development, Inc.** to City of Concord and assigns (the "Easement"), with the same force and effect as if the Easement had been recorded prior to the making and recording of any of the Security Instruments.

This Consent and Subordination shall be binding upon the successors and assigns of Lender, including the holder at any time of any portion of the indebtedness secured by the Security Instruments.

Dated: 5/26/2020

Wellspring Carolina Investments, LLC

By: [Signature]
Name: Mark Boyce
Its: Manager

STATE OF North Carolina
Union COUNTY

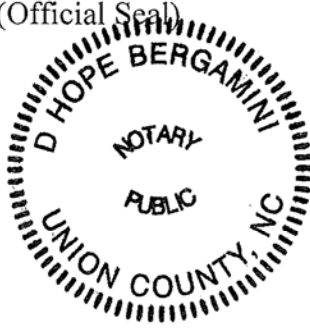
I certify that the following person(s) personally appeared before me this day, and I have personal knowledge of the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Mark W. Boyce, Manager of Wellspring Carolina Investments, LLC
(PRINT THE NAME OF THE SIGNER)

Date: 5/26/2020

[Signature]
Official Signature of Notary

(Official Seal)



D. Hope Bergamini, Notary Public
Notary's printed or typed name

My commission expires: 3/26/2021



MEMORADUM

DATE: Thursday, May 28, 2020
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Infrastructure Acceptance
 PROJECT NAME: Shoppes on Derita
 PROJECT NUMBER: 2019-018
 DEVELOPER: Thompson Thrift
 FINAL CERTIFICATION - LOT NUMBERS: Lts.3 & 4
 INFRASTRUCTURE TYPE: Water and Sewer
 COUNCIL ACCEPTANCE DATE: Thursday, June 11, 2020
 ONE-YEAR WARRANTY DATE: Friday, June 11, 2021

Water Infrastructure	Quantity
8-inch in LF	302.00
8-inch Valves	4
6-inch in LF	16.00
Hydrants	1

Sanitary Sewer Infrastructure	Quantity
8-inch in LF	485.00
Manholes as EA	5



MEMORADUM

DATE: Friday, May 22, 2020
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Infrastructure Acceptance
 PROJECT NAME: Roberta Ridge Subdivision PH 1 MP 5
 PROJECT NUMBER: 2016-044
 DEVELOPER: D. R. Horton
 FINAL CERTIFICATION - LOT NUMBERS: 109-128, 145-158
 INFRASTRUCTURE TYPE: Water and Sewer
 COUNCIL ACCEPTANCE DATE: Thursday, June 11, 2020
 ONE-YEAR WARRANTY DATE: Friday, June 11, 2021

Water Infrastructure	Quantity
8-inch in LF	1545.00
8-inch Valves	4
Hydrants	2

Sanitary Sewer Infrastructure	Quantity
8-inch in LF	1475.00
Manholes as EA	7

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4357500	CARES Act Funding	0	34,597	34,597
Total				34,597

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5800100	CARES Act Expenditure	0	34,597	34,597
Total				34,597

Reason: BJA FY20 Coronavirus Emergency Supplemental Funding.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney



Department of Justice (DOJ)

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

May 8, 2020

Mr. Lloyd Payne
City of Concord
P.O. Box 308
Concord, NC 28026-0308

Dear Mr Payne:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of Concord for an award under the OJP funding opportunity entitled "BJA FY 20 Coronavirus Emergency Supplemental Funding Program." The approved award amount is \$34,597. These funds are for the project entitled Concord NC Police Department Coronavirus Response.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of Concord accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Christine O. Torres, Program Manager at (202) 305-1978; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at ask.ocfo@usdoj.gov.

We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Sullivan", is written over a horizontal line.

Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Encl.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER
2020-VD-BX-0327

PAGE 1 OF 1

This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C

1. STAFF CONTACT (Name & telephone number)

Christine O. Torres
(202) 305-1978

2. PROJECT DIRECTOR (Name, address & telephone number)

Keith Eury
Major
PO Box 308
41 Cabarrus Avenue W
Concord, NC 28026-0308
(704) 920-5015

3a. TITLE OF THE PROGRAM

BJA FY 20 Coronavirus Emergency Supplemental Funding Program

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Concord NC Police Department Coronavirus Response

5. NAME & ADDRESS OF GRANTEE

City of Concord
P.O. Box 308
Concord, NC 28026-0308

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 01/20/2020 TO: 01/31/2022

8. BUDGET PERIOD

FROM: 01/20/2020 TO: 01/31/2022

9. AMOUNT OF AWARD

\$ 34,597

10. DATE OF AWARD

05/08/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Coronavirus Emergency Supplemental Funding (CESF) Program allows States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments to support a broad range of activities to prevent, prepare for, and respond to the coronavirus. Funded projects or initiatives may include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.

NCA/NCF

ORD. #

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4603000	Grants	98,072	111,029	12,957
Total				12,957

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4341-5550000	Equipment	0	0	12,957
Total				12,957

Reason: To recognize the Cannon Foundation Grant Award to the Fire Department.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

Concord Fire Department
Inflatable Safety House Grant
Information



fire safety products

BY INFLATABLE IMAGES®

DELUXE FIRE SAFETY HOUSE



3D BEDROOM AND KITCHEN

DELUXE FIRE SAFETY HOUSE

bounce pad in parts of house, slide has bounce pad

18'h x 32.5'w x 26'd ~~\$17,995~~

..... ~~\$12,995~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.



SMOKE HOUSES - COMPLETE WITH SMOKE CAPABILITIES



DELUXE SMOKE HOUSE

does not have bounce pad, educational use only

12'h x 27'w x 18.5'd ~~\$13,995~~

..... ~~\$10,995~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.



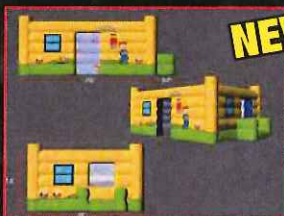
ORIGINAL FIRE SAFETY SMOKE HOUSE

does not have bounce pad, educational use only

13'h x 21'w x 19'd ~~\$9,095~~

..... ~~\$7,995~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.



NEW

ECONOMY SMOKE HOUSE

Does not have bounce pad, educational use only, complete with smoke capabilities

8.5'h x 22.5'w x 15'd ~~\$5,795~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.

BOUNCE HOUSES - INCLUDES BOUNCE PAD



FULL SIZE FIRE SAFETY HOUSE

includes slide

18'h x 27'w x 25'd ~~\$15,995~~

..... ~~\$10,995~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.



3/4 SIZE FIRE SAFETY HOUSE

includes slide

13'h x 21'w x 19'd ~~\$11,950~~

..... ~~\$7,895~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.



NEW

ECONOMY FIRE SAFETY BOUNCER

10'h x 15'w x 15'd ~~\$4,995~~

Comes complete with all of the necessary equipment to operate the unit. Electricity required.

contact Hector Marinaro • h.marinaro@scherba.com
800.783.5717 x188 • inflatableimages.com

©Scherba Industries, Inc. 2019

fire safety products

BY INFLATABLE IMAGES®



Fire Safety Obstacle Course

13.75'h x 14.25'w x 72.5'd\$18,995
Comes complete



Fire Engine Slide

18'h x 28'l x 11'w \$5,995
Comes complete with all of the necessary equipment to operate the unit.
Optional generator available.



STOP, DROP & ROLL

5'h x 8'w x 18'd\$3,595
Comes complete



Accessories

Transport Trailer w/ custom art\$6,995
Generator.....\$1,390
Dolly.....\$1,495



Fire Boot

8'.....\$425
Banner\$25 ea.
6'.....\$275
Banner\$20 ea.



Dalmatian Fireman Costume

7'h x 4.2'w x 2'd\$2,995



FIRE HYDRANT

6'h.....\$1,695
Comes complete



LITTLE CRAWL

5'h x 5'w x 8'd w/ FLOOR.....\$2,745
5'h x 5'w x 8'd NO FLOOR.....\$1,995
Comes complete
CUSTOM ARTWORK INCLUDED



Fireman Costume

8'h x 3.2'w x 2.4'd\$2,995

contact Hector Marinaro • h.marinaro@scherba.com
800.783.5717 x188 • inflatableimages.com



INFLATABLE IMAGES®

800.783.5717 • info@scherba.com

www.inflatableimages.com • 2880 Interstate Pkwy Brunswick, OH 44212

11.26.2019 - Deluxe Fire Safety Smoke House – Concord FD – Deputy Fire Marshall Brad Hunt



Inflatable Fire Safety Smoke House

12' High x 27' Wide x 18.5' Deep:

Custom Transport Dolly:

Regular ground freight to Concord, NC 28027:

\$10,995.00

\$ 1,495.00

\$ 466.57

INFLATABLE FIRE SAFETY SMOKE HOUSE

Construction

- **Skin:** (Digitally printed high wear areas) Heavy-duty ScherPrint 18 oz. Ultra-White PVC coated nylon digital twill weave specially formulated digital print substrate with ultraviolet and mildew resistant infused inhibitors.
- **Skin:** (Digitally printed display areas) ScherPrint 7.7 oz. Ultra-White PVC coated nylon digital twill weave specially formulated digital print substrate with ultraviolet and mildew resistant infused inhibitors
- **Inner Walls:** Combination of Ultra Schercote III and 4.5 oz. rip stop nylon.
- **Basic:** Finished with flat-fold seams, double needle lock stitch and sewn with high-grade polyester thread.

Digital Printing

- **Inks:** As required digitally reproduced and printed areas, logos, slogans, insignias, type and images for replication of application specific art is applied and processed on a Hewlett Packard XP2700 digital printer with continuous drop-on-demand (CDOD) inkjet technology at an apparent resolution of 1600 x 1270 dpi to ensure true photo-realistic results.
- **Coating:** Exterior is clear coated with a water-borne acrylic urethane on an Aquaseal As1600 coating machine. The coating doubles the UV resistance, adds a heavy-duty secondary abrasion resistant coating and keeps the product looking and staying cleaner longer

Inflation System

- **Inflation Fans:** Qty One (1) - externally mounted 37 lb. KP1 HO – 1 HP inflation fans capable of operating on 110v/60Hz power, providing 1850 CFM @ 11 AMP (basis 110V).
- **Power Cord:** Qty One (1) 100' long 12-gauge tri-tap power cords.

Additional Components

- Qty four (4) 1,800 lb nylon anchor lines.
- Qty four (4) hardened steel ground stakes.
- Qty one (1) heavy duty ground tarp.
- Qty one (1) patch repair kit.
- Qty one (1) owner's manual.
- Qty.one (1) 3D Mailbox – 3D Frying Pan – 3D Garbage Can

WARRANTY & TERMS

Warranty

Inflatable Images provides a prorated warranty on these products against defects in materials and workmanship for a period for 2 year from the date of purchase.

Standard Terms: Production time is 10 weeks from the time we have received your Purchase Order, 50% deposit & all of the necessary information required to process your order to include all approvals and properly formatted art. Balance prior to delivery. Freight is F.O.B. factory (Brunswick, Ohio), prepaid and charged back. Title and control of product passes at origin (when the carrier signs for the goods). Buyer has total responsibility over the goods while in shipment. Customer shall be responsible for the filing of claims (if any) for lost, missing or damaged product while in transit.

Yours Truly,

Hector Marinaro
Inflatable Images
800-783-5717 x188
330-421-0516 cell
h.marinaro@scherba.com


outdoor advertising solutions

cold air inflatables digital print airtight™ inflatables

Proposed Artwork, Safety Message Design and layout



637

 INFLATABLE IMAGES® A Division of Scherba Industries, Inc.	PRODUCT NAME FIRE SAFETY SMOKEHOUSE DELUXE	SIZE (HxWxD) 12'X27'X18.5'	RENDERED BY TK VERSION 1	DATE 1/23/20
	<input type="checkbox"/> NEW <input type="checkbox"/> EXISTING <input checked="" type="checkbox"/> EXISTING W/CHANGES <input type="checkbox"/> SIZE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> ART	DESIGN APPROVAL _____ DATE _____ While every effort will be made to produce a product to match this rendering, slight variations may occur during the manufacturing process. The appearance of the final product may vary.	SALES APPROVAL _____ DATE _____	

Rendering copyright 2020 Scherba Industries, Inc.

**TEST SMOKE
DETECTOR'S EVERY MONTH.**



**NEVER TOUCH
MATCHES OR LIGHTERS. IF
YOU SEE THEM, TELL
AN ADULT.**



**KEEP PAPERS
AND MAGAZINES AWAY FROM
THE FIREPLACE.**



**BLOW OUT,
BEFORE YOU GO OUT!**



**TURN POT HANDLES
TO THE CENTER OF
THE STOVE.**



**IF YOU HAVE
SECURITY BARS, MAKE SURE
YOU KNOW HOW TO OPEN THEM
IN CASE OF FIRE.**



**NEVER LIGHT OR
PLAY WITH BURNING CANDLES.
DO NOT LEAVE THEM
UNATTENDED.**



**CALL 911 ONLY
IN AN EMERGENCY. IT'S
IMPORTANT TO KNOW
YOUR ADDRESS.**



**WALL SOCKET
IS OVERLOADED. THIS CAN
CAUSE A FIRE.**



**SET WATER TANK
AT 120°F
MAXIMUM.**



**NEVER PUT ANYTHING
OVER A LAMP, LIKE CLOTHES
OR A BLANKET, NOT
EVEN WHEN PLAYING.
THEY CAN CATCH FIRE.**



**DON'T COOK
ALONE OR WITHOUT
ASKING AN ADULT.**



**SMOKE RISES
DURING A FIRE. THE SAFEST
AIR IS DOWN LOW.**



**NEVER STICK
ANYTHING INTO AN ELECTRICAL
SOCKET.**



**HAVE AN ESCAPE
PLAN. THE BEST PLANS
HAVE 2 WAYS TO GET
OUT OF EACH ROOM.**

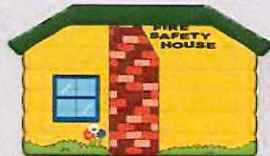
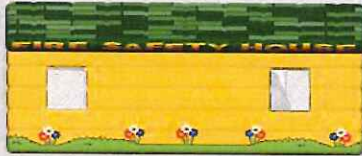




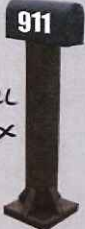
EXIT



ENTRANCE



PERMANENT MESH IN ALL THE WINDOWS WITH REMOVABLE CLEAR PANELS OVER TOP



5' TALL MAILBOX



INFLATABLE IMAGES®
A Division of Scherba Industries, Inc.

PRODUCT NAME FIRE SAFETY SMOKEHOUSE

SIZE (HxWxD) 12'x27'x18.5'

RENDERED BY R/ATK VERSION 1 DATE 4/15/13

NEW EXISTING

EXISTING W/CHANGES

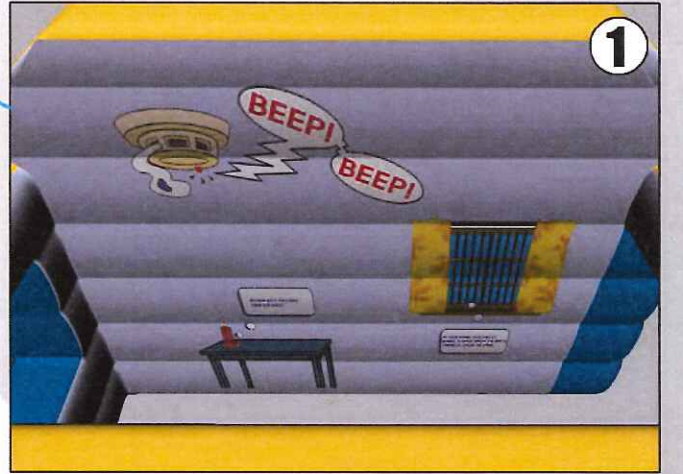
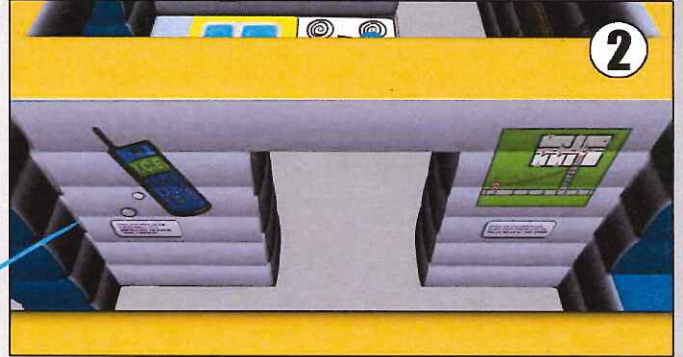
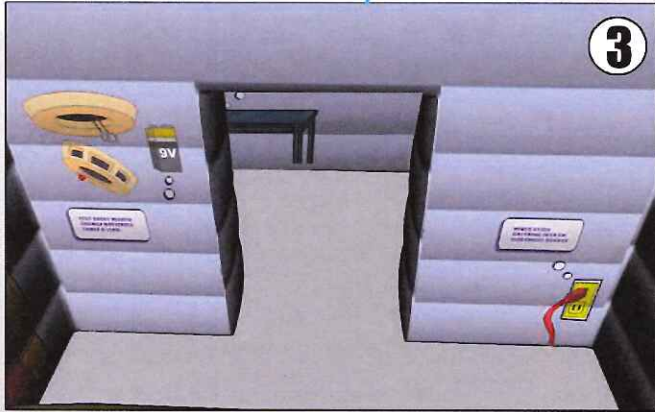
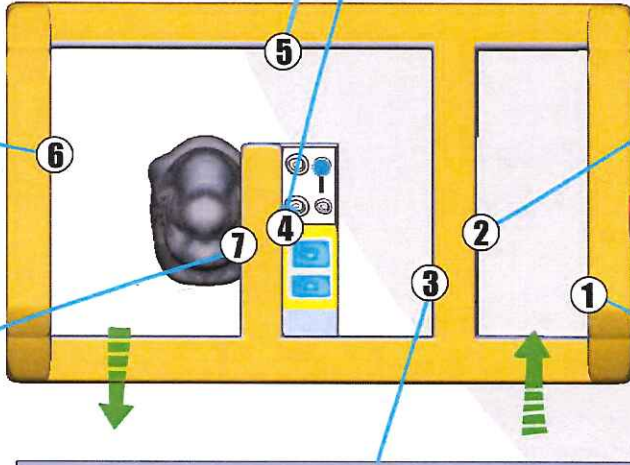
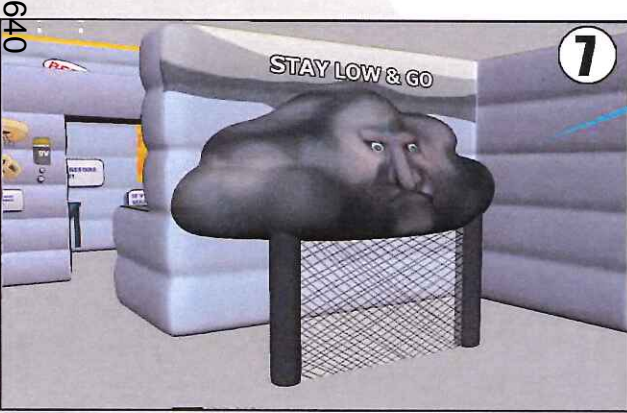
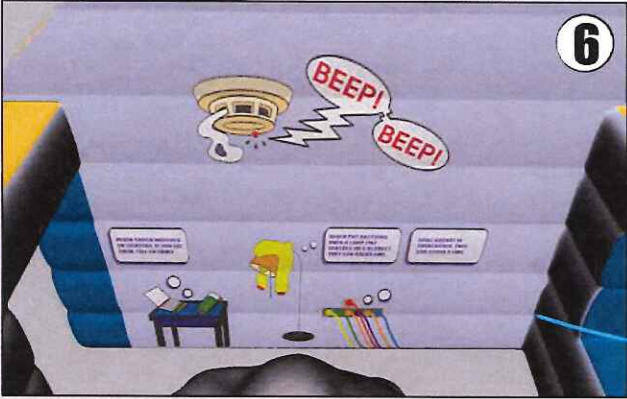
SIZE COLOR ART

