



City Council Agenda

Thursday, July 11, 2024

6:00 PM

City Hall

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.

- I. **Call to Order**
- II. **Pledge of Allegiance and Moment of Silent Prayer**
- III. **Approval of Minutes**
May 14, June 11, and June 13, 2024.
- IV. **Presentations**
 - 1. **Presentation of a Proclamation recognizing July as Parks and Recreation Month.**
 - 2. **Presentation of the FY 2025 Annual Budget Video. (Work Session)**
- V. **Unfinished Business**
- VI. **New Business**
- A. **Informational Items**
 - 1. **Presentation of the City's Vision/Mission/Values Board and Strategic Plan Document. (Work Session)**
- B. **Departmental Reports**
 - 1. **Downtown Streetscape Historic Overview (Work Session)**
 - 2. **Downtown Streetscape update**
 - 3. **Parks and Recreation Bonds update**
- C. **Recognition of Persons Requesting to be Heard**
- D. **Public Hearings**

- 1. **Conduct a public hearing and consider adopting an ordinance annexing +/- 3.383 acres at 17635 Huntersville-Concord Rd. PIN 4671-64-8074 owned by SAAD International, LLC.**

Voluntary annexation petition of +/- 3.383 acres of property at the intersection of Huntersville-Concord Rd. and Poplar Tent Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential).

Recommendation: Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for July 11, 2024.

- 2. **Conduct a Public Hearing for case Z(CD)-23-23 and consider adopting an ordinance amending the official zoning map for +/- 2.443 acres located at 200, 202, and 206 Winecoff School Rd from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcels from “Suburban Neighborhood” to “Industrial/Employment.”**

The Planning and Zoning Commission heard the above referenced petition at their June 18, 2024 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional

District) and to amend the 2030 Land Use Plan to designate the parcels as “Industrial/Employment.”

Recommendation: Conduct a Public Hearing and consider adopting an ordinance amending the official zoning map from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District) and to amend the 2030 Land Use Plan to designate the parcels as “Industrial/Employment.”

3. **Conduct a public hearing and consider adopting an ordinance amending Article 4 “Environmental/Land-Disturbing Activities”, Section 4.7, “Floodplain Life and Property Protection,” and Article 14 “Definitions” of the Concord Development Ordinance (CDO) regarding minimum floodplain regulations.**

The City participates in the Community Rating System (CRS) program which allows citizens to purchase flood insurance if minimum requirements are met in the Ordinance. The Federal Emergency Management Agency (FEMA) also has a “model” ordinance which reflects these minimum requirements. If the City’s ordinance is more restrictive than the model, flood insurance discounts are available, and Concord’s CRS score is the highest that can be attained and savings on flood premiums are passed on to the citizens.

Both CRS and FEMA conduct audits on a regular basis, and both agencies have given the City high marks. During the last audit, FEMA recommended updating Section 4.7 to incorporate changes in the model ordinance to reflect current terminology. FEMA updates the model ordinance routinely and jurisdictions are required to adopt these changes. The CDO was last amended in 2018 to incorporate model ordinance changes.

This amendment does not result in more stringent requirements for landowners and generally involves only changes in terminology and definitions. The most visible change involves moving all flood related definitions from Article 14 to Section 4.7. The Planning Commission staff report, and complete strike-through document are included. At their June 18, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

Recommendation: Motion to conduct a public hearing and adopt an ordinance amending Articles 4 and 14 to adopt changes relative to Floodplain Life and Property Protection.

E. Presentation of Petitions and Requests

1. **Consider adopting a resolution of intent to schedule a public hearing in the matter of closing a portion of the Evans Street NW right-of-way (+/- .39 feet) generally located near the intersection of Evans and Central Drive.**

The existing residential structure located at 636 Central Drive is an older home that was built partially within the 50-foot right -of-way along Evans Street. The house was originally developed as part of the Luringood Park development and +/- 62.3 sf. of the structure lies within the right-of-way. Erica Fulton and Jermaine Lawrence filed the application, and they are the owners of the house.

The General Statutes require that the City; 1) post signs in two (2) places along the right-of-way, (2) send copies of the approved resolution of intent to all neighboring owners after adoption, and (3) advertise in the newspaper once a week for four (4) consecutive weeks. The notice requirement would allow the hearing to be conducted at the August 8, 2024 meeting.

Recommendation: Consider adopting a resolution of intent to schedule a public hearing for August 8, 2024.

2. Consider adopting a resolution authorizing the sale of .03 acre/1,402 sf parcel on Market Street identified as PIN #5620-97-0605.

An offer to purchase Parcel Number 5620-97-0605 was submitted by Morris Building LLC. Morris Building would use the parcel for parking for its residents and guests. Morris Building, LLC owns the adjacent Morris Building parcel that is comprised of 14 residential units and the businesses of SawMill Tavern and Charros Mexican Restaurant. The parcel which was purchased by the City in 1966 is adjacent to the Union Passageway and has been used for parking. Morris Building, LLC is offering \$7,500 for the parcel and will construct a 12' wide x 9' deep x 8' tall, enclosed dumpster behind the Morris Building and make the dumpster available to any business along Market Street that is interested in cost sharing. Morris Building would manage all the billing, maintenance and cleaning of the dumpster. The City would not be involved in the service. The goal is to offer the location in an effort to eliminate additional dumpsters and roll out containers on Market Street.

The tax value of the property is \$33,510. There are electric underground service lines that cross the parcel which will remain. The City of Concord had a lease on the CESI property for an enclosed dumpster area. This lease expired last November, and the owner is not interested in renewing the lease due to possible future investment in the property.

The proposed resolution directs the City Clerk to publish the required notice under NC General Statute 160A-269 and begin the upset bid period. In the event one or more upset bids are received, this matter will be placed back on the Council agenda for approval of the final bid. In the event no upset bids are received, the proposed resolution directs the City Attorney and City staff to take all necessary steps to convey the property.

Recommendation: Consider adopting a resolution authorizing the sale of 0.03 acres parcel on Market Street to Morris Building, LLC for the construction of a new dumpster location.

3. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article II Obstructions, Section 44 and Section 50-56, and incorporating the referenced Downtown Sidewalk Design Guidelines.

The completion of the Union Streetscape project will come with wide sidewalks and opportunities for businesses within the Downtown MSD to utilize them for outdoor dining and retail merchandise display. Utilization of public spaces through an Encroachment Agreement with the City of Concord, enables sidewalk activation that creates and sustains a downtown experience that attracts new investment, visitors, residents and workers.

The proposed amendments to the City of Concord Code of Ordinances revise Chapter 50, Streets, Sidewalks, and other Public Places, to include retail merchandise display in addition to sidewalk dining through an Encroachment Agreement as well as incorporate the referenced Downtown Sidewalk Design Guidelines for businesses within the Downtown MSD.

Recommendation: Motion to adopt an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article II Obstructions, Section 44 and Sections 50-56, and incorporate the referenced Downtown Sidewalk Design Guidelines, effective July 29, 2024.

4. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article X Social Districts and approving the Downtown Social District signage and sticker designs.

The City of Concord's Social District Ordinance was adopted on February 8, 2024, establishing a new Downtown Concord Social District, effective August 1, 2024. The new destination brand for

Downtown Concord was approved by City Council on June 13, 2024. Staff have worked with Destination by Design on the proposed signage and sticker designs for the Downtown Concord Social District to complement the new destination brand. Additionally, amendments have been made to the signage locations on the Downtown Concord Social District Map dated July 11, 2024, as part of the Ordinance. Consideration on moving the effective date from August 1, 2024, to October 1, 2024 will also be reviewed.

Recommendation: Motion to adopt an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article X Social Districts, effective October 1, 2024, and approve the Downtown Concord Social District signage and sticker designs.

5. **Consider approving a resolution confirming approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000.**

On July 13, 2023, the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Coleman Mill Lofts, and adopted a resolution approving the issuance of the Bonds as required by Section 147(f) of the Code; and under the Code, bonds approved by an elected body for purposes of Section 147(f) of the Code must be issued within one year of the date of such approval; and due to an unexpected delay in completing the financing, the closing of the Bonds has been delayed such that the Bonds will not be issued by July 13, 2024.

Recommendation: Motion to approve a resolution confirming approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000.

6. **Consider authorizing the City Manager to negotiate and execute a contract addendum with JD Goodrum, Inc. for the renovations of Dorton Park.**

The original construction contract for the renovations of Dorton Park included the resurfacing of the existing tennis courts, upon further evaluation of their condition it was determined that complete replacement would be the best course of action. The additional cost of the tennis courts replacement will be \$156,411. In addition, during structural fill placement on the athletics fields it was discovered that the existing storm drainpipes have collapsed and need to be replaced at an additional of \$55,490.86. The total amount of these two items is \$211,901.86. This addition will bring the total contract amount to \$5,105,093.22. The amount is below the total budgeted amount for this project is \$6,165,627.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract addendum with JD Goodrum, Inc. in the amount of \$211,901.86.

7. **Consider adopting a resolution authorizing the sale of 900 square feet/0.02 acres of Gibson Field located at 265 Misenheimer Drive NW. PIN 5620-39-4588 to Jessica R. Andreano and Vincent Andreano located at 281 Misenheimer Drive. The location is the rear of 281 Misenheimer Drive NW.**

The City acquired the property on July 30, 1986. The property is now Gibson Field and is used by City of Concord Parks & Recreation for athletic programming. This facility was part of the bond projects for Academy-Gibson. The project was to create a neighborhood park and maintain athletic programming. During survey for the park, we discovered an encroachment of a permanent structure on the Misenheimer side of the park. While communicating with the property owners on the encroachment, they asked if they could purchase the portion of the property instead of tearing down their building. Staff reviewed the survey for the 900 sq. ft. section, this area would not cause a negative impact if sold. If the Andreano's had to move or tear down the structure, it would be a major expense. An appraisal was completed on the 900 sq. ft./0.02 acres with a value of \$7,525.

The proposed Resolution directs the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents to affect the conveyance of the property and easement in accordance with this resolution pursuant to North Carolina General Statutes 160A-269.

Recommendation: Consider adopting a resolution authorizing the sale of 900 sq. ft. part of 265 Misenheimer Drive NW to Jessica R. Andreano and Vincent Andreano and directing the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents in order to affect the conveyance of the property.

8. Consider recognizing the St. Andrews Place Homeowners Association in the City's Partnership for Stronger Neighborhoods program.

St. Andrew's Place is a neighborhood of 506 single family homes. The neighborhood is home to many first- time homebuyers and families. The community is supported by a volunteer HOA board made up of neighborhood homeowners who meet each month. Officers for the Association are President Justin Crowe; Vice President Christina Parkins; and Secretary/Treasurer Sonja Allison. They have submitted all the required Documentation for recognition. By approving their inclusion in the program, the City would have 80 recognized neighborhoods in the Partnership for Stronger Neighborhoods since its foundation in 2000.

Recommendation: Motion to include St. Andrew's Place Homeowners Association in the City's Partnership for Stronger Neighborhoods program.

9. Consider approving Neighborhood Matching Grant awards distribution requests for FY24-25 applicants.

The review committee determined that thirteen projects best met the criteria for funding. The thirteen recommended projects, if funded, total \$30,000, using all the allocated funds in the NMG FY24-25 adopted budget.

The following allocation of grant funds are recommended:

- 1-Autumn Ridge - \$3,000 for their Playground Replacement Project.
- 2-Bedford Farms - \$3,000 for their Trail Phase 4 Project.
- 3-Carriage Downs - \$600 for their Community Nature Garden Facelift Project.
- 4-Christenbury - \$975 for their Beautification Project.
- 5-Glen Grove - \$975 for their Walking Trail Project.
- 6-Hallstead - \$1,499.59 for their Streetlights Project.
- 7-Highland Creek - \$3,000 for their Inclusive Swing Project.
- 8-Oakleaf - \$2,499 for their Pool Furniture Project.
- 9-Overbrook Manor - \$3,000 for their Decorative Signposts Project.
- 10-Parkview Estates - \$3,000 for their Improvement of Common Area Project.
- 11-Winding Walk - \$3,000 for their Disc Golf Course & Corn Hole Courts Project.
- 12-Woodbridge - \$3,000 for their irrigation/landscaping upgrade Project.
- 13-Zemosa Acres - \$2,500 for their traffic calming project.

There were two projects not recommended for funding because they did not meet eligibility requirements.

Recommendation: Motion to approve Neighborhood Matching Grant award distribution requests for FY24-25 applicants as recommended.

10. Consider adopting an ordinance ordering the demolition of the structure located at 90 James St SW (PIN# 5620-85-0735) owned by Jerimiah Owens Jr.

The structure is located on a single parcel, which has a building tax value before the fire of \$44,160.00 per Cabarrus County land records. Upon inspection, the structure had massive damage due to fire and was considered to be dilapidated. Dexter Zimmerman, Code Enforcement Officer, opened the case March 15, 2024. The Finding of Fact and Order to Repair or Demolish was issued on April 02, 2024. The Order to Repair or Demolish said structure was not extended. The Order to Repair or Demolish expired on May 02, 2024. There have been no attempts to come into compliance with this case. No civil penalties have been imposed.

Recommendation: Motion to adopt an ordinance ordering the demolition of the structure located at 90 James St SW, Concord NC.

11. Consider adopting an ordinance amending Chapter 42 of the City of Concord Code of Ordinances.

The proposed ordinance was created to address future requests and unauthorized drone take offs and landings on City property. The ordinance will also apply to airplanes, flying machines, balloons, parachutes, helicopters, rockets, etc. However, kite flying in open areas of city parks is permitted. Airspace laws are controlled by the FAA and cannot be regulated or enforced.

Recommendation: Motion to adopt an ordinance amending Chapter 42 of the City of Concord Code of Ordinances.

12. Consider awarding bid for electric materials for 13,200 feet of 500 MCM primary feeder cable to Border States Electric.

Electric Systems staff received two bids on June 13, 2024 for electric materials for the purchase of 13,200 feet of 500 MCM primary feeder cable. Border States Electric was the lowest bidder at \$233,904 and Border States Electric was compliant in meeting the required specifications.

Recommendation: Motion to award bid for electric materials in the amount of \$233,904 to Border States Electric for the purchase of 13,200 feet of 500 MCM primary feeder cable.

13. Consider authorizing the City Manager to negotiate and execute a contract with Aviation Management Consulting Group and Mead & Hunt to facilitate the development of an Airport Strategic Business Plan for Concord-Padgett Regional Airport.

In May 2024, City Council adopted a City wide Strategic Plan. Goal 3, Promote a Safe and Connected City, Section 2, is to actively evaluate, plan and invest in future mobility. Specifically, the need to create a Strategic Business Plan. The Federal Aviation Administration, Airport Sponsor Assurance #24, requires that an obligated airport be as financially self sustaining as possible given the circumstances that exist at the airport. One of the best ways to comply with Airport Sponsor Assurance #24 is to develop and implement an Airport Strategic Business Plan that demonstrates the way airport administration and policy makers are striving toward achieving of becoming, or continuing to be, financially self-sustaining.

The Airport Strategic Business Plan will utilize a comprehensive approach consistent with the Transportation Research Board, Airport Cooperative Research Plan Report 77 *Guides for Developing General Aviation Airport Business Plans (2012)* , and contemporary updates. The project will take 12 months to complete and a cost not to exceed \$247,800. The funding for the project will come from the CARE account. The fund balance currently is \$984,379.96.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Aviation Management Consulting Group and Mead & Hunt in the amount of \$247,800 to perform professional consulting services to develop an Airport Strategic Business Plan for Concord-Padgett Regional Airport and approve budget amendment.

14. Consider authorizing the City Manager to negotiate and execute Work Authorization #2402 with Talbert, Bright and Ellington, Inc. (TBE) for the purpose of performing professional consulting services associated with the construction administration (CA), quality assurance testing, and resident project representative for the fuel farm expansion at Concord-Padgett Regional Airport.

Last month, the FAA approved the City's grant application for the construction of a one (1) 20,000 gallon Jet A Tank and containment system for one (1) proposed 20,000 gallon Jet A tank. The grant also included new Inventory Management and Emergency Fuel Shut Off system and widening of the access road/new gate. The grant will be funded through the Bipartisan Infrastructure Law (BIL) legislation.

The scope of work and fees were evaluated in accordance with FAA's guidance. An independent Fee Estimate (IFE) was completed and the fees are within the 10% range of the IFE. The total cost for these services is \$274,634.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with TBE in the amount of \$274,634 and to adopt a budget amendment.

15. Consider authorizing the City Manager to negotiate and execute a contract with Southern Engineering and Testing P.C. to perform materials testing and special inspections during the construction of the proposed Fleet Building.

During the construction of the proposed Fleet Building, materials testing, and special inspections are required to ensure that materials and procedures used by the contractor comply with the project drawings and specifications.

A request for qualifications (RFQ) was advertised for qualified consulting firms to perform the materials testing and special inspections for the proposed fleet building. As required by the Mini Brooks Act, consulting engineering firms are to be selected on the basis of competence and qualifications for the type of professional services required. Nine firms submitted RFQs and were reviewed by a panel and Southern Engineering and Testing P.C. was selected for this project.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with Southern Engineering and Testing P.C. in a not to exceed amount of \$150,000.00 for the materials testing and inspections of the proposed fleet building.

16. Consider awarding the total bid for the City of Concord's annual street preservation program to Ferebee Corporation.

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 due June 25, 2024. Only 2 submittals were received; therefore, no bids were opened.

Bid documents were readvertised and opened on July 3, 2024 with Ferebee Corporation submitting the lowest total bid in the amount of \$4,085,602.95. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on 19.19 lane miles of designated streets and 2,000 Tons of patching on other City infrastructure will be performed. Contract Final Completion date is 180 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 Ferebee Corporation in the amount of \$4,085,602.95 for the City of Concord's annual streets preservation program.

17. Consider awarding the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to ALS of North Carolina, LLC.

This contract consists of providing traffic signal and associated construction/maintenance work in and adjacent to the City of Concord. This work provides for the installation, upgrade, or repair of signals on an as-needed basis and includes but is not limited to saw cutting roadway surfaces, placement of embedded loops and sealant, trenching, placement of conduit and junction boxes, installing poles, guys, span wire, cables, heads, visual detection equipment, and conduit. Quotes for this work were opened on June 25, 2024 with ALS of North Carolina, LLC submitting the lowest unit cost pricing. The contract is not to exceed \$150,000 per the FY 25 approved budget. The contract term is through June 30, 2025.

Recommendation: Motion to award the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to ALS of North Carolina, LLC.

18. Consider a revised Preliminary Application from William Jordan Hall and Margaret Hall.

In accordance with City Code Chapter 62, William Jordan Hall and Margaret Hall have submitted a preliminary application for sewer service outside the City limits. The property is located at 520 Crestmont Dr. SE, Concord, NC 28025. The property is a 4.52-acre existing single-family residential parcel located within the Cabarrus County jurisdiction and is zoned RM-1 (in ETJ). The applicant has expressed that his existing septic system is failing. City water is available to this parcel; however, the existing well is in compliance and functional and the applicant wishes to remain on well water. The applicant does not wish to be annexed. The parcel is contiguous to city of Concord limits on two sides.

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

19. Consider a revised Preliminary Application from Christopher Burren and Kelley J. Burren.

In accordance with City Code Chapter 62, Christopher Burren and Kelley J. Burren have submitted a preliminary application for sewer service outside the City limits. The property is located at 441 Scalybark Tr., Concord, NC 28027. The property is a 1.01-acre existing single-family residential parcel located within the Cabarrus County jurisdiction is zoned LDR. City water is not available to this parcel.

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

20. Consider a revised Preliminary Application from John P. and Peggy S. Furr.

In accordance with City Code Chapter 62 John P. Furr and Peggy S. Furr have submitted a preliminary application for water service outside the City limits. The property is located at 1037 Manassas Dr., Concord, NC 28027. 4.28-acre parcel located in Area B of Cabarrus County is zoned LDR. The applicant is proposing a single family home. City sanitary sewer is not available to this 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 adopting a resolution authorizing the City Manager to execute settlement documents for additional funds from as opioid litigation settlement with Kroger.**

Recommendation: Motion to adopt a resolution authorizing the City Manager to execute settlement documents for additional funds from as opioid litigation settlement with Kroger.

- B. Consider adopting a resolution to approve the 2021 updates to the NC Local Government Records Retention Schedules.**

The NC Department of Natural and Cultural Resources has updated the General Records. This update will now be known as the General Records Retention Schedule. They have also included the Program Records Retention Schedule. When adopted, it will supersede the following standards on all local schedules published prior to October 1, 2021. Once adopted, the City Clerk will submit the required signature page to the NC Department of Natural and Cultural Resources for verification of adoption.

Recommendation: Motion to adopt a resolution approving the 2021 updates to the NC Local Government Records Retention Schedules.

- C. Consider authorizing the Parks & Recreation Department to apply for a grant from the Recreational Trails Program in an amount not to exceed \$100,000 (with a City match not to exceed \$25,000) for construction of an extension of the Harold McEachern Greenway, including use as match for a Great Trails State Program grant if awarded.**

The Recreational Trails Program (RTP) is a \$1.5-million federal grant program designed to help states provide and maintain recreational trails for both motorized and non-motorized recreational trail use. The program is funded by the U.S. Department of Transportation's Federal Highway Administration and administered by the NC Department of Natural and Cultural Resources. There is a September 6, 2024, submittal deadline; awards are expected early in 2025. A 25% flexible match is required—in addition to financial contribution, the use of in-kind and force account labor is permitted; the likely match for this application would be a combination of Park Reserve funds and in-kind design services provided by the Engineering Department.

This grant program is concurrent with the Great Trails State Program (GTSP); and if awarded, grant funds from the RTP would be used to support the match required for that program, for which another Council action item is being requested. Grant funds from this and the GTSP would be used to support construction of the next phase of the McEachern Greenway from its present terminus north of Wilson Street Park to Miramar Street NE—a project with an overall cost estimate of approximately \$3.61M. Site control for this phase has been acquired; and the project is currently in design by the Engineering Department.

Recommendation: Motion to authorize the City Manager to permit the Parks & Recreation Department to apply for a grant from the NC Department of Natural and Cultural Resources through the Recreational Trails Program in an amount not to exceed \$100,000 (with a City-funded match not to exceed \$25,000).

- D. Consider authorizing the Parks & Recreation Department to apply for a grant from the NC Department of Natural and Cultural Resources (Div. of Parks and Recreation) through its Great Trails State Program in an amount not to exceed \$500,000 (with a City-funded match not to exceed \$500,000) for construction of an extension of the Harold McEachern Greenway.**

The Great Trails State Program (GTSP) is an outgrowth of the state's 2023 Year of the Trail campaign and efforts of the NC Great Trails State Coalition, of which Concord is a public agency member. Funded by the NCGA, the one-year grant program will provide \$25 million for new trail development within the state. There is a September 3, 2024, submittal deadline; awards are

expected early in 2025. As a NC Tier 3 city, a \$1/\$1 match is required. The match may include a combination of cash, fee waivers, in-kind services, donation of assets, and/or provision of infrastructure; the likely match for this application would be a combination of Park Reserve funds and in-kind design services provided by the Engineering Department. Another potential source of matching funds is the federal Recreational Trails program, for which another Council action item is being requested.