DESIGN APPROVAL DATE

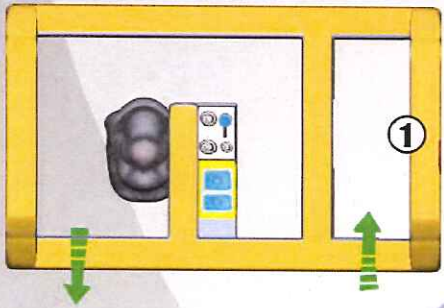
SALES APPROVAL DATE

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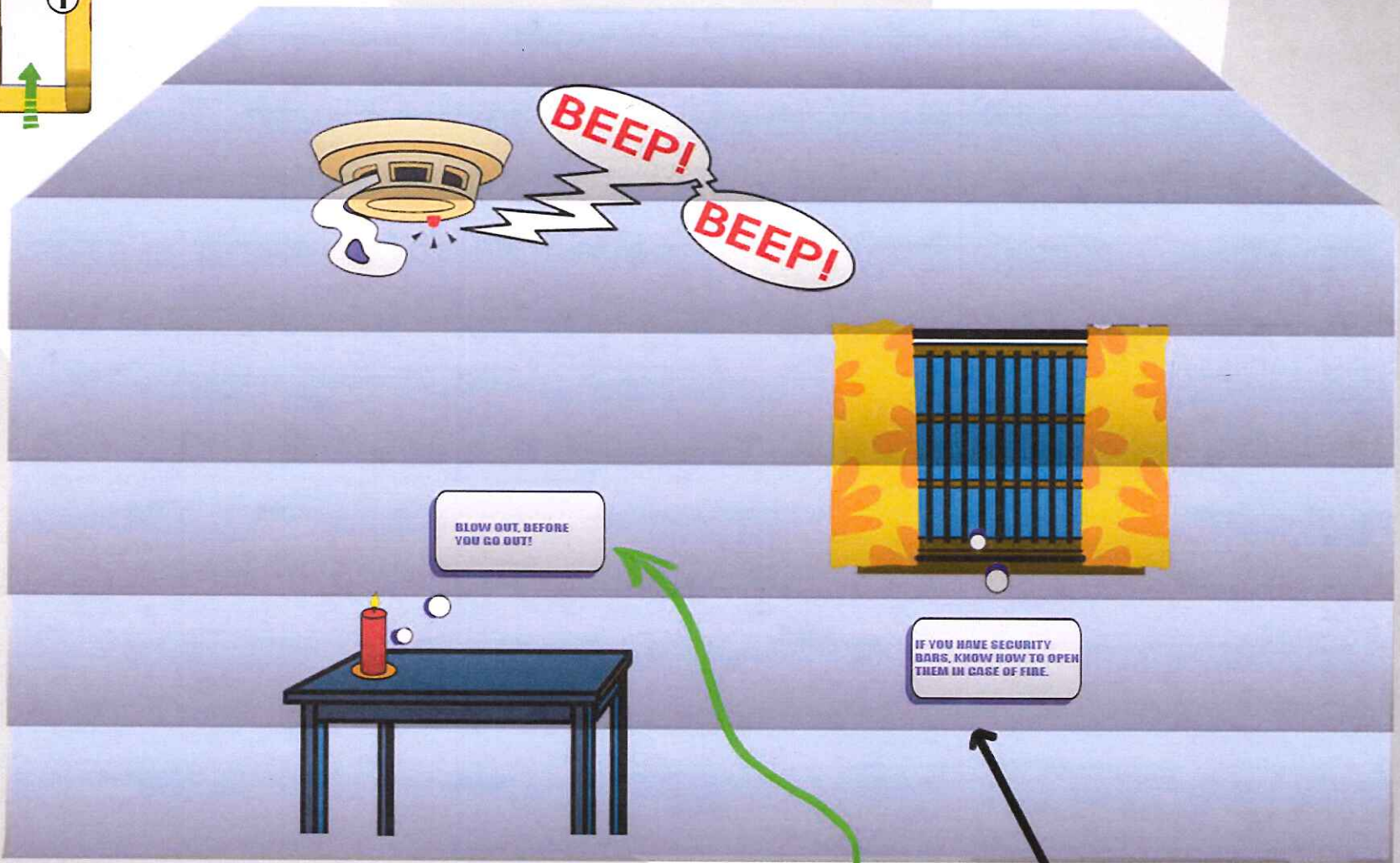
1



INCORRECT

IT IS OK TO LET CANDLES BURN UNATTENDED...

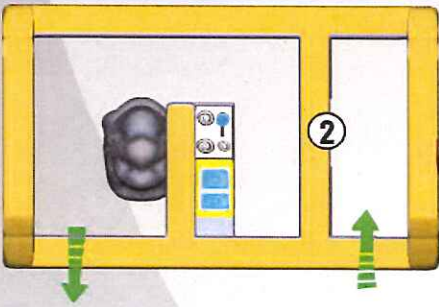
641



ALL PANELS CONNECTED WITH VELCRO

CORRECT

PANEL IS NON-REMOVABLE.



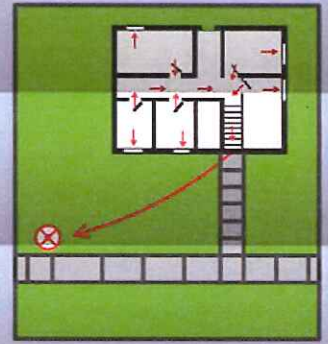
INCORRECT

CALL 011 ANYTIME. THEY WILL KNOW WHERE YOU ARE.

YOU DO NOT NEED AN ESCAPE PLAN. THERE IS ALWAYS A WAY TO GET OUT OF EVERY ROOM.

642

CALL 011 ONLY IN AN EMERGENCY. IT'S IMPORTANT TO KNOW YOUR ADDRESS.



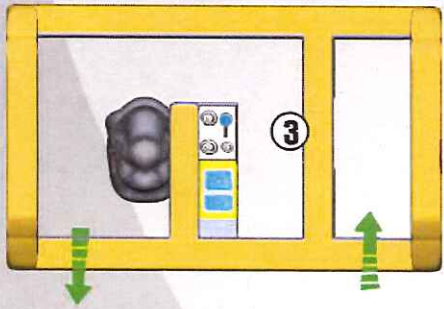
HAVE AN ESCAPE PLAN. HAVE TWO WAYS OUT OF EVERY AREA OF THE HOME.

CORRECT



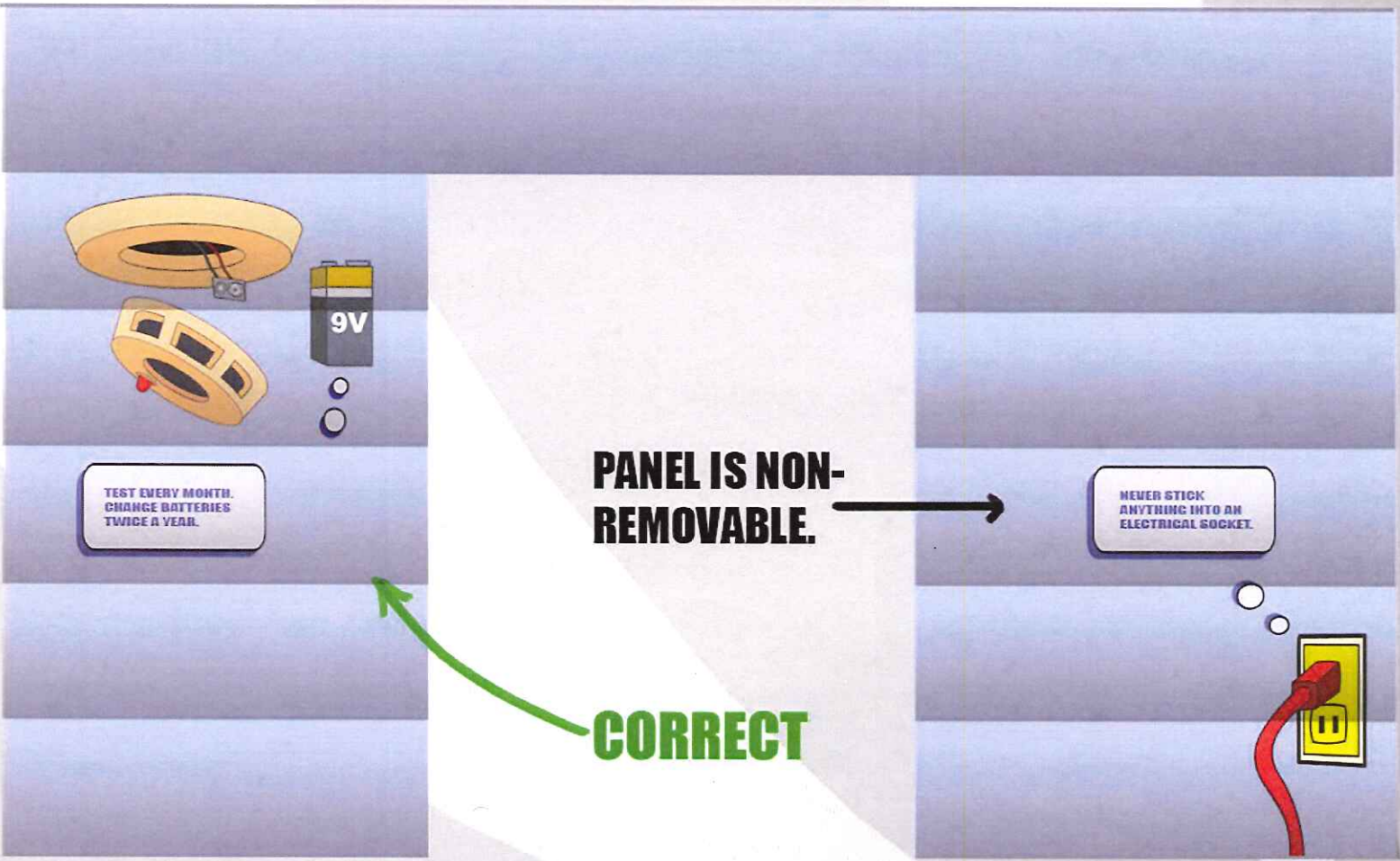
ALL PANELS CONNECTED WITH VELCRO

3



INCORRECT

TEST EVERY YEAR.
REMOVE BATTERY IF IT
RINGS TOO MUCH.



TEST EVERY MONTH.
CHANGE BATTERIES
TWICE A YEAR.

PANEL IS NON-REMOVABLE.

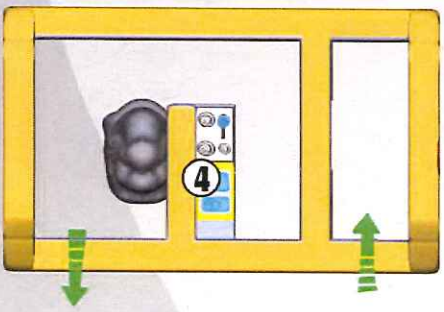
NEVER STICK
ANYTHING INTO AN
ELECTRICAL SOCKET.

CORRECT



**ALL PANELS CONNECTED
WITH VELCRO**

643

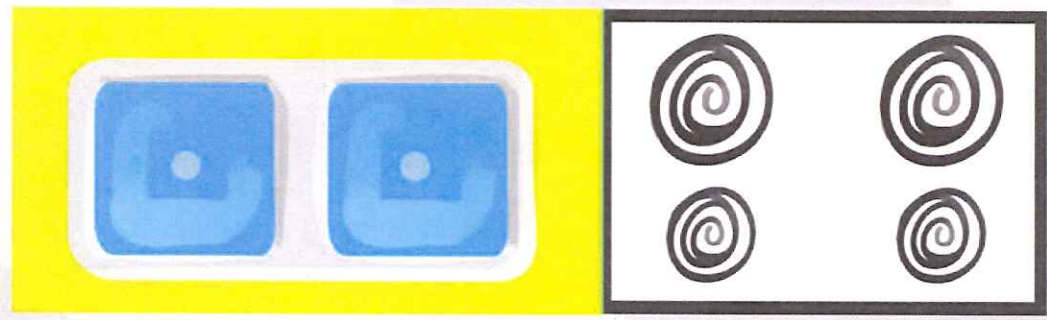
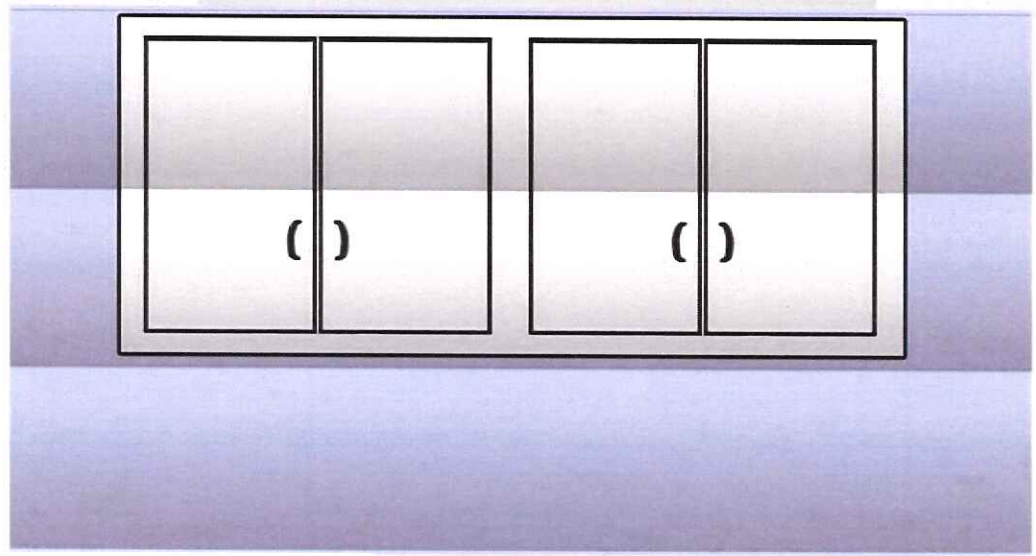


INCORRECT

TURN POT AND PAN HANDLES TOWARD YOU FOR EASY HANDLING.

IT IS OK TO COOK ALONE. IT SHOWS YOU ARE GROWN UP.