If awarded, the grant funds would be used to support construction of the next phase of the McEachern Greenway from its present terminus north of Wilson Street Park to Miramar Street NE—a project with an overall cost estimate of approximately \$3.61M. Site control for this phase has been acquired; and the project is currently in design by the Engineering Department.

Recommendation: Motion to authorize the City Manager to permit the Parks & Recreation Department to apply for a grant from the NC Department of Natural and Cultural Resources (Div. of Parks and Recreation) through its Great Trails State Program in an amount not to exceed \$500,000 (with a City-funded match not to exceed \$500,000).

E. Consider authorizing the City Manager to negotiate and execute a contract with the Houston Galveston Area Cooperative Purchasing Program for the purchase of two Engines and Rescue unit.

By using the government to government purchasing cooperative for the purchase of fire apparatus, the city can purchase apparatus for a total cost of \$3,750,000 while providing a chassis with the latest safety features available. The purchase price, build time and discount for each unit is as follows: Engines (\$1,193,019 each / 47.5 months build time discount for two engines totals \$286,038) and Rescue (\$1,799,639 / 45 month build time discount \$149,639.00). By using the pre-paid method and being a fleet customer, the City will receive a total discount of \$435,677 for the three apparatus. The requested amount is in the approved funds in the vehicle capital account adopted in the FY 24-25 budget and is within the budgeted amount.

Recommendation: Motion to authorize the City Manager to negotiate and sign a contract for the purchase of the fire department apparatus using the Houston Galveston Area purchasing cooperative.

F. Consider authorizing the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt a budget ordinance to appropriate the grant funds.

The police department received official notification of a \$25,000 grant award from the NC Governor's Highway Safety Program for the 24-25 fiscal year. The funds will be used for overtime traffic related enforcement expenses. The approval to apply was granted by City Council at their January 11, 2024, meeting. The official award documents have been received and will be presented to the City Manager for signature upon approval of acceptance of the grant funds.

Recommendation: Motion to authorize the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt a budget ordinance to appropriate the grant funds.

G. Consider adopting a First Concord 2024 LOBS project budget amendment.

Staff reviewed the adopted FY2025-26 annual budget and capital project ordinances and found an error in appropriating monies to the First Concord 2024 LOBS fund. Debt service payments were included in the General Fund ordinance, but not appropriated to First Concord 2024 LOBS. This ordinance will amend the First Concord 2024 fund to appropriate monies for FY 2025 debt payments with funding already approved in the General Fund. This amendment authorizes the transfer to allow for payments to be made from the correct fund. No additional funding is required.

Recommendation: Motion to adopt a First Concord 2024 LOBS project budget amendment.

H. Consider adopting a General Capital Reserve project budget amendment and a Parks and Recreation Capital Reserve project budget amendment.

Parks and Recreation was awarded a CMAQ grant to cover some of the cost of constructing the Clarke Creek Greenway. The FY25 adopted budget provided funds from the General Capital Reserve and Parks and Recreation Capital Reserve for this project. Due to the grant award, the General Capital Reserve contribution is no longer needed and the Parks and Recreation Capital Reserve contribution can be reduced.

Recommendation: Motion to adopt a General Capital Reserve project budget amendment and a Parks and Recreation Capital Reserve project budget amendment.

I. Consider adopting a resolution to convey a driveway access easement to James Pharr Jr.

James Pharr, Jr owns a parcel located on the east side of Georgia St SW Extension and Parkview Court SW. Mr. Pharr desires to build a residential structure and requires an easement to the public right of way identified as Georgia Street. City of Concord parcel 5620823198 adjoins Mr. Pharr's parcel.

Recommendation: Motion to adopt a resolution to convey a a driveway access easement to James Pharr Jr.

J. Consider accepting an offer of infrastructure at Haven at Rock River Subdivision PH 1 Maps 1-3, Spring Meadows Subdivision PH 4 MP 1, Cypress Village Subdivision.

In accordance with CDO Article 5, improvements have been constructed in accordance with the City's regulations and specifications. The following are being offered for acceptance: 6,374 LF of Roadway, 673 LF of 6-inch water line, 428 LF of 8-inch water line, 2 valves and 2 fire hydrants, 1018 LF of 8-inch sanitary sewer line and 7 manholes.

Recommendation: Motion to accept an offer of infrastructure at Haven at Rock River Subdivision PH 1 Maps 1-3, Spring Meadows Subdivision PH 4 MP 1, Cypress Village Subdivision.

K. 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: Upper Room Outreach International, Townhomes at Connon Run, and 4349 Roberta Road, 324 Fox Street SW Minor Subdivision. 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: Upper Room Outreach International, Townhomes at Connon Run, and 4349 Roberta Road.

L. Consider accepting the semi-annual debt status report as of June 30, 2024.

The City's debt report as of June 30, 2024 is presented for City Council's review.

Recommendation: Motion to accept the City's semi annual debt status report as of June 30, 2024.

M. Consider acceptance of the Tax Office reports for the month of May 2024.

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 May 2024.

N. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of May 2024.

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 May 2024.

O. Receive monthly report on status of investments as of May 31, 2024.

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 as of May 31, 2024.

VIII. Matters not on the Agenda

Transportation Advisory Committee (TAC)
Metropolitan Transit Committee (MTC)
Concord/Kannapolis Transit Commission
Centralina Regional Council
Water Sewer Authority of Cabarrus County (WSACC)
WeBuild Concord
Public Art Commission
Concord United Committee

X. General Comments by Council of Non-Business Nature

XI. Closed Session (If Needed)

XII. 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.

Meeting Date

July 11, 2024

Annexation Staff Report

This request is a voluntary annexation petition of one (1) parcel totaling +/- 3.383 acres of property at the intersection of Huntersville-Concord Rd. and Poplar Tent Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential). The property is owned by SAAD International, LLC. A map has been provided depicting the location of the property.

If annexation is approved, the request for zoning to City of Concord C-1-CD (Light Commercial – Conditional District) will be presented to the Planning and Zoning Commission at the August 20, 2024, meeting. The 2030 Land Use Plan designates the subject property as “Suburban Neighborhood.” City of Concord C-1-CD (Light Commercial – Conditional District) is a corresponding zoning district to the Land Use Category and would be compatible with the surrounding zoning.

Applications for annexation and rezoning may be submitted simultaneously so that the corresponding site plan can be under technical review while the annexation is being processed. We have received the application and initial site plan. Comments on the proposed project have been provided and we are awaiting resubmission for continued review.

As with all annexations, internal and external entities are notified and given the opportunity to provide comments or feedback on the petitioner’s proposal prior to Council’s consideration at the hearing. No comments were returned.

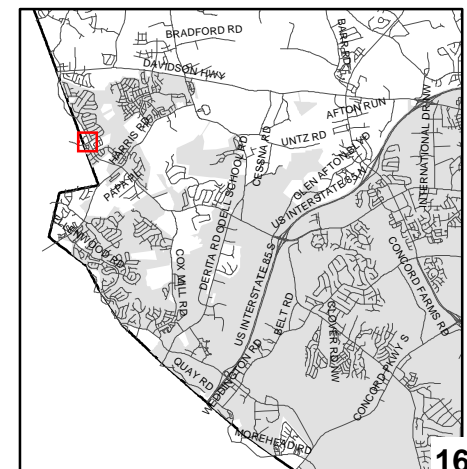
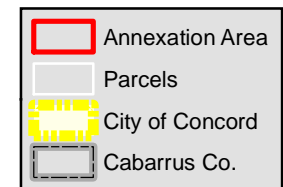
Adjacent property owners, recognized neighborhoods, and HOAs were notified by mail of the proposed annexation by City of Concord Planning and Neighborhood Development in a letter dated June 26, 2024, and was advertised in the Independent Tribune on June 30, 2024.



**ANX-09-23
AERIAL**

17635 Huntersville-Concord Rd

PIN: 4671-64-8074



AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CONCORD, NORTH CAROLINA TO INCLUDE +/- 3.383 ACRES OF
PROPERTY LOCATED AT 17635 HUNTERSVILLE-CONCORD RD, CONCORD,
NC

WHEREAS, the City Council has been petitioned under G.S. 160A-31 by the City of Concord, on July 11th, 2024 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 at Concord City Hall, 35 Cabarrus Avenue West, on July 11, 2024 after due notice by The Independent Tribune on June 30th, 2024; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-31;

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-31, the following described territory is hereby annexed and made part of the City of Concord, as of the 11th day of July 2024:

BEGINNING at a computed point in the intersection of Poplar Tent Road and Huntersville-Concord Road, said point being S 39°10'32" W a distance of 92.5' from an existing iron located on the north side of Duncan Drive NW; thence along Huntersville-Concord Road S 57°04'41" W a distance of 422.01' to an existing iron; thence S 79°52'04" W a distance of 45.96' to a computed point on the south side of Huntersville-Concord Road; thence N 21°02'21" W a distance of 76.32' to an existing iron pipe (crossing Huntersville-Concord Road); thence N 03°20'21" E a distance of 258.21' to an existing iron; thence N 35°57'00" E a distance of 340.2' to an existing iron in the western right-of-way of Poplar Tent Road; thence N 35°56'45" E a distance of 33.69' to a computed point in pavement of Poplar Tent Road; thence along Poplar Tent Road S 26°00'34" E a distance of 438.65' to the point of BEGINNING; having an area of 147382.2 square feet, 3.383 acres, being known as 17635 Huntersville-Concord Road, Huntersville, NC 28078, PIN# 4671-64-8074.

SECTION 2. Upon and after the 11th day of July, 2024 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-31.

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 July 2024.

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 18, 2024

REZONING CASE #: Z(CD)-23-23

ACCELA: CN-RZC-2023-00017

DESCRIPTION: Zoning Map Amendment
C-2 (General Commercial) to I-1-CD (Light Industrial –
Conditional District)

APPLICANT/OWNER: Rick Meeks

LOCATION: 200, 202, 206 Winecoff School Rd.

PIN#s: 5612-82-5157

AREA: +/- 2.443 acres

PREPARED BY: Fred Womble, Senior Planner

BACKGROUND

The subject property consists of one parcel totaling +/- 2.443 acres along the northern right-of-way of Winecoff School Road and is owned by the Rod D. Mills Revocable Trust. The subject property and a second larger property (PIN 5612-82-4366) to the immediate north and within the city limits of Kannapolis will be used as a four unit mini-warehouse/self-storage facility.

To the north of the property the zoning is City of Kannapolis GC (General Commercial) and the property is vacant. The property to the east is zoned C-2 (General Commercial) and is the site of Luxe Salons. The property to the south is zoned I-2 (General Industrial) and is the site of Ketchie-Houston, Inc., an industrial manufacturer use. The properties to the west are zoned C-2 (General Commercial) and City of Kannapolis GC (General Commercial) and are vacant and the site of the ExtraSpace Storage mini-warehouse/self-storage facility.

HISTORY

The subject property was annexed into the City of Concord on June 30, 1986.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from C-2 (General Commercial) to I-1-CD (Light Industrial – Conditional District) in order to construct a four (4) unit mini-warehouse/self-storage facility on the site. The proposed facility will be situated in both the City of Concord and the City of Kannapolis zoning jurisdictions. The applicant's site plan indicates that one complete storage unit and a portion of a second unit will be located on the Concord side. The

majority of the proposed buildings will be located on the Kannapolis side. The proposed facility will provide vehicular access from Winecoff School Road and from a second point off S. Main Street in Kannapolis.

The conditional zoning process allows particular uses to be established on case-by-case basis on a specific property. A petition for conditional zoning must include a site plan, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any proposed conditions that will govern development and use of the property. If a petition for conditional district zoning is approved, the conditions of approval shall become binding upon the property. Only those uses and structures indicated in the approved petition and site plan may be developed on the site. Conditions recommended by City Staff have also been reviewed and accepted by the petitioner. Those conditions are listed at the conclusion of this staff report.

The site plan has been reviewed by the Development Review Committee (DRC) and there are no objections to the proposed rezoning.

Existing Zoning and Land Uses (Subject Parcel)					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
C-2 (General Commercial)	North	City of Kannapolis GC (General Commercial)	Vacant land	North	Vacant
	South	I-2 (General Industrial)		South	Industrial
	East	C-2 (General Commercial)		East	Commercial Retail
	West	C-2 (General Commercial) and City of Kannapolis GC (General Commercial)		West	Vacant and Commercial

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject property as “Suburban Neighborhood (SN)”. I-1 (Light Industrial) *is not listed* as a corresponding zoning district in the “Suburban Neighborhood (SN)” land use category, and therefore is not consistent with the land use plan.

The corresponding zoning districts for the “Suburban Neighborhood” land use category are RE (Rural Estate), RM-1 (Residential Medium Density), RM-2 (Residential Medium Density), PRD (Planned Residential Development), C-1 (Light Commercial), PUD (Planned Unit Development), RV (Residential Village), TND (Traditional Neighborhood Development), B-1 (Neighborhood Commercial/Office District), RL (Residential Low Density), O-I (Office Institutional), R-CO (Residential – County Originated).

From the 2030 Land Use Plan – “Suburban Neighborhood (SN)”

The Suburban Neighborhood (SN) Future Land Use category includes single-family areas that are formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from low-density single-family homes to denser formats of smaller single-family homes. In areas designated Suburban Neighborhood, homes are typically oriented interior to the neighborhood and are typically buffered from surrounding development by transitional uses or landscaped areas. Single family attached dwellings are an option for infill development within the suburban neighborhood future land use category. These neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers and employment base needed to support these centers. Lots at intersections of collector and arterial streets within or at the edges of suburban neighborhoods may support small-scale, neighborhood serving, pedestrian-oriented commercial or service uses such as coffee shops, cafes, beauty salons and light retail. Pedestrian oriented uses exclude uses with drive-in, drive-through or automobile related services.

Policy Guidance:

Goal 1: Maintain a sustainable balance of residential, commercial and industrial land uses.

Objective 1.3:

Ensure that the Future Land Use Map allows sufficient development opportunities to meet existing and projected needs for residential, commercial, industrial and other land uses.

Goal 4: Ensure compatibility between neighboring land uses.

Objective 4.2:

Ensure that industrial and commercial developments are designed to limit encroachment of incompatible traffic, noise, odors and lighting into nearby residential areas.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the “Suburban Neighborhood (SN)” land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent industrial and commercial land uses.

OR

- The zoning amendment is not reasonable and in the public interest as the design is not compatible with the surrounding industrial and commercial area.

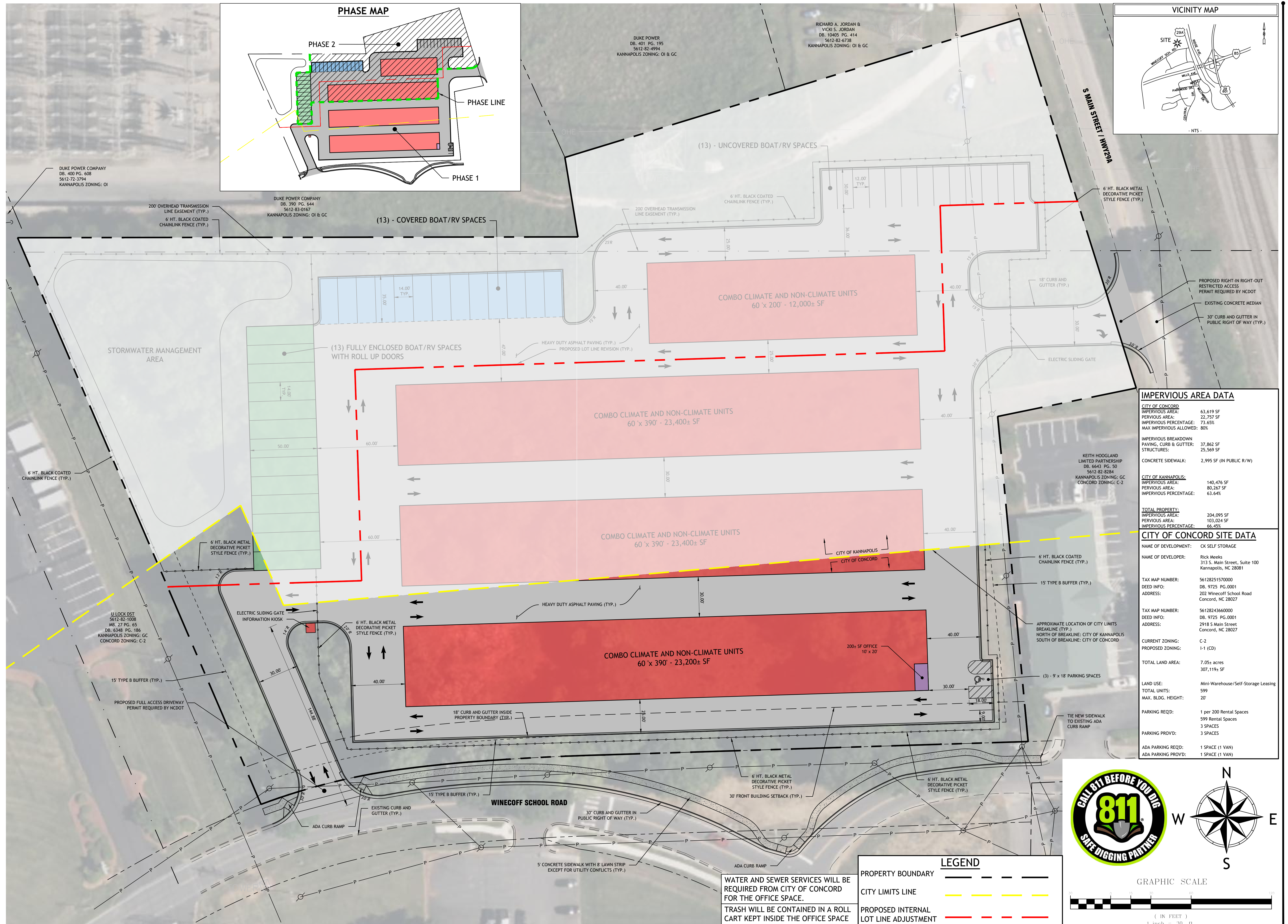
SUGGESTED CONDITIONS

If approval is desired, staff recommends the following conditions:

1. Compliance with “CK Self Storage – Preliminary Site Plan” sheet SP-10, dated 6/3/2024.
2. Compliance with “CK Self Storage – Exterior Elevations” sheet A5-01, dated 5/10/2024
3. Mini-Warehouse/Self-Storage requirements shall be adhered to as noted in Article 8.3.6.E.3.C of the Concord Development Ordinance (CDO).
4. Building and Site Design Standards shall be adhered to as noted in Article 7.11.9.E of the Concord Development Ordinance (CDO).
5. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commissions.
6. Technical site plan review and approval is required including all approvals from outside local, state, and federal agencies.

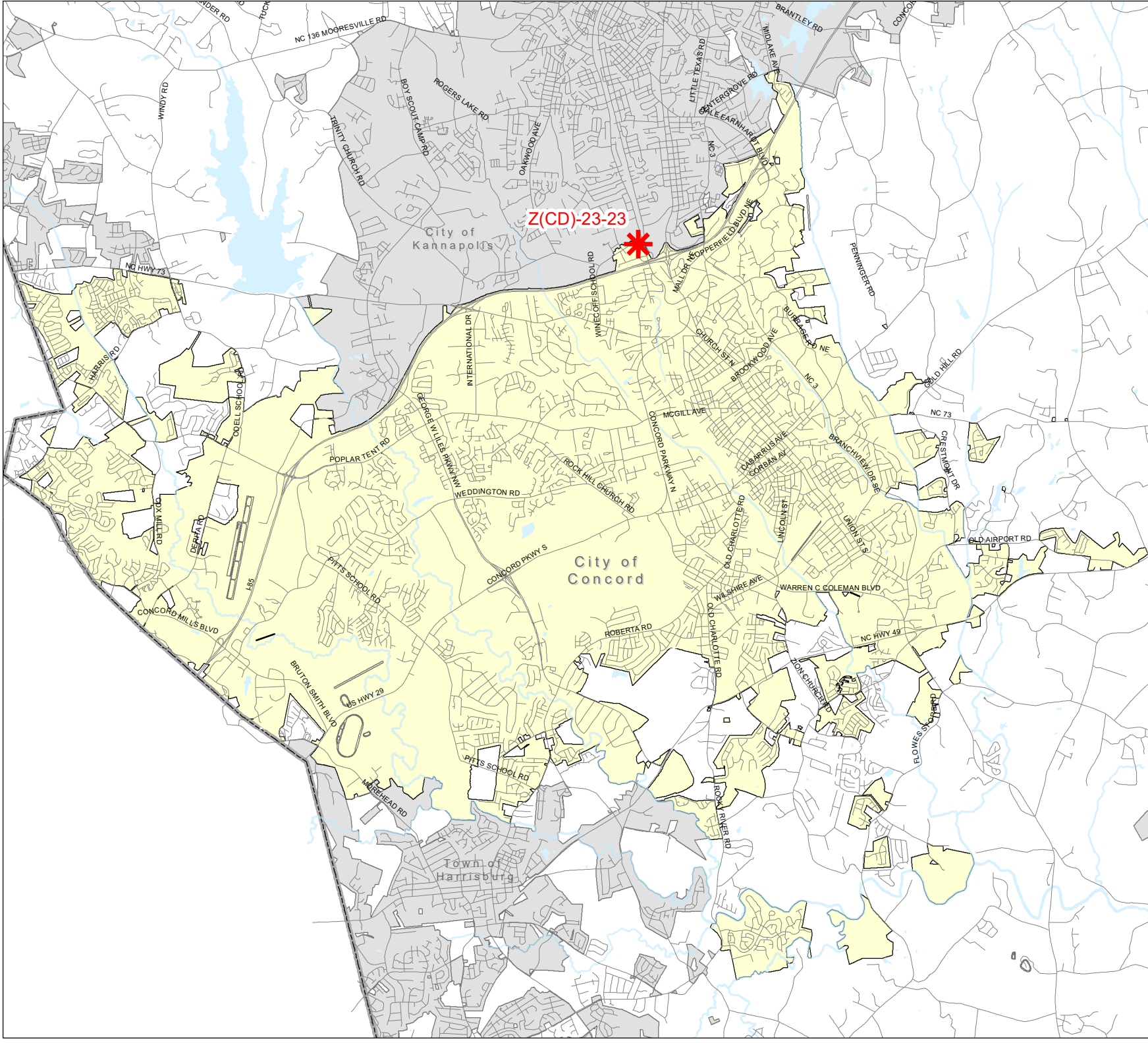
PROCEDURAL CONSIDERATIONS








This particular case is a rezoning, which under the CDO, is legislative in nature. Legislative hearings do not require the swearing or affirming of witnesses prior to testimony at the public hearing.