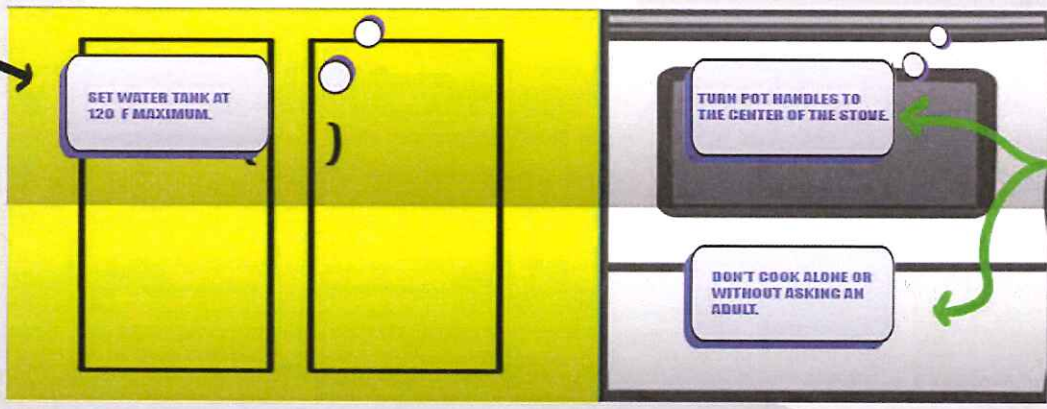
644



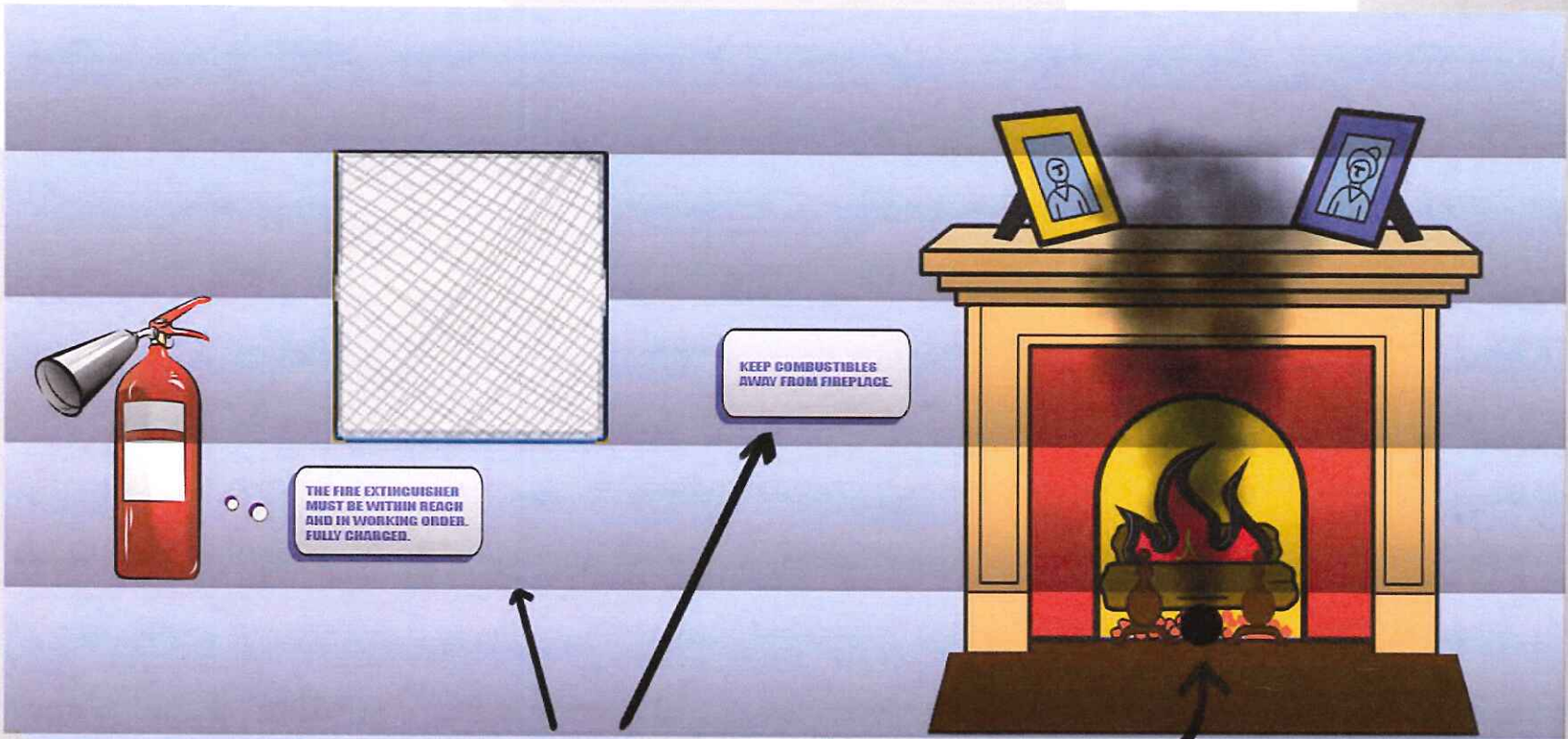
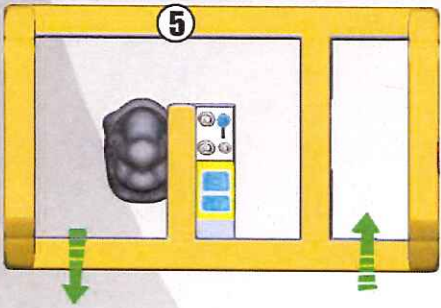
PANEL IS NON-REMOVABLE.



ALL PANELS CONNECTED WITH VELCRO



CORRECT



645



WALL INCORPORATES SMOKE FEATURE



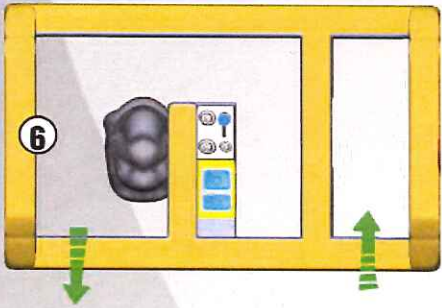
ALL PANELS CONNECTED WITH VELCRO

THE FIRE EXTINGUISHER MUST BE WITHIN REACH AND IN WORKING ORDER. FULLY CHARGED.

KEEP COMBUSTIBLES AWAY FROM FIREPLACE.

PANELS ARE NON-REMOVABLE.

OPENING IN WALL ALLOWS SMOKE TO ENTER



INCORRECT

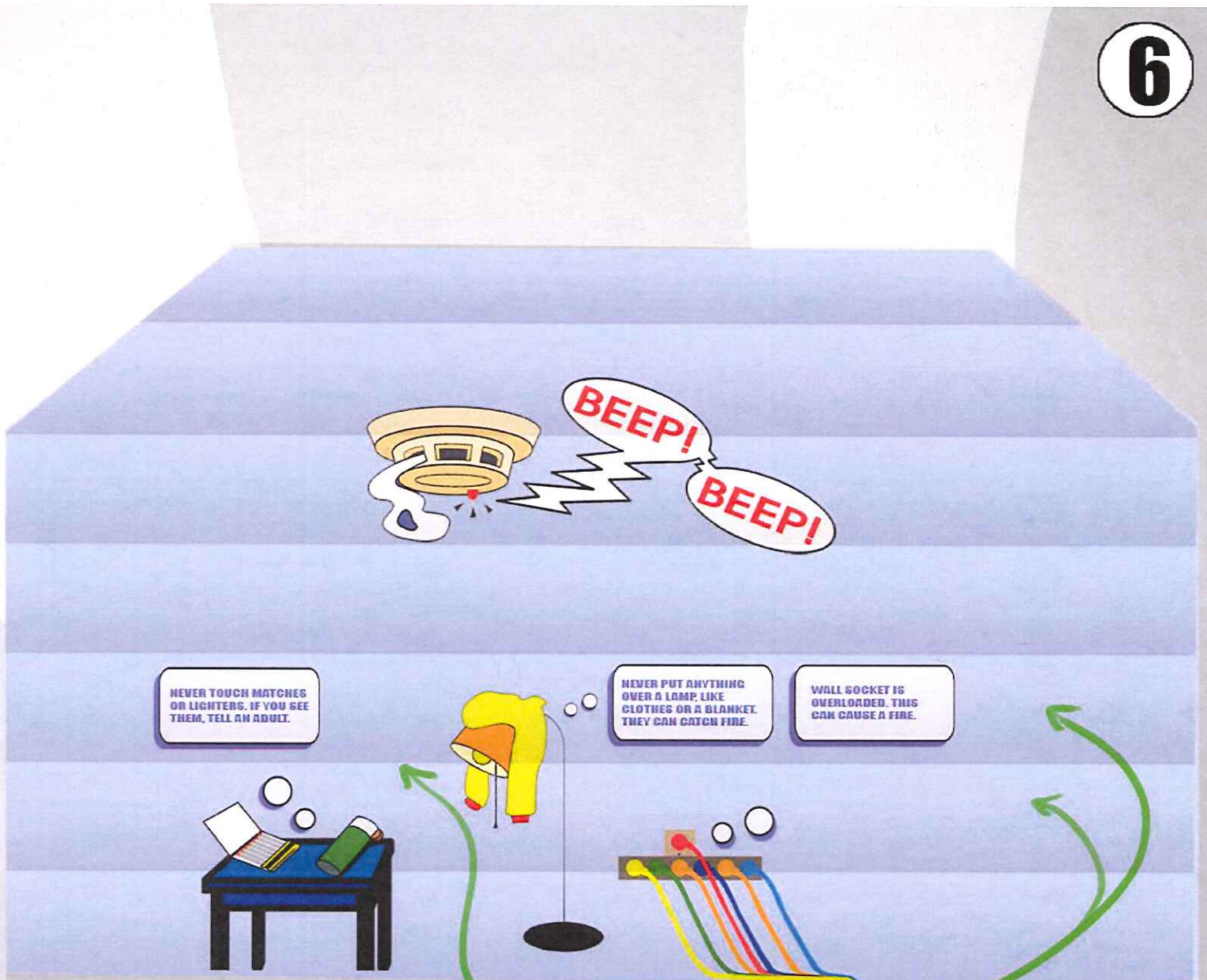
IGNORE MATCHES AND LIGHTERS. THEY ARE NOTHING TO WORRY ABOUT.

PLACING A COLORED CLOTH OVER THE LAMP CAN MAKE THE ROOM PRETTY.

USE ADAPTERS TO POWER MORE ITEMS FROM AN OUTLET.

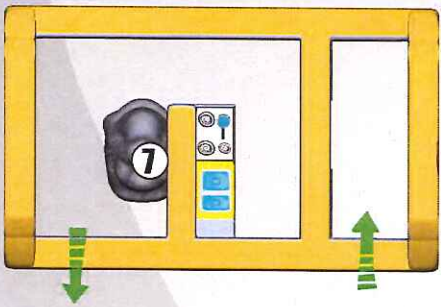


ALL PANELS CONNECTED WITH VELCRO



CORRECT

7



CHILDREN CRAWL UNDER SMOKE CLOUD. THIS TEACHES THEM TO STAY LOW AND QUICKLY MOVE TO AN EXIT

647



ARTWORK ACCEPTANCE AGREEMENT

PROJECT: CONCORD FD - NC - DELUXE FIRE SAFETY SMOKE HOUSE

Inflatable Images identifies ONE OR MORE of the following for the production of this project as provided by the client.

- Vector art with customer supplied Pantone numbers (PMS colors).
- Vector or Raster art with customer supplied color proof for matching.
FOR INTERNAL USE ONLY: Will be stamped by Scherba Industries, Inc. Prepress Dept. as "customer supplied color match proof"
- Customer supplied sample product for color match.
FOR INTERNAL USE ONLY: Will be stamped by Scherba Industries, Inc. Prepress Dept. as "customer supplied color match proof"
- Scherba Industries, Inc. printed color proof produced from customer supplied electronic art or other approved information.
FOR INTERNAL USE ONLY: Will be stamped by Scherba Industries, Inc. Prepress Dept. and approved by the client or sales as "Scherba Industries Inc. supplied color match proof"
- Customer authorization to waive the approval of the physical color proof.

Please refer to www.inflatableimage.com/artspecs.html for more details on the Digital Art Specifications.

NOTE: Pantone colors will be printed using four color process and therefore may have slight variations in color match.

I hereby authorize Inflatable Images to produce the artwork as required for the manufacturing of this project and as an identified on this agreement. While every effort will be made to produce a product to match this artwork, slight variations in color, shape, and/or size may occur.

Name: BRADLEY J. HUNT Title: DEPUTY FIRE MARSHAL
 Signature: Bradley J. Hunt Date: 5.20.2020
 Company: CITY OF CONCORD FIRE DEPARTMENT

Please fax a signed & dated agreement to the attention of: Hector Marinaro

FAX: 330-273-3212



Qoute



INFLATABLE IMAGES®

800.783.5717 • info@scherba.com

www.inflatableimages.com • 2880 Interstate Pkwy Brunswick, OH 44212

5/20/2020 - Deluxe Fire Safety Smoke House ****QUOTE**** - Concord FD - Deputy Fire Marshall Brad Hunt



Inflatable Fire Safety Smoke House

12' High x 27' Wide x 18.5' Deep:

Custom Transport Dolly:

Regular ground freight to Concord, NC 28027:

\$10,995.00

\$ 1,495.00

\$ 466.57

INFLATABLE FIRE SAFETY SMOKE HOUSE

Construction

- **Skin:** (Digitally printed high wear areas) Heavy-duty ScherPrint 18 oz. Ultra-White PVC coated nylon digital twill weave specially formulated digital print substrate with ultraviolet and mildew resistant infused inhibitors.
- **Skin:** (Digitally printed display areas) ScherPrint 7.7 oz. Ultra-White PVC coated nylon digital twill weave specially formulated digital print substrate with ultraviolet and mildew resistant infused inhibitors
- **Inner Walls:** Combination of Ultra Schercote III and 4.5 oz. rip stop nylon.
- **Basic:** Finished with flat-fold seams, double needle lock stitch and sewn with high-grade polyester thread.

Digital Printing

- **Inks:** As required digitally reproduced and printed areas, logos, slogans, insignias, type and images for replication of application specific art is applied and processed on a Hewlett Packard XP2700 digital printer with continuous drop-on-demand (CDOD) inkjet technology at an apparent resolution of 1600 x 1270 dpi to ensure true photo-realistic results.
- **Coating:** Exterior is clear coated with a water-borne acrylic urethane on an Aquaseal As1600 coating machine. The coating doubles the UV resistance, adds a heavy-duty secondary abrasion resistant coating and keeps the product looking and staying cleaner longer

Inflation System

- **Inflation Fans:** Qty One (1) - externally mounted 37 lb. KP1 HO - 1 HP inflation fans capable of operating on 110v/60Hz power, providing 1850 CFM @ 11 AMP (basis 110V).
- **Power Cord:** Qty One (1) 100' long 12-gauge tri-tap power cords.

Additional Components

- Qty four (4) 1,800 lb nylon anchor lines.
- Qty four (4) hardened steel ground stakes.
- Qty one (1) heavy duty ground tarp.
- Qty one (1) patch repair kit.
- Qty one (1) owner's manual.
- Qty.one (1) 3D Mailbox - 3D Frying Pan - 3D Garbage Can

WARRANTY & TERMS

Warranty

Inflatable Images provides a prorated warranty on these products against defects in materials and workmanship for a period for 2 year from the date of purchase.

Standard Terms: Production time is 10 weeks from the time we have received your Purchase Order, 50% deposit & all of the necessary information required to process your order to include all approvals and properly formatted art. Balance prior to delivery. Freight is F.O.B. factory (Brunswick, Ohio), prepaid and charged back. Title and control of product passes at origin (when the carrier signs for the goods). Buyer has total responsibility over the goods while in shipment. Customer shall be responsible for the filing of claims (if any) for lost, missing or damaged product while in transit.

Yours Truly,

Hector Marinaro
Inflatable Images
800-783-5717 x188
330-421-0516 cell
h.marinaro@scherba.com

outdoor advertising solutions

digital print airtight™ inflatables cold air inflatables

ORD. #

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
Total				<hr/> <hr/>
		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4920-5470013	Streetscape Expenses	30,174	17,466	(12,708)
4920-5987000	Transfer to Capital Project	200,000	212,708	12,708
Total				<hr/> 0

Reason: To transfer remaining budget for streetscape expenses to the Transportation Project Streetscape account.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

CAPITAL PROJECT ORDINANCE

Streetscape

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The project authorized is the Union Street Sidewalk Project.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
423-4501100				
423-4501100	From General Fund	16,860,799	16,873,507	12,708
				<u>12,708</u>

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8600 - 5811272				
8600 - 5811272	Streetscape	10,000	22,708	12,708
				<u>12,708</u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this grant project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

GRANT PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

SECTION 1. The project authorized and amended are the projects included in the CDBG CARE Grant

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the completion of the projects:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
310-4357500				
310-4357500	CARES Act Funding	\$0	\$400,339	\$400,339
Total				\$400,339

SECTION 4. The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3117-5800100				
3117-5800100	CARES Act Expenditures	\$0	\$400,339	\$400,339
Total				\$400,339

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the project agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adoption, copies of this grant projects ordinance shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
680-4357500	CARES Act Funding	0	2,149,846	2,149,846
Total				2,149,846

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4530-5800100	CARES Act Expenditure	0	2,149,846	2,149,846
Total				2,149,846

Reason: CARES Act funding for reimbursement of COVID-19 related expenses.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

**CAPITAL PROJECT ORDINANCE
General Capital Projects-Oakwood Cemetery**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The projects authorized are General Capital projects for Rutherford Expansion.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
430-4354000	Other Income	326,281	367,065	40,784
430-4354000				
Total				40,784

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

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8804-5811268	Oakwood Cemetery	180,991	221,775	40,784
8804-5811268				
Total				40,784

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

**CAPITAL PROJECT ORDINANCE
General Capital Projects**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The projects authorized are General Capital projects for Rutherford Expansion.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
Total				0

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8804-5811266	Rutherford Cemetery	115,360	125,360	10,000
8804-5811266	Expansion			
8804-5983000	To General Fund	10,000	0	(10,000)
8804-5983000				
Total				0

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

ORD. #

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4501400	From Capital Projects	10,000	0	(10,000)
	Total			(10,000)

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4540-5351000	Building Maintenance	206,002	196,002	(10,000)
	Total			(10,000)

Reason: To reverse moving the Rutherford Trust funds that were not spent on the expansion project, back to the General Fund for operational use at the Rutherford Cemetery.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
Total				

		Account		
Expenditures Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4510- 5121000	Streets Regular Salaries	\$1,702,042	\$1,317,042	(\$385,000)
4510- 5181000	Streets FICA	\$127,011	\$97,011	(\$30,000)
4510- 5182000	Streets Retirement-General	\$148,595	\$111,595	(\$37,000)
4510- 5183000	Streets Group Insurance	\$282,981	\$219,981	(\$63,000)
4510- 5187000	Streets 401K	\$58,113	\$43,113	(\$15,000)
4511- 5121000	Powell Bill Regular Salaries	\$0	\$385,000	\$385,000
4511- 5181000	Powell Bill FICA	\$0	\$30,000	\$30,000
4511- 5182000	Powell Bill Retirement-General	\$0	\$37,000	\$37,000
4511- 5183000	Powell Bill Group Insurance	\$0	\$63,000	\$63,000
4511- 5187000	Powell Bill 401K	\$0	\$15,000	\$15,000
TOTAL				<u>\$0</u>

Reason: To reappropriate salary budget from Streets to Powell Bill.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

		<u>Revenues</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
690-4501400	Transfer from Project	0	34,397	34,397
<i>Total Revenue Increase (Decrease)</i>				<u>\$34,397</u>

		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
1000-5442000	Materials	114,668	113,668	(1,000)
1000-5975000	Interest Expense	3,750	0	(3,750)
1000-5983000	Transfer to General Fund	0	39,147	39,147
<i>Total Exp Increase (Decrease)</i>				<u>\$34,397</u>

Reason: To record loan payments to the General Fund or the new maintenance building.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

RESOLUTION

WHEREAS: The City of Concord Housing Department (“City Housing”) has previously determined to undertake a project to construct a new maintenance building (the “Project”) and the Finance Director has now presented a proposal for the financing of such Project with a loan from the General Fund .

BE IT THEREFORE RESOLVED, AS FOLLOWS:

1. The City intends to finance the Project with a loan from the City’s General Fund. The amount financed shall not exceed \$475,000 and the annual interest rate shall not exceed 1.0%, and the financing term shall not exceed one hundred twenty (156) months from the adoption of this resolution.
2. The City Manager is authorized to approve changes to any loan terms previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent express in the forms executed by such officers. This resolution will be held by the City Clerk as part of the City of Concord’s official meetings.
3. Adopting of this resolution is the declaration of the City of Concord’s official intent to loan General Fund money to City Housing for the Project.
4. All prior actions by City officers in furtherance of the purposes of this Resolution are hereby ratified, approved and confirmed. This Resolution shall control and take precedence over all other Resolutions or parts thereof in conflict with this Resolution only for the limited purpose of effecting this Project and only to the extent of the conflict.
5. This resolution shall take effect immediately.