Z(CD)-23-23

200 Winecoff School Rd

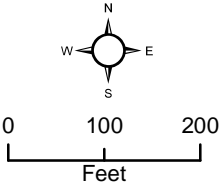
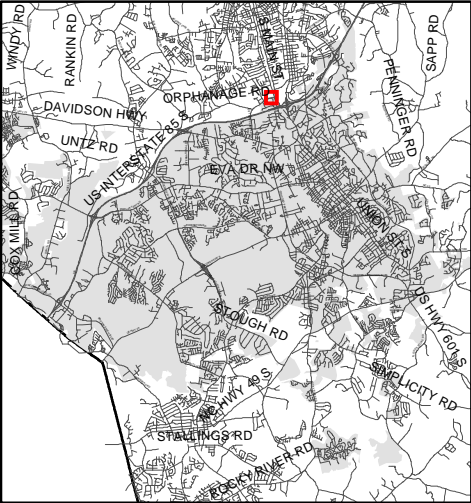


-  Case Location
-  Streets
-  Lakes & Ponds
-  Rivers
-  Cabarrus Co.
-  City of Concord
-  Other Municipalities

**Z(CD)-23-23
AERIAL**

**Rezoning application
C-2 (General Commercial)
to
I-1-CD (Light Industrial -
Conditional District)**

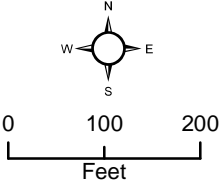
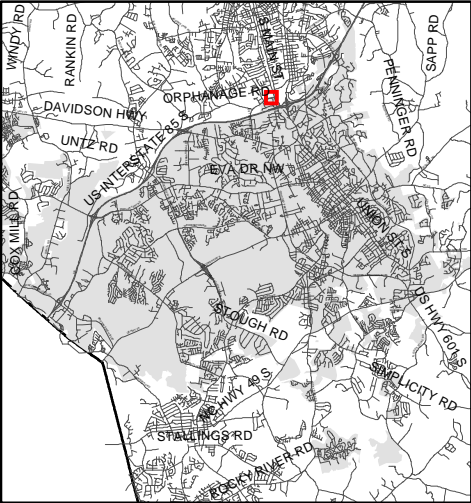
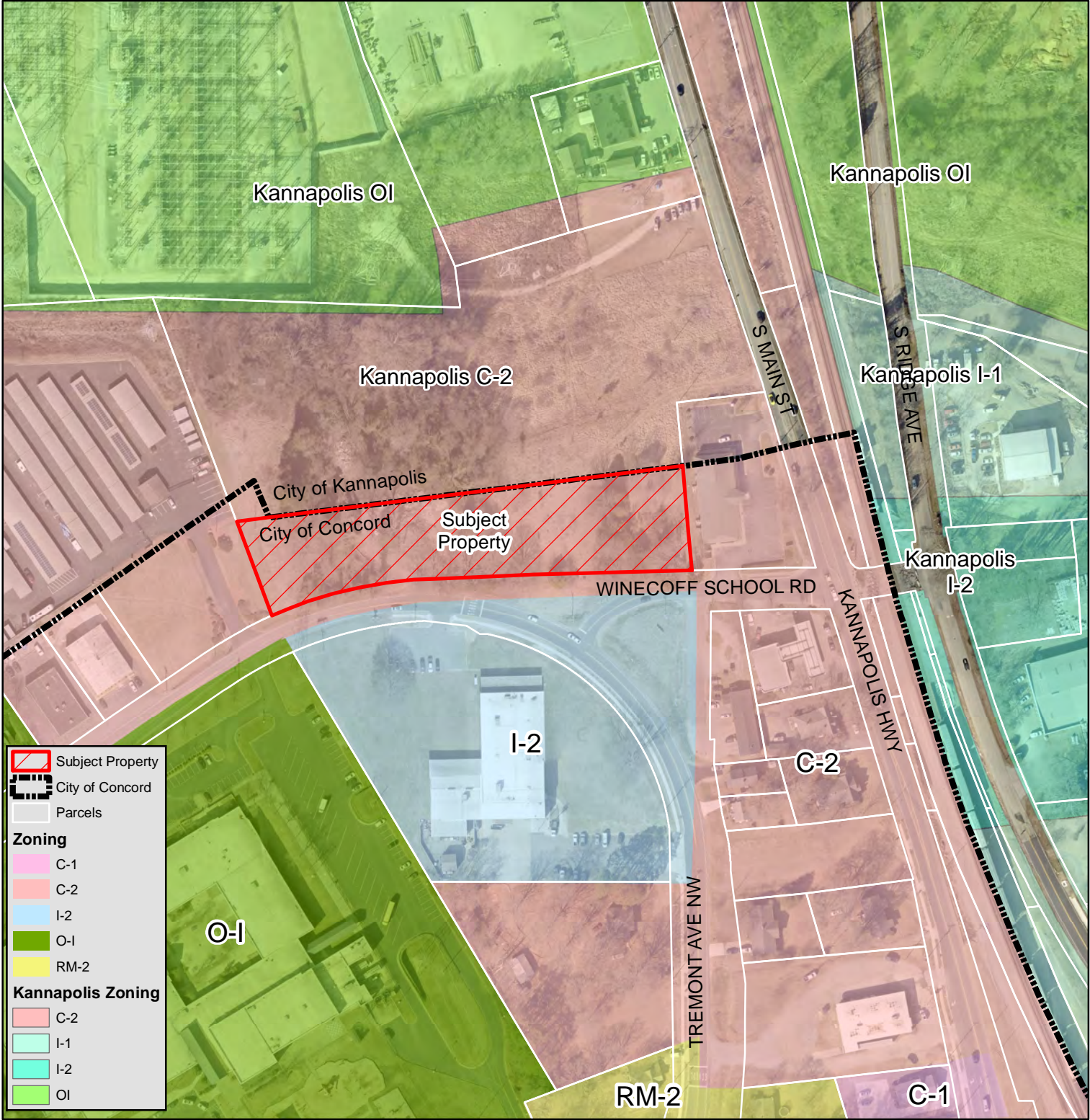
200 Winecoff School Rd
PIN: 5612-82-5157



**Z(CD)-23-23
ZONING**

**Rezoning application
C-2 (General Commercial)
to
I-1-CD (Light Industrial -
Conditional District)**

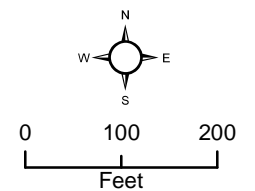
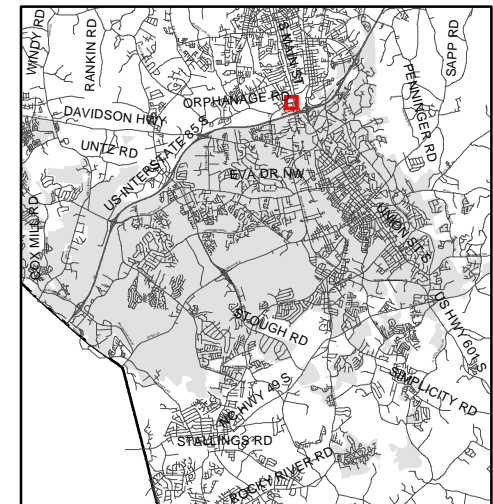
200 Winecoff School Rd
PIN: 5612-82-5157



Z(CD)-23-23 LAND USE PLAN

Rezoning application
C-2 (General Commercial)
to
I-1-CD (Light Industrial -
Conditional District)

200 Winecoff School Rd
PIN: 5612-82-5157



Drawn By: Autumn C. James
Return to: City of Concord ROD Box

CASE #: Z(CD)-23-23
PIN#: 5612-82-5157

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY LOCATED AT 200, 202, 206 WINECOFF SCHOOL RD., CONCORD, NC

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, 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, Chapter 160A, Art. 19, Session Laws of 1993, Chapter 247, House Bill 575 and Section 3.2.4.B.2 of the Concord Development Ordinance does hereby allow the Planning and Zoning Commission to be final approval authority for zoning changes of land, provided that at least three-fourths of the members present vote in the affirmative, and no appeal of the decision is taken; and

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

WHEREAS, Section 3.2.4.B.2 of the Concord Development Ordinance specifies that a final approval decision shall not be in effect until the fifteen-day appeal period expires;

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

SECTION 1. That the P&Z Commission held a duly advertised public hearing on June 18, 2024. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the "Suburban Neighborhood (SN)" land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent industrial and commercial land uses.

The P&Z Commission then voted to recommend approval of the map amendment for PIN 5612-82-5157 from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District) and designate the property IE (Industrial/Employment) in the 2030 Land Use Plan. Since the rezoning would result in a comprehensive plan amendment, it is forwarded to City Council for hearing with a recommendation from the Planning and Zoning Commission.

SECTION 2. That the City Council held a duly advertised public hearing on July 11, 2024. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160D-605.

SUPPORTING APPROVAL

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the "Suburban Neighborhood (SN)" land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent industrial and commercial land uses.

SUPPORTING DENIAL

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the "Suburban Neighborhood (SN)" land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is not reasonable and in the public interest as it is not complementary to the use, design and density with the adjacent industrial and commercial land uses.

IF VOTE TO APPROVE

The City Council then voted to APPROVE the map amendment, subject to the following conditions, which have been offered by the petitioner and/or mutually agreed upon during the course of the hearing:

1. Compliance with "CK Self Storage – Preliminary Site Plan" sheet SP-10, dated 6/3/2024.
2. Compliance with "CK Self Storage – Exterior Elevations" sheet A5-01, dated 5/10/2024
3. Mini-Warehouse/Self-Storage requirements shall be adhered to as noted in Article 8.3.6.E.3.C of the Concord Development Ordinance (CDO).

4. Building and Site Design Standards shall be adhered to as noted in Article 7.11.9.E of the Concord Development Ordinance (CDO).
5. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commissions.
6. Technical site plan review and approval is required including all approvals from outside local, state, and federal agencies.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from City of Concord C-2 (General Commercial District) to City of Concord I-1-CD (Light Industrial – Conditional District) in the area described as follows and that the future land use designation of IE (Industrial/Employment) is applied in the 2030 Land Use Plan:

IF VOTE TO DENY

SECTION 3: The City Council then voted to DENY the rezoning from City of Concord C-2 (General Commercial District) to City of Concord I-1-CD (Light Industrial – Conditional District) in the area described as follows and that the future land use designation of IE (Industrial Employment) is not applied in the 2030 Land Use Plan:

LYING AND BEING in the No. 4 Township, Cabarrus County, North Carolina and more particularly described as follows:

COMMENCING FROM AN EXISTING CONCRETE MONUMENT WITH NC RAILROAD COMPANY DISK "NCRR CB M353 2" SAID MONUMENT HAVING North Carolina NAD 83 (2011) grid coordinates of N = 621,370.41 feet and E = 1,519,432.41 feet. THENCE N 33°08'11"W 1180.96' TO A REBAR AND CAP AT THE NORTHWEST CORNER OF KEITH HOOGLAND LIMITED PARTNERSHIP (DB. 6643, PG. 50 OF THE CABARRUS COUNTY REGISTRY) AND HAVING NC GRID NAD 83(2011) COORDINATES OF N:622,359.16 FEET, E:1,518,786.96 FEET.

PROCEED FROM SAID REBAR AND CAP WITH THE COMMON LINE OF KEITH HOOGLAND AND ROY D. MILLS, TRUSTEE OF THE ROY D. MILLS REVOCABLE TRUST (DB. 9725, PG. 1) S 05°45'18" E 94.54' TO AN EXISTING BENT #5 REBAR, THE TRUE POINT AND PLACE OF BEGINNING;

PROCEED FROM SAID POINT OF BEGINNING WITH THE COMMON LINE OF KEITH HOOGLAND AND ROY D. MILLS, TRUSTEE OF THE ROY D. MILLS REVOCABLE TRUST (DB. 9725, PG. 1) S 05°05'37" E 179.00' (PASSING AN EXISTING #5 REBAR AT 156.48') TO A COMPUTED POINT IN THE CENTERLINE OF WINECOFF SCHOOL ROAD; THENCE WITH THE ORIGINAL CENTERLINE OF WINECOFF SCHOOL ROAD THE FOLLOWING FOUR (4) CALLS:

- (1) S 88°11'57" W 274.60' TO A SET REBAR & CAP.
- (2) S 88°26'01" W 123.70' TO A COMPUTED POINT.
- (3) S 83°13'01" W 100.00' TO A COMPUTED POINT.
- (4) S 72°34'00" W 68.62' TO A COMPUTED POINT, THE COMMON CORNER OF MILLS AND U LOCK DST. (DB.6348, PG.186 & MB.27, PG.65).

THENCE LEAVING WINECOFF SCHOOL ROAD WITH THE LINE OF MILLS AND U LOCK DST. N 23°14'48" W 209.66' (PASSING AN EXISTING #5 REBAR AT 29.76') TO A POINT ON THE CONCORD – KANNAPOLIS CITY LIMITS LINE. THENCE WITH SAID CONCORD-KANNAPOLIS CITY LIMITS LINE N 87°16'08" E 630.46' TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.443 ACRES, MORE OR LESS.

IF APPROVED

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

IF DENIED

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby not authorized.

SECTION 5. That the above described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

SECTION 6. That the effective date hereof is the 11th day of July, 2024

Adopted this 11th day of July, 2024

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST:

APPROVED AS TO FORM:

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

4.7 FLOODPLAIN LIFE AND PROPERTY PROTECTION

4.7.1 **STAUTORY AUTHORIZATION**

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

Therefore, the City of Concord City Council does claim as follows:

4.7.2 **FINDINGS OF FACT**

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

4.7.~~32~~ **STATEMENT OF PURPOSE**

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

- A. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.7.~~43~~ **OBJECTIVES**

The objectives of this ordinance are to:

- A. protect human life, safety, and health;
- B. minimize expenditure of public money for costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business losses and interruptions;
- E. minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F. minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- H. Maintain the natural and beneficial functions of floodplains;
- I. help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- J. ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

4.7.4 4.7.5 DEFINITIONS (The following definitions are applicable to this Section 4.7. Definitions applicable to other sections and articles of the Concord Development Ordinance are included in Article 14). ~~SEE ARTICLE 14~~)

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

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

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

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

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area (SFHA)"**.

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

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

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

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

“Building” see **“Structure”**.

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

“Design Flood” See **“Regulatory Flood Protection Elevation.”**

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

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

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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

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

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

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated November 13, 1994.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community., dated November 13, 1994.

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

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

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see **“Floodplain”**

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

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

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

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

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

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

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

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

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

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

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

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

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

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

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

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

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

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

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

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

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

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The

agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

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

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after November 13, 1994, the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before November 13, 1994, the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

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

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

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

For the purpose of this ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus two (2) feet freeboard*. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting

the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

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

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

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

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

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

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

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

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

- 1.) *By choosing a timeframe that includes cumulative damages sustained over a period of time exceeding one-year period. (5 or 10-year period recommended)*
- 2.) *By choosing a percent damaged that is less than 50% of the market value of the structure (CRS recommends 30 %.)*
- 3.) *By adding the following text for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses: Substantial damage also means flood-related damage*

sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.]

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

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

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

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

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

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

4.7.65 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the City of Concord.

B. ACTIVITIES AND STRUCTURES WITHIN SPECIAL FLOOD HAZARD AREAS

All development within the Special Flood Hazard Areas shall meet the Water Supply Source Watershed Protection (Section 4.2), Waterbody Buffers (Section 4.3), Stormwater Control (Section 4.4), Sedimentation and Erosion Control (Section 4.5) and Vegetation and Utility Protection (Section 4.6) requirements.

1. General. New construction and substantial improvements shall be:

- a. Constructed with materials and utility equipment resistant to flood damage; and
- b. Constructed by methods and practices that minimize flood damage.

2. Utilities

- a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewer and disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

C. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

~~The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 16, 2018 for Cabarrus County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Concord are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.~~

~~The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Cabarrus County Unincorporated Area, dated Nov. 2, 1994.~~ **The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 2, 1994 for Cabarrus County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.**

D. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT (ZCP)

A Floodplain Development Permit (ZCP) shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 4.7.65(C) of this ordinance.

E. COMPLIANCE

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

F. ABROGATION AND GREATER RESTRICTIONS.

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

G. INTERPRETATION

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

H. WARNING AND DISCLAIMER OF LIABILITY

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

I. PENALTIES FOR VIOLATION

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

4.7.76 ADMINISTRATION

A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

In accordance with Section 2.1.2, the Planning and Neighborhood Development Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

1. Application Requirements

Application for a Floodplain Development Permit (ZCP) shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit (ZCP):

- a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 4.7.5(C), or a statement that the entire lot is within the Special Flood Hazard Area;
 - flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 4.7.5(C);
 - the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 4.7.65(C);
 - the Base Flood Elevation (BFE) where provided as set forth in Sections 4.7.65(C); 4.7.76(C); or 4.7.87(C).
 - the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - the certification of the plot plan by a registered land surveyor or professional engineer.
- b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
- c. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - Openings to facilitate automatic equalization of hydrostatic flood forces on walls—in accordance with Section 4.7.87(B)(4)(de) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- e. Usage details of any enclosed areas below the lowest floor.
- f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- g. Certification that all other Local, State and Federal permits required prior to Floodplain Development Permit (ZCP) issuance have been received.
- h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sections 4.7.87(B)(6) and 4.7.87(B)(7) of this ordinance are met.
- i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed

project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements - The Floodplain Development Permit (ZCP) shall include, but not be limited to:

- ~~a. a.~~ A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- ~~b. b.~~ The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 4.7.5(C).
- ~~c. c.~~ The regulatory flood protection elevation required for the reference level and all attendant utilities.
- ~~d. d.~~ The regulatory flood protection elevation required for the protection of all public utilities.
- ~~e. e.~~ All certification submittal requirements with timelines.
- ~~f. f.~~ A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 4.7.87(E) have been met.
- ~~g. g.~~ The flood openings requirements, if in Zones A, AO, AE or A1-30.
- ~~h. h.~~ Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only.)
- ~~i. i.~~ A statement, that all materials below BFE/RFPE must be flood resistant materials.

3. Certification Requirements

a. Elevation Certificates

- An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~mean sea level~~ **NAVD 1988**. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit (ZCP).
- An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~mean sea level~~ **NAVD 1988**. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to

make required corrections shall be cause to issue a stop-work order for the project.

- **A final Finished Construction Elevation Certificate (FEMA Form 086-0-33)** is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable. ~~A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.~~

b. Floodproofing Certificate

- If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall

review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zone A, ~~AO~~, AE, ~~AH, AO, or A99~~ or ~~A1-30~~ and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 4.7.~~87~~(B)(3)(b).

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit (ZCP).

e. Certification Exemptions. The following structures, if located within Zone A, ~~AO~~, AE, ~~AH, AO~~ or ~~A99-30~~, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

- Recreational Vehicles meeting requirements of Section 4.7.~~87~~(B)(6)(a);
- Temporary Structures meeting requirements of Section 4.7.~~87~~(B)(7); and
- Accessory Structures less than 150 square feet ~~or less, or \$5,000 or less~~ ~~and~~ meeting requirements of Section 4.7.~~87~~(B)(8).

4. Determinations for existing buildings and structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such

buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. **Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.**~~Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.~~
3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 4.7.87(E) are met.
6. **Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 4.7.7(B)(3).**~~Obtain actual elevation (in relation to mean sea level) of the reference level (including~~

~~basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 4.7.6(B)(3).~~

7. ~~Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.7(B)(3).~~ Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.6(B)(3).
8. ~~Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of 4.7.7(B)(3).~~ Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 4.7.6(B)(3).
9. ~~When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of~~ When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 4.7.76(B)(3) and Section 4.7.87(B)(2).
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 4.7.65(C), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 4.7.87(C)(2)(b) in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 4.7.65(C), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- ~~13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit (ZCP) file.~~
- 13.44. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
145. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit (ZCP) progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that

the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- 1~~56~~. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance or in an illegal or dangerous manner, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- 1~~67~~. Revoke Floodplain Development Permit (ZCP)s as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit (ZCP) by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit (ZCP) mistakenly issued in violation of an applicable State or local law may also be revoked.
- 1~~78~~. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- 1~~89~~. Follow through with corrective procedures of Section 4.7.~~76~~(D).
- 1~~920~~. Review, provide input, and make recommendations for variance requests.
- 2~~04~~. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 4.7.~~65~~(C) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- 2~~12~~. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

D. CORRECTIVE PROCEDURES

1. **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner

or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. that the building or property is in violation of the floodplain management regulations;
 - b. that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
4. **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
5. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

E. VARIANCE PROCEDURES

1. The Board of Adjustment as established by the City of Concord, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
3. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - b. functionally dependent facilities if determined to meet the definition as stated in Article 14 of this ordinance, provided provisions of Sections 4.7.76(E)(9)(b), 4.7.76(E)(9)(c), and 4.7.76(E)(9)(e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - c. any other type of development, provided it meets the requirements of this Section.
4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;

- e. the necessity to the facility of a waterfront location as defined under [Article 2 Section 4.7.5](#) of this ordinance as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
5. A written report addressing each of the above factors shall be submitted with the application for a variance.
 6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
 7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
 8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
 9. Conditions for Variances:
 - a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - a showing of good and sufficient cause;
 - a determination that failure to grant the variance would result in exceptional hardship; and
 - a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or

extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - a. The use serves a critical need in the community.
 - b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - c. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - d. The use complies with all other applicable Federal, State and local laws
 - e. The City of Concord has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

4.7.7 4.7.8 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

1. All substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.~~All substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
3. All substantial improvements shall be constructed by methods and practices that minimize flood ~~damages~~damage.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 4.7. ~~76~~(E)(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 4.7. ~~76~~(B)(3).
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for substantial improvements.
15. When a structure is located in ~~multiple flood hazard zones or~~ in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation **(BFE)** shall apply.
16. All fill material within the floodplain shall be cut from an adjacent portion of the floodplain on the same deeded parcel, provided that the soil meets the needed structural requirements. If the soil on the same parcel does not meet the structural requirements, fill material may be taken from another parcel. The net result of cut and fill within the floodplain area shall constitute no net loss to the flood storage capacity of the floodplain. A professional engineer shall certify that the activity or development would not result in an increase in the flood level during a base flood outside property boundaries. If change occurs within property boundaries, applicant will be required to obtain a letter of map amendment from FEMA prior to recording of final plat.
17. New construction is not allowed within the Special Flood Hazard Area.
18. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 4.7.65 (C) or Section 4.7.87(C), the following provisions, in addition to the provisions of Section 4.7.87(A), are required

1. **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance. In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
2. **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 4.7.5 of this ordinance. Structures (substantial improvements only) located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 4.7.8(F)(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4.7.7(B)(3) along with the operational plan and the inspection and maintenance plan.~~New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance. Structures (substantial improvement only) located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 4.7.7(F)(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4.7.6(B)(3), along with the operational plan and the inspection and maintenance plan.~~In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.