APPROVED THIS 11th day of June, 2020.

Attest: _____
Kim Deason, City Clerk

William C. Dusch, Mayor

VaLerie Kolczynski, City Attorney

Loan Calculator

Enter Values	
Loan Amount	\$ 475,000.00
Annual Interest Rate	1.00 %
Loan Period in Years	13
Number of Payments Per Year	1
Start Date of Loan	6/1/2019
Optional Extra Payments	

Loan Summary	
Scheduled Payment	\$ 39,147.04
Scheduled Number of Payments	13
Actual Number of Payments	13
Total Early Payments	\$ -
Total Interest	\$ 33,911.51

Lender Name:

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance
1	6/1/2020	\$ 475,000.00	\$ 39,147.04	\$ -	\$ 39,147.04	\$ 34,397.04	\$ 4,750.00	\$ 440,602.96
2	6/1/2021	440,602.96	39,147.04	-	39,147.04	34,741.01	4,406.03	405,861.95
3	6/1/2022	405,861.95	39,147.04	-	39,147.04	35,088.42	4,058.62	370,773.53
4	6/1/2023	370,773.53	39,147.04	-	39,147.04	35,439.30	3,707.74	335,334.23
5	6/1/2024	335,334.23	39,147.04	-	39,147.04	35,793.70	3,353.34	299,540.53
6	6/1/2025	299,540.53	39,147.04	-	39,147.04	36,151.63	2,995.41	263,388.90
7	6/1/2026	263,388.90	39,147.04	-	39,147.04	36,513.15	2,633.89	226,875.75
8	6/1/2027	226,875.75	39,147.04	-	39,147.04	36,878.28	2,268.76	189,997.46
9	6/1/2028	189,997.46	39,147.04	-	39,147.04	37,247.06	1,899.97	152,750.40
10	6/1/2029	152,750.40	39,147.04	-	39,147.04	37,619.54	1,527.50	115,130.86
11	6/1/2030	115,130.86	39,147.04	-	39,147.04	37,995.73	1,151.31	77,135.13
12	6/1/2031	77,135.13	39,147.04	-	39,147.04	38,375.69	771.35	38,759.44
13	6/1/2032	38,759.44	39,147.04	-	38,759.44	38,371.85	387.59	0.00

ORD. #

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Appropriated	\$5,347,535.33	\$5,447,535.33	\$100,000
Total				<u>\$100,000</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5988000	Transfer to Housing	\$375,000	\$475,000	\$100,000
Total				<u>\$100,000</u>

Reason: To loan additional funds to Housing Department for construction of new Maintenance Building.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
690-4501100	Transfer from General Fund	\$375,000	\$475,000	\$100,000
Total				\$100,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
1000-5558000	Bldgs & Imprv – Capital	\$375,000	\$475,000	\$100,000
Total				\$100,000

Reason: Additional loan funds from General Fund for construction of new Maintenance Building.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

CITY OF CONCORD HOUSING DEPARTMENT LOW-RENT HOUSING CHOICE
VOUCHER PROGRAM COLLECTION
LOSSES TRANSFER RESOLUTION

WHEREAS, the Housing Director has submitted a list of participant repayment agreements that are unpaid; and

WHEREAS, the Housing Director reports that attempts to collect the amounts have been unsuccessful as of this date; and

WHEREAS, the City Council has determined that the uncollected balance can be transferred to collection losses due to unsuccessful attempts to make collections;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Concord does hereby approve the transfer of delinquent repayment agreement accounts for the Housing Choice Voucher Program to collection losses:

5469 - \$1678

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

ATTEST: _____
VaLerie Kolczynski, City Attorney

CITY OF CONCORD HOUSING DEPARTMENT LOW-RENT PUBLIC HOUSING
PROGRAM COLLECTION LOSSES TRANSFER RESOLUTION

WHEREAS, the Housing Director has submitted a list of Resident's accounts who has moved out of their dwelling units leaving a balance due; and

WHEREAS, the Housing Director reports that attempts to collect the amounts have been unsuccessful as of this date; and

WHEREAS, the City Council has determined that the transfer of the delinquent accounts can be transferred to collection losses due to unsuccessful attempts to make collections;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Concord does hereby approve the transfer of delinquent accounts for the Low-Rent Public Housing Program to collections losses:

Tenant#	Net Balance
00033048-16	\$233.51
00033036-11	\$1,308.88
00033003-4	\$6.30
00055011-5	\$1,215.62
00011019-7	\$2,542.18
00033012-13	\$781.45
00022045-11	\$560.27
00011039-4	\$529.17
00011025-7	\$1,259.38
00022040-13	\$450.18
00011035-5	\$18.21
00022009-4	\$333.26
00033050-7	\$2,133.63
00022038-9	\$1,434.95
00033047-8	\$403.83
00033049-11	\$2,067.72
00033003-5	\$2,406.78
00055003-3	\$2,475.00
00055005-8	\$198.00
00055007-6	\$307.00

00011026-14	\$1,116.32
00055021-7	\$147.00
00033054-11	\$499.41

\$22,428.05

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

ATTEST: _____
VaLerie Kolczynski, City Attorney

FYE 2019 Writeoffs

Date	Invoice #	Cust. No.	Name	Total	Revenue	Sales		subtotal	sales tax
						Tax	GL account #		
8/20/2019	ELMB001888	2012624	MY ELETRICIAN INC	\$ 582.08	\$ 544.00	\$ 38.08	610-4402950		
11/22/2019	ELMB001930	2012827	THORPE'S ELECTRICAL	\$ 116.63	\$ 109.00	\$ 7.63	610-4402950		
11/19/2019	ELMB001799	2012743	BRIAN BRAYBOY	\$ 116.63	\$ 109.00	\$ 7.63	610-4402950		
11/25/2019	ELMB001935	2012832	CARPENTER ELECTRICAL CONTRA	\$ 116.63	\$ 109.00	\$ 7.63	610-4402950	\$871.00	\$ 60.97 610 2216001
11/22/2019	GEN0008110	2000710	OLD COURTHOUSE THEATRE	\$ 5,200.00	\$ 5,200.00		100-4341650		
10/2/2019	GEN0008106	2012817	LONGLEAF HOLDINGS LLC	\$ 13,300.00	\$ 13,300.00		100-4341650	\$ 18,500.00	
6/26/2019	WTR0001756	2012798	BROTHER & BROTHER MOBILE DI	\$ 50.00	\$ 50.00		620-4403000	\$ 50.00	
				<u>\$ 19,481.97</u>	<u>\$ 19,421.00</u>	<u>\$ 60.97</u>		<u>\$ 19,421.00</u>	<u>\$ 60.97</u>

AVIATION

Prestine Aviation

\$ 2,307.14

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Non-Exempt											
Custodian	D401	202	32,136.00	42,419.52	53,024.40	1,236.00	1,631.52	2,039.40	15.45	20.39	25.49
Recreation Leader Part Time	O406	202	32,136.00	42,419.52	53,024.40	1,236.00	1,631.52	2,039.40	15.45	20.39	25.49
Cemetery Maintenance Worker	D209	203	33,100.08	43,692.11	54,615.13	1,273.08	1,680.47	2,100.58	15.91	21.01	26.26
Grounds Maintenance Worker	D212	203	33,100.08	43,692.11	54,615.13	1,273.08	1,680.47	2,100.58	15.91	21.01	26.26
Parking Enforcement Technician	P207	203	33,100.08	43,692.11	54,615.13	1,273.08	1,680.47	2,100.58	15.91	21.01	26.26
Warehouse Clerk	C408	203	33,100.08	43,692.11	54,615.13	1,273.08	1,680.47	2,100.58	15.91	21.01	26.26
Automotive Parts Clerk	K206	204	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Customer Service Representative	Z407	204	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Resident Service Coordinator	L408	204	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Solid Waste Worker	Q205	204	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Streets Maintenance Worker	R304	204	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Utility Service Worker	U304	204	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Administrative Assistant	V402	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Aviation Service Worker	B302	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Customer Service Specialist	Z404	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Equipment Operator	X301	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Family Self Sufficiency Specialist	L405	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Programmer	O203	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Housing Specialist	L404	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Solid Waste Compliance Inspector	Q207	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
<i>Survey Technician I*</i>	<i>J410</i>	<i>205</i>	<i>35,115.87</i>	<i>46,352.96</i>	<i>57,941.19</i>	<i>1,350.61</i>	<i>1,782.81</i>	<i>2,228.51</i>	<i>16.88</i>	<i>22.29</i>	<i>27.86</i>
Warehouse Clerk & Safety Representative	C418	205	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86

**Italicized titles are previously approved titles, but currently inactive.*

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Accounting Technician I	Y405	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Airport Maintenance Mechanic	B304	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Building Maintenance Mechanic I	D206	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Communications Technician	H203	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
<i>Deputy Tax Collector*</i>	<i>C406</i>	<i>206</i>	<i>36,169.35</i>	<i>47,743.55</i>	<i>59,679.43</i>	<i>1,391.13</i>	<i>1,836.29</i>	<i>2,295.36</i>	<i>17.39</i>	<i>22.95</i>	<i>28.69</i>
Development Service Technician	E405	206	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Fitness Instructor/Event Assistant	O202	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Meter Technician	Z203	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Senior Administrative Assistant	V404	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Sign Technician I	R206	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Telecommunicator	Z402	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Utility Billing Specialist	C409	206	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Accounting Technician II	Y403	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Accounts Payable Technician	Y407	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
<i>Aviation Service Worker Lead*</i>	<i>B303</i>	<i>207</i>	<i>37,466.41</i>	<i>49,643.02</i>	<i>61,819.60</i>	<i>1,441.02</i>	<i>1,909.35</i>	<i>2,377.68</i>	<i>18.01</i>	<i>23.87</i>	<i>29.72</i>
<i>Business License Officer*</i>	<i>C411</i>	<i>207</i>	<i>37,466.41</i>	<i>49,643.02</i>	<i>61,819.60</i>	<i>1,441.02</i>	<i>1,909.35</i>	<i>2,377.68</i>	<i>18.01</i>	<i>23.87</i>	<i>29.72</i>
<i>Cleanwaster Artstudio Supervisor*</i>	<i>E413</i>	<i>207</i>	<i>37,466.41</i>	<i>49,643.02</i>	<i>61,819.60</i>	<i>1,441.02</i>	<i>1,909.35</i>	<i>2,377.68</i>	<i>18.01</i>	<i>23.87</i>	<i>29.72</i>
Code Enforcement Officer	P212	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Community Development Technician	E416	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Electric Tree Trimmer I	I317	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Fleet Mechanic	K210	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
GIS Technician	T407	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Parks & Recreation Specialist	O405	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Payroll Technician	Y408	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Police Video Technician	P215	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Purchasing Technician	C202	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Senior Customer Service Representative	Z406	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Senior Equipment Operator	X303	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Senior Telecommunicator	H207	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Survey Technician II	J409	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Utility Locator	U205	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Utility Systems Technician	G207	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72

*Italicized titles are previously approved titles, but currently inactive.

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Airport Electrician	B204	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Automotive Parts Supervisor	K203	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Aviation Supervisor	B201	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
<i>Benefits Specialist*</i>	<i>M405</i>	<i>208</i>	<i>40,838.40</i>	<i>54,110.86</i>	<i>67,383.37</i>	<i>1,570.71</i>	<i>2,081.19</i>	<i>2,591.67</i>	<i>19.63</i>	<i>26.01</i>	<i>32.40</i>
Building Maintenance Mechanic II	D205	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
CAD Technician	T409	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Cemetery Crew Supervisor	D208	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Construction Inspector	J203	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Electric Line Technician I	I309	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Electric Systems Technician I	I305	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Electric Tree Trimmer II	I318	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Executive Assistant	V401	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Grounds Crew Supervisor	D211	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
<i>HR Wellness Coordinator*</i>	<i>M208</i>	<i>208</i>	<i>40,838.40</i>	<i>54,110.86</i>	<i>67,383.37</i>	<i>1,570.71</i>	<i>2,081.19</i>	<i>2,591.67</i>	<i>19.63</i>	<i>26.01</i>	<i>32.40</i>
Parks & Recreation Assistant Supervisor	O409	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Right Of Way Agent	J204	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Senior Customer Service Specialist	Z403	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Sign Technician II	R306	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
System Protection Inspector	G209	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Technical Equipment Operator	X302	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Water/Wastewater Systems Technician	G204	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Water Treatment Plant Operator	G205	208	40,838.40	54,110.86	67,383.37	1,570.71	2,081.19	2,591.67	19.63	26.01	32.40
Accountant	Y404	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Building Construction Specialist	J205	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Custodian Supervisor	D402	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Electric Tree Trimming Crew Leader	I316	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Engineering Construction Supervisor	J415	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Environmental Education Specialist	S202	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Master Mechanic	K209	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Parks & Recreation Supervisor	O404	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Planner	E417	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Police Crime Analyst	P214	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Senior Code Enforcement Officer	P213	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Senior Communications Technician	H204	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Senior Engineering Technician	J413	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Senior Executive Assistant	V403	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Senior Meter Technician	Z202	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Signal Technician	R305	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
Water Safety Coordinator	G406	209	44,513.86	58,980.86	73,447.87	1,712.07	2,268.49	2,824.92	21.40	28.36	35.31
<i>Wastewater System Compliance Officer*</i>	<i>U209</i>	<i>209</i>	<i>44,513.86</i>	<i>58,980.86</i>	<i>73,447.87</i>	<i>1,712.07</i>	<i>2,268.49</i>	<i>2,824.92</i>	<i>21.40</i>	<i>28.36</i>	<i>35.31</i>

**Italicized titles are previously approved titles, but currently inactive.*

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
911 Shift Supervisor	H206	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
AMI Monitoring Lead	C417	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Assistant Surveyor Supervisor	J216	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Aviation Coordinator	B404	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Building Maintenance Supervisor	D204	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Code Enforcement Supervisor	P218	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Communications Specialist	A411	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Customer Service Supervisor	Z405	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Electric Line Technician II	I310	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Electric Systems Analyst	I406	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Electric Systems Technician II	I304	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Electrical Engineering Technician	I303	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Fleet Service Manager	K211	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Fleet Services Supervisor	K207	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Housing Inspector/Maintenance Supervisor	L202	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Legal Assistant	N404	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Paralegal	N403	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Safety, Health and Risk Coordinator	M204	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Senior Accountant	Y409	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Solid Waste Crew Supervisor	Q204	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Streets Crew Supervisor	R302	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Traffic Management Center Operator	R308	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Warehouse Supervisor	C407	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
<i>Water Backflow Prevention Administrator*</i>	<i>U208</i>	<i>210</i>	<i>48,520.10</i>	<i>64,289.14</i>	<i>80,058.18</i>	<i>1,866.16</i>	<i>2,472.66</i>	<i>3,079.16</i>	<i>23.33</i>	<i>30.91</i>	<i>38.49</i>
Water Crew Supervisor	G301	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Water Meter Service Supervisor	Z204	210	48,520.10	64,289.14	80,058.18	1,866.16	2,472.66	3,079.16	23.33	30.91	38.49
Electric Line Technician III	I313	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Electric Safety Coordinator	I203	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Electric Utility Locator Supervisor	I319	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
GIS Analyst	T402	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Senior Police Crime Analyst	P216	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Traffic Signal Supervisor	R307	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Water Systems Supervisor	G202	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Water/Wastewater Systems Supervisor	G203	211	52,886.92	70,075.16	87,263.39	2,034.11	2,695.20	3,356.28	25.43	33.69	41.95
Electric Construction Supervisor	I314	212	57,646.74	76,381.93	95,117.12	2,217.18	2,937.77	3,658.35	27.71	36.72	45.73
Electric Tree Trimming Supervisor	I315	212	57,646.74	76,381.93	95,117.12	2,217.18	2,937.77	3,658.35	27.71	36.72	45.73

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Exempt											
<i>Accounting Supervisor*</i>	Y401	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Assistant Streets Superintendent	R308	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Building Maintenance Manager	D203	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Cemetery Maintenance Manager	D207	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
City Clerk	A404	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Clearwater Artist Studio Coordinator	E418	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Community Outreach Coordinator	A408	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Construction Coordinator	E406	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Engineer Coordinator	J404	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
GIS Coordinator	T403	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Grounds Maintenance Manager	D210	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Human Resources Analyst	M403	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
<i>Human Resources Supervisor*</i>	<i>M205</i>	<i>109</i>	<i>52,324.55</i>	<i>69,330.02</i>	<i>86,335.52</i>	<i>2,012.48</i>	<i>2,666.54</i>	<i>3,320.60</i>	<i>25.16</i>	<i>33.33</i>	<i>41.51</i>
Parks & Recreation Coordinator	O403	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Solid Waste Project Manager	Q206	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Solid Waste Superintendent	Q203	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Staff Engineer	J405	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Transit ADA Coordinator	A202	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Transit Grants Compliance Coordinator	A409	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Transit Planner and Technology Coordinator	A406	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Transportation Coordinator	R201	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Urban Forester	D213	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Utility Billing Manager	C410	109	52,324.55	69,330.02	86,335.52	2,012.48	2,666.54	3,320.60	25.16	33.33	41.51
Budget Analyst	C404	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Code Enforcement Manager	P211	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Federal Program Coordinator	E205	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
GIS Administrator	T410	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
GIS Supervisor	T406	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Laboratory Coordinator	G201	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Senior GIS Coordinator	T411	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Senior Planner	E202	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Streets Superintendent	R301	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
System Protection Superintendent	G208	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Treatment Plant Supervisor	G206	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24
Water Resources Superintendent	G405	110	57,033.75	75,569.73	94,105.71	2,193.61	2,906.53	3,619.45	27.42	36.33	45.24

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
911 Telecommunications Center Manager	H205	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
<i>Assistant Emergency Management Coordinator*</i>	<i>F212</i>	<i>111</i>	<i>62,166.80</i>	<i>82,371.01</i>	<i>102,575.23</i>	<i>2,391.03</i>	<i>3,168.12</i>	<i>3,945.20</i>	<i>29.89</i>	<i>39.60</i>	<i>49.32</i>
Communications Shop Operations Manager	H208	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Economic Development Coordinator	E204	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Electric Systems Coordinator I	I308	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Engineering Construction Manager	J406	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Facility Manager	O410	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Grants Program Administrator	C415	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Housing Manager	L402	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
HR Benefits Manager	M407	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Purchasing Manager	C201	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Surveyor/Real Estate Manager	J414	111	62,166.80	82,371.01	102,575.23	2,391.03	3,168.12	3,945.20	29.89	39.60	49.32
Assistant City Attorney	N402	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
<i>Aviation Administrative and Properties Manager*</i>	<i>B405</i>	<i>112</i>	<i>68,383.49</i>	<i>90,608.10</i>	<i>112,832.73</i>	<i>2,630.13</i>	<i>3,484.93</i>	<i>4,339.72</i>	<i>32.88</i>	<i>43.56</i>	<i>54.25</i>
Aviation Operations Manager	B202	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Community Development Manager	E415	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Customer Service Manager	Z401	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Development Review Administrator	E411	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Electric Systems Coordinator II	I307	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
<i>Electric Systems Special Project Manager*</i>	<i>I405</i>	<i>112</i>	<i>68,383.49</i>	<i>90,608.10</i>	<i>112,832.73</i>	<i>2,630.13</i>	<i>3,484.93</i>	<i>4,339.72</i>	<i>32.88</i>	<i>43.56</i>	<i>54.25</i>
Finance Manager	C412	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Planning and Development Manager	E410	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Project Engineer	J201	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Public Affairs and Project Manager	A403	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Revenue Manager	C416	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
<i>TaxCollector/Collections Manager*</i>	<i>C414</i>	<i>112</i>	<i>68,383.49</i>	<i>90,608.10</i>	<i>112,832.73</i>	<i>2,630.13</i>	<i>3,484.93</i>	<i>4,339.72</i>	<i>32.88</i>	<i>43.56</i>	<i>54.25</i>
Traffic Engineer	R205	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25
Water Treatment Plant Superintendent	G404	112	68,383.49	90,608.10	112,832.73	2,630.13	3,484.93	4,339.72	32.88	43.56	54.25

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
<i>Assistant Human Resources Director*</i>	M402	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Aviation Assistant Director	B402	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Budget & Performance Manager	C403	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Electrical Engineer	I403	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Emergency Management Coordinator	F202	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Engineering Manager	J412	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Safety, Health and Risk Manager	M201	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Transit Manager	A301	113	75,221.83	99,668.93	124,116.01	2,893.15	3,833.42	4,773.69	36.16	47.92	59.67
Deputy Building & Grounds Director	D214	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy City Attorney	N405	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy City Engineer	J402	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Director Planning & Neighborhood Development	E414	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Electric Systems Director	I404	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Finance Director	C402	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Human Resources Director	M406	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Parks & Recreation Director	O402	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Transportation Director	R402	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64
Deputy Water Resource Director	G403	114	82,744.00	109,635.82	136,527.61	3,182.46	4,216.76	5,251.06	39.78	52.71	65.64

*Italicized titles are previously approved titles, but currently inactive.

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Executive											
Buildings & Grounds Director	D201	I	84,043.66	111,357.84	138,672.03	3,232.45	4,282.99	5,333.54	40.41	53.54	66.67
Communications Director	H201	I	84,043.66	111,357.84	138,672.03	3,232.45	4,282.99	5,333.54	40.41	53.54	66.67
Fleet Services Director	K204	I	84,043.66	111,357.84	138,672.03	3,232.45	4,282.99	5,333.54	40.41	53.54	66.67
Housing Director	L401	I	84,043.66	111,357.84	138,672.03	3,232.45	4,282.99	5,333.54	40.41	53.54	66.67
Solid Waste Director	Q405	I	84,043.66	111,357.84	138,672.03	3,232.45	4,282.99	5,333.54	40.41	53.54	66.67
Transit Director	A410	I	84,043.66	111,357.84	138,672.03	3,232.45	4,282.99	5,333.54	40.41	53.54	66.67
Aviation Director	B401	II	89,762.08	118,934.76	148,107.45	3,452.39	4,574.41	5,696.44	43.15	57.18	71.21
Human Resources Director	M401	II	89,762.08	118,934.76	148,107.45	3,452.39	4,574.41	5,696.44	43.15	57.18	71.21
Parks & Recreation Director	O401	II	89,762.08	118,934.76	148,107.45	3,452.39	4,574.41	5,696.44	43.15	57.18	71.21
Planning and Neighborhood Development Director	E412	II	89,762.08	118,934.76	148,107.45	3,452.39	4,574.41	5,696.44	43.15	57.18	71.21
Electric Systems Director	I401	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Engineering Director	J401	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Finance Director	C401	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Fire Chief	F201	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Police Chief	P201	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Transportation Director	R401	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Water Resources Director	G401	III	100,533.54	133,206.94	165,880.34	3,866.67	5,123.34	6,380.01	48.33	64.04	79.75
Assistant City Manager	A401	IV	112,597.56	149,191.78	185,785.97	4,330.68	5,738.15	7,145.61	54.13	71.73	89.32
<i>Deputy City Manager*</i>	<i>A402</i>	<i>V</i>	<i>120,479.39</i>	<i>159,635.19</i>	<i>198,791.01</i>	<i>4,633.82</i>	<i>6,139.82</i>	<i>7,645.81</i>	<i>57.92</i>	<i>76.75</i>	<i>95.57</i>

*Italicized titles are previously approved titles, but currently inactive.

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 7/1/20**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Fire											
Firefighter (2920.96 hours per year)	F304	F1	36,450.29	50,139.16	63,828.06	1,401.93	1,928.43	2,454.93	12.48	17.17	21.85
Fire Engineer (2920.96 hours per year)	F305	F2	42,053.56	53,309.12	64,564.67	1,617.44	2,050.35	2,483.26	14.40	18.25	22.10
Logistics Officer (2080 hours per year)	F208	F4	45,337.83	58,386.19	71,434.56	1,743.76	2,245.62	2,747.48	21.80	28.07	34.34
Fire Lieutenant (2920.96 hours per year)	F306	F4	45,337.83	58,386.19	71,434.56	1,743.76	2,245.62	2,747.48	15.52	19.99	24.46
Assistant Fire Marshal (2080 hours per year)	F206	F5	49,958.45	64,894.14	79,829.82	1,921.48	2,495.93	3,070.38	24.02	31.20	38.38
Deputy Fire Marshal (2080 hours per year)	F210	F6	55,983.24	74,282.69	92,582.14	2,153.20	2,857.03	3,560.85	26.92	35.71	44.51
<i>Fire Captain (2080 hours per year)*</i>	<i>F211</i>	<i>F6</i>	<i>55,983.24</i>	<i>74,282.69</i>	<i>92,582.14</i>	<i>2,153.20</i>	<i>2,857.03</i>	<i>3,560.85</i>	<i>26.92</i>	<i>35.71</i>	<i>44.51</i>
Fire Captain (2920.96 hours per year)	F207	F6	55,983.24	74,282.69	92,582.14	2,153.20	2,857.03	3,560.85	19.17	25.43	31.70
Battalion Chief	F301	F7	64,818.05	86,508.88	108,199.70	2,493.00	3,327.26	4,161.53	31.16	41.59	52.02
Division Chief	F209	F7	64,818.05	86,508.88	108,199.70	2,493.00	3,327.26	4,161.53	31.16	41.59	52.02
Deputy Fire Chief	F204	F8	74,746.43	99,030.35	123,314.28	2,874.86	3,808.86	4,742.86	35.94	47.61	59.29
Police											
Police Officer (2229.84 hours per year)	P206	P1	40,163.52	53,818.66	67,473.81	1,544.75	2,069.95	2,595.15	18.01	24.14	30.26
Master Police Officer (2229.84 hours per year)	P208	P2	45,781.81	58,451.34	71,120.87	1,760.84	2,248.13	2,735.42	20.53	26.21	31.90
Police Sergeant (2229.84 hours per year)	P205	P3	53,988.89	73,285.52	92,582.14	2,076.50	2,818.67	3,560.85	24.21	32.87	41.52
Police Lieutenant	P217	P4	57,033.75	77,851.07	98,098.04	2,193.61	2,994.27	3,773.00	27.42	37.43	47.16
Police Captain	P204	P5	58,591.43	80,792.52	102,993.62	2,253.52	3,107.40	3,961.29	28.17	38.84	49.52
Police Major	P203	P6	71,857.58	92,631.68	113,405.78	2,763.75	3,562.76	4,361.76	34.55	44.53	54.52
Deputy Police Chief	P202	P7	75,185.34	103,091.12	130,996.93	2,891.74	3,965.04	5,038.34	36.15	49.56	62.98

Note: Fire Grade F3 is no longer an available grade and will not be utilized in determining promotion{demotion} increases{decreases}.

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City of Concord, NC		
COMPENSATION PLAN GRADE ASSIGNMENT - 7/1/2020		
SEASONAL - PARKS & RECREATION		
Job Title	Pay Structure	
	Grade	Hourly Rate
Admissions/Concessions	S1	10.33-12.64
Arts & Crafts Instructor	S1	10.33-12.64
Lifeguard	S1	10.33-12.64
Playground Leader	S1	10.33-12.64
Playground Rover	S1	10.33-12.64
Swim Instructor	S1	10.33-12.64
Head Playground Leader	S2	11.48-13.78
Pool Custodian	S2	11.48-13.78
Assistant Manager of Programs	S3	13.78-14.92
Assistant Manager of Operations - Aquatics	S3	13.78-14.92
Bus Driver	S3	13.78-14.92
Aquatics Manager	S4	14.92-17.22
Playground Director	S4	14.92-17.22

City of Concord, NC		
COMPENSATION PLAN GRADE ASSIGNMENT - 7/1/2020		
SEASONAL - POLICE		
Job Title	Pay Structure	
	Grade	Hourly Rate
School Crossing Guards	S5	11.25-13.49

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Non-Exempt											
Custodian	D401	202	33,100.08	43,692.11	54,615.13	1,273.08	1,680.47	2,100.58	15.91	21.01	26.26
Recreation Leader Part Time	O406	202	33,100.08	43,692.11	54,615.13	1,273.08	1,680.47	2,100.58	15.91	21.01	26.26
Cemetery Maintenance Worker	D209	203	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Grounds Maintenance Worker	D212	203	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Parking Enforcement Technician	P207	203	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Warehouse Clerk	C408	203	34,093.08	45,002.87	56,253.58	1,311.27	1,730.88	2,163.60	16.39	21.64	27.04
Automotive Parts Clerk	K206	204	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Customer Service Representative	Z407	204	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Resident Service Coordinator	L408	204	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Solid Waste Worker	Q205	204	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Streets Maintenance Worker	R304	204	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Utility Service Worker	U304	204	35,115.87	46,352.96	57,941.19	1,350.61	1,782.81	2,228.51	16.88	22.29	27.86
Administrative Assistant	V402	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Aviation Service Worker	B302	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Customer Service Specialist	Z404	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Equipment Operator	X301	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Family Self Sufficiency Specialist	L405	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Programmer	O203	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Housing Specialist	L404	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
Solid Waste Compliance Inspector	Q207	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69
<i>Survey Technician I*</i>	<i>J410</i>	<i>205</i>	<i>36,169.35</i>	<i>47,743.55</i>	<i>59,679.43</i>	<i>1,391.13</i>	<i>1,836.29</i>	<i>2,295.36</i>	<i>17.39</i>	<i>22.95</i>	<i>28.69</i>
Warehouse Clerk & Safety Representative	C418	205	36,169.35	47,743.55	59,679.43	1,391.13	1,836.29	2,295.36	17.39	22.95	28.69

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Accounting Technician I	Y405	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Airport Maintenance Mechanic	B304	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Building Maintenance Mechanic I	D206	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Communications Technician	H203	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
<i>Deputy Tax Collector*</i>	<i>C406</i>	<i>206</i>	<i>37,254.43</i>	<i>49,175.86</i>	<i>61,469.81</i>	<i>1,432.86</i>	<i>1,891.38</i>	<i>2,364.22</i>	<i>17.91</i>	<i>23.64</i>	<i>29.55</i>
Development Service Technician	E405	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Fitness Instructor/Event Assistant	O202	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Meter Technician	Z203	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Senior Administrative Assistant	V404	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Sign Technician I	R206	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Telecommunicator	Z402	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Utility Billing Specialist	C409	206	37,254.43	49,175.86	61,469.81	1,432.86	1,891.38	2,364.22	17.91	23.64	29.55
Accounting Technician II	Y403	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Accounts Payable Technician	Y407	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
<i>Aviation Service Worker Lead*</i>	<i>B303</i>	<i>207</i>	<i>37,466.41</i>	<i>49,643.02</i>	<i>61,819.60</i>	<i>1,441.02</i>	<i>1,909.35</i>	<i>2,377.68</i>	<i>18.01</i>	<i>23.87</i>	<i>29.72</i>
<i>Business License Officer*</i>	<i>C411</i>	<i>207</i>	<i>37,466.41</i>	<i>49,643.02</i>	<i>61,819.60</i>	<i>1,441.02</i>	<i>1,909.35</i>	<i>2,377.68</i>	<i>18.01</i>	<i>23.87</i>	<i>29.72</i>
<i>Cleanwaster Artstudio Supervisor*</i>	<i>E413</i>	<i>207</i>	<i>37,466.41</i>	<i>49,643.02</i>	<i>61,819.60</i>	<i>1,441.02</i>	<i>1,909.35</i>	<i>2,377.68</i>	<i>18.01</i>	<i>23.87</i>	<i>29.72</i>
Code Enforcement Officer	P212	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Community Development Technician	E416	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Electric Tree Trimmer I	I317	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Fleet Mechanic	K210	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
GIS Technician	T407	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Parks & Recreation Specialist	O405	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Payroll Technician	Y408	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Police Video Technician	P215	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Purchasing Technician	C202	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Senior Customer Service Representative	Z406	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Senior Equipment Operator	X303	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Senior Telecommunicator	H207	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Survey Technician II	J409	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Utility Locator	U205	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72
Utility Systems Technician	G207	207	37,466.41	49,643.02	61,819.60	1,441.02	1,909.35	2,377.68	18.01	23.87	29.72

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Airport Electrician	B204	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Automotive Parts Supervisor	K203	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Aviation Supervisor	B201	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
<i>Benefits Specialist*</i>	<i>M405</i>	<i>208</i>	<i>42,063.55</i>	<i>55,734.19</i>	<i>69,404.87</i>	<i>1,617.83</i>	<i>2,143.62</i>	<i>2,669.42</i>	<i>20.22</i>	<i>26.80</i>	<i>33.37</i>
Building Maintenance Mechanic II	D205	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
CAD Technician	T409	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Cemetery Crew Supervisor	D208	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Construction Inspector	J203	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Electric Line Technician I	I309	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Electric Systems Technician I	I305	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Electric Tree Trimmer II	I318	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Executive Assistant	V401	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Grounds Crew Supervisor	D211	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
<i>HR Wellness Coordinator*</i>	<i>M208</i>	<i>208</i>	<i>42,063.55</i>	<i>55,734.19</i>	<i>69,404.87</i>	<i>1,617.83</i>	<i>2,143.62</i>	<i>2,669.42</i>	<i>20.22</i>	<i>26.80</i>	<i>33.37</i>
Parks & Recreation Assistant Supervisor	O409	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Right Of Way Agent	J204	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Senior Customer Service Specialist	Z403	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Sign Technician II	R306	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
System Protection Inspector	G209	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Technical Equipment Operator	X302	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Water/Wastewater Systems Technician	G204	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Water Treatment Plant Operator	G205	208	42,063.55	55,734.19	69,404.87	1,617.83	2,143.62	2,669.42	20.22	26.80	33.37
Accountant	Y404	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Building Construction Specialist	J205	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Custodian Supervisor	D402	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Electric Tree Trimming Crew Leader	I316	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Engineering Construction Supervisor	J415	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Environmental Education Specialist	S202	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Master Mechanic	K209	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Parks & Recreation Supervisor	O404	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Planner	E417	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Police Crime Analyst	P214	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Senior Code Enforcement Officer	P213	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Senior Communications Technician	H204	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Senior Engineering Technician	J413	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Senior Executive Assistant	V403	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Senior Meter Technician	Z202	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Signal Technician	R305	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
Water Safety Coordinator	G406	209	45,849.28	60,750.29	75,651.31	1,763.43	2,336.55	2,909.67	22.04	29.21	36.37
<i>Wastewater System Compliance Officer*</i>	<i>U209</i>	<i>209</i>	<i>45,849.28</i>	<i>60,750.29</i>	<i>75,651.31</i>	<i>1,763.43</i>	<i>2,336.55</i>	<i>2,909.67</i>	<i>22.04</i>	<i>29.21</i>	<i>36.37</i>

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
911 Shift Supervisor	H206	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
AMI Monitoring Lead	C417	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Assistant Surveyor Supervisor	J216	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Aviation Coordinator	B404	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Building Maintenance Supervisor	D204	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Code Enforcement Supervisor	P218	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Communications Specialist	A411	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Customer Service Supervisor	Z405	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Electric Line Technician II	I310	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Electric Systems Analyst	I406	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Electric Systems Technician II	I304	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Electrical Engineering Technician	I303	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Fleet Service Manager	K211	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Fleet Services Supervisor	K207	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Housing Inspector/Maintenance Supervisor	L202	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Legal Assistant	N404	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Paralegal	N403	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Safety, Health and Risk Coordinator	M204	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Senior Accountant	Y409	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Solid Waste Crew Supervisor	Q204	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Streets Crew Supervisor	R302	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Traffic Management Center Operator	R308	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Warehouse Supervisor	C407	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
<i>Water Backflow Prevention Administrator*</i>	<i>U208</i>	<i>210</i>	<i>49,975.70</i>	<i>66,217.81</i>	<i>82,459.93</i>	<i>1,922.14</i>	<i>2,546.84</i>	<i>3,171.54</i>	<i>24.03</i>	<i>31.84</i>	<i>39.64</i>
Water Crew Supervisor	G301	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Water Meter Service Supervisor	Z204	210	49,975.70	66,217.81	82,459.93	1,922.14	2,546.84	3,171.54	24.03	31.84	39.64
Electric Line Technician III	I313	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Electric Safety Coordinator	I203	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Electric Utility Locator Supervisor	I319	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
GIS Analyst	T402	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Senior Police Crime Analyst	P216	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Traffic Signal Supervisor	R307	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Water Systems Supervisor	G202	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Water/Wastewater Systems Supervisor	G203	211	54,473.53	72,177.41	89,881.29	2,095.14	2,776.05	3,456.97	26.19	34.70	43.21
Electric Construction Supervisor	I314	212	59,376.14	78,673.39	97,970.63	2,283.70	3,025.90	3,768.10	28.55	37.82	47.10
Electric Tree Trimming Supervisor	I315	212	59,376.14	78,673.39	97,970.63	2,283.70	3,025.90	3,768.10	28.55	37.82	47.10