3. Manufactured Homes.

- a. ~~New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance.~~ **New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Section 4.7.5 of this ordinance.** In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 4.7.~~87~~(B)(4).
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

4. Elevated Buildings. **Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:** ~~Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor and Regulatory Flood Protection Elevation, (two feet above calculated water surface elevation of the base flood):~~

- a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- b. shall not be temperature-controlled or conditioned;
- c. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- d. **shall include flood openings** ~~shall include, in Zones A, AO, AE, and A1-30, flood openings~~ to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional

engineer or architect or meet or exceed the following minimum design criteria:

- A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

e. **Fill is prohibited in the SFHA.**

5. Additions/Improvements.

- a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - **A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.** ~~a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards of Section 4.7.7(B)(1-4) as applicable.~~
- b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards ~~of Section 4.7.7(B)(1-4) as applicable.~~ **for new construction.**
- c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - not a substantial improvement, the addition and/or improvements only must comply with the standards **for new construction consistent with the code and requirements for the original structure.** ~~of Section 4.7.7(B)(1-4) as applicable.~~

- a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards of ~~Section 4.7.7(B)(1-4) as applicable.~~ **new construction.**
- d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a **one (1)** year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards ~~Section 4.7.7(B)(1-4) as applicable.~~ **for new construction.** For each building or structure, the **one (1)** year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a **ten (10)** -year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
- Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

6. Recreational Vehicles. Recreational vehicles shall either:

- a. Temporary Placement
- Be onsite for fewer than 180 consecutive days; or
 - Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
- b. Permanent Placement. Recreational vehicles that do not meet the limitation of Temporary Placement shall meet all the requirements ~~of Section 4.7.7(B)(1-4) as applicable.~~ **for new construction.**

7. Temporary Non-Residential Structures.

Prior to the issuance of a Floodplain Development Permit (ZCP) for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other

type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

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

8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b. Accessory structures shall not be temperature-controlled;
- c. Accessory structures shall be designed to have low flood damage potential;
- d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. Accessory structures shall be firmly anchored in accordance with the provisions of Section 4.7.87(A)(1);
- f. All service facilities such as electrical shall be installed in accordance with the provisions of Section 4.7.87(A)(4) and
- g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 4.7.87(B)(4)(de).

~~**An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 4.7.6(B)(3).~~ An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 4.7.7(B)(3). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 4.7.7(B)(3).

9. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- b. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or

lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

- c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4.7.~~87~~(B)(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

d. Tank inlets and vents. Tanks inlets, fill openings and vents shall be:

- At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

~~d.~~

10. Other Development. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4.7.~~87~~(E) of this ordinance.

- b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4.7.~~87~~(E) of this ordinance.

- c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4.7.~~87~~(E) of this ordinance.

- d. Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

~~e.~~

C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 4.7.~~65~~(C) where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 4.7.~~87~~(A) shall apply:

- 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of forty (40) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional

engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 4.7.~~87~~(A) and 4.7.~~87~~(B).
 - b. When floodway **or non-encroachment** data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 4.7.~~87~~(B) and 4.7.~~87~~(E).
 - c. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 4.7.~~65~~(C) and utilized in implementing this ordinance.
 - d. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in **Section 4.7.5.** ~~Article 14.~~ All other applicable provisions of Section 4.4.7(B) shall also apply.

D. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

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

1. Standards of Section 4.7.~~87~~(A) and Section 4.7.~~87~~(B) and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 4.7.65(C). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 4.7.87(A) and 4.7.87(B), shall apply to all development within such areas:

1. No encroachments, including fill, substantial improvements and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit (ZCP), or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained **within six (6) month of upon** completion of the proposed encroachment.
2. If Section 4.7.87(E)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. **Manufactured homes may be permitted provided the following provisions are met:** ~~No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:~~
 - a. the anchoring and the elevation standards of Section 4.7.87(B)(3); and
 - b. the no encroachment standard of Section 4.7.87(E)(1).

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 4.7.65(C) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 4.7.87(A) and 4.7.87(B), all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 4.7.87(F)(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 4.7.~~76~~(B)~~1~~(3) and Section 4.7.~~87~~(B)(2).

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

~~4. New construction must meet the requirements of Section 4.7.7(B)~~

G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH)

Located within the Special Flood Hazard Areas established in Section 4.7.~~65~~(C), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 4.7.~~87~~(A) and 4.7.~~87~~(B), all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. New construction must meet the requirements of Section 4.7.~~87~~(B)

4.7.~~98~~ LEGAL STATUS PROVISIONS.

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

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 13, 1994 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Concord enacted on November 13, 1994 as amended, which are not reenacted herein are repealed.

B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMIT (ZCP)S.

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

C. SEVERABILITY

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

D. EFFECTIVE DATE

This ordinance shall become effective **July 11, 2024.** ~~November 16, 2018.~~

ARTICLE 14

DEFINITIONS

Summary: This Article provides a glossary of terms to be used when interpreting and applying this Ordinance.

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14.1 GENERAL PROVISIONS

14.1.1. TERMS DEFINED

Words contained in this Article are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the State Building Code (Standard Building Code, 1997) or, have their common definitions as found in modern dictionaries of the English language. The documents indicated above are hereby incorporated by reference as if set forth in their entirety herein. Words and terms not defined in this Article but defined elsewhere in the Concord Development Ordinance shall be given the meanings set forth therein. Particular uses not defined herein shall have the meaning assigned in the Use Matrix and the NAICS Manual (see Section 8.2 of this Ordinance.)

14.1.2. WORD USAGE

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
- G. The word "City" shall refer to the City of Concord
- H. The word "Board" shall mean the Board of Adjustment.
- I. The words "Planning Commission" shall mean the City Planning Commission.

- J. The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
- K. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
- L. All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the City; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
- M. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

A-FRAME SIGN - A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

ABBATTOIR - See Slaughterhouse.

ABANDONMENT - The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUT- Having property or District lines in common.

ABUTTING PARCELS - Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

ACCESSIBLE - Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSIBLE, READILY - Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSORY - see Accessory Use.

ACCESSORY APARTMENT - see Accessory Dwelling.

ACCESSORY DWELLING - A Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to

the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit. See § 8.4 of this Ordinance.

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

ACCESSORY USE - A subordinate Use of a Building or other Structure, or Use of land which is:

1. conducted on the same Lot as the principal Use to which it is related, and
2. clearly incidental to, and customarily found in connection with, such principal Use.

(See § 8.4 of this Ordinance.)

ACTIVE OPEN SPACE - Active open space shall mean any park or recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.

~~**ADDITION (TO AN EXISTING BUILDING)** - An extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)~~

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE - See Sedimentation Control Standards in Article 4.

ADJACENT - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADJOIN - Touching at some point.

ADMINISTRATIVE DECISION - Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set for the in § 3.2 of this Ordinance or any other development regulations. These are sometimes referred to as ministerial decisions or administrative determinations. (Source NCGS § 160D-102)

ADMINISTRATOR - The officer charged with the authority and duty to administer this Ordinance pursuant to § 2.1 herein.

ADT - Average Daily Traffic

ADULT CARE HOME - An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS § 131D-2, NCGS § 131D-20, NCGS § 131E-76, § 131E- 101 (including any "combination home").

ADVANCEMENT OF CAPACITY - The provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

AFFILIATE - A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

AGGRIEVED PERSON - The City Council, the Planning Commission, or the Administrator; a county or municipality within an area designated as a joint planning area;

applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

AGRICULTURE- The commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3)

AGRICULTURAL ANIMALS - The following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea.

AGRICULTURAL CONSERVATION EASEMENT- A negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement: (1) May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and (2) Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

AGRICULTURAL LAND - Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(1), and each tract must be under a sound management program. Sound management program. -- A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105-277.2).

AGRICULTURAL PRODUCE - Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIRPORT AND RELATED USES - Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

ALLEY- Any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use. (Source: North Carolina State Building Code, Vol. 1, § 202)

ALTER or ALTERATION - Any change or modification in construction or occupancy. (Source: North Carolina State Building Code, Vol. 1, § 202)

~~**ALTERATION OF A WATER COURSE** - A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.~~

AMBULATORY SURGICAL FACILITY - A facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under NCGS Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility. Includes any "ambulatory surgical facility" as defined in NCGS § 131E-146 or NCGS § 131E-176.

AMENDMENT - An amendment to the Concord Development Ordinance or a new Concord Development Ordinance.

AMERICAN STANDARD FOR NURSERY STOCK - The publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

AMPLITUDE - The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

AMUSEMENT ARCADE - A primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices (Including less than four (4) pool tables).

AMUSEMENT PARK - A primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL UNIT ("AU") - A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

ANIMAL CLINIC - Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

ANIMAL HOSPITAL - see Animal Clinic.

ANIMAL OPERATION - Any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143- 215.10B)

ANIMAL REGULATIONS - See § 8.3 of this Ordinance.

ANIMAL SHELTER - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

(Source: NCGS § 19A-23)

ANIMATION - The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

ANIMAL WASTE - Livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

ANIMAL WASTE MANAGEMENT SYSTEM - A combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

ANTENNA - Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

APARTMENT - A room or group of rooms, among similar sets in one building, designed for use as a dwelling. Apartments are considered multi-story buildings where three or more residences are contained in one structure.

APARTMENT HOUSE - Any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

APIARY - Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

APPEAL - A request for a review of the Administrator's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance.

APPLICANT - Any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

APPLICATION FOR DEVELOPMENT APPROVAL OR "APPLICATION" - A written request for any approval, permit, or action required by this Ordinance, including any written

request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

ARCADE/COLONNADE - A covered, open-air sidewalk attached to the building and is integral with the building frontage; columns or arches along the sidewalk support the overhead structure.

ARCHITECT - A person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

ARCHITECTURAL TRIM - The ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, BUILDING - The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, GROSS FLOOR - The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, NET FLOOR - The area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

~~**AREA OF SHALLOW FLOODING** - A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.~~

~~**AREA OF SPECIAL FLOOD HAZARD** - See "Special Flood Hazard Area (SFHA)"~~

ARTICULATION - The detailing of a structure or building, i.e. brick patterning or ornamental work.

ARTISAN - See "Custom Manufacturing."

ASSISTED LIVING RESIDENCE - Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2 or NCGS § 131D-20.

ATRIUM - A space, intended to occupancy within a building, extending vertically through the building and enclosed at the top. (Source: North Carolina State Building Code, Vol. 1, § 202)

AUCTION SALES ESTABLISHMENT - Any place where items are sold at auction to the highest bidder.

AUDITORIUM - A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

AUTHORIZED AGENT - Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE GRAVEYARD - See "Junkyard."

AUTOMOBILE REPAIR, MAJOR - An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

AUTOMOBILE REPAIR, MINOR- An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any

operation specified under "Automobile Repair, Major."

AUTOMOBILE SALES ESTABLISHMENT - An open area used for the display, sale or rental of new and/or used motor vehicles.

AUTO-ORIENTED-USE- Drive-through window facilities including those for automated tellers, cleaners, liquor stores, and restaurants; fuel sales; shopping centers; vehicle sales; auto mechanical repair; car wash; gasoline service station; and quick oil change centers.

AVIGATION EASEMENTS - A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING - An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY, ASSEMBLY ROOM - That portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY (EXTERIOR) - An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

BALLOON - A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

BANNER - A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BANQUET HOME: A residentially zoned establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be open to the general public, shall not include overnight accommodations, and may include food preparation facilities and areas for dancing, dining and other entertainment activities customarily found in association with banquets or receptions.

BAR/TAVERN - An establishment where any malt beverage alcohol is consumed, food and other beverages are optional, and entertainment may be provided. Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels and any use exempt in accordance with the Alcoholic Beverage Commission standards.

BASEMENT - That portion of a building which is partly or completely, or having a floor, below grade (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

BASE COURSE - The layer of material that lies immediately below the wearing surface of a street pavement.

~~**BASE FLOOD** - The flood having a one (1) percent chance of being equaled or exceeded in any given year.~~

~~**BASE FLOOD ELEVATION (BFE)** - A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".~~

BASE STATION - A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN - A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

1. Does not serve food or drink to the general public for pay;
 2. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
 3. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business.
- (Source: NCGS § 130A-247). See § 8.3 of this Ordinance.

BERM - A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or buffer yard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) - Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

BICYCLE - A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES - A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE) - A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH - A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

BIG BOX RETAIL - see “Superstore”.

BLANK WALL - An exterior building wall with no openings and a single material and uniform texture on a single plane.

BLOCK- 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.

BLOCK FRONTAGE - All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

BOARD- Unless otherwise indicated in the text, Board shall refer to the City of Concord

Board of Adjustment.

BOARDING HOUSE OR ROOMING HOUSE - A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

BOARDING KENNEL - A facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

BODY PIERCING - The intentional act of any person or persons of piercing any part of the body of another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance and/or other purposes. (Source: The Mining Act of 1971, NCGS § 74-49)

BREWERY-MICRO - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREW PUB - An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant. Where allowed by law, brewpubs may sell beer "to go" and /or distribute to offsite accounts. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREWERY-LARGE - An establishment where beer and malt beverages are made on the premises at an annual beer production rate of over 15,000 barrels of beer per year. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREWERY-TAP ROOM - A room that is ancillary to the production of beer at a microbrewery, brewpub, or large brewery where the public can purchase and/or

consume beer on site. The establishment may include uses permitted in the district, in accordance with state and local laws.

BROWNSTONE - A row house built of brownstone or sandstone; reddish brown in color.

BUBBLE PLAN - A graphic representation that does not depict the exact location of proposed structures or infrastructure, but depicts the general extent and nature of the proposed development. Nature of development should be generally understood to mean uses, scale, and intensity, but may also include design elements and other anticipated features.

BUFFERYARD - A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas. See Article 11 of this Ordinance.

BUFFER, EXTERNAL- A Bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA - The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING - Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

BUILDING AREA - The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING ENVELOPE - The three-dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FAÇADE - That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

BUILDING FRONT - The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

BUILDING HEIGHT - A vertical distance from the highest point of a building to grade,

measured in accordance with § 7.6.2.D of this Ordinance.

BUILDING LINE - A line as determined by meeting the respective front, side and rear yard setbacks or in the case of irregular shaped lots with less than the minimum lot frontage (such as cul-de-sac lots), the building line shall be established at the point of minimum lot width. The Building Line shall be measured with a line perpendicular to the street or property line in front of which no structure may be erected.

BUILDING, LIVE-WORK - A townhouse with the first story available as a commercial space, either independently leased or in conjunction with the residential unit above. The rear alley or parking lot accommodates the additional parking requirement.

BUILDING, MAIN OR PRINCIPAL - A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

BUILDING, MIXED USE - A vertically integrated mixed-use building. The building is able to accommodate a wide variety of uses, including apartments for sale or rent, small professional offices, ground floor retail or restaurant.

BUILDING PERMIT - An authorization to construct a structure as issued by the Cabarrus County Building Inspections Department.

BUILDING, TEMPORARY - A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BUILDING WALL OFFSET - For purposes of this ordinance, a building wall offset shall be defined as a change in the wall plane of a façade to the minimum described herein.

BUILDING WALL PROJECTION/RECESS - For purposes of this ordinance, a building wall projection or recess shall be defined as a change in the wall plane projection, a minimum of 12" in width. Downspouts shall not be considered projections.

BUILT-UPON AREA - That portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source:15A NCAC 2H.1002).

BULK - The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

BUSINESS OR BUILDING IDENTIFICATION SIGN - A pedestrian oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building and/or the tenant.

CALIPER - A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes. (See Article 11 of this Ordinance.)

CAMP, THERAPEUTIC - A residential treatment facility provided in a camping environment which is designed to assist individuals to develop behavioral control, coping skills, self-esteem, and interpersonal skills. (Source: 10 NCAC 14V.5201, 10 NCAC 44E.0002).

CAMPGROUND- A plot, parcel, or tract of land upon which two (2) or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition. A Therapeutic Camp is not considered a "Campground." See § 8.3 of this Ordinance.

CAMPING UNIT - Any tent, trailer, cabin, lean-to, Recreational Vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

CAMPSITE - Any plot, parcel, or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

CANOPY - A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations).

CANOPY SIGN - A sign that is suspended from, attached to, supported from, applied

to, or constructed as part of a canopy or awning.

CAPACITY - The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT - A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City, a special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED - A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM - A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

CAR DEALERSHIP - See "Automobile Sales Establishment."

CARNIVAL - See "Outdoor Event, Temporary."

CARPORT - A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CAR WASH - An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

CARRIAGE HOUSE - See "Accessory Dwelling."

CARRY-OUT FOOD SERVICE - A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CELLAR - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

CEMETERY - Any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

1. A burial park, for earth interment.
2. A mausoleum.
3. A columbarium. (Source: NCGS § 65-48. See § 8.3)

CEMETERY, LICENSED- Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State. See § 8.3 of this Ordinance.

CEMETERY, UNLICENSED - Land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law. See § 8.3 of this Ordinance.

CENTERLINE - The true centerline of a street right-of-way that has been fully dedicated to the required width.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS- The gap between the centerline of streets adjoining a common road from opposite or same sides.

CENTRAL WATER SYSTEM - See public Water System.

CERTIFICATE OF COMPLIANCE - The certificate issued by the Administrator, indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure is in compliance with all regulation of this Concord Development Ordinance.

CERTIFICATE OF OCCUPANCY - The certificate issued by the North Carolina Department of Buildings, indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CERTIFICATE OF STORMWATER COMPLIANCE - The approval for activities that meet the requirements for coverage under a stormwater general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

CERTIFY - A certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

CHANGEABLE COPY SIGN - A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

CHANGE IN USE - A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANNEL - A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

~~**CHEMICAL STORAGE FACILITY** - A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.~~

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

1. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
2. Recreational programs operated for less than four consecutive months in a year;
3. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
4. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
5. Public schools;
6. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
7. Bible schools conducted during vacation periods;
8. Care provided by facilities licensed under Article 2 of Chapter 122C of the

General Statutes;

9. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
10. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.
(Source: NCGS § 110-86).

CHILD CARE CENTER - An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS § 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS § 110-86. See § 8.3).

CHILD CARE HOME, FAMILY - A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: NCGS § 110-86).

CHILDREN'S CAMP - A residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting. (Source: NCGS § 131D-10.2)

CHURCH - See "Religious Institutions."

CITY COUNCIL- City Council of Concord, North Carolina.

CITY RIGHT-OF-WAY - A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.

CITY UTILITY POLE - A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.

CLEANING OR PROCESSING ESTABLISHMENT- A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to, carpet cleaners, dry- cleaning plants, exterminating services, and taxidermists. This term does not include Dry Cleaning, and Laundry establishments.

CLINIC OR HEALTH CARE FACILITY - A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but

shall not include inpatient care or operating rooms for major surgery.

COLLECTOR STREET - Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector or Minor Collector pursuant to Article 10 of this ordinance.

COLLEGE OR UNIVERSITY - An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

COLLOCATION - The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, or other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term “collocation” does not include the installation of new utility poles, city utility poles, or wireless support structures.

COMBINED DEVELOPMENT - Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

COMMERCIAL AMUSEMENT, INDOOR- An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

COMMERCIAL AMUSEMENT, OUTDOOR - An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

COMMERCIAL MESSAGE - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL PARKING LOT - See "Parking Lot."

COMMERCIAL PARKING STRUCTURE - See "Parking Structure."

COMMERCIAL STABLE - See "Stable, Commercial."

COMMERCIAL VEHICLE - See "Vehicle, Commercial."

COMMISSION - Unless otherwise indicated in the text, Commission shall refer to the City of Concord Planning and Zoning Commission.

COMMON OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

COMMUNICATIONS FACILITY - The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE - Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

COMMUNICATIONS SERVICE PROVIDER - A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider

COMMUNITY PARK - A community park as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-2 and 4-5.

COMMUNITY WATER SYSTEM - See definition of "Public Water System."

COMPREHENSIVE PLAN - A comprehensive plan for development of the City, or any County-wide Comprehensive Plan adopted by the City, pursuant to NCGS §§ 160D-604 et seq., and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Unless and until a formal Comprehensive Plan is adopted for the City, any applicable Area Plan and/or the Official Zoning Map and the text of this Ordinance shall be considered the Comprehensive Plan.

CONCEPT PLAN - A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

CONDOMINIUM (CONDO)- A multiple unit complex in which the units are individual owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc. that unit and sharing joint ownership of any common grounds, passageways, etc.

CONFERENCE AND BANQUET FACILITIES - See "Places of Public Assembly, Indoors."

CONFORMING USE - A use that is permitted within the applicable zoning district (see Use Matrix in Table 8.1.8).

CONGREGATE CARE/CONGREGATE LIVING FACILITIES - Congregate Care Facilities (also called Congregate Living Facilities) are service-oriented housing complexes for older people who want security and some assistance, but would like to retain as much independence as possible. The residents may live in private suite apartments, studio apartments, or rooms. Meals are usually served in a central dining facility, and other services offered may include housekeeping, linen/laundry service, transportation, recreation, and possibly some personal care.

CONNECTIVITY INDEX - The index of the connectivity of a street system prescribed by the Street Improvement Standards of Article 10.

CONSENT AGREEMENT - A regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Concord Development Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Ordinance.

CONSERVE AND CONSERVATION - To use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened

species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

CONSERVATION EASEMENT - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

CONTIGUOUS - Bordering or adjoining, meeting or joining at the border or surface.

CONTROLLED-ACCESS FACILITY - A State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

CONVENIENCE STORE- A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales. See § 8.3 of this Ordinance.

CONVENTIONAL OPTION DEVELOPMENT - Any application requesting approval of a development or use within a zoning district other than a PUD, TND or TOD district, and a Cluster development.

CONVEY - To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CONVEYANCE PLAT - A plat that may be used for the transfer of land qualifying as a minor subdivision. See Article 5.

CORNER LOT - See "Lot, Corner."

CORRAL - A pen or enclosure for confining animals.

CORRIDOR (building) - A passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code,

Vol. 1, § 202)

CORRIDOR (road) - A street or roadway identified as a principal link or gateway within the community.

COUNTY - The County of Cabarrus, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Cabarrus County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Cabarrus County.

COURTYARD - A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

CO-WORKING SPACE: An establishment that involves individuals working independently or collaboratively in shared office space on a leased basis. The office space may include common or shared amenities such as Wi-Fi, meeting rooms, office equipment and kitchen facilities.

CRITICAL AREAS - Any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, the River/Stream Overlay District, or any Watershed Protection Overlay District.

CROSSWALK - A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

COUNTRY CLUB - A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

CUL-DE-SAC - A short, dead-end street terminating in a vehicular turn-around area.

CURB FACE - The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB - A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM - Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CUSTOM MANUFACTURING - An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUT, LAND - Land surface which is shaped through the removal of soil, rock or other materials.

DAY CARE - See "Child Care."

DAYS - When used to establish time limits on various processes in this Ordinance, days shall mean business days.