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Exempt											
<i>Accounting Supervisor*</i>	Y401	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Assistant Streets Superintendent	R308	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Building Maintenance Manager	D203	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Cemetery Maintenance Manager	D207	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
City Clerk	A404	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Clearwater Artist Studio Coordinator	E418	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Community Outreach Coordinator	A408	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Construction Coordinator	E406	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Engineer Coordinator	J404	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
GIS Coordinator	T403	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Grounds Maintenance Manager	D210	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Human Resources Analyst	M403	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
<i>Human Resources Supervisor*</i>	M205	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Parks & Recreation Coordinator	O403	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Solid Waste Project Manager	Q206	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Solid Waste Superintendent	Q203	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Staff Engineer	J405	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Transit ADA Coordinator	A202	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Transit Grants Compliance Coordinator	A409	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Transit Planner and Technology Coordinator	A406	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Transportation Coordinator	R201	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Urban Forester	D213	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Utility Billing Manager	C410	109	53,894.29	71,409.92	88,925.59	2,072.86	2,746.54	3,420.22	25.91	34.33	42.75
Budget Analyst	C404	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Code Enforcement Manager	P211	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Federal Program Coordinator	E205	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
GIS Administrator	T410	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
GIS Supervisor	T406	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Laboratory Coordinator	G201	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Senior GIS Coordinator	T411	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Senior Planner	E202	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Streets Superintendent	R301	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
System Protection Superintendent	G208	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Treatment Plant Supervisor	G206	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60
Water Resources Superintendent	G405	110	58,744.76	77,836.82	96,928.88	2,259.41	2,993.72	3,728.03	28.24	37.42	46.60

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Exempt											
911 Telecommunications Center Manager	H205	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
<i>Assistant Emergency Management Coordinator*</i>	<i>F212</i>	<i>111</i>	<i>64,031.80</i>	<i>84,842.14</i>	<i>105,652.49</i>	<i>2,462.76</i>	<i>3,263.16</i>	<i>4,063.56</i>	<i>30.78</i>	<i>40.79</i>	<i>50.79</i>
Communications Shop Operations Manager	H208	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Economic Development Coordinator	E204	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Electric Systems Coordinator I	I308	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Engineering Construction Manager	J406	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Facility Manager	O410	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Grants Program Administrator	C415	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Housing Manager	L402	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
HR Benefits Manager	M407	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Purchasing Manager	C201	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Surveyor/Real Estate Manager	J414	111	64,031.80	84,842.14	105,652.49	2,462.76	3,263.16	4,063.56	30.78	40.79	50.79
Assistant City Attorney	N402	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
<i>Aviation Administrative and Properties Manager*</i>	<i>B405</i>	<i>112</i>	<i>70,434.99</i>	<i>93,326.34</i>	<i>116,217.71</i>	<i>2,709.04</i>	<i>3,589.47</i>	<i>4,469.91</i>	<i>33.86</i>	<i>44.87</i>	<i>55.87</i>
Aviation Operations Manager	B202	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Community Development Manager	E415	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Customer Service Manager	Z401	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Development Review Administrator	E411	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Electric Systems Coordinator II	I307	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
<i>Electric Systems Special Project Manager*</i>	<i>I405</i>	<i>112</i>	<i>70,434.99</i>	<i>93,326.34</i>	<i>116,217.71</i>	<i>2,709.04</i>	<i>3,589.47</i>	<i>4,469.91</i>	<i>33.86</i>	<i>44.87</i>	<i>55.87</i>
Finance Manager	C412	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Planning and Development Manager	E410	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Project Engineer	J201	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Public Affairs and Project Manager	A403	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Revenue Manager	C416	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
<i>Tax Collector/Collections Manager*</i>	<i>C414</i>	<i>112</i>	<i>70,434.99</i>	<i>93,326.34</i>	<i>116,217.71</i>	<i>2,709.04</i>	<i>3,589.47</i>	<i>4,469.91</i>	<i>33.86</i>	<i>44.87</i>	<i>55.87</i>
Traffic Engineer	R205	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87
Water Treatment Plant Superintendent	G404	112	70,434.99	93,326.34	116,217.71	2,709.04	3,589.47	4,469.91	33.86	44.87	55.87

*Italicized titles are previously approved titles, but currently inactive.

**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Exempt											
<i>Assistant Human Resources Director*</i>	M402	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Aviation Assistant Director	B402	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Budget & Performance Manager	C403	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Electrical Engineer	I403	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Emergency Management Coordinator	F202	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Engineering Manager	J412	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Safety, Health and Risk Manager	M201	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Transit Manager	A301	113	77,478.48	102,659.00	127,839.49	2,979.94	3,948.42	4,916.90	37.25	49.36	61.46
Deputy Building & Grounds Director	D214	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy City Attorney	N405	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy City Engineer	J402	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Director Planning & Neighborhood Development	E414	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Electric Systems Director	I404	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Finance Director	C402	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Human Resources Director	M406	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Parks & Recreation Director	O402	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Transportation Director	R402	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61
Deputy Water Resource Director	G403	114	85,226.32	112,924.89	140,623.44	3,277.94	4,343.27	5,408.59	40.97	54.29	67.61

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**City of Concord, NC
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21**

Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Executive											
Buildings & Grounds Director	D201	I	86,564.97	114,698.58	142,832.19	3,329.42	4,411.48	5,493.55	41.62	55.14	68.67
Communications Director	H201	I	86,564.97	114,698.58	142,832.19	3,329.42	4,411.48	5,493.55	41.62	55.14	68.67
Fleet Services Director	K204	I	86,564.97	114,698.58	142,832.19	3,329.42	4,411.48	5,493.55	41.62	55.14	68.67
Housing Director	L401	I	86,564.97	114,698.58	142,832.19	3,329.42	4,411.48	5,493.55	41.62	55.14	68.67
Solid Waste Director	Q405	I	86,564.97	114,698.58	142,832.19	3,329.42	4,411.48	5,493.55	41.62	55.14	68.67
Transit Director	A410	I	86,564.97	114,698.58	142,832.19	3,329.42	4,411.48	5,493.55	41.62	55.14	68.67
Aviation Director	B401	II	92,454.94	122,502.80	152,550.67	3,555.96	4,711.65	5,867.33	44.45	58.90	73.34
Human Resources Director	M401	II	92,454.94	122,502.80	152,550.67	3,555.96	4,711.65	5,867.33	44.45	58.90	73.34
Parks & Recreation Director	O401	II	92,454.94	122,502.80	152,550.67	3,555.96	4,711.65	5,867.33	44.45	58.90	73.34
Planning and Neighborhood Development Director	E412	II	92,454.94	122,502.80	152,550.67	3,555.96	4,711.65	5,867.33	44.45	58.90	73.34
Electric Systems Director	I401	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Engineering Director	J401	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Finance Director	C401	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Fire Chief	F201	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Police Chief	P201	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Transportation Director	R401	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Water Resources Director	G401	III	103,549.55	137,203.15	170,856.75	3,982.68	5,277.04	6,571.41	49.78	65.96	82.14
Assistant City Manager	A401	IV	115,975.49	153,667.53	191,359.55	4,460.60	5,910.29	7,359.98	55.76	73.88	92.00
<i>Deputy City Manager*</i>	<i>A402</i>	<i>V</i>	<i>124,093.78</i>	<i>164,424.25</i>	<i>204,754.74</i>	<i>4,772.84</i>	<i>6,324.01</i>	<i>7,875.18</i>	<i>59.66</i>	<i>79.05</i>	<i>98.44</i>

*Italicized titles are previously approved titles, but currently inactive.

City of Concord, NC											
COMPENSATION PLAN GRADE ASSIGNMENTS - 5/31/21											
Job Title	Job Code	Grade	Pay Structure - Annual			Pay Structure-Bi-Weekly			Pay Structure-Hourly		
			Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Fire											
Firefighter (2920.96 hours per year)	F304	F1	37,543.80	51,643.33	65,742.90	1,443.99	1,986.28	2,528.57	12.85	17.68	22.51
Fire Engineer (2920.96 hours per year)	F305	F2	43,315.17	54,908.39	66,501.61	1,665.97	2,111.86	2,557.75	14.83	18.80	22.77
Logistics Officer (2080 hours per year)	F208	F4	46,697.96	60,137.78	73,577.60	1,796.08	2,312.99	2,829.91	22.45	28.91	35.37
Fire Lieutenant (2920.96 hours per year)	F306	F4	46,697.96	60,137.78	73,577.60	1,796.08	2,312.99	2,829.91	15.99	20.59	25.19
Assistant Fire Marshal (2080 hours per year)	F206	F5	51,457.20	66,840.96	82,224.71	1,979.12	2,570.81	3,162.49	24.74	32.14	39.53
Deputy Fire Marshal (2080 hours per year)	F210	F6	57,662.74	76,511.17	95,359.60	2,217.80	2,942.74	3,667.68	27.72	36.78	45.85
<i>Fire Captain (2080 hours per year)*</i>	<i>F211</i>	<i>F6</i>	<i>57,662.74</i>	<i>76,511.17</i>	<i>95,359.60</i>	<i>2,217.80</i>	<i>2,942.74</i>	<i>3,667.68</i>	<i>27.72</i>	<i>36.78</i>	<i>45.85</i>
Fire Captain (2920.96 hours per year)	F207	F6	57,662.74	76,511.17	95,359.60	2,217.80	2,942.74	3,667.68	19.74	26.19	32.65
Battalion Chief	F301	F7	66,762.59	89,104.15	111,445.69	2,567.79	3,427.08	4,286.37	32.10	42.84	53.58
Division Chief	F209	F7	66,762.59	89,104.15	111,445.69	2,567.79	3,427.08	4,286.37	32.10	42.84	53.58
Deputy Fire Chief	F204	F8	76,988.82	102,001.26	127,013.71	2,961.11	3,923.13	4,885.14	37.01	49.04	61.06
Police											
Police Officer (2229.84 hours per year)	P206	P1	41,368.43	55,433.22	69,498.02	1,591.09	2,132.05	2,673.00	18.55	24.86	31.17
Master Police Officer (2229.84 hours per year)	P208	P2	47,155.26	60,204.88	73,254.50	1,813.66	2,315.57	2,817.48	21.15	27.00	32.85
Police Sergeant (2229.84 hours per year)	P205	P3	55,608.56	75,484.09	95,359.60	2,138.79	2,903.23	3,667.68	24.94	33.85	42.77
Police Lieutenant	P217	P4	58,744.76	80,186.60	101,040.98	2,259.41	3,084.10	3,886.19	28.24	38.55	48.58
Police Captain	P204	P5	60,349.17	83,216.30	106,083.43	2,321.12	3,200.63	4,080.13	29.01	40.01	51.00
Police Major	P203	P6	74,013.31	95,410.63	116,807.95	2,846.67	3,669.64	4,492.61	35.58	45.87	56.16
Deputy Police Chief	P202	P7	77,440.90	106,183.85	134,926.84	2,978.50	4,083.99	5,189.49	37.23	51.05	64.87

Note: Fire Grade F3 is no longer an available grade and will not be utilized in determining promotion{demotion} increases{decreases}.

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City of Concord, NC COMPENSATION PLAN GRADE ASSIGNMENT - 5/31/2021		
SEASONAL - PARKS & RECREATION		
Job Title	Pay Structure	
	Grade	Hourly Rate
Admissions/Concessions	S1	10.64-13.02
Arts & Crafts Instructor	S1	10.64-13.02
Lifeguard	S1	10.64-13.02
Playground Leader	S1	10.64-13.02
Playground Rover	S1	10.64-13.02
Swim Instructor	S1	10.64-13.02
Head Playground Leader	S2	11.82-14.19
Pool Custodian	S2	11.82-14.19
Assistant Manager of Programs	S3	14.19-15.37
Assistant Manager of Operations - Aquatics	S3	14.19-15.37
Bus Driver	S3	14.19-15.37
Aquatics Manager	S4	15.37-17.74
Playground Director	S4	15.37-17.74

City of Concord, NC COMPENSATION PLAN GRADE ASSIGNMENT - 5/31/2021		
SEASONAL - POLICE		
Job Title	Pay Structure	
	Grade	Hourly Rate
School Crossing Guards	S5	11.59-13.89

6.6 Bereavement Leave

The department head, if requested by an employee, shall grant bereavement leave in accordance with this policy. An employee may be granted up to five (5) consecutive work days for bereavement leave with pay, upon death of a family member. If an employee leaves work early on the day he or she is notified of the death, that day will count as bereavement leave. If the need for bereavement leave is not immediate, an employee may be granted bereavement leave for up to five (5) consecutive work days following the death of a family member. Fire and Police personnel will be granted equivalent leave based on their work schedule. If more than the allotted number of days leave is required, or if leave is desired for a death other than the family members noted in this policy, see other leave policies.

For the purposes of Article 6.6, family member includes: members of household, spouse, parent, child, sibling, in-law, aunt, uncle, niece, nephew, grandparent, grandchild, in addition to the various combinations of half, step and adopted relationships that can be derived from those named. The term "family member" also includes first cousins by blood.

Employees granted bereavement leave are required to provide verification (obituary, funeral program, death certificate, etc.) with regard to their bereavement leave.

No more than two (2) paid bereavement leave requests will be granted per fiscal year for an employee.

6.7 Military Leave Policy

In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy. In the event of any conflict between this policy and federal law, federal law shall prevail. If any employee believes that he or she has been subjected to any treatment in violation of this policy, the employee should immediately contact the Human Resources Director.

Employees engaged in military training or on extended military leave may, at their option, use any accrued paid time away, except accrued sick leave. Employees must specify to their Department if they wish to use paid time away; otherwise, the leave will be unpaid.

Military Training

All employees of City who are also members of the organized reserve forces of any of the armed services of the United States or the National Guard while called to federal duty (hereinafter referred to collectively as reservists or reservist) are entitled to a leave of absence from their duties without loss of accumulated leave on all days they are in military training or when called to duty.

Employees are asked to provide a copy of the reservist's orders to their Department Head immediately upon learning that a leave will be required. Employees should give as much advance notice as possible and notify their Department Head promptly. The Department Head must present a copy of the orders to the Human Resources Director within three (3) days of receipt.

A. Compensation

The City shall compensate reservists engaged in military training or other military leave up to 10 regularly scheduled workdays per Federal Fiscal Year (October 1st – September 30th). This leave will not count against accumulated annual leave. Beyond the 10 days, reservists may use any accrued paid time away, except accrued sick leave, to receive compensation for military training or other military leave.

B. Benefits

All benefits will continue during a reservist's military training (as defined in the Active Duty section of this policy).

Active Military Duty

Employees are asked to provide a copy of the reservist's orders to their Department Head immediately upon learning that a leave will be required. Employees should give as much advance notice as possible and notify their Department Head promptly. The Department Head must present a copy of the orders to the Human Resources Director within three (3) days of receipt.

Employees called to active duty that exceeds ten working days are subject to the provisions below:

A. Compensation

The City shall provide a lump sum supplement consisting of the difference between the reservist's military pay and regular City salary (excluding overtime and other salary additions that may have been earned if the reservist were on the job). The employee is required to provide proof of military duty and to provide copies of the military orders and pay vouchers so the amount of the City's pay supplement can be determined. The difference in pay between the military pay and City's salary will be awarded after the employee returns to normal job duties. Compensation will not be granted under this policy without proper documentation. This does not affect longevity pay of reservists eligible for longevity pay. If otherwise eligible, reservists will receive longevity pay on the regular November pay date. If service lasts more than one (1) year, eligible reservists will receive a longevity check each November with years of service calculated based on the combination of City service and active military service.

Taxes will be deducted from the pay supplement; other optional deductions such as medical insurance 401K contributions or other deductions may be arranged for on an individual basis.

The amount of pay supplement will be determined upon receipt of official military verification of the reservist's pay.

Activated reservists shall receive general increases (also known as cost of living increases) if approved by the City Council and awarded to all classes as applicable.

B. Probation

Activated reservists who were on probation at the time of activation shall remain on probation until they have served the required amount of time in the City position from which they were activated. Activated reservists' evaluation date will be adjusted equal to the amount of time for which the reservist was activated. Activated reservists will be eligible for a merit increase on the new evaluation date.

C. Benefits

The City will continue benefits for reservists that have been called to active service. Prior to leaving, the employee may elect to continue the following coverages at his or her own expense (which will be the same rate they were paying prior to the leave of absence). Reservists who elect to discontinue any of the coverages below must reimburse the City for any payments made prior to electing to drop coverage. Benefits include:

- Dependent medical, dental and vision insurance
- Supplemental life
- Dependent Life Insurance
- Accidental Death and Dismemberment

Subject to the terms of any insurance contract if an activated reservist drops dependent coverage during military leave, coverage will automatically be reinstated upon return to work with any preexisting conditions.

Unused vacation and sick leave balances accrued at the time of being called to active duty will be retained. Vacation and sick leave will not accrue during active duty. Any vacation leave which exceeds the limit at the end of the calendar year may be retained if it was not used due to active service.

C. Retirement

401(k)

Contributions to reservists 401(k) account by the City will be suspended when on active duty and be resumed when the reservist returns to work and/or receive supplemental pay. The City will contribute the rate of contribution to 401 (k) of the reservist from an amount equivalent to the contributions which the City would have made had he or she been continuously employed during the period of military leave. Employees may (but are not required to) “make-up” contributions to the 401k plan upon their return to work provided that any such “make-up” payment does not exceed the amount the employee could have contributed had he or she been continuously employed during the period of military leave.

LGERS

The City will assist the reservist in qualifying for “free service credits” equivalent to the time spent on active duty for the activated reservist available from the North Carolina Local Government Retirement System.

Any sick leave that would have been earned during military service will be held in escrow until the preparation of a retirement application to the Local Government Employees’ Retirement System for the employee. The additional hours will then be added to the total to be used for retirement benefits only. The total sick leave credited toward retirement shall not exceed the amount of sick leave that would have accrued to the employee’s credit if the employee had spent his entire career in the service of the City of Concord.

D. Seniority

To the extent seniority is a factor in any decision affecting the reservists’ eligibility for any other consideration as an employee of the City not otherwise addressed herein. The time the reservist spent on active duty shall be considered the same as time spent in the same position from which reservist was activated. A right or benefit is seniority based if it is determined by or accrues with length of service. On the other hand, a right or benefit is not seniority-based if it is compensation for work performed or is subject to a significant contingency.