DECISIONMAKER - The agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

DECLARATION - An instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

DEDICATION - A gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

DE NOVO HEARING - A new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

DENSITY - The total number of dwelling units per acre, computed in accordance with Article 7 of this Ordinance.

DENSITY BONUS - Dwelling units or non-residential square footage permitted in addition to the permitted density or intensity within a zoning district, computed in accordance with Article 7 of this Ordinance.

DENSITY, NET - The number of dwelling units divided by the net acreage remaining

after subtracting all critical areas and streets.

DEPARTMENT- Unless otherwise noted in the text, Department shall refer to the City of Concord Planning and Community Development Department.

DEVELOPER - A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property (Source NCGS § 160D-102)

DEVELOPMENT - Unless the context clearly indicates otherwise, the term means:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
2. excavation, grading, filling, clearing, or alteration of land;
3. the subdivision of land as defined in G.S. 160D-802; or
4. the initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by the Articles of this Chapter. (Source NCGS § 160D-102)

~~**DEVELOPMENT ACTIVITY** - Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.~~

DEVELOPMENT ORDER - Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

DEVELOPMENT PERMIT - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the City or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DEVELOPMENT RIGHT- The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DEVELOPMENT SERVICES DEPARTMENT - The Cabarrus County Development Services Department.

DIAGNOSTIC CENTER - A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

~~**DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)** - the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.~~

DIMENSIONAL REGULATIONS - See Article 7 of this Ordinance.

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

DISPOSITION - A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DISTILLERY - An establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.

DORMITORY - A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

DRAGSTRIP- A dragstrip is a straight, purpose-built racetrack, typically an eighth or a quarter mile long, for the exclusive purpose of two (2) motorized vehicles racing against one another for paid admission by the public, with an additional shutdown area to allow vehicles time to stop after crossing the finish line and which could

include necessary accessory structures for parking, garages, staging, concessions, control and seating.

DRAINAGE AREA OR WATERSHED - The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT - A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

DRIVEWAY - A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

DUPLEX - A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. A duplex may include: (1) a semidetached dwelling, which is a building containing two dwelling units attached horizontally (see illustration), or (2) a building with two units attached vertically, with one dwelling unit located on top of the other.

DUST-FREE- A land surface that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

DWELLING Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for seasonal vacation purpose. (Source NCGS § 160D-102)

DWELLING, ATTACHED - A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units, or stacked one (1) above the other, or attached to a non-residential use. An Attached Dwelling includes any residential unit above a non-residential use, Duplex, Triplex, Quadruplex, Townhouse or Rowhouse.

DWELLING, MIXED USE - Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as “Live-Work Units.” Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail

uses are also permitted.

DWELLING, MULTI-FAMILY- A building or portion thereof designed for or occupied as five (5) or more dwelling units.

DWELLING, SINGLE-FAMILY - A building designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY DETACHED - A Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards.

DWELLING UNIT - A dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

EASEMENT - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

EASEMENT, NON-ACCESS - An easement prohibiting vehicular access from a public street.

EFFECTIVE DATE OF THIS ORDINANCE - The effective date of this Ordinance determined in accordance with Article 1 of this Ordinance.

ELECTRIC GENERATING FACILITY - Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power. (Source: NCGS § 75A-2)

ELECTRONIC MESSAGE BOARD - Are also known as “dynamic” signs. Any sign which displays messages, in alternating light cycles, using any technology, including but not limited to digital or analog technologies, and electronic changeable copy signs (i.e. a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of LEDs, fiber optics, light bulbs or other illumination devices within the display area. Standards for Electronic Message Boards are referenced in Article 12. All Electronic Message Boards shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii)).

ELEMENTARY SCHOOL - A school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program.

(Source: NCGS § 115C-75)

~~**ELEVATED BUILDING** - A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.~~

ELIGIBLE FACILITIES REQUEST - A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

ENCLOSURE RATIO- (Note: this definition is used in § 9.4 TND District only) - The ratio of building height to spaces in front of the building. Buildings serve to spatially define streets. Proper spatial definition is achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width. The condition of alignment occurs when the facades of buildings cooperate to delineate the public space, as walls form a room. Building articulation must take place primarily in the vertical plane or facade. Appendages such as porches, balconies, and bay windows are encouraged to promote the visual transition. The condition of enclosure generated by the height-width ratio of the space is related to the physiology of the human eye. If the width of a public space is such that the cone of vision encompasses less street walls than the opening to the sky, then the degree of spatial enclosure is slight. Ratios not exceeding 1:4 are considered optimal, while a 1:6 height-to-width ratio is the absolute minimum required for appropriate urban spatial definition. See P. Craighead, ed., *The Hidden Design in Land Use Ordinances* (University of Southern Maine, 1991), at 45; R. Arendt, *Rural by Design* (American Planning Association, 1994), at 10-11. An appropriate average ratio is 1:3. As a general rule, the tighter the ratio, the stronger the sense of place. Spatial enclosure is particularly important for shopping streets, which must compete with malls which provide very effective spatial definition. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary along thoroughfares with substantial front yards. If Streetscape Landscaping is provided in accordance with the Landscaping Standards of this Ordinance, the Enclosure Ratio shall be measured from the height of the trees at maturity rather than the height of the buildings. For the internal streets or circulation systems of subdivision plats or site plans, the Enclosure Ratio shall be computed by dividing the height of the shortest facing structure by the spaces between the buildings. For development on individual tracts adjoining a public right-of-way and not under Common Ownership with tracts or parcels facing across the right-of-way, the Enclosure Ratio shall apply only to the tract or parcel subject to the Application for Development Approval. Example: A building (Building A) is 15 feet in height and faces a building (Building B) 24 feet in height across a street with a 40-foot right-of-way. Building A is located 15 feet and Building B is located 20

feet from the edge of the right-of-way, producing a building-to-building space of 75 feet. The enclosure ratio is 1:5 ($15 \div 75 = 1:5$). See first "Village Scale" example (illustration). Source: P. Craighead, ed., The Hidden Design in Land Use Ordinances. (University of Southern Maine, 1991).

~~**ENCROACHMENT** - The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

ENGINEER - An Engineer licensed by the State of North Carolina.

ENGINEER, CITY - The City of Concord Director of Engineering.

ENHANCEMENT - Improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

ENLARGEMENT OR "TO ENLARGE" - An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

ENTRANCE ROAD - A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

EQUIPMENT - Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

EQUIPMENT COMPOUND - An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

ERECT - To build, construct, attach, hang, place, suspend, affix and/or apply.

EROSION CONTROL - See Article 4 of this Ordinance.

EVIDENCE - Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION - The removal of soil, rock or other matter from a land area.

~~**EXISTING BUILDING AND EXISTING STRUCTURE** - any building and/or structure for which the "start of construction" commenced before November 13, 1994.~~

EXISTING CAPACITY - The Capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING DEMAND - See "Public Facilities Standards" of this Ordinance.

~~**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.~~

EXOTIC ANIMALS - See Other Animals.

EXOTIC SPECIES (PLANT) - A species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

EXTENDED STAY LODGING FACILITY - Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

EXTRACTIVE USES - Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

EVENT CENTER: All buildings and associated parking facilities and open spaces which are kept, used, maintained, advertised, leased out or otherwise made available to private groups and/or the general public and not repeated on a weekly basis, for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, weddings, ceremonies and the like.

FAÇADE - The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation. See "Building

Façade”.

FACSIMILE SIGN - A three-dimensional object, such as a chicken bucket, automobile (or automobile part); or a human figure, either of which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located, designed and/or embellished in such a manner as to attract attention.

FALL ZONE - The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

FAMILY - An individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

FAMILY CARE HOME - A care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS § 168-21) No family care home shall be located within a one-half mile radius of an existing family care home. (Source: NCGS § 168-22)

FARM, BONAFIDE - A farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

FARM BUILDINGS - Structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). (Source: North Carolina State Building Code, Vol. 1, § 201.3)

FARM OPERATION - Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

FARM RELATED BUSINESS - A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

FARMERS' MARKET - A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers' market differs from a produce stand in that there may be more than one (1) seller per parcel of land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.)

FEED LOT - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

FENCE - A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

FENCE, LIVING - A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, OPEN - A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

FENCE SIGN - A sign mounted on, attached to, or constructed as part of a fence or similar structure.

FENESTRATION - The entryways and windows of a building.

FESTOON LIGHTING - A string of outdoor lights suspended between two or more points.

FILL - Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT - A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 5 of this Ordinance.

FINAL SITE PLAN OR FINAL PLAN - The map of a proposed development to be filed

after approval by the decision-making authority and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

FIRE FLOW SURVEY - A testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes.

FIRE PROTECTION FACILITIES - Fire stations and major pieces of firefighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the City of Concord Fire Department or other duly authorized volunteer fire districts.

FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. Flags are regulated in accordance with the standards of Article 12 "Sign Regulations".

FLAG LOT - See "Lot, Flag."

FLEA MARKETS - A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund-raising activities done by a non-profit organization.

~~**FLOOD OR FLOODING**—A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~1. the overflow of inland or tidal waters; and/or~~
- ~~2. the unusual and rapid accumulation of runoff of surface waters from any source.~~

~~**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)**—An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).~~

~~**FLOOD HAZARD BOUNDARY MAP (FHBM)** – An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.~~

~~**FLOOD INSURANCE** – The insurance coverage provided under the National Flood Insurance Program.~~

~~**FLOOD INSURANCE RATE MAP (FIRM)** – An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.~~

~~**FLOOD INSURANCE STUDY (FIS)** – An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.~~

~~**FLOOD PRONE AREA** – see “Floodplain”~~

~~**FLOODPLAIN** – Any land area susceptible to being inundated by water from any source.~~

~~**FLOODPLAIN ADMINISTRATOR** – The individual appointed to administer and enforce the floodplain management regulations.~~

~~**FLOODPLAIN DEVELOPMENT PERMIT** – Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.~~

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

~~**FLOODPLAIN MANAGEMENT REGULATIONS** – This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.~~

~~**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their~~

~~contents.~~

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

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

~~**FLOODWAY ENCROACHMENT ANALYSIS** - An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.~~

~~**FLOOD ZONE** - A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.~~

FLOOR AREA - The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO (FAR) - The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

FOOD TRUCK - A licensed, motorized vehicle or mobile food unit which is temporarily located on a privately-owned lot or parcel or within a designated parking space or spaces on public streets, for the purpose of selling food items to the general public.

FORESTLAND - Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(3), and each tract must be under a sound management program.

FORTUNE TELLER - Telling fortunes by lines on the palm of the hand or fortunes told by a psychic (a person apparently sensitive to nonphysical forces) whose artistic expression is said to be a channel of communication between the earthly world and a world of spirits.

~~**FREEBOARD** - The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".~~

FRONT - Any public street frontage, not including alleys.

FRONTAGE - The frontage of a parcel of land is that distance where a property line is common with a public or private street right-of-way, or a recorded access easement. See Article 5 for provisions regarding access easements.

FRONTAGE, DOUBLE - A lot which extends from one street frontage to another street.

FRONTAGE, FULL - Frontage which meets the requirements of Article 5 of this Ordinance.

FRONTAGE ROAD - A way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

FRONT SETBACK - The minimum horizontal distance between any Building or Structure and the Front Lot Line.

FULLY SHIELDED - "Fully shielded" means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report.

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

FUNERAL HOME - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

GABLE- The triangle formed by a sloping roof. A building may be front-gabled or side-gabled. Porches and dormers may also be gabled

GARAGE, PRIVATE - An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

GASOLINE PUMP SIGNS - Signs attached to gasoline and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as price, fuel type and self-service instructions.

GAS STATION - Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GRADE - A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

GRADE, FINISHED - The level of the soil after completion of site development.

GRADE, NATURAL - The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets

and roads, soil types and locations, etc.)

GREENBELT - Greenbelts run along the perimeter of a subdivision, Planned Unit Development, or TND, and serve to (1) buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, and/or (2) provide an edge for the neighborhood. Greenbelts differ from the other types of open spaces in that the natural vegetation and wildlife is undisturbed, or the area is actively cultivated for crops or the raising of Livestock (excluding Concentrated Animal Feeding Operations).

GREENFIELD DEVELOPMENT - Development on undeveloped parcels, undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

GREENHOUSE - An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

GREENWAY - A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

GREYFIELD - Old, obsolete, or abandoned retail and commercial sites, namely strip malls containing large parking lots. These sites are often underutilized and are candidates for infill re-development opportunities.

GROSS AREA OR GROSS ACREAGE - The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS LEASABLE AREA (GLA) - The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROUND SIGN - A free-standing sign with its base or its supports mounted directly to the ground.

GROUND SUBSIDENCE - A process characterized by the downward displacement of

surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

GROUND WATER - Subsurface water within and below the zone of continuous saturation.

GROUP RESIDENTIAL DEVELOPMENT - A development where more than one principal residential building is permitted on a lot or any development where there are three (3) or more dwelling units in a building. A "Group Residential Development includes any (1) Apartment House/Multiple Dwelling, Quadruplex, Triplex, or Townhouse; and any Attached Dwelling (Duplex). or (2) any Mixed Use Dwelling.

GUEST - Any transient person who rents or occupies a room for sleeping purposes.

GUTTER - A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

HABITABLE ROOM - Any room meeting the requirements of the North Carolina One- and Two-Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

HAZARDOUS WASTE DISPOSAL FACILITY - Any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS § 130A-290). See § 5.11 of this Ordinance.

HAZARDOUS WASTE FACILITY- A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: NCGS § 130A-290). See § 8.3 of this Ordinance.

~~**HAZARDOUS WASTE MANAGEMENT FACILITY** - As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.~~

HAZARD PRONE AREA - An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

HEALTH CARE PROVIDER - Without limitation any person who pursuant to the provisions

of NCGS Chapter 90 is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital or a nursing home; or any other person who is legally responsible for the negligence of such person, hospital or nursing home; or any other person acting at the direction or under the supervision of any of the foregoing persons, hospital, or nursing home. (Source: NCGS § 90-21.11)

HEALTH SERVICE FACILITY - A hospital; psychiatric facility; rehabilitation facility; long term care facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for the mentally retarded; home health agency office; chemical dependency treatment facility; diagnostic center; oncology treatment center; hospice, hospice inpatient facility, hospice residential care facility; and ambulatory surgical facility. (Source: NCGS § 131E-176)

HEALTH CLUB - An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEAVY EQUIPMENT - Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT -The vertical distance from the grade to the highest point of any portion of a structure, measured as set forth in § 7.6.2 D. of this Ordinance.

HEIGHT, BUILDING - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, STORY - The vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, WALL - The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

HELIPAD - A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities

for maintenance, repair, fueling or storage of helicopters.

HELIPORT- An area providing for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

~~**HIGHEST ADJACENT GRADE-** The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.~~

HIGH QUALITY WATERS - See Sedimentation Control Standards.

HIGH QUALITY WATER ZONES - See Sedimentation Control Standards.

HIGH SCHOOL - A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75)

HIGHWAY - A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HILLSIDE DISTURBANCE - Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

HILL CREST - The highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

HISTORIC BUILDING -Any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.

HISTORIC SIGN - A sign 49 years old or older, which currently exists or formally existed in the City of Concord.

~~**HISTORIC STRUCTURE** -Any structure that is:~~

- ~~1. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;~~
- ~~2. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a~~

- ~~registered historic district;~~
- ~~3. individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or~~
- ~~4. certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".~~

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

HOLIDAY DECORATIONS - Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

HOME OCCUPATION - Any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit. See § 8.4 and 8.5 of this Ordinance.

HOME OWNERS ASSOCIATION - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HORSE - Any animal of the genus Equus.

HORTICULTURAL LAND - Land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(2), and each tract must be under a sound management program. (Source: NCGS § 105-277.2).

HOSPICE - Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement. (Source: NCGS § 131E-176, 131E-201)

HOSPICE INPATIENT FACILITY - A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital which has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in G.S. 131E-201(4) and provides those services in a licensed acute care bed is not a hospice inpatient facility and is not subject to the requirements in G.S. 131E-176(5)(ii) for hospice inpatient beds. (Source: NCGS § 131E-176, 131E-201)

HOSPICE RESIDENTIAL CARE FACILITY - A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. (Source: NCGS § 131E-176)

HOSPITAL - A hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws. (Source: NCGS § 130A-403) The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. The term also includes all facilities licensed pursuant to G.S. 131E-77 of the General Statutes. (Source: NCGS § 131E-176)

HOTEL - Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

HOUSEHOLD PETS - Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

HUD CODE - The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

HYDROLOGY - The science of dealing with the properties, distribution, and circulation of water.

HYDROPERIOD - The period during which a soil area is saturated.

ILLUMINATION, BACK-LIGHTED - Illumination provided from a source located outside and behind the sign to provide a glowing/shadow appearance.

ILLUMINATION, INDIRECT - Illumination, which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

ILLUMINATION, INTERNAL - Illumination provided from a source located inside or with the face of the sign.

IMPACT AREA - See Adequate Public Facilities of this Ordinance.

IMPERVIOUS SURFACE - Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

IMPROVED (as in related to a parking surface) - means surfaced with any pervious material or method but not including grass or dirt.

IMPROVED OPEN SPACE - Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS - Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the

conditions of approval.

IN KIND - For mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

INDIVIDUAL ESTABLISHMENT OR BUSINESS - A single establishment or business occupying one or more buildings designed to function as a single enterprise which does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

INDUSTRIAL OR COMMERCIAL TREATMENT PLANT SEPTAGE - Solid, semisolid or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (Source: NCGS § 130A-290)

INDUSTRIAL PARK - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible uses.

INDUSTRIAL PROCESS WASTEWATER - Any water-carried waste resulting from any process of industry, manufacture, trade, or business. (Source: NCGS § 130A-334)

INDUSTRIAL USES - Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products

INDUSTRIAL WASTE - Any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

INFLATABLE SIGNS - A three-dimensional object, filled with air or gas, and located in

such a manner as to attract attention.

INERT DEBRIS -Gravel, rocks, stumps, soil (not contaminated), unpainted and untreated materials such as bricks, concrete blocks and lumber.

INFILL - The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

INFILTRATION SYSTEMS - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

INTEGRAL UNITS - Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

INTENSITY - The number of square feet of development per acre by land use type with respect to non-residential land uses.

INTERIOR LOT - See "Lot, Interior."

INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED Facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions. (Source: NCGS § 131E-176)

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

JUNIOR HIGH SCHOOL - A school which embraces not more than the first year of high school with not more than the upper two elementary grades. (Source: NCGS § 115C-75)

JUNK - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS § 136-143).

JUNKYARD - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any "Automobile Graveyard." An "Automobile Graveyard is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136-143). See § 8.3 of this Ordinance.

LAGOON - A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act)

LAND CLEARING & INERT DEBRIS LANDFILL- A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101)

LAND DISTURBING ACTIVITY - Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

LANDFILL - A disposal facility or part of a disposal facility where waste is placed in or

on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

LANDFILL, DEMOLITION - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or the Director's authorized representative. (Source: 15A NCAC § 13B.0101).

LANDLOCKED PARCEL - A parcel of land without access of record with the County Register of Deeds.

LANDOWNER - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased development plan under this section, in the manner allowed by ordinance. (Source: NCGS § 160D-102)

LANDSCAPE - An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

LANDSCAPE CONTRACTOR - Within the meaning of this Chapter any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-1).

LATERAL SEWER - A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

~~**LETTER OF MAP CHANGE (LOMC)** - An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:~~

- ~~1. **Letter of Map Amendment (LOMA):** An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.~~

- ~~2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.~~
- ~~3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.~~
- ~~4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.~~

LIBRARY OR MUSEUM - A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LICENSED GEOLOGIST - A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

LICENSED SOIL SCIENTIST - A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

~~**LIGHT DUTY TRUCK** - Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:~~

- ~~1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or~~
- ~~2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or~~
- ~~3. (c) Available with special features enabling off-street or off-highway operation and use.~~

LINEAR PARK - Any linear park as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8 and 4-7.

LIQUOR STORE- A store which sells or offers to sell alcoholic beverages, as defined in NCGS § 18B-101.

LIVESTOCK - "Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine (Source: Livestock Law, NCGS § 68-15) (excluding potbellied pigs weighing not more than 150 pounds and not more than 24 inches in height, that are registered with the International Potbellied Pig Registry (IPPR) and physically tattooed with their assigned number, with proof of annual vaccination records and neutering or spaying records from a licensed veterinarian, with a maximum of 2 such pigs per household (those within the City limits above 2 per household at the time of adoption of this ordinance shall be grandfathered but may not be replaced)) and domestic fowl (Source: NCGS § Domestic Fowls 68-25).

LIVESTOCK DEALER - Any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others. (Source: NCGS § 106-418.8)

LOADING AND UNLOADING SPACES - A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

LOADING SPACE - An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR LOCAL STREET - Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LOT - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT AREA - The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER - A lot having frontage on two (2) intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

LOT COVERAGE - The percentage of the area of a lot which is occupied by all buildings

or other covered structures using the roof outline for all outer dimensions.

LOT DEPTH (LENGTH) - The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT, DOUBLE FRONTAGE (THROUGH LOT) - An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG - A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE - The distance for which a lot abuts on a street.

LOT, INTERIOR - A lot other than a corner lot or a through lot.

LOT, KEY - A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE - Any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way. If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

LOT LINE, REAR - A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT LINE, SIDE - The boundary of a lot which is not a front lot line or a rear lot line.

LOT LENGTH - See Lot Depth.

LOT THROUGH - A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non- access easement.

LOT WIDTH - For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

~~**LOWEST ADJACENT GRADE (LAG)** - the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.~~

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

LOW INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MAINTENANCE - The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SITE PLAN - See Article 5 of this Ordinance.

MAJOR SUBDIVISION - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MAJOR THOROUGHFARE - A Major Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

MANSARD - A steeply pitched roof, pitched at such an angle as to resemble a building wall.

MANSARD ROOF - A roof with two slopes on all four sides, with the lower slope nearly vertical and the upper nearly horizontal.

MANUFACTURED HOME - A structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143-145).

MANUFACTURED HOME, SINGLE SECTION - See MANUFACTURED HOME, TYPE I.

MANUFACTURED HOME, MULT-SECTION - A manufactured home assembled in two (2) or more sections. Also, see MANUFACTURED HOME, TYPE II.

MANUFACTURED HOME, TYPE I - A manufactured home assembled in one section not exceeding seventeen (17) feet in width.

MANUFACTURED HOME, TYPE II - A multi-section manufactured home greater than or equal to seventeen (17) feet in width. Width for MANUFACTURED HOMES - TYPE II shall be determined by mean width when all sections are in a final assembly arrangement.

MANUFACTURED HOME PARK - Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

MANUFACTURED HOME SPACE - The portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

MANUFACTURED HOME SUBDIVISION - A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

MANUFACTURED HOUSING - See Manufactured Home.

MANUFACTURING, HEAVY - An establishment and/or activity primarily engaged in manufacturing, production and/or assembly which involves specialized processes on the premises.

MANUFACTURING, LIGHT - An establishment and/or activity primarily engaged in manufacturing, production and/or assembly which does not involve, on the premises, the use of heat, noise and/or odor generating/producing processes, which are detectable off-site.

~~**MARKET VALUE** - The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.~~

MARQUEE - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN - Any sign attached to, in any manner, or made a part of a marquee.

MASSAGE - The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

MASSAGE BUSINESS - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS § 14-202.10)

MATERIAL - Relative to sexually oriented businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

MATERIALS RECOVERY FACILITY - Any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

MEAN SEA LEVEL - For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEDICAL CLINIC - An office occupied and used for the duties associated with a Health Care Provider or Chiropractor.

MENTAL HEALTH FACILITY - Any individual, association, group or other entity at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes any "area facility," "licensable facility," "private facility," "residential facility," "State facility," "24-hour facility," Veterans Administration facility as defined in NCGS § 122C-3. (Source: NCGS § 122C-3).

MEZZANINE - One or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

MICRO WIRELESS FACILITY - A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches

MINE - An area of land and all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, NCGS § 74-24.2) See § 8.3 of this Ordinance.

MINI-WAREHOUSE - Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located. See § 8.3 of this Ordinance.

MINING - Defined as: a.) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; or b.) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include: (i) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area; (ii) Mining operations where the affected land does not exceed one acre in area; (iii) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land; (iv) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; (v) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area. (Source: The Mining Act of 1971, NCGS § 74-49)

MINOR THOROUGHFARE- A Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

MITIGATION - The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

MIXED USE DWELLING - See "BUILDING, MIXED USE."

MIXED USE DEVELOPMENT OR MIXED USE PROJECT- A proposed development that includes primary non-residential and primary residential uses on the same development site.

MODERATE INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MODULAR HOME - A dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

MONUMENT SIGN - A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

MOTOR HOME - A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

MOTOR VEHICLE - See "VEHICLE, MOTOR."

MOTOR VEHICLE REPAIR SHOP - See "AUTOMOBILE REPAIR SHOP".

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MULTI-FAMILY DWELLING - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

MULTIPLE DWELLING- See "APARTMENT HOUSE."

MUNICIPALITY - An incorporated city or town.

MUNICIPAL STREET - A street or highway accepted by the City and which is not a State Highway. (Source: 19A NCAC § 20.0404).

MUNICIPAL SOLID WASTE MANAGEMENT FACILITY- Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal. (Source: NCGS § 130A-290)

NAICS MANUAL - The North American Industry Classification System, 1997 edition (or most current version as amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

NATURAL EROSION - See Sedimentation Control Standards.

NATURAL HAZARD - A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

NATURAL RESOURCE - Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NEIGHBORHOOD PARK - A public recreation facility ranging in size from fifteen (15) to twenty-five (25) acres and which is improved with a combination of active recreation areas for family use such as field game areas (such as ball field), court game areas (such as tennis and basketball courts), crafts, playground apparatus, and passive recreation areas such as picnicking.

NET AREA - The area of a lot or parcel, excluding all dedicated streets or alleys and

roadway or alley easements.

NET FLOOR AREA - The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

~~**NEW CONSTRUCTION** - Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.~~

NODE - An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NON-COMMERCIAL MESSAGE - Any sign, wording or other representation that expresses an idea, theory or fact not relating directly or indirectly to business.

NON-COMMUNITY WATER SYSTEM - See definition of "Public Water System."

NON-CONFORMING - A legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

NONCONFORMING BUILDING OR STRUCTURE - A Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See § 13.1 of this Ordinance.

NON-CONFORMING SIGN - Any sign that does not conform to the requirements of this ordinance.

NON-CONFORMING USE - A use of land that:

1. legally existed before its current zoning or land use category designation; and
2. has been maintained continuously since the time the applicable regulations governing the land changed; and
3. because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

See § 13.1 of this Ordinance.

~~**NON-ENCROACHMENT AREA** - The channel of a river or other watercourse and the~~

~~adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.}~~

NON-POINT SOURCE - Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT - Organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NOTICE OF INTENT - A written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use. See § 78.3 of this Ordinance.

NURSERY SCHOOL/PRE- SCHOOL/DAY CARE - See "CHILD CARE."

NURSING HOME - A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'nursing home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. (Source: NCGS § 131E-101) See § 8.3 of this Ordinance.

OBSTRUCTION - A dam, wall, embankment, levee, dike, pile, abutment, projection,

excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

OCCUPANCY - The purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

OCCUPANT LOAD - The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

OCCUPIED RESIDENCE - A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

OCCUPIED SPACE - The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

OFFICE - A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFF-PREMISE SIGN - A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However, this definition shall include Outdoor Advertising or "Billboard" signs.

OFF-SITE - Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

OFF-SITE STORMWATER SYSTEMS - Stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

ON-PREMISE SIGN - A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the

premises where the sign is located.

ON-SITE - With regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

ON-SITE STORMWATER SYSTEMS - The systems necessary to control stormwater within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

OFF-STREET PARKING SPACE - The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN - The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

OPEN DUMP - A solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A- 290)

OPEN MINING - The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE - Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS § 160D-1307)

OPEN SPACE STANDARDS - See Parks and Open Space Standards.

OPEN SPACE, COMMON - Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and

intended for the common ownership, use and enjoyment of the residents of the development.

ORDINANCE - Unless otherwise specified, refers to this Concord Development Ordinance.

OTHER ANIMALS - Those animals not defined elsewhere in this Article as household pets or agricultural animals.

OUTDOOR ADVERTISING (BILLBOARD) SIGNS - A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

OUTDOOR CULTURAL EVENTS - Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

OUTDOOR EVENT, TEMPORARY - A temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

OUTDOOR LIGHT FIXTURES - "Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

OUTDOOR RECREATIONAL FACILITY - Any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

OUTDOOR STORAGE, NON-VEHICULAR - An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

OVERBURDEN - The earth, rock, and other materials that lie above the natural deposit of minerals.

OWNER - Any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202).

PANEL - The primary surface of a sign that carries the identifying/advertising message.

PARAPET - A low wall or barrier built above the cornice of a building, whether built with a sloped or flat roof.

PARCEL - An area of land defined by a legal description and recorded with the County Register of Deeds.

PARENT - A person that directly, or indirectly through one or more intermediaries, controls another person.

PARK, COMMUNITY - The community park is easily accessible to a single, or several neighborhoods, depending on local needs and population distribution at the time the park is developed. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARK, DISTRICT - A district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20-mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

PARK, LINEAR - A linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

PARK, NEIGHBORHOOD - The neighborhood park is designed to serve a population of up to 5,000, but in many instances, even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be

required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

PARK, REGIONAL - A regional park is a park within a fifty-mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally, 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

PARKING GARAGE - An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

PARKING LOT- Any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

PARKING SPACE - A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PARKING STRUCTURE- A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

PARTIALLY SHIELDED- "Partially shielded" means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report.

PASSIVE OPEN SPACE - Any area in a particular natural or environmental setting which may include conservation land providing for resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, nature trails, and nature study. Farm fields, pastures, and wood lots may be considered passive open space. Farm buildings and intensively used areas such as parking lots and equipment storage yards may not be considered passive open space.

PATH, MULTI-USE - A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PATIO HOME - A detached home built on a very small lot. A patio home can also be a single-family detached dwelling sitting on land owned by a condominium group. Targeted buyers are homeowners who do not want to be bothered with lawn maintenance.

PAVEMENT - The paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

PAWNSHOP - The location at which, or premises in which, a pawnbroker, as defined in NCGS § 91A- 2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS § 91A-2)

PEDESTRIAN PATH - An improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

PEDESTRIAN RIGHT-OF-WAY -A right-of-way or easement dedicated for public pedestrian access.

PEDESTRIAN SPACE: Any public or private space that invites people to sit, gather, or congregate.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMER - Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMEABLE PAVEMENT - A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

PERSON - Any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi- governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

PERSONAL SERVICE ESTABLISHMENT - A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

PETITIONER - An applicant.

PET SHOP - A person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. (Source: NCGS § 19A-23)

PHARMACY - Any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

PHASED DEVELOPMENT PLAN - A plan which has been submitted to a city by a

landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site-specific development plan. (Source: NCGS § 160D-102 et seq.)

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

PHYSICIAN - An individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PILINGS - Foundational structures placed into the earth to secure buildings and other structures.

PLACE OF PUBLIC ASSEMBLY - A fairground, auditorium, stadium, church, theater or any other place where people assemble. (Source: NCGS § 130A-334)

PLANNED CAPACITY - See Adequate Public Facilities Standards of this Ordinance.

PLANNED CAPITAL IMPROVEMENT - See Adequate Public Facilities Standards of this Ordinance.

PLANNED DEVELOPMENT - A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

PLANNED UNIT DEVELOPMENT (PUD) - An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of section 9.1 of this Ordinance.

PLANNING COMMISSION - The City of Concord Planning Commission. Also referred to as the "Commission."

PLANT- Any member of the plant kingdom, including seeds, roots and other parts or

their propagules. (Source: NCGS § 106-202.12)

PLAT - The legal map of a subdivision.

POINT SOURCE- Any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143-213)

POLITICAL SIGN - A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.

POOL OR BILLIARD HALL OR PARLOR - An establishment which is engaged in the business of keeping for rent or hire four (4) to sixteen (16), billiard or bagatelle tables, or tables of like character. Businesses with more than sixteen (16) of such tables are not permitted.

PORTABLE SIGN - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

PORTICO - A colonnade or covered, sheltered entrance to a building.

POSITIVE DRAINAGE - Clear, unobstructed flow of stormwater away from any building.

~~**POST-FIRM** - Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.~~

PRACTICABLE ALTERNATIVE - Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

~~**PRE-FIRM** - Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.~~

PRELIMINARY PLAT - The preliminary drawing or drawings, described in Chapter 5 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

PRETREATMENT FACILITY - Any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

PRETREATMENT STANDARDS - Effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

PRINCIPAL BUILDING OR STRUCTURE - The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

~~**PRINCIPALLY ABOVE GROUND** - Means that at least 51% of the actual cash value of the structure is above ground.~~

PRINCIPAL USE - The main or primary use of a parcel of land.

PRIVATE - Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE CLUBS - An organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1). (Source: NCGS § 130A-247)

PRIVATE USE - One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES - Includes power, telephone, natural gas, cable television and private water supply service.

PRODUCE STAND - A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)

PROFESSIONAL ENGINEER - A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for

Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

PROFESSIONAL OFFICE - An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

PROJECTING SIGN - A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

PROPERTY LINE, COMMON - A line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

PROPERTY LINE - See "Lot Line."

PROTECTED PLANT - A species or higher taxon of plant adopted by the Board to protect, conserve, and/or enhance the plant species and includes those the Board has designated as endangered, threatened, or of special concern. (Source: NCGS § 106-202.12)

PUBLIC - Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC OR COMMUNITY WASTEWATER SYSTEM - A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

PUBLIC ASSEMBLY, INDOORS - Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.

PUBLIC ASSEMBLY, OUTDOOR - See "Commercial Amusement, Outdoor."

PUBLIC FACILITIES - See Adequate Public Facilities of this Ordinance.

PUBLIC HEARING - A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP - Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.

PUBLIC MEETING - A meeting of a Board, Planning Commission, City Council or their representatives where the public may attend.

PUBLIC NOTICE - Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

~~**PUBLIC SAFETY AND/OR NUISANCE** - Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.~~

PUBLIC SCHOOL OR PUBLIC SCHOOL FACILITY - Any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

PUBLIC SPACE - A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

PUBLIC TRANSPORTATION - Transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC TRANSPORTATION SYSTEM - Without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC USE - A use which is owned by, and operated for, the public by a public entity.

PUBLIC-USE HELIPORT - A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

PUBLIC WATER SYSTEM - A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

1. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
2. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

1. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
2. "Noncommunity water system" means a public water system which is not a community water system.

(Source: NCGS § 130A-313)

The term "public water system" also includes a system for the provision of piped water for human consumption as defined in NCGS 130A-313(10). (Source: NCGS § 90A-20.1)

PYLON (OR POLE) SIGN - A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

QUADRUPLEX- A building containing four (4) attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

QUALIFIED LANDSCAPE ARCHITECT - A person with at least a four year degree in the field of landscape architecture from an accredited university offering such a degree.

QUARRY- See "MINE." See § 8.3 of this Ordinance.

RACE TRACK, AUTOMOBILE - A facility consisting of a paved roadway used primarily for the sport of automobile racing. Race track may include seating, concession

areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RCRA - The Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

REAL PROPERTY - Lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS § 160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

REAR YARD - See "Yard, Rear."

REAR SETBACK - The minimum horizontal distance between any building and the rear property line.

RECEIVING AREA - An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECLAMATION - The reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

RECLAMATION PLAN- The operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

1. Proposed practices to protect adjacent surface resources;
2. Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;
3. Manner and type of revegetation or other surface treatment of the affected areas;

4. Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;
 5. Method of compliance with State air and water pollution laws;
 6. Method of rehabilitation of settling ponds;
 7. Method of control of contaminants and disposal of mining refuse;
 8. Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;
 9. Maps and other supporting documents as may be reasonably required by the Department; and
 10. A time schedule that meets the requirements of G.S. 74-53.
- (Source: The Mining Act of 1971, NCGS § 74-49)

RECORDED/RECORD - Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

RECREATIONAL CENTER - A facility, public or private, with reserved areas for relaxation, recreation, and social related activities.

RECREATIONAL VEHICLE - A vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
5. Is fully licensed and ready for highway use.

REDEVELOPMENT - For purposes of Article 4, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

~~**REFERENCE LEVEL** - The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.~~

REFUSE - All waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined

and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

REGISTERED LAND SURVEYOR - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

REGULATION - As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

~~**REGULATORY FLOOD ELEVATION** - The elevation which is two (2) feet above the calculated water surface elevation of the base flood.~~

~~**REGULATORY FLOOD PROTECTION ELEVATION** - The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.~~

RELIGIOUS INSTITUTION - A facility used primarily for religious assembly or worship and related religious activities.

~~**REMEDY A VIOLATION** - To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.~~

RENDERER - The business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or other equines. (Source: § 106-549.15)

REQUIRED SETBACK - The distance required by Article 7 of this Ordinance between the building or other structure and the lot line or, for un-subdivided properties, the property line.

RESEARCH FACILITY - Any place, laboratory, or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted. (Source:

NCGS § 19A-23)

RESERVATION- Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

RESIDENTIAL CHILD-CARE FACILITY - A staffed premise with paid or volunteer staff where children receive continuing full- time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care. (Source: NCGS § 131D-10.2)

RESIDENTIAL USE - Includes all uses listed as residential in the Use Matrix.

RESIDENT PLANT OR RESIDENT SPECIES - A native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

RESORT - A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

RESOURCE EXTRACTION - The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RESTAURANT - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

RE-SUBDIVISION - The changing of an existing parcel created by a plat and recorded with the County Clerk and Register of Deeds.

RETAIL - The sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105-164.3).

RETAILER - Every person engaged in the business of making sales of tangible personal property at retail, or peddling the same or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption. (Adapted from: North Carolina Sales and Use Tax Act, NCGS § 105-164.3)

RETAINING WALL - A manmade barrier constructed for the purpose of stabilizing soil,

retarding erosion, or terracing a parcel or site.

REVISION - "Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

REZONING - An amendment to the Official Zoning Map as established and maintained according to Article 3 to this Ordinance.

RIDGE - For purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

RIGHT-OF-WAY - 1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the City for roads or streets, or a right- of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

RIPARIAN ECOSYSTEM - Living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek,, or other body of water, either surface or subsurface.

RIVER - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Source: NCGS § 113A-33)

~~**RIVERINE** - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.~~

ROAD - A public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

ROADSIDE STAND - An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY - The improved portion of a street within a right-of-way and/or easement.

ROOF LINE - The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

ROOF SIGN - Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

ROWHOUSE - One of a series of houses, often of similar or identical design, situated side by side and joined by common walls.

SAFETY SERVICES - Any of the following uses or activities classified under NAICS 922 (Justice, Public Order, and Safety Activities); NAICS 92212 (Police Protection), NAICS 92216 (Fire Protection), or NAICS 56162 (Security Systems Services); but not including NAICS 9221 (Justice, Public Order, and Safety Activities); 92211 (Courts); 92213 (Legal Counsel and Prosecution); 92214 (Correctional Institutions); or 92215 (Parole Offices and Probation Offices, including Emergency Medical Services). "Safety Services" does not include any warehouse or facility devoted to the maintenance of police or fire equipment, or any gun range or shooting range.

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

SANITARY LANDFILL - A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS § 130A-290)

SAWMILL - An operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A "sawmill" is sometimes referred to as a "planing mill." See § 8.3 of this Ordinance.

SAWMILL, ACCESSORY - A Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site. See § 8.3 of this Ordinance.

SCENIC EASEMENT - A perpetual easement in land which (i) is held for the benefit of the people of North Carolina, (ii) is specifically enforceable by its holder or beneficiary, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 113A-33). A "scenic easement" also includes a perpetual easement in land which

1. is held for the benefit of the people of North Carolina,
2. is specifically enforceable by its holder or beneficiary, and
3. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

(Source: North Carolina Trails System Act, NCGS § 113A-85)

SCHOOL - An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

SCHOOL, BOARDING - An elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

SCHOOL, BUSINESS OR TRADE - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

SCHOOL DISTRICT - Any school district as defined in NCGS § 115C-69.

SCHOOL PROJECT - Any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items

necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS § 115E-3)

SCRAP AND SALVAGE SERVICES - An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

SCREENING - Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or buffer yard. (See Landscape Standards).

SEARCH RING - The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SEASONAL HIGH WATER TABLE - The highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see 15A NCAC 2H.1002, which is hereby incorporated by this reference).

SEDIMENT - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

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

SEDIMENTATION ACT - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

SEDIMENT AND EROSION CONTROL DEVICES- Sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

SEISMIC EFFECTS - Direct and indirect effects caused by an earthquake or man-made

phenomena.

SENDING AREA - An area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

SENIOR HIGH SCHOOL - A school which embraces the tenth, eleventh and twelfth grades. (Source: NCGS § 115C-75)

SENSITIVE AREAS - Critical Areas, slopes exceeding 3:1 (pre-development), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the Comprehensive Plan.

SEPTAGE - Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:

1. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.
2. Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
3. Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.
4. Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water-carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.

(Source: NCGS § 130A-290)

SEPTAGE MANAGEMENT FIRM - A person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community wastewater systems that treat or dispose septage. (Source: NCGS § 130A-290)

SEPTIC TANK SYSTEM- A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

SERVICE LINES - Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE STATION - A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

SERVICE YARD AND/OR ENTRANCE - An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

SETBACK - The distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected.

SETBACK LINE- A line measured from the property line or right-of-way line of a public street, as applicable. Also, see building line.

SEWAGE - Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

SEWAGE DISPOSAL SYSTEM - Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting

from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWERS - Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

SEWER SYSTEM - Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

SEXUALLY ORIENTED DEVICES - Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device. (Source: NCGS § 14-202.10)

SEXUALLY-ORIENTED BUSINESS - Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS § 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment. (Source: NCGA §§ 160A-181.1; 14-190.13; 14-202.10). See § 8.3 of this Ordinance.

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SHOULDER - The earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

SIDEWALK - The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIDE SETBACK- The minimum horizontal distance between any building and the side property line.

SIGN - Any object, device, display, structure, placard, identification, description, animation, illustration or part thereof which is used to advertise, to identify the

purpose of a person or entity, to display, direct or attract attention to an object, person, institution, organization, business, product, service, event, individual, or to communicate information of any kind to the public, including, but not limited to, words, letters, logos, symbols, trademarks, trade names, insignia, numerals, figures, designs, symbols, fixtures, colors, illuminations, projected images, or any other attention-diverting device(s).

SIGNIFICANT ADVERSE IMPACT - Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
3. Alteration of base flood elevations;
4. Alteration of existing hydrologic or aquatic systems;
5. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

SILTATION - Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

SINGLE-FAMILY RESIDENTIAL COMPLEX - A group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

SINGLE-FAMILY RESIDENTIAL DWELLING - A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

SITE EVALUATION - An investigation to determine if a site meets all federal and State

standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106-802, Swine Farm Siting Act)

SITE PLAN - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SITE SPECIFIC DEVELOPMENT PLAN (SSDP) - A plan which has been submitted to a city by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a city. Unless otherwise expressly provided by the City, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific development plan under this section that would trigger a vested right shall be finally determined by the City pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site-specific development plan, and approval of a site-specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site-specific development plan. (Source: NCGS § 160D-102.)

SKETCH PLAN- A sketch preparatory to the preliminary plat or site plan (or final plat

or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

SLAUGHTERHOUSE - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

SLOPE - A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SLUDGE - Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

SMALL WIRELESS FACILITY - A wireless facility that meets both of the following qualifications: a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet. B. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

SPINNER - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

SQUARE - Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

SOLID MASONRY - Load-bearing or nonload-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross-sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

SOIL SURVEY - The Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

SOLID WASTE - Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

1. Fecal waste from fowls and animals other than humans.
2. Solid or dissolved material in
 - a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
 - b. Irrigation return flows.
 - c. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
4. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
5. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
(Source: NCGS § 130A-290)

SOLID WASTE DISPOSAL FACILITY - A facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste. (Source: NCGS § 159C-3)

SOLID WASTE DISPOSAL SITE - Any place at which solid wastes are disposed of by

incineration, sanitary landfill or any other method. (Source: NCGS § 130A-290)

SOLID WASTE MANAGEMENT FACILITY - Land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

SOUND MANAGEMENT PROGRAM - A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105- 277.2).

SPECIAL CONCERN SPECIES - Any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106-202.12)

~~**SPECIAL FLOOD HAZARD AREA (SFHA)** - The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.~~

SPECIAL USE - A "special use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a special use if designated as such by the Use Matrix of Table 8.1.8.

SPECIFIC PLAN - A document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by (1) refining the policies of the Comprehensive Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

SPECIFIED ANATOMICAL AREAS - Means: 1.) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or 2.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Source: NCGS § 14-202.10)

SPECIFIED SEXUAL ACTIVITIES - Means: 1.) Human genitals in a state of sexual stimulation or arousal; 2.) Acts of human masturbation, sexual intercourse or sodomy; or 3.) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts. (Source: NCGS § 14-202.10)

SPINNER - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

SPOIL BANK - A deposit of excavated overburden or refuse. (Source: The Mining Act of 1971, NCGS § 74-49)

STABLE, COMMERCIAL - A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands. See § 8.3of this Ordinance.

STABLE, PRIVATE - A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

STAFF - Unless otherwise indicated, the staff of the Planning Department.

~~**START OF CONSTRUCTION** - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.~~

STATE HIGHWAY - Street or highway on the State Highway System.

STATE HIGHWAY SYSTEM - The system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

STORM DRAINAGE FACILITIES - The system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER - The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

STORMWATER COLLECTION SYSTEM - As defined in 15A NCAC 2H.1002, which is hereby

incorporated by this reference.