E. Family Medical Leave

In determining eligibility for Family Medical Leave, an employee reemployed following military service shall be given credit for any months he or she would have been employed but for the military service.

F. Probationary Periods

Activated reservists who were on probation at the time of activation shall remain on probation until they have served the required amount of time in the City position from which they were activated.

Activated reservists' evaluation date will be adjusted equal to the amount of time for which the reservist was activated. Activated reservists will be eligible for a merit increase on the new evaluation date.

Return to Work

Once an employee's period of military service is over, he or she must report back to work within the statutorily defined time period of Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) in order to obtain the benefits or USERRA or this policy.

7.13 Career Development

It is the responsibility of each department to develop a career development plan for their employees. After being reviewed by the Human Resources Director, the career development plan must be submitted to and approved by the City Manager prior to implementation.

Note: Coworkers must receive at least an Achieves Expectations rating on their most recent performance evaluation in order to receive the Career Development increase.

Please reference the Career Development section on the HR intranet page for additional information regarding the City's Career Development Program procedures.

8.7 POLICY AGAINST HARASSMENT

I. PURPOSE

This policy will set forth the expectations of conduct and mutual respect in regard to harassment and the process of complaint if the expectations are not met or are violated.

II. POLICY

It is the policy of the City that all employees should be able to enjoy a work environment free from all forms of discrimination, including harassment from supervisors, co-workers, vendors, consultants, visitors or customers of the City. Harassment includes, but is not limited to, any unwelcome, deliberate or repeated unsolicited verbal, physical or sexual contact, or solicitations of favors which are offensive, abusive, intimidating, hostile, denigrating or demeaning. Harassment is prohibited on any basis, including but not limited to an individual's age, race, color, national origin, religion, medical condition, disability, sexual orientation preference, marital status, military status, or gender.

A. Harassment includes but is not limited to the following:

1. Verbal harassment such as derogatory comments, slurs, accusations or negative stereotyping
2. Physical harassment such as assault, impeding or blocking movement, or any physical interference with normal work or movement, which is directed at an individual.
3. Visual forms of harassment such as graphic materials, derogatory posters, cartoons or drawings.
4. Sexual harassment such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature such as name calling, gestures, suggestive comments, or lewd talk and jokes.

B. Harassment occurs when:

1. Submission to the conduct is either made explicitly or implicitly a term or condition of an individual's employment; or
2. Submission or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual; or
3. The conduct has a purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

C. Such conduct may result in disciplinary action up to and including dismissal of the employee who harasses others. With respect to non-employees, such as customers, visitors, consultants or vendors, they will be asked to leave if situated on the premises or other such action will be taken to ensure that the employee's work is not interfered with or affected.

D. False accusations will result in severe disciplinary action, up to and including termination.

E. Supervisor's Responsibility

1. The City must impose severe disciplinary sanctions, including discharge, in any case where a supervisor is determined to have engaged in harassment of a co-employee.

2. Supervisors have primary responsibility to prevent sexually explicit language, obscene gestures, and other inappropriate conduct that they have reason to believe may be offensive to any employee.
 3. The City requires that supervisors treat every employee complaint of harassment seriously by immediately notifying the City's Human Resources Director of the complaint, and then conducting an investigation in accordance with the procedures described below.
- F.** The City will not tolerate any retaliation or reprisal in any way against anyone who has complained about or resisted harassment, discrimination or retaliation, including conduct which is intentionally pressuring, falsely denying, lying about or otherwise attempting to cover up such retaliation or reprisal conduct.

PROCEDURE FOR MAKING, INVESTIGATING AND RESOLVING HARASSMENT AND RETALIATION CLAIMS

A. Reporting/making a harassment claim

1. Any employee who believes that actions or words of a supervisor, co-worker, vendor, consultant, vendor or customer constitute unwelcome harassment has the right and should report such actions orally and in writing to a departmental supervisor or the Human Resources Director. If for any reason the employee does not feel comfortable reporting the conduct to their departmental supervisor or the Human Resources Director, it should be reported orally and in writing to the City Manager.
2. Any supervisor approached by an employee regarding possible harassment or who has reason to believe such harassment has taken place, must report it to the Human Resources Director.

B. Investigating a claim

1. It is essential that complaints of harassment be investigated as promptly and yet as discreetly as possible, with due regard for the rights of both complainants and accused persons. While complaints that may be valid cannot be ignored, care must be taken not to cause unnecessary harm to persons who may be innocent. Because such incidents are generally personal and private in nature, the word of the complainant will often be the only proof that harassment has occurred. In many cases, the accused will deny the charge, leaving the City in a difficult position. The procedures in Section III are designed to provide a uniform approach to each case and to establish that the City took reasonable steps to ascertain the truth without unnecessarily invading the privacy or damaging the reputations of those involved. The City's management will conduct an investigation confidentially according to the guidelines of Section III.
2. After completing the investigation review, the City's management will identify any disciplinary action and/or steps being taken. Appropriate action will depend on the nature of the evidence supporting the complaint and other surrounding circumstances.
 - a. If the evidence consists only of one employee's word against another's with no extrinsic evidence supporting the either position, it would be unfair to punish the accused. In such cases, no written statement concerning the

- charge shall be placed in either employee's personnel file, but the City's policy against harassment should be re-emphasized to all parties involved.
- b. If there is evidence corroborating the complainant's allegations or casting a doubt on the credibility of the accused employee's denial, some form of disciplinary action should be taken. Discipline, however, normally will not go beyond a warning and reprimand unless the proof supporting the complaint is strong.
 - c. If the accused admits the charge, or only the victim's claims are supported by credible evidence, or the accuser's denial is clearly incredible, the proof should be considered strong. In such instances, severe discipline such as suspension or discharge may be appropriate. The nature and the extent of the offender's conduct and prior record will be considered carefully in deciding what measures are most appropriate.
3. Records of all investigations will be kept for a reasonable period of time regardless of the outcome of the investigation. Investigation files will be kept separately from the personnel files of the employees in question.

III. PROCEDURE

PROCEDURE FOR INVESTIGATING A HARASSMENT CLAIM

1. Interview the complainant to determine who are the harassers; the nature, frequency, location and dates of the incidents; the names of any witnesses and existence of any other corroborating evidence; how the complainant reacted and whom else complainant has spoken to regarding the incident; and determine the reasons for any delayed reporting of the incidents.
2. Check the harassment investigation files and personnel files of the complainant to see if there are records of prior complaints and findings as to those complaints.
3. Interview the accused employee to obtain his or her response to the charge and version of the facts, as well as names of any witnesses who may support the accused. The interviewer must stay objective, assume nothing, and put all statements in writing because these notes may be used in court. The investigator should avoid discussing the complaint with any other person, including those named as witnesses, until after the accused has been given a chance to respond.
4. Review what action to be take next
 - a. If the accused has admitted the charge, it will ordinarily be best to try to resolve the matter and mete out appropriate disciplinary and/or remedial action without involving any other employees.
 - b. If the accused has denied that any incident took place or has given a substantially different version of the incident than the complainant's, it may be useful to conduct a second interview with the complainant to obtain his or her reaction to the accused employee's position.
 - c. If it is still not possible to ascertain the truth without involving others, the investigator should then proceed to interview any possible witnesses, including other appropriate supervisors, to see if there is any corroborating evidence. This

would include evidence of work-related conduct or incidents of a sexual or non-sexual nature that might reflect on the relationship of the parties.

5. If the complainant claims to have been denied some employment opportunity or benefit because of refusing to submit to sexual advances, or because some other employee gained favored treatment by granting sexual favors, the investigation should focus initially on the relative qualifications of those involved and the procedures used in making the employment decision in question. Any irregularities found in such procedures may serve as the basis for further investigation along the lines detailed above.

SANCTIONS

Appropriate penalties will be imposed on individuals found to be engaged in harassment and on supervisors or managers who fail to take appropriate action when employees bring harassment complaints to their attention. The City has a right to apply any sanction or combination of sanctions against the offender, including but not limited to:

- Counseling with the offender(s);
- Transfer;
- Probation with a warning of suspension or discharge for continuing or recurring offenses;
- Suspension;
- Discharge for cause.

Nothing set forth in this policy limits the right of the City of Concord to terminate any employee at any time with or without cause.

8.4 GRIEVANCE POLICY

A. Proponent:

The proponent for the Grievance Policy is the Human Resources Director.

B. Purpose:

The purpose of this policy is to provide procedures for a coworker who thinks that a decision made by his/her department was unjust; inequitable; or created a problem, unjust condition, or a hindrance to effective operation, without fear of retribution or retaliation. The coworker with a complaint should first discuss the concern with their supervisor and/or Department Director.

C. Procedures:

Coworkers are advised that the following items are not subject to the grievance procedure:

- (1) Conditions of employment, law, policy, wages, salaries and fringe benefits established by the City Council.
- (2) However, the application or interpretation of the items listed above is subject to the grievance procedure. If there is a question whether or not a coworker's concern is clearly a grievance, the Human Resources Director must contact the Deputy City Attorney whose office has full and final authority to settle this question. The Deputy City Attorney's office shall respond within five (5) workdays.

D. In addition, it is to be understood that the establishment of this procedure shall in no way impair or interfere with the actions or duties of the City government to do the following, provided that none of these actions may be exercised in an arbitrary or impulsive manner:

- (1) Direct the work of its coworkers.
- (2) Hire, promote, transfer and assign coworkers.
- (3) Demote or dismiss coworkers for cause.
- (4) Maintain the efficiency of governmental operations.
- (5) Relieve coworkers from duty because of a lack of work or for other legitimate reason.
- (6) Take actions necessary to carry out duties of a department in emergencies.
- (7) Determine the methods, means and personnel necessary to carry out operations.

E. Grievance Procedures

A coworker, who has successfully completed the initial probationary period, wishing to file a grievance, shall have the right to follow all the steps of this procedure as listed below with complete freedom from retaliation.

- (1) **STEP I.** A coworker who has a grievance, as defined herein as “grievant”, shall produce a written statement detailing his/her grievance and shall deliver such statement to the Human Resources Department no later than five (5) workdays from the date of occurrence of the action or event causing the grievance or of the date on which the grievant should reasonably have been expected to have learned of the act or event. The statement should also include the grievant’s contact information including address, phone number, and email address.
- (2) **STEP II.** Human Resources is responsible for notifying the Department Director that the grievance has been received so the Director can meet with the grievant within five (5) workdays of the date the written statement is received by the Human Resources Department. If more than one level of supervision exists between the grievant and the Department Director, the Department Director may request the presence of the additional supervisor(s). The grievant may also have a coworker of his/her choice at this meeting. Grievances should not be recorded at this step. After meeting with the grievant, the Department Director shall give the grievant a written reply to the grievance within five (5) workdays of the date of this meeting.
- (3) **STEP III.** If the Department Director's response does not resolve the grievance, the grievant may, within five (5) workdays after receipt of the Department Director’s written response, file a written request with the Human Resources Director for a Hearing Panel, composed of three (3) members of the Grievance Committee.

The Grievance Committee shall be composed of a representative pool of City coworkers appointed by the City Manager.

Within five (5) workdays after the date the Human Resources Director receives the written request for a hearing, the grievant and the Department Director shall each notify HR of their individual selection for one (1) member of the Grievance Committee to serve on the Hearing Panel. The two selected members of the Panel shall choose a third member from the Grievance Committee to complete a three (3) member Hearing Panel. None of the selected members shall have been involved in an earlier phase of the grievance and none shall be members of the grievant’s department. No more than one (1) **member**

of the Panel shall be a Department Director. The Panel shall select its own Chairperson and work with Human Resources to set the time for the hearing, along with the grievant, as soon as practicable, but no more than five (5) workdays after the selection of the third member.

If more than one level of supervision exists between the grievant and the Department Director, the Department Director may request the presence of the additional supervisor(s). The grievant may also have a coworker of his/her choice at this hearing.

The Panel has the responsibility to hear both sides of the grievance and render a written advisory recommendation to the City Manager concerning disposition of the grievance. The Panel has the responsibility to interpret the application of appropriate City policies and procedures in the case. It does not have the ability to formulate or to change policies and procedures. The Deputy City Attorney's office shall serve as legal and technical advisor to the Panel. The Hearing Panel will be facilitated and recorded by Human Resources. The grievant may request a copy of the recording or record if they prefer.

The Panel shall, within five (5) workdays after conclusion of the hearing, give written copies of their findings and recommendations to the City Manager, the grievant, the Human Resources Director, and the Department Director.

- (4) **STEP IV.** The City Manager shall, within five (5) workdays after receiving the Panel's findings, schedule a meeting with the grievant. If the grievant declines the meeting with the City Manager, the Department Director's response in Step II will stand as the final decision in the grievance.

If the meeting takes place, the City Manager may request the presence of the Department Director or any other City official at the meeting. The grievant may also have a representative of his/her choice present. If the grievant's representative is an attorney, the grievant must notify Human Resources as soon as reasonably possible so that the City's attorney can also be present. Attorneys cannot attend the grievance process without the City's attorney also being present. The meeting will be facilitated by the City Manager and recorded by Human Resources. The grievant may request a copy of the recording or record if they prefer.

After the conclusion of the meeting and consideration of the facts, evidence, and recommendation of the Hearing Panel, the City Manager shall give the coworker a written reply to the grievance. The determination of the City Manager shall be issued to the grievant

no later than 20 (twenty) workdays from the date of the meeting with the City Manager and shall be final and binding.

F. Exceptions

All grievances should be managed by the Human Resources Director with the exception of grievances brought forth by a coworker in the Human Resources Department. In such cases, the grievance should be managed by the City Manager or his/her designee. All other grievances shall follow all the steps of this procedure as listed above.

A coworker in the Human Resources Department, who has successfully completed the initial probationary period, wishing to file a grievance, shall have the right to follow all the steps of this procedure as listed below with complete freedom from retaliation. The following steps are applicable only to Human Resources personnel:

- (1) **STEP I.** A coworker in the Human Resources Department who has a grievance, as defined herein as “grievant”, shall produce a written statement detailing his/her grievance and shall deliver such statement to the City Manager no later than five (5) workdays from the date of occurrence of the action or event causing the grievance or of the date on which the grievant should reasonably have been expected to have learned of the act or event. The statement should also include the grievant’s contact information including address, phone number, and email address.
- (2) **STEP II.** The City Manager is responsible for notifying the Human Resources Director that the grievance has been received so that the Director can meet with the grievant within five (5) workdays of the date the written statement is received by the City Manager. If more than one level of supervision exists between the grievant and the Human Resources Director, the Human Resources Director may request the presence of the additional supervisor(s). The grievant may also have a coworker of his/her choice at this meeting. Grievances should not be recorded at this step. After meeting with the grievant, the Human Resources Director shall give the grievant a written reply to the grievance within five (5) workdays of the date of this meeting.
- (3) **STEP III.** If the Human Resources Director's response does not resolve the grievance, the grievant may, within five (5) workdays after receipt of the Human Resources Director’s written response, file a written request with the City Manager for a Hearing Panel, composed of three (3) members of the Grievance Committee.

The Grievance Committee shall be composed of a representative pool of City coworkers appointed by the City Manager.

Within five (5) workdays after the date the City Manager receives the written request for a hearing, the grievant and the Human Resources Director shall each notify the City Manager of their individual selection for one (1) member of the Grievance Committee to serve on the Hearing Panel. The two selected members of the Panel shall choose a third member from the Grievance Committee to complete a three (3) member Hearing Panel. None of the selected members shall have been involved in an earlier phase of the grievance and none shall be members of the grievant's department. No more than one (1) member of the Panel shall be a Department Director. The Panel shall select its own Chairperson and work with the City Manager to set the time for the hearing, along with the grievant, as soon as practicable, but no more than five (5) workdays after the selection of the third member.

If more than one level of supervision exists between the grievant and the Human Resources Director, the Human Resources Director may request the presence of the additional supervisor(s). The grievant may also have a coworker of his/her choice at this hearing.

The Panel has the responsibility to hear both sides of the grievance and render a written advisory recommendation to the City Manager concerning disposition of the grievance. The Panel has the responsibility to interpret the application of appropriate City policies and procedures in the case. It does not have the ability to formulate or to change policies and procedures. The Deputy City Attorney shall serve as legal and technical advisor to the Panel. The Hearing Panel will be facilitated and recorded by one of the Assistant City Managers as designated by the City Manager. The grievant may request a copy of the recording or record if they prefer.

The Panel shall, within five (5) workdays after the conclusion of the hearing, give written copies of its' findings and recommendations to the City Manager, the grievant and the Human Resources Director.

- (4) **STEP IV.** The City Manager shall, within five (5) workdays after receiving the Panel's findings, schedule a meeting with the grievant. If the grievant declines the meeting with the City Manager, the Human Resources Director's response in Step II will stand as the final decision in the grievance.

If the meeting takes place, the City Manager may request the presence of the Human Resources Director or any other City official at the hearing. The grievant may also have a representative of his/her choice present. If the grievant's representative is an attorney, the grievant must notify the City Manager as soon as reasonably possible so that the City's attorney can also be present. Attorneys cannot attend the grievance process without the City's attorney also being present. The Hearing Panel will be facilitated by the City Manager and recorded by one of the Assistant City Manager's as designated by the City Manager. The grievant may request a copy of the recording or record if they prefer.

After the conclusion of the meeting and consideration of the facts, evidence, and recommendation of the Hearing Panel, the City Manager shall give the grievant a written reply to the grievance. The determination of the City Manager shall be issued to the grievant no later than 20 (twenty) workdays from the date of this meeting and shall be final and binding.

G. Time Frames

All time periods listed in this grievance procedure may be extended by mutual agreement of the grievant and the Human Resources Director. However, the grievant's failure to process the initial grievance or any step of the process within the time limits listed shall constitute termination of the grievance.

Written documentation and notifications under this policy may be made via active City email, grievant's personal email, if provided, U.S. mail to the address on record with the City, or hand delivery to the individual listed.

Where communication between the City and the grievant is by U.S. mail, the City shall mail all decisions to the grievant with postal tracking. The deadline shall begin from the date of delivery per postal tracking records. (Example: Employee files a grievance. Employee then goes on leave. Decisions may be mailed to the employee's address of record. Five (5) workday deadline(s) begin on the date of delivery, per postal tracking records under this scenario.)