STORMWATER RUNOFF - The direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

STORY - That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

STORY ABOVE GRADE- Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) More than 6 feet (1829 mm) above grade plane; (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or (3) More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

STREAM - A watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

STREAM (CLASS I) - All rivers or streams shown on USGS Quadrangle maps as a solid blue line

STREAM (CLASS II) - all rivers or streams shown on USGS Quadrangle Maps as a dotted blue line or if not already classified as a Class 1 stream, identified as a stream on the NRCS soil survey map for Cabarrus County; or identified as a stream by a qualified stream classification professional as defined in subsection B.

STREAMER - A string or strip of miniature or full-size pennants or flags which may or may not be suspended between two points.

STREET - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STREET LINE - A lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

STREETSCAPE- Features added to a public street, that improve its physical appearance beyond the typical minimum requirements. Such improvements, may include street trees, benches, public art, landscaping, textured pavement, decorative light poles, decorative street signs, etc.

STRIP DEVELOPMENT - A form of development characterized by the following:

1. the primary uses are commercial or retail in nature;
2. the development site takes direct access from an Arterial or Collector Road;
3. the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
4. the site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURE - Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures. ~~For purposes of Section 4.7, "structure" shall also include a gas, liquid, or liquefied gas storage tank that is principally above ground.~~

STRUCTURE, MAIN OR PRINCIPAL - See "Building, Main or Principal."

STRUCTURE, PERMANENT - Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY - A moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure, and placed on a parcel of land for a period of time equal to one (1) year or less.

STUB-OUT (STUB-STREET) - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE or "SUBDIVIDE LAND" - The act or process of creating a Subdivision.

SUBDIVIDER - Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definitions nor be subject to the regulations authorized by this part: (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 are equal to or exceed the standards of the municipality as shown in its subdivision regulations. (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved. (3) The public acquisition by purchase of strips of land 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 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

SUBGRADE - The foundation layer of a street.

SUBSIDIARY - A person who is directly, or indirectly through one or more intermediaries, controlled by another person.

~~**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

~~**SUBSTANTIAL IMPROVEMENT** - Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market~~

~~value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~1. any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or~~
- ~~2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

SUBSTANTIAL MODIFICATION - The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

1. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
2. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
- 4.

SUPERSTORE - A retail structure or group of structures have a total of in excess of twenty-five thousand (25,000) square feet of Gross Floor Area.

SURFACE, IMPERVIOUS - See Impervious Surface.

SURVEYOR - A land surveyor registered by the State of North Carolina.

SWALE - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE - A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

SWINE FARM - A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

SWINE HOUSE - A building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

TATTOO PARLOR - Any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof.

~~**TECHNICAL BULLETIN AND TECHNICAL FACT SHEET** - A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.~~

T-SHAPED SIGN - A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

TELEVISION, RADIO AND FILM STATION - A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TEMPERATURE CONTROLLED - having the temperature regulated by a heating and/or cooling system, built-in or appliance.

TEMPORARY - Unless otherwise specified, for a period of time less than or equal to one (1) year.

TEMPORARY SIGN - A sign advertising a special event and not intended to be displayed on a permanent basis.

TEMPORARY USE - See Use, Temporary.

TEN-YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

THOROUGHFARE - A Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

THOROUGHFARE PLAN - The document entitled Cabarrus - South Rowan Urban Area Transportation Plan prepared by the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation and dated October 1997 (or newer edition as amended), which document is hereby incorporated by this reference.

THREATENED SPECIES - Any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

THROUGH LOT- See "Lot, Through."

TIME SHARE - A "time share" as defined in NCGS 93A-41(9).

TIRE COLLECTION SITE - A site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

TIRE PROCESSING SITE - A site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

TOTAL PERMISSIBLE DWELLING UNITS OR SQUARE FOOTAGE - The total density or intensity of a project computed pursuant to Article 7 of this Ordinance.

TOWNHOUSE - A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (Source: North

Carolina State Building Code, Vol. 1, § 201.3)

TOWNHOUSE, STACKED - Units that are stacked on each other; units may be multilevel; all units have direct access from the outside.

TOXIC WASTE - That waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

TRACT - All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TRAIL - Any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

1. Park trail. -- A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
2. Designated trail. -- A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
3. A State scenic trail, State recreation trail, or State connecting trail under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
4. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system

(Source: North Carolina Trails System Act, NCGS § 113A-85)

TRANSFER STATION, HAZARDOUS - A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

TRANSIENT - Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

TRANSIT SYSTEM - The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including

park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRANSIT STATION - Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSIT FACILITY - All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

TRANSIT TERMINAL - A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES - Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRAVEL TRAILER - A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT WORKS - Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

TRIPLEX - A building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK CAMPER - A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

TRUCK AND MULTI-MODAL TERMINAL - A facility for truck loading and unloading and cargo storage.

TRUCK PARKING AREA - An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

TWENTY-FIVE YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

UNCOVERED - The removal of ground cover from, on, or above the soil surface.

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM - A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

UNDERLYING DISTRICT or UNDERLYING ZONING DISTRICT- A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UNIQUE OR SPECIAL AREAS PARKS - Any unique or special area as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8.

UNSUITABLE OR UNSTABLE SLOPE - An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

UNUSABLE LAND - Unusable land shall mean:

1. Any land where building construction is prohibited (such as wetlands, stream buffers, dedicated easements and rights-of-way, except those existing only to protect underground utilities such as water lines or sewer lines, etc.) as determined by the Administrator; or
2. Land with a post-development slope greater than 3:1; or
3. Land farther than ½ mile from a lot included in the development.

UPZONING - The reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity than the current zoning classification of the property.

USE - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED - Any use that is or may be lawfully established in a particular district

or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE MATRIX - The schedule of permitted uses, conditional uses and accessory uses within each zoning district set forth in Table 8.1.8 of this Ordinance.

USE PERMITS - Approval, with appropriate stipulations, by the Governing Agency after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

USE, QUASI-PUBLIC - Uses which are considered to be dedicated to public service or to culture. These uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY - A use that is established for one (1) year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 8..8 of this Ordinance.

USE, VARIANCE - A variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

USED OIL RECYCLING FACILITY - Any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290)

UTILITIES - Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY FACILITIES - Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

UTILITY POLE - A structure that is designed for and used to carry lines, cables, or wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

UTILITY SERVICE YARDS - Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

VALANCE - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VARIANCE - A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VEGETATIVE BUFFER- An area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE FILTER - An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE GROUND COVER - Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

VEHICLE - Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK - A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL - Any motor vehicle with a manufacturer's chassis rating greater than one ton.

VEHICLE, MOTOR - A device, in, upon or by which any person or property is or may be transported or drawn upon a road or highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

1. First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.
2. Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

VEHICLE SIGN - See Portable Sign.

VERY LOW INCOME HOUSING - Dwelling units reserved for occupancy or ownership by persons or households whose annual gross income does not exceed fifty percent (50%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

VESTED RIGHT- The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS § 160D-102 et seq.)

VETERINARIAN - A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinarian establishment.

VIOLATION - ~~The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 1.5 is presumed to be in violation until such time as that documentation is provided.~~

WALL, EXTERIOR - A wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

WALL SIGN - A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

WAREHOUSING AND DISTRIBUTION, GENERAL - An establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

WAREHOUSING AND STORAGE - Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other

organisms or properties.

WASTE-RELATED USE- Any of the following, (see Use Matrix and this Article for rules of interpretation: Concentrated Animal Feeding Operation or Animal Production; Demolition Landfill; Hazardous Waste facility; Land Clearing and Inert Debris Landfill; Materials Recovery Facility; Salvage Yard; Septic and Other Waste Management Service; Slaughter House; Solid Waste Disposal Facility (including any Landfill, Incinerator or Combustor); Hazardous Waste Collection facility; or Nonhazardous Waste Collection facility.

WASTEWATER- Any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

WASTEWATER COLLECTION SYSTEM - A unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

WASTEWATER FACILITIES - Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTEWATER SYSTEM - A system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

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

WATER DEPENDENT STRUCTURES - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WATER FACILITIES - Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WATER POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143-213).

WATER POLLUTION CONTROL FACILITY - Any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

WATER POLLUTION CONTROL SYSTEM - A system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

WATER SUPPLY SYSTEM - A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

~~**WATER SURFACE ELEVATION (WSE)** - The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.~~

WATER SYSTEM - All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of stormwater runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural stormwater and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

WATER SYSTEM IMPROVEMENTS OR SEWER SYSTEM IMPROVEMENTS - Such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

WATER TOWER - A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WATER TREATMENT FACILITY - Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (Source: NCGS § 90A-20.1).

WATERS - Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the City. (Source: NCGS § 143-212).

WATERSHED - A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

WATERSHED COMMISSION - The Cabarrus County Watershed Improvement Commission.

WET DETENTION POND - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

WIND-DRIVEN SIGN - Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement

attract attention and function as a sign (see definition of SIGN).

WINDOW SIGN - A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information can be read from off-premise.

WINERY/CIDERY - An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages. The establishment may include uses permitted in the district in accordance with state and local laws.

WINERY/CIDERY-MICRO - An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages with a capacity not to exceed 1,000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

WIRELESS FACILITY - Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

1. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
2. Wireline backhaul facilities.
3. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER - Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

WIRELESS PROVIDER - A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES - Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER - A person who provides wireless services

WIRELESS SUPPORT STRUCTURE - A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting

wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

WOODLAND - All forest areas, both timer and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS § 113-57)

YARD - An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202)

YARD, FRONT - A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR - A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED - The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD, SIDE - A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 7.6.2 B of this Ordinance. (See Figure in definition of "required setback.") An interior side yard is defined as the side yard adjacent to a common lot line.

YARD SETBACK - The minimum horizontal distance between any building and the property line.

ZERO LOT LINE - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING CLEARANCE - The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

ZONING DISTRICT - Any portion of the area of the City in which the same Zoning

regulations apply.

ZONING INSPECTOR - The Administrator or his duty authorized representative.

DATE: June 18, 2024

CASE: TA-07-24 Text Amendment (Article 4 – Flood Prevention Provisions)

PREPARED BY: Kevin Ashley, AICP- Deputy Planning Director

BACKGROUND

As the Commission may be aware, the City participates in the Community Rating System (CRS) program, which allows citizens to obtain lower cost flood insurance with the understanding that the City adopt flood prevention regulations that meet or exceed minimum FEMA (Federal Emergency Management Agency) model ordinance requirements. The flood prevention regulations are contained in Article 4 of the Concord Development Ordinance (CDO).

Occasionally, FEMA amends their minimum requirements, particularly relative to definitions and terminology. Additionally, each jurisdiction has a FEMA representative at the State level, who conducts periodic visits and audits to ensure that the minimum requirements are being correctly administered. At the last audit, the City received very high marks, but it was recommended that the we incorporate the terminology and definitions contained within FEMA's latest model ordinance. This amendment includes the model ordinance modifications, and does not result in more stringent requirements for landowners.

This report will highlight those changes and will emphasize those few instances where requirements have changed. As a note, the additions have necessitated that the sections be renumbered. A redline and "strikethrough" document is included to indicate the changes to the ordinance.

Section 4.7.1: The model ordinance contains reference to the authorization conferred by the General Statutes and is recommended in the event that a legal challenge is filed.

Section 4.7.5: This section contains the definitions as they relate to flood prevention and have been relocated from Article 14. Some of these definitions have different meanings in floodplain terminology than in other sections of the CDO, and it is advisable to move the definitions to Article 4.

Section 4.7.6.C: The SFHA (Special Flood Hazard Areas) were officially identified by an agreement between FEMA and State, and this section refers to that agreement, as opposed to a previous set of FEMA flood maps.

Section 4.7.7.B.2: The permit requirements section is being clarified to include two new items in permit requirements. These two items have been traditionally

part of a permit application for development in the floodplain, but this change clarifies the requirement.

Section 4.7.7.B.3: This section changes the reference to the actual calculation of the flood zones from “mean sea level” to NAVD, which is the vertical datum for surveying in the United States. Additionally, this section expands language for the “as-built” certification after construction to enumerate what documents are required, and to clarify corrective actions in the event of an incomplete application. This section also incorporates the updated abbreviations for the flood zones.

Section 4.7.7.C: The duties of the Administrator Section has been amended to clarify the specific duties by adding references to the Federal Water Pollution Control Act, as well as referring to NAVD instead of “mean sea level.” The section also includes minor changes in the wording.

Section 4.7.8.A: The Model Ordinance now specifies that new construction complies with a FEMA Technical Bulletin titled “Flood Damage Resistant Materials Requirements”. This section also clarifies that buildings and structures that are in more than one flood hazard area comply with the provisions of the more restrictive zone.

Section 4.7.8.B: This section has several changes relative to terminology. Most notably, language is included that new construction must be outside of the SFHA (Special Flood Hazard Area), as well as fill being prohibited within the SFHA. Terminology changes include clarifications on manufactured housing, elevated buildings, additions and improvements and size and cost thresholds for accessory structures. Additional included clarifications involve language on tank inlets, vents and “limited storage” facilities.

Section 4.7.8.E: The change to this section involves clarifications relative to manufactured housing requirements.

Section 4.7.9.D: This section includes the effective date of the Ordinance.

As discussed above, the changes to Article 4 reflect historical administrative practices and incorporate contemporary terminology as required by FEMA.

The Ordinance is in approval form and may be referred to City Council for public hearing upon consensus of the Commission.

4.7 FLOODPLAIN LIFE AND PROPERTY PROTECTION

4.7.1 **STAUTORY AUTHORIZATION**

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

Therefore, the City of Concord City Council does claim as follows:

4.7.2 **FINDINGS OF FACT**

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

4.7.~~32~~ **STATEMENT OF PURPOSE**

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

- A. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.7.~~43~~ **OBJECTIVES**

The objectives of this ordinance are to:

- A. protect human life, safety, and health;
- B. minimize expenditure of public money for costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business losses and interruptions;
- E. minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F. minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- H. Maintain the natural and beneficial functions of floodplains;
- I. help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- J. ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

4.7.4 4.7.5 DEFINITIONS (The following definitions are applicable to this Section 4.7. Definitions applicable to other sections and articles of the Concord Development Ordinance are included in Article 14). ~~SEE ARTICLE 14~~)

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

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

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

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

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area (SFHA)"**.

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

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

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

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

“Building” see **“Structure”**.

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

“Design Flood” See **“Regulatory Flood Protection Elevation.”**

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

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

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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

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

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

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated November 13, 1994.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community., dated November 13, 1994.

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

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

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see **“Floodplain”**

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

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

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

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

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

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

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

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

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

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

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

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

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

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

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

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

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

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

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

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

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

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The

agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

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

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after November 13, 1994, the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before November 13, 1994, the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

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

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

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

For the purpose of this ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus two (2) feet freeboard*. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting

the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

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

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

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

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

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

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

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

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

- 1.) *By choosing a timeframe that includes cumulative damages sustained over a period of time exceeding one-year period. (5 or 10-year period recommended)*
- 2.) *By choosing a percent damaged that is less than 50% of the market value of the structure (CRS recommends 30 %.)*
- 3.) *By adding the following text for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses: Substantial damage also means flood-related damage*

sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.]

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

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

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

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

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

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

4.7.65 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the City of Concord.

B. ACTIVITIES AND STRUCTURES WITHIN SPECIAL FLOOD HAZARD AREAS

All development within the Special Flood Hazard Areas shall meet the Water Supply Source Watershed Protection (Section 4.2), Waterbody Buffers (Section 4.3), Stormwater Control (Section 4.4), Sedimentation and Erosion Control (Section 4.5) and Vegetation and Utility Protection (Section 4.6) requirements.

1. General. New construction and substantial improvements shall be:

- a. Constructed with materials and utility equipment resistant to flood damage; and
- b. Constructed by methods and practices that minimize flood damage.

2. Utilities

- a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewer and disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

C. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

~~The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 16, 2018 for Cabarrus County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Concord are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.~~

~~The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Cabarrus County Unincorporated Area, dated Nov. 2, 1994.~~ **The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 2, 1994 for Cabarrus County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.**

D. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT (ZCP)

A Floodplain Development Permit (ZCP) shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 4.7.65(C) of this ordinance.

E. COMPLIANCE

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

F. ABROGATION AND GREATER RESTRICTIONS.

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

G. INTERPRETATION

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

H. WARNING AND DISCLAIMER OF LIABILITY

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

I. PENALTIES FOR VIOLATION

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

4.7.76 ADMINISTRATION

A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

In accordance with Section 2.1.2, the Planning and Neighborhood Development Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

1. Application Requirements

Application for a Floodplain Development Permit (ZCP) shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit (ZCP):

- a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 4.7.5(C), or a statement that the entire lot is within the Special Flood Hazard Area;
 - flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 4.7.5(C);
 - the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 4.7.65(C);
 - the Base Flood Elevation (BFE) where provided as set forth in Sections 4.7.65(C); 4.7.76(C); or 4.7.87(C).
 - the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - the certification of the plot plan by a registered land surveyor or professional engineer.
- b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
- c. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - Openings to facilitate automatic equalization of hydrostatic flood forces on walls—in accordance with Section 4.7.87(B)(4)(de) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- e. Usage details of any enclosed areas below the lowest floor.
- f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- g. Certification that all other Local, State and Federal permits required prior to Floodplain Development Permit (ZCP) issuance have been received.
- h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sections 4.7.87(B)(6) and 4.7.87(B)(7) of this ordinance are met.
- i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed

project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements - The Floodplain Development Permit (ZCP) shall include, but not be limited to:

- ~~a. a.~~ A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- ~~b. b.~~ The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 4.7.5(C).
- ~~c. c.~~ The regulatory flood protection elevation required for the reference level and all attendant utilities.
- ~~d. d.~~ The regulatory flood protection elevation required for the protection of all public utilities.
- ~~e. e.~~ All certification submittal requirements with timelines.
- ~~f. f.~~ A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 4.7.87(E) have been met.
- ~~g. g.~~ The flood openings requirements, if in Zones A, AO, AE or A1-30.
- ~~h. h.~~ Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only.)
- ~~i. i.~~ A statement, that all materials below BFE/RFPE must be flood resistant materials.

3. Certification Requirements

a. Elevation Certificates

- An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~mean sea level~~ **NAVD 1988**. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit (ZCP).
- An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~mean sea level~~ **NAVD 1988**. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to

make required corrections shall be cause to issue a stop-work order for the project.

- **A final Finished Construction Elevation Certificate (FEMA Form 086-0-33)** is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable. ~~A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.~~

b. Floodproofing Certificate

- If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall

review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zone A, ~~AO~~, AE, ~~AH, AO, or A99~~ or ~~A1-30~~ and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 4.7.~~87~~(B)(3)(b).

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit (ZCP).

e. Certification Exemptions. The following structures, if located within Zone A, ~~AO~~, AE, ~~AH, AO~~ or ~~A99-30~~, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

- Recreational Vehicles meeting requirements of Section 4.7.~~87~~(B)(6)(a);
- Temporary Structures meeting requirements of Section 4.7.~~87~~(B)(7); and
- Accessory Structures less than 150 square feet ~~or less, or \$5,000 or less~~ ~~and~~ meeting requirements of Section 4.7.~~87~~(B)(8).

4. Determinations for existing buildings and structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such

buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. ~~Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.~~
3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 4.7.87(E) are met.
6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 4.7.7(B)(3). ~~Obtain actual elevation (in relation to mean sea level) of the reference level (including~~

~~basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 4.7.6(B)(3).~~

7. ~~Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.7(B)(3).~~ Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.6(B)(3).
8. ~~Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of 4.7.7(B)(3).~~ Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 4.7.6(B)(3).
9. ~~When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of~~ When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 4.7.76(B)(3) and Section 4.7.87(B)(2).
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 4.7.65(C), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 4.7.87(C)(2)(b) in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 4.7.65(C), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- ~~13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit (ZCP) file.~~
- 13.44. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
145. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit (ZCP) progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that

the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- 1~~56~~. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance or in an illegal or dangerous manner, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- 1~~67~~. Revoke Floodplain Development Permit (ZCP)s as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit (ZCP) by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit (ZCP) mistakenly issued in violation of an applicable State or local law may also be revoked.
- 1~~78~~. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- 1~~89~~. Follow through with corrective procedures of Section 4.7.~~76~~(D).
- 1~~920~~. Review, provide input, and make recommendations for variance requests.
- 2~~04~~. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 4.7.~~65~~(C) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- 2~~12~~. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

D. CORRECTIVE PROCEDURES

1. **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner

or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. that the building or property is in violation of the floodplain management regulations;
 - b. that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
4. **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
5. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

E. VARIANCE PROCEDURES

1. The Board of Adjustment as established by the City of Concord, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
3. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - b. functionally dependent facilities if determined to meet the definition as stated in Article 14 of this ordinance, provided provisions of Sections 4.7.76(E)(9)(b), 4.7.76(E)(9)(c), and 4.7.76(E)(9)(e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - c. any other type of development, provided it meets the requirements of this Section.
4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;

- e. the necessity to the facility of a waterfront location as defined under [Article 2 Section 4.7.5](#) of this ordinance as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
5. A written report addressing each of the above factors shall be submitted with the application for a variance.
 6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
 7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
 8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
 9. Conditions for Variances:
 - a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - a showing of good and sufficient cause;
 - a determination that failure to grant the variance would result in exceptional hardship; and
 - a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or

extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - a. The use serves a critical need in the community.
 - b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - c. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - d. The use complies with all other applicable Federal, State and local laws
 - e. The City of Concord has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

4.7.7 4.7.8 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

1. All substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.~~All substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
3. All substantial improvements shall be constructed by methods and practices that minimize flood ~~damages~~damage.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 4.7. ~~76~~(E)(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 4.7. ~~76~~(B)(3).
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for substantial improvements.
15. When a structure is located in ~~multiple flood hazard zones or~~ in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation **(BFE)** shall apply.
16. All fill material within the floodplain shall be cut from an adjacent portion of the floodplain on the same deeded parcel, provided that the soil meets the needed structural requirements. If the soil on the same parcel does not meet the structural requirements, fill material may be taken from another parcel. The net result of cut and fill within the floodplain area shall constitute no net loss to the flood storage capacity of the floodplain. A professional engineer shall certify that the activity or development would not result in an increase in the flood level during a base flood outside property boundaries. If change occurs within property boundaries, applicant will be required to obtain a letter of map amendment from FEMA prior to recording of final plat.
17. New construction is not allowed within the Special Flood Hazard Area.
18. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 4.7.65 (C) or Section 4.7.87(C), the following provisions, in addition to the provisions of Section 4.7.87(A), are required

1. **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance. In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
2. **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 4.7.5 of this ordinance. Structures (substantial improvements only) located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 4.7.8(F)(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4.7.7(B)(3) along with the operational plan and the inspection and maintenance plan.~~New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance. Structures (substantial improvement only) located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 4.7.7(F)(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4.7.6(B)(3), along with the operational plan and the inspection and maintenance plan.~~In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.

3. Manufactured Homes.

- a. ~~New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance.~~ **New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Section 4.7.5 of this ordinance.** In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 4.7.~~87~~(B)(4).
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

4. Elevated Buildings. **Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:** ~~Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor and Regulatory Flood Protection Elevation, (two feet above calculated water surface elevation of the base flood):~~

- a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- b. shall not be temperature-controlled or conditioned;
- c. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- d. **shall include flood openings** ~~shall include, in Zones A, AO, AE, and A1-30, flood openings~~ to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional

engineer or architect or meet or exceed the following minimum design criteria:

- A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

e. **Fill is prohibited in the SFHA.**

5. Additions/Improvements.

- a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - **A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.** ~~a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards of Section 4.7.7(B)(1-4) as applicable.~~
- b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards ~~of Section 4.7.7(B)(1-4) as applicable.~~ **for new construction.**
- c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - not a substantial improvement, the addition and/or improvements only must comply with the standards **for new construction consistent with the code and requirements for the original structure.** ~~of Section 4.7.7(B)(1-4) as applicable.~~

- a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards of ~~Section 4.7.7(B)(1-4) as applicable.~~ **new construction.**
- d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a **one (1)** year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards ~~Section 4.7.7(B)(1-4) as applicable.~~ **for new construction.** For each building or structure, the **one (1)** year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a **ten (10)** -year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
- Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

6. Recreational Vehicles. Recreational vehicles shall either:

- a. Temporary Placement
- Be onsite for fewer than 180 consecutive days; or
 - Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
- b. Permanent Placement. Recreational vehicles that do not meet the limitation of Temporary Placement shall meet all the requirements ~~of Section 4.7.7(B)(1-4) as applicable.~~ **for new construction.**

7. Temporary Non-Residential Structures.

Prior to the issuance of a Floodplain Development Permit (ZCP) for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other

type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

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

8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b. Accessory structures shall not be temperature-controlled;
- c. Accessory structures shall be designed to have low flood damage potential;
- d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. Accessory structures shall be firmly anchored in accordance with the provisions of Section 4.7.87(A)(1);
- f. All service facilities such as electrical shall be installed in accordance with the provisions of Section 4.7.87(A)(4) and
- g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 4.7.87(B)(4)(de).

~~**An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 4.7.6(B)(3).~~ An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 4.7.7(B)(3). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 4.7.7(B)(3).

9. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- b. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or

lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

- c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4.7.~~87~~(B)(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

d. Tank inlets and vents. Tanks inlets, fill openings and vents shall be:

- At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

~~d.~~

10. Other Development. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4.7.~~87~~(E) of this ordinance.

- b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4.7.~~87~~(E) of this ordinance.

- c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4.7.~~87~~(E) of this ordinance.

d. Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

~~e.~~

C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 4.7.~~65~~(C) where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 4.7.~~87~~(A) shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of forty (40) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional

engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 4.7.~~87~~(A) and 4.7.~~87~~(B).
 - b. When floodway **or non-encroachment** data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 4.7.~~87~~(B) and 4.7.~~87~~(E).
 - c. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 4.7.~~65~~(C) and utilized in implementing this ordinance.
 - d. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in **Section 4.7.5.** ~~Article 14.~~ All other applicable provisions of Section 4.4.7(B) shall also apply.

D. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

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

1. Standards of Section 4.7.~~87~~(A) and Section 4.7.~~87~~(B) and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 4.7.65(C). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 4.7.87(A) and 4.7.87(B), shall apply to all development within such areas:

1. No encroachments, including fill, substantial improvements and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit (ZCP), or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained **within six (6) month of upon** completion of the proposed encroachment.
2. If Section 4.7.87(E)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. **Manufactured homes may be permitted provided the following provisions are met:** ~~No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:~~
 - a. the anchoring and the elevation standards of Section 4.7.87(B)(3); and
 - b. the no encroachment standard of Section 4.7.87(E)(1).

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 4.7.65(C) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 4.7.87(A) and 4.7.87(B), all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 4.7.87(F)(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 4.7.~~76~~(B)~~1~~(3) and Section 4.7.~~87~~(B)(2).

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

~~4. New construction must meet the requirements of Section 4.7.7(B)~~

G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH)

Located within the Special Flood Hazard Areas established in Section 4.7.~~65~~(C), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 4.7.~~87~~(A) and 4.7.~~87~~(B), all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. New construction must meet the requirements of Section 4.7.~~87~~(B)

4.7.~~98~~ LEGAL STATUS PROVISIONS.

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

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 13, 1994 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Concord enacted on November 13, 1994 as amended, which are not reenacted herein are repealed.

B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMIT (ZCP)S.

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

C. SEVERABILITY

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

D. EFFECTIVE DATE

This ordinance shall become effective **July 11, 2024.** ~~November 16, 2018.~~

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 §160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, 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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 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 Article 4, Environmental/Land-Disturbing Activities, Section 4.7, Floodplain Life and Property Protection, be deleted in its entirety.

SECTION 2: That Article 4, Environmental/Land-Disturbing Activities, Section 4.7, Floodplain Life and Property Protection, be rewritten as follows:

4.7 FLOODPLAIN LIFE AND PROPERTY PROTECTION

4.7.1 STAUTORY AUTHORIZATION

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

Therefore, the City of Concord City Council does claim as follows:

4.7.2 FINDINGS OF FACT

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

4.7.3 STATEMENT OF PURPOSE

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

- A. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.7.4 OBJECTIVES

The objectives of this ordinance are to:

- A. protect human life, safety, and health;
- B. minimize expenditure of public money for costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business losses and interruptions;
- E. minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F. minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- H. Maintain the natural and beneficial functions of floodplains;
- I. help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- J. ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

4.7.5 DEFINITIONS (The following definitions are applicable to this Section 4.7. Definitions applicable to other sections and articles of the Concord Development Ordinance are included in Article 14).

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

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

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

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

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

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

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

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

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

"Building" see "Structure".

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

"Design Flood" See "Regulatory Flood Protection Elevation."

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

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

"Digital Flood Insurance Rate Map (DFIRM)" means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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

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

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

"Existing building and existing structure" means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated November 13, 1994.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community., dated November 13, 1994.

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

- (a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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

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

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

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

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

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

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

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

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

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

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

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

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

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

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

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is,

therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

- (d) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

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

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

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

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

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map Repository" means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

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

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

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

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land

areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after November 13, 1994, the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before November 13, 1994, the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

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

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

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

For the purpose of this ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

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

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

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

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

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 4.7.6 of this ordinance.

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

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

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

- 1.) By choosing a timeframe that includes cumulative damages sustained over a period of time exceeding one-year period. (5 or 10-year period recommended)
- 2.) By choosing a percent damaged that is less than 50% of the market value of the structure (CRS recommends 30 %.)
- 3.) By adding the following text for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses: Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.]

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

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

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

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

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

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

4.7.6 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the City of Concord.

B. ACTIVITIES AND STRUCTURES WITHIN SPECIAL FLOOD HAZARD AREAS

All development within the Special Flood Hazard Areas shall meet the Water Supply Source Watershed Protection (Section 4.2), Waterbody Buffers (Section 4.3), Stormwater Control (Section 4.4), Sedimentation and Erosion Control (Section 4.5) and Vegetation and Utility Protection (Section 4.6) requirements.

1. General. New construction and substantial improvements shall be:
 - a. Constructed with materials and utility equipment resistant to flood damage;
 - and
 - b. Constructed by methods and practices that minimize flood damage.
2. Utilities
 - a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - b. New and replacement sanitary sewer and disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

C. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 2, 1994 for Cabarrus County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

D. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT (ZCP)

A Floodplain Development Permit (ZCP) shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 4.7.6(C) of this ordinance.

E. COMPLIANCE

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

F. ABROGATION AND GREATER RESTRICTIONS.

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

G. INTERPRETATION

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

H. WARNING AND DISCLAIMER OF LIABILITY

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

I. PENALTIES FOR VIOLATION

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

4.7.7 ADMINISTRATION

A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

In accordance with Section 2.1.2, the Planning and Neighborhood Development Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

1. Application Requirements

Application for a Floodplain Development Permit (ZCP) shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit (ZCP):

- a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 4.7.5(C), or a statement that the entire lot is within the Special Flood Hazard Area;
 - flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 4.7.5(C);
 - the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 4.7.6(C);
 - the Base Flood Elevation (BFE) where provided as set forth in Sections 4.7.6(C); 4.7.7(C); or 4.7.8(C).
 - the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - the certification of the plot plan by a registered land surveyor or professional engineer.
- b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
- c. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 4.7.8(B)(4)(d) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - e. Usage details of any enclosed areas below the lowest floor.
 - f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - g. Certification that all other Local, State and Federal permits required prior to Floodplain Development Permit (ZCP) issuance have been received.
 - h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sections 4.7.8(B)(6) and 4.7.8(B)(7) of this ordinance are met.
 - i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
2. Permit Requirements - The Floodplain Development Permit (ZCP) shall include, but not be limited to:
 - a. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 4.7.5(C).
 - c. The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - d. The regulatory flood protection elevation required for the protection of all public utilities.
 - e. All certification submittal requirements with timelines.
 - f. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 4.7.8(E) have been met.
 - g. The flood openings requirements, if in Zones A, AO, AE or A1-30.
 - h. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only.)
 - i. A statement, that all materials below BFE/RFPE must be flood resistant materials.
 3. Certification Requirements
 - a. Elevation Certificates
 - An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation

to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit (ZCP).

- An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

b. Floodproofing Certificate

- If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the

certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- c. If a manufactured home is placed within Zone A, , AE, AH, AO, or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 4.7.8(B)(3)(b).
- d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit (ZCP).
- e. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO or A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
- Recreational Vehicles meeting requirements of Section 4.7.8(B)(6)(a);
 - Temporary Structures meeting requirements of Section 4.7.8(B)(7); and
 - Accessory Structures less than 150 square feet or less, or \$5,000 or less and meeting requirements of Section 4.7.8(B)(8).
4. Determinations for existing buildings and structures
For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
- Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the

combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

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

C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 4.7.8(E) are met.
6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 4.7.7(B)(3).
7. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.7(B)(3).
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of 4.7.7(B)(3).
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 4.7.7(B)(3) and Section 4.7.8(B)(2).
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 4.7.6(C), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 4.7.8(C)(2)(b) in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 4.7.6(C), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection,

recognizing that such information may be subject to the Privacy Act of 1974, as amended.

14. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit (ZCP) progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
15. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance or in an illegal or dangerous manner, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
16. Revoke Floodplain Development Permit (ZCP)s as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit (ZCP) by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit (ZCP) mistakenly issued in violation of an applicable State or local law may also be revoked.
17. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
18. Follow through with corrective procedures of Section 4.7.7(D).
19. Review, provide input, and make recommendations for variance requests.
20. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 4.7.6(C) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
21. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

D. CORRECTIVE PROCEDURES

1. Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
2. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. that the building or property is in violation of the floodplain management regulations;
 - b. that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be

- heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
 4. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
 5. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

E. VARIANCE PROCEDURES

1. The Board of Adjustment as established by the City of Concord, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
3. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - b. functionally dependent facilities if determined to meet the definition as stated in Article 14 of this ordinance, provided provisions of Sections 4.7.7(E)(9)(b), 4.7.7(E)(9)(c), and 4.7.7(E)(9)(e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - c. any other type of development, provided it meets the requirements of this Section.
4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;

- e. the necessity to the facility of a waterfront location as defined under Section 4.7.5 of this ordinance as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
5. A written report addressing each of the above factors shall be submitted with the application for a variance.
 6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
 7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
 8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
 9. Conditions for Variances:
 - a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - a showing of good and sufficient cause;
 - a determination that failure to grant the variance would result in exceptional hardship; and
 - a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - a. The use serves a critical need in the community.
 - b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - c. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - d. The use complies with all other applicable Federal, State and local laws

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

4.7.8 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

1. All substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
3. All substantial improvements shall be constructed by methods and practices that minimize flood damage.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 4.7.7(E)(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 4.7.7(B)(3).
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

14. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for substantial improvements.
15. When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.
16. All fill material within the floodplain shall be cut from an adjacent portion of the floodplain on the same deeded parcel, provided that the soil meets the needed structural requirements. If the soil on the same parcel does not meet the structural requirements, fill material may be taken from another parcel. The net result of cut and fill within the floodplain area shall constitute no net loss to the flood storage capacity of the floodplain. A professional engineer shall certify that the activity or development would not result in an increase in the flood level during a base flood outside property boundaries. If change occurs within property boundaries, applicant will be required to obtain a letter of map amendment from FEMA prior to recording of final plat.
17. New construction is not allowed within the Special Flood Hazard Area.
18. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 4.7.6 (C) or Section 4.7.8(C), the following provisions, in addition to the provisions of Section 4.7.8(A), are required

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance. In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 4.7.5 of this ordinance. Structures (substantial improvements only) located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 4.7.8(F)(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 4.7.7(B)(3) along with the operational plan and the inspection and maintenance plan. In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
3. Manufactured Homes.
 - a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Section 4.7.5 of this ordinance. In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site,

- the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 4.7.8(B)(4).
 - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.
4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - b. shall not be temperature-controlled or conditioned;
 - c. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
 - d. shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
 - e. Fill is prohibited in the SFHA.
 5. Additions/Improvements.
 - a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
 - b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall

shall require only the addition to comply with the standards for new construction.

- c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards of new construction.
- d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

6. Recreational Vehicles. Recreational vehicles shall either:

a. Temporary Placement

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

b. Permanent Placement. Recreational vehicles that do not meet the limitation of Temporary Placement shall meet all the requirements for new construction.

7. Temporary Non-Residential Structures.

Prior to the issuance of a Floodplain Development Permit (ZCP) for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

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

8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - b. Accessory structures shall not be temperature-controlled;
 - c. Accessory structures shall be designed to have low flood damage potential;
 - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e. Accessory structures shall be firmly anchored in accordance with the provisions of Section 4.7.8(A)(1);
 - f. All service facilities such as electrical shall be installed in accordance with the provisions of Section 4.7.8(A)(4) and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 4.7.8(B)(4)(d).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 4.7.7(B)(3). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 4.7.7(B)(3).

9. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - b. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4.7.8(B)(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - d. Tank inlets and vents. Tanks inlets, fill openings and vents shall be:
 - At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
10. Other Development. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4.7.8(E) of this ordinance.
 - b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4.7.8(E) of this ordinance.

- c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4.7.8(E) of this ordinance.
- d. Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 4.7.6(C) where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 4.7.8(A) shall apply:

- 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of forty (40) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 4.7.8(A) and 4.7.8(B).
 - b. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Sections 4.7.8(B) and 4.7.8(E).
 - c. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 4.7.6(C) and utilized in implementing this ordinance.
 - d. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 4.7.5. All other applicable provisions of Section 4.4.7(B) shall also apply.

D. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

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

- 1. Standards of Section 4.7.8(A) and Section 4.7.8(B) and
- 2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 4.7.6(C). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential

projectiles. The following provisions, in addition to standards outlined in Sections 4.7.8(A) and 4.7.8(B), shall apply to all development within such areas:

1. No encroachments, including fill, substantial improvements and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit (ZCP), or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) month of completion of the proposed encroachment.
2. If Section 4.7.8(E)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. the anchoring and the elevation standards of Section 4.7.8(B)(3); and
 - b. the no encroachment standard of Section 4.7.8(E)(1).

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 4.7.6(C) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 4.7.8(A) and 4.7.8(B), all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 4.7.8(F)(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 4.7.7(B)(3) and Section 4.7.8(B)(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH)

Located within the Special Flood Hazard Areas established in Section 4.7.6(C), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 4.7.8(A) and 4.7.8(B), all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. New construction must meet the requirements of Section 4.7.8(B)

4.7.9 LEGAL STATUS PROVISIONS.

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

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 13, 1994 as amended, and it is not the intention to repeal but rather to re-

enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Concord enacted on November 13, 1994 as amended, which are not reenacted herein are repealed.

B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMIT (ZCP)S.

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

C. SEVERABILITY

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

D. EFFECTIVE DATE

This ordinance shall become effective July 11, 2024.

SECTION 3: That Article 14, Definitions, be deleted in its entirety.

SECTION 2: That Article 14, Definitions, be rewritten as follows:

ARTICLE 14
DEFINITIONS

Summary: This Article provides a glossary of terms to be used when interpreting and applying this Ordinance.

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14.1 GENERAL PROVISIONS

14.1.1. TERMS DEFINED

Words contained in this Article are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the State Building Code (Standard Building Code, 1997) or, have their common definitions as found in modern dictionaries of the English language. The documents indicated above are hereby incorporated by reference as if set forth in their entirety herein. Words and terms not defined in this A Article but defined elsewhere in the Concord Development Ordinance shall be given the meanings set forth therein. Particular uses not defined herein shall have the meaning assigned in the Use Matrix and the NAICS Manual (see Section 8.2of this Ordinance.)

14.1.2. WORD USAGE

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine

- gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
- G. The word "City" shall refer to the City of Concord
- H. The word "Board" shall mean the Board of Adjustment.
- I. The words "Planning Commission" shall mean the City Planning Commission.
- J. The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
- K. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
- L. All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the City; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
- M. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

A-FRAME SIGN - A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

ABBATTOIR - See Slaughterhouse.

ABANDONMENT - The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUT- Having property or District lines in common.

ABUTTING PARCELS - Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

ACCESSIBLE - Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSIBLE, READILY - Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSORY - see Accessory Use.

ACCESSORY APARTMENT - see Accessory Dwelling.

ACCESSORY DWELLING - A Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit. See § 8.4 of this Ordinance.

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

ACCESSORY USE - A subordinate Use of a Building or other Structure, or Use of land which is:

1. conducted on the same Lot as the principal Use to which it is related, and
2. clearly incidental to, and customarily found in connection with, such principal Use.

(See § 8.4 of this Ordinance.)

ACTIVE OPEN SPACE - Active open space shall mean any park or recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE - See Sedimentation Control Standards in Article 4.

ADJACENT - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADJOIN - Touching at some point.

ADMINISTRATIVE DECISION - Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set for the in § 3.2 of this Ordinance or any other development regulations. These are sometimes referred to as ministerial decisions or administrative determinations. (Source NCGS § 160D-102)

ADMINISTRATOR - The officer charged with the authority and duty to administer this Ordinance pursuant to § 2.1 herein.

ADT - Average Daily Traffic

ADULT CARE HOME - An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS § 131D-2, NCGS § 131D-20, NCGS § 131E-76, § 131E- 101 (including any "combination home").

ADVANCEMENT OF CAPACITY - The provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and

construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

AFFILIATE - A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

AGGRIEVED PERSON - The City Council, the Planning Commission, or the Administrator; a county or municipality within an area designated as a joint planning area; applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

AGRICULTURE- The commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3)

AGRICULTURAL ANIMALS - The following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea.

AGRICULTURAL CONSERVATION EASEMENT- A negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement: (1) May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and (2) Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

AGRICULTURAL LAND - Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(1), and each tract must be under a sound management program. Sound management program. -- A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105-277.2).

AGRICULTURAL PRODUCE - Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIRPORT AND RELATED USES - Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

ALLEY- Any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use. (Source: North Carolina State Building Code, Vol. 1, § 202)

ALTER or ALTERATION - Any change or modification in construction or occupancy. (Source: North Carolina State Building Code, Vol. 1, § 202)

AMBULATORY SURGICAL FACILITY - A facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under NCGS Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility. Includes any "ambulatory surgical facility" as defined in NCGS § 131E-146 or NCGS § 131E-176.

AMENDMENT - An amendment to the Concord Development Ordinance or a new Concord Development Ordinance.

AMERICAN STANDARD FOR NURSERY STOCK - The publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

AMPLITUDE - The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

AMUSEMENT ARCADE - A primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices (Including less than four (4) pool tables).

AMUSEMENT PARK - A primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL UNIT ("AU") - A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

ANIMAL CLINIC - Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

ANIMAL HOSPITAL - see Animal Clinic.

ANIMAL OPERATION - Any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A

of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143- 215.10B)

ANIMAL REGULATIONS - See § 8.3 of this Ordinance.

ANIMAL SHELTER - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. (Source: NCGS § 19A-23)

ANIMATION - The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

ANIMAL WASTE - Livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

ANIMAL WASTE MANAGEMENT SYSTEM - A combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

ANTENNA - Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

APARTMENT - A room or group of rooms, among similar sets in one building, designed for use as a dwelling. Apartments are considered multi-story buildings where three or more residences are contained in one structure.

APARTMENT HOUSE - Any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

APIARY - Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

APPEAL - A request for a review of the Administrator's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance.

APPLICANT - Any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

APPLICATION FOR DEVELOPMENT APPROVAL OR "APPLICATION" - A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

ARCADE/COLONNADE - A covered, open-air sidewalk attached to the building and is integral with the building frontage; columns or arches along the sidewalk support the overhead structure.

ARCHITECT - A person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

ARCHITECTURAL TRIM - The ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, BUILDING - The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, GROSS FLOOR - The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, NET FLOOR - The area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

ARTICULATION - The detailing of a structure or building, i.e. brick patterning or ornamental work.

ARTISAN - See "Custom Manufacturing."

ASSISTED LIVING RESIDENCE - Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2 or NCGS § 131D-20.

ATRIUM - A space, intended to occupancy within a building, extending vertically through the building and enclosed at the top. (Source: North Carolina State Building Code, Vol. 1, § 202)

AUCTION SALES ESTABLISHMENT - Any place where items are sold at auction to the highest bidder.

AUDITORIUM - A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

AUTHORIZED AGENT - Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE GRAVEYARD - See "Junkyard."

AUTOMOBILE REPAIR, MAJOR - An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

AUTOMOBILE REPAIR, MINOR- An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

AUTOMOBILE SALES ESTABLISHMENT - An open area used for the display, sale or rental of new and/or used motor vehicles.

AUTO-ORIENTED-USE- Drive-through window facilities including those for automated tellers, cleaners, liquor stores, and restaurants; fuel sales; shopping centers; vehicle sales; auto mechanical repair; car wash; gasoline service station; and quick oil change centers.

AVIGATION EASEMENTS - A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING - An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY, ASSEMBLY ROOM - That portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY (EXTERIOR) - An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

BALLOON - A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

BANNER - A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BANQUET HOME: A residentially zoned establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be open to the general public, shall not include overnight accommodations, and may include food preparation facilities and areas for dancing, dining and other entertainment activities customarily found in association with banquets or receptions.

BAR/TAVERN - An establishment where any malt beverage alcohol is consumed, food and other beverages are optional, and entertainment may be provided. Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels and any use exempt in accordance with the Alcoholic Beverage Commission standards.

BASEMENT - That portion of a building which is partly or completely, or having a floor, below grade (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

BASE COURSE - The layer of material that lies immediately below the wearing surface of a street pavement.

BASE STATION - A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN - A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

1. Does not serve food or drink to the general public for pay;
 2. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
 3. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business.
- (Source: NCGS § 130A-247). See § 8.3 of this Ordinance.

BERM - A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or buffer yard