Tax Report for Fiscal Year 2019-2020

FINAL REPORT

April

Property Tax Receipts- Munis

2019 BUDGET YEAR	74,983.83
2018	1,684.39
2017	-
2016	43.61
2015	36.02
2014	133.70
2013	28.41
2012	-
2011	1.55
2010	(34.61)
Prior Years	
Interest	2,974.33
Refunds	
	<u>79,851.23</u>

Vehicle Tax Receipts- County

2019 BUDGET YEAR	352,134.84
2018	
2017	
2016	
2015	
2014	
2013	41.27
Prior Years	53.29
Penalty & Interest	4,164.77
Refunds	
	<u>356,394.17</u>

Fire District Tax - County

2019 BUDGET YEAR	8,145.25
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Less: Collection Fee from County

Net Ad Valorem Collections	<u>444,390.65</u>
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423:Vehicle Tag Fee-Transportation Impr Fund	31,625.70
100:Vehicle Tag Fee	128,373.60
292:Vehicle Tag Fee-Transportation Fund	31,629.23
Less Collection Fee - Transit	
Net Vehicle Tag Collection	<u>191,628.53</u>

Privilege License	2,672.50
Prepaid Privilege Licenses	
Privilege License interest	
Total Privilege License	<u>2,672.50</u>

Oakwood Cemetery current	4,025.00
Oakwood Cemetery endowment	-
Rutherford Cemetery current	2,041.68
Rutherford Cemetery endowment	1,458.32
West Concord Cemetery current	6,650.00
West Concord Cemetery endowment	600.00
Total Cemetery Collections	<u>14,775.00</u>

Total Collections	<u>\$ 653,466.68</u>
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Current Year	
Original Scroll	
Levy	
Penalty	
Adjustments	
Public Service	
Levy	
Penalty	
Discoveries/Annex	-
Discovery Penalty	-
Total Amount Invoiced - Monthly	-
Total Amount Invoiced - YTD	51,579,268.19

Current Year	
Less Abatements (Releases)	
Real	177.49
Personal	
Discovery	
Penalty - all	
Total Abatements	177.49

Adjusted Amount Invoiced - monthly	(177.49)
Adjusted Amount Invoiced - YTD	51,475,605.90

Current Levy Collected	74,983.83
Levy Collected from previous years	1,893.07
Penalties & Interest Collected	2,974.33
Current Month Write Off - Debit/Credit	-
Total Monthly Collected	79,851.23
Total Collected - YTD	51,582,156.03

Total Collected - net current levy -YTD 51,271,321.00

Percentage of Collected -current levy 99.60%

Amount Uncollected - current year levy 204,284.90

Percentage of Uncollected - current levy 0.40%

100.00%

CITY OF CONCORD

Summary of Releases, Refunds and Discoveries for the Month of April 2020

RELEASES		
CITY OF CONCORD	\$	177.49
CONCORD DOWNTOWN	\$	-

REFUNDS		
CITY OF CONCORD	\$	-
CONCORD DOWNTOWN	\$	-

DISCOVERIES									
CITY OF CONCORD									
TaxYear	Real	Personal	Total	Rate	Calculated	Penalties			
2015	0	0	0	0.0048	0.00	0.00			
2016	0	0	0	0.0048	0.00	0.00			
2017	0	0	0	0.0048	0.00	0.00			
2018	0	0	0	0.0048	0.00	0.00			
2019	0	0	0	0.0048	0.00	0.00			
2020	0	0	0	0.0048	0.00	0.00			
Total	0	0	0		\$ -	\$ -			
DOWNTOWN									
TaxYear	Real	Personal	Total	Rate	Calculated	Penalties			
2017	0	0	0	0.0023	0.00	0.00			
2018	0	0	0	0.0023	0.00	0.00			
2019	0	0	0	0.0023	0.00	0.00			
2020	0	0	0	0.0023	0.00	0.00			
Total	0	0	0		\$ -	\$ -			

City of Concord
Portfolio Holdings
Monthly Investments to Council
Report Format: By C U S I P / Ticker
Group By: Security Type
Average By: Cost Value
Portfolio / Report Group: All Portfolios
As of 4/30/2020

Description	CUSIP/Ticker	Face Amount/Shares	Cost Value	Maturity Date	YTM @ Cost	% of Portfolio	Settlement Date	Cost Price	Days To Maturity
Commercial Paper									
CP BANCO SANTANDER SA 0 8/12/2020	05970RHC2	5,000,000.00	4,950,622.20	08/12/2020	1.778	1.39	N/A	99.012444	104
CP CHESHAM 0 10/22/2020	16536HKN0	5,000,000.00	4,939,206.94	10/22/2020	1.711	1.38	N/A	98.784139	175
CP CHESHAM 0 6/16/2020	16536HFG1	5,000,000.00	4,952,730.55	06/16/2020	1.888	1.39	N/A	99.054611	47
CP CREDIT AGRICOLE 0 5/20/2020	22533TEL6	5,000,000.00	4,960,644.44	05/20/2020	1.774	1.39	N/A	99.212889	20
CP CREDIT SUISSE AG 0 5/7/2020	2254EAE74	5,000,000.00	4,952,990.28	05/07/2020	1.888	1.39	N/A	99.059806	7
CP MALAYAN BANK 0 5/22/2020	56108JEN7	5,000,000.00	4,948,561.11	05/22/2020	1.900	1.39	N/A	98.971222	22
CP NATIXIS 0 12/18/2020	63873JMJ6	5,000,000.00	4,960,488.89	12/18/2020	1.129	1.39	N/A	99.209778	232
CP NATIXIS 0 7/2/2020	63873JG20	5,000,000.00	4,981,850.00	07/02/2020	1.084	1.40	N/A	99.637	63
CP PRUDENTIAL PLC 0 10/26/2020	7443M2KS4	5,000,000.00	4,952,272.22	10/26/2020	1.434	1.39	N/A	99.045444	179
CP TOYOTA MOTOR CREDIT 0 11/19/2020	89233GLK0	5,000,000.00	4,961,422.22	11/19/2020	1.129	1.39	N/A	99.228444	203
CP TOYOTA MOTOR CREDIT 0 7/23/2020	89233GGP5	5,000,000.00	4,943,729.15	07/23/2020	1.871	1.39	N/A	98.874583	84
CPMUFGBANKLTD/NY 0 8/21/2020	62479LHM0	5,000,000.00	4,947,075.00	08/21/2020	1.759	1.39	N/A	98.9415	113
Sub Total / Average Commercial Paper		60,000,000.00	59,451,593.00		1.611	16.67		99.086437	104
FFCB Bond									
FFCB 0.8 4/22/2024-21	3133ELXC3	5,000,000.00	5,000,000.00	04/22/2024	0.800	1.40	N/A	100	1,453
FFCB 1.24 3/10/2023-21	3133ELRZ9	5,000,000.00	5,000,000.00	03/10/2023	1.240	1.40	N/A	100	1,044
FFCB 1.48 3/10/2026-21	3133ELSC9	5,000,000.00	5,000,000.00	03/10/2026	1.480	1.40	N/A	100	2,140
FFCB 1.55 3/30/2027-23	3133ELUN2	5,000,000.00	5,000,000.00	03/30/2027	1.550	1.40	N/A	100	2,525
FFCB 1.69 2/12/2024-21	3133ELMJ0	5,000,000.00	4,999,500.00	02/12/2024	1.693	1.40	N/A	99.99	1,383
FFCB 1.7 9/27/2022-21	3133EKS31	5,000,000.00	5,000,000.00	09/27/2022	1.700	1.40	N/A	100	880
FFCB 1.71 11/25/2022-20	3133ELAU8	5,000,000.00	5,000,000.00	11/25/2022	1.710	1.40	N/A	100	939
FFCB 1.71 5/26/2022-20	3133ELAW4	5,000,000.00	5,000,000.00	05/26/2022	1.710	1.40	N/A	100	756
FFCB 1.89 3/2/2027-21	3133ELQH0	5,000,000.00	5,000,000.00	03/02/2027	1.890	1.40	N/A	100	2,497
FFCB 1.89 9/27/2024-21	3133EKU20	5,000,000.00	5,000,000.00	09/27/2024	1.890	1.40	N/A	100	1,611
FFCB 1.93 10/30/2023-20	3133EK4A1	5,000,000.00	5,000,000.00	10/30/2023	1.930	1.40	N/A	100	1,278
FFCB 2.09 7/1/2022-20	3133EKTA4	5,000,000.00	5,000,000.00	07/01/2022	2.090	1.40	N/A	100	792
FFCB 2.11 7/22/2022-20	3133EKVP8	5,000,000.00	5,000,000.00	07/22/2022	2.110	1.40	N/A	100	813

FFCB 2.14 9/4/2026-20	3133EKL53	5,000,000.00	5,000,000.00	09/04/2026	2.140	1.40	N/A	100	2,318
FFCB 2.2 7/24/2023-20	3133EKWZ5	5,000,000.00	5,000,000.00	07/24/2023	2.200	1.40	N/A	100	1,180
FFCB 2.23 7/8/2024-20	3133EKTT3	5,000,000.00	5,000,000.00	07/08/2024	2.230	1.40	N/A	100	1,530
FFCB 2.36 6/17/2024-20	3133EKQW9	5,000,000.00	4,998,750.00	06/17/2024	2.365	1.40	N/A	99.975	1,509
Sub Total / Average FFCB Bond		85,000,000.00	84,998,250.00		1.808	23.83		99.997942	1,450
FHLB Bond									
FHLB 1.125 7/14/2021	3130A8QS5	740,000.00	708,002.40	07/14/2021	2.621	0.20	N/A	95.676	440
FHLB 1.375 2/18/2021	3130A7CV5	600,000.00	582,384.00	02/18/2021	2.383	0.16	N/A	97.064	294
FHLB 1.55 3/25/2024-21	3130AJAX7	5,000,000.00	5,000,000.00	03/25/2024	1.550	1.40	N/A	100	1,425
FHLB 1.73 6/30/2022-20	3130AHSG9	5,000,000.00	5,000,000.00	06/30/2022	1.730	1.40	N/A	100	791
FHLB 1.77 7/22/2024-21	3130AHWG4	5,000,000.00	5,000,000.00	07/22/2024	1.770	1.40	N/A	100	1,544
FHLB 1.77 8/28/2024-20	3130AJA90	5,000,000.00	5,000,000.00	08/28/2024	1.770	1.40	N/A	100	1,581
FHLB 1.85 7/6/2023-20	3130AHUA9	5,000,000.00	5,000,000.00	07/06/2023	1.850	1.40	N/A	100	1,162
FHLB 1.875 10/28/2024-21	3130AHUU5	5,000,000.00	5,000,000.00	10/28/2024	1.875	1.40	N/A	100	1,642
FHLB 1.875 11/29/2021	3130AABG2	875,000.00	853,965.00	11/29/2021	2.721	0.24	N/A	97.596	578
FHLB 1.9 11/27/2020-18	3130ACTU8	5,000,000.00	4,995,000.00	11/27/2020	1.935	1.40	N/A	99.9	211
FHLB 1.92 8/28/2024-20	3130AGXN0	5,000,000.00	5,000,000.00	08/28/2024	1.920	1.40	N/A	100	1,581
FHLB 1.97 9/11/2024-20	3130AH2B8	5,000,000.00	4,980,000.00	09/11/2024	2.055	1.40	N/A	99.6	1,595
FHLB 2 9/26/2022-20	3130AH5RO	5,000,000.00	5,000,000.00	09/26/2022	2.000	1.40	N/A	100	879
FHLB 2.13 11/8/2024-20	3130AHGT4	3,000,000.00	3,000,000.00	11/08/2024	2.130	0.84	N/A	100	1,653
FHLB 2.16 7/13/2026-20	3130AHUT8	5,000,000.00	5,000,000.00	07/13/2026	2.160	1.40	N/A	100	2,265
FHLB 2.32 11/1/2029-22	3130AHEU3	5,000,000.00	5,000,000.00	11/01/2029	2.320	1.40	N/A	100	3,472
FHLB 3 10/12/2021	3130AF5B9	880,000.00	905,660.34	10/12/2021	1.634	0.25	N/A	102.915948	530
Sub Total / Average FHLB Bond		66,095,000.00	66,025,011.74		1.940	18.51		99.898904	1,471
FHLMC Bond									
FHLMC 1 4/21/2025-21	3134GVLE6	5,000,000.00	5,000,000.00	04/21/2025	1.000	1.40	N/A	100	1,817
FHLMC 1.25 3/26/2025-21	3134GVHG6	5,000,000.00	5,000,000.00	03/26/2025	1.250	1.40	N/A	100	1,791
FHLMC 1.6 9/28/2020-18	3134GBF64	5,000,000.00	5,000,000.00	09/28/2020	1.600	1.40	N/A	100	151
FHLMC 1.71 11/4/2022-20	3134GU4G2	5,000,000.00	4,998,750.00	11/04/2022	1.720	1.40	N/A	99.975	918
FHLMC 1.73 5/27/2022-20	3134GUVP2	5,000,000.00	5,000,000.00	05/27/2022	1.730	1.40	N/A	100	757
FHLMC 1.75 2/25/2022-20	3134GUUY4	5,000,000.00	5,000,000.00	02/25/2022	1.750	1.40	N/A	100	666
FHLMC 1.75 6/23/2022-20	3134GUZY9	5,000,000.00	5,000,000.00	06/23/2022	1.750	1.40	N/A	100	784
FHLMC 1.75 8/25/2022-20	3134GUTK6	5,000,000.00	5,000,000.00	08/25/2022	1.750	1.40	N/A	100	847
FHLMC 1.875 3/28/2024-21	3134GUEN6	5,000,000.00	5,000,000.00	03/28/2024	1.875	1.40	N/A	100	1,428
FHLMC 1.9 6/30/2023-20	3134GUK58	5,000,000.00	5,000,000.00	06/30/2023	1.900	1.40	N/A	100	1,156
FHLMC 2.125 11/8/2024-20	3134GUNZ9	2,000,000.00	2,000,000.00	11/08/2024	2.125	0.56	N/A	100	1,653
FHLMC 2.25 11/24/2020-18	3134GBX56	5,000,000.00	5,014,000.00	11/24/2020	2.151	1.41	N/A	100.28	208
FHLMC 2.375 1/13/2022	3137EADB2	2,175,000.00	2,166,191.35	01/13/2022	2.520	0.61	N/A	99.595007	623

FHLMC 2.375 2/16/2021	3137EAE9	1,000,000.00	998,264.53	02/16/2021	2.436	0.28	N/A	99.826453	292
Sub Total / Average FHLMC Bond		60,175,000.00	60,177,205.88		1.737	16.87		100.003796	957
FNMA Bond									
FNMA 0.6 4/20/2023-21	3136G4UZ4	5,000,000.00	5,000,000.00	04/20/2023	0.600	1.40	N/A	100	1,085
FNMA 1.25 5/6/2021	3135G0K69	625,000.00	600,577.41	05/06/2021	2.610	0.17	N/A	96.092386	371
FNMA 1.25 8/17/2021	3135G0N82	2,020,000.00	1,934,922.38	08/17/2021	2.733	0.54	N/A	95.788318	474
FNMA 1.375 10/7/2021	3135G0Q89	2,675,000.00	2,556,023.37	10/07/2021	2.961	0.72	N/A	95.552298	525
FNMA 1.375 2/26/2021	3135G0J20	1,520,000.00	1,473,060.79	02/26/2021	2.516	0.41	N/A	96.912156	302
FNMA 1.375 9/6/2022	3135G0W33	300,000.00	298,497.00	09/06/2022	1.568	0.08	N/A	99.499	859
FNMA 1.5 6/22/2020	3135G0D75	335,000.00	333,308.25	06/22/2020	1.697	0.09	N/A	99.495	53
FNMA 1.55 8/24/2021-17	3136G3X83	5,000,000.00	5,000,000.00	08/24/2021	1.550	1.40	N/A	100	481
FNMA 1.75 1/30/2023-20	3135G0X73	5,000,000.00	5,000,000.00	01/30/2023	1.750	1.40	N/A	100	1,005
FNMA 1.75 2/14/2024-20	3135G0Y31	5,000,000.00	5,000,000.00	02/14/2024	1.750	1.40	N/A	100	1,385
FNMA 1.8 10/28/2022-20	3135G0W74	5,000,000.00	5,000,000.00	10/28/2022	1.800	1.40	N/A	100	911
FNMA 1.83 11/23/2024-20	3136G4UF8	5,000,000.00	5,000,000.00	11/23/2024	1.830	1.40	N/A	100	1,668
FNMA 1.875 12/28/2020	3135G0H55	940,000.00	934,051.66	12/28/2020	2.095	0.26	N/A	99.367198	242
FNMA 1.875 4/5/2022	3135G0T45	2,005,000.00	1,989,331.01	04/05/2022	2.147	0.56	N/A	99.223064	705
FNMA 1.9 2/18/2025-20	3135G0Y23	5,000,000.00	5,000,000.00	02/18/2025	1.900	1.40	N/A	100	1,755
FNMA 2 10/5/2022	3135G0T78	3,805,000.00	3,857,482.35	10/05/2022	1.511	1.08	N/A	101.379763	888
FNMA 2 9/28/2020-18	3136G4PH0	5,000,000.00	5,000,000.00	09/28/2020	2.000	1.40	N/A	100	151
FNMA 2.25 4/12/2022	3135G0V59	960,000.00	969,734.40	04/12/2022	1.871	0.27	N/A	101.014	712
FNMA 2.375 1/19/2023	3135G0T94	770,000.00	790,542.01	01/19/2023	1.448	0.22	N/A	102.667794	994
FNMA 2.375 1/19/2023	3135G0T94	1,050,000.00	1,093,638.00	01/19/2023	0.907	0.31	N/A	104.156	994
Sub Total / Average FNMA Bond		57,005,000.00	56,831,168.63		1.778	15.94		99.720088	933
Local Government Investment Pool									
NCCMT LGIP	NCCMT599	62,100.01	62,100.01	N/A	0.410	0.02	N/A	100	1
NCCMT LGIP	NCCMT135	10,653,849.48	10,653,849.48	N/A	0.910	2.99	N/A	100	1
NCCMT LGIP	NCCMT481	13,149,706.13	13,149,706.13	N/A	0.410	3.69	N/A	100	1
NCCMT LGIP	NCCMT271	63,108.73	63,108.73	N/A	0.410	0.02	N/A	100	1
Sub Total / Average Local Government Investment Pool		23,928,764.35	23,928,764.35		0.633	6.71		100	1
Money Market									
PINNACLE BANK MM	PINNACLE	5,216,919.71	5,216,919.71	N/A	1.000	1.46	N/A	100	1
Sub Total / Average Money Market		5,216,919.71	5,216,919.71		1.000	1.46		100	1
Total / Average		357,420,684.06	356,628,913.31		1.692	100		99.784533	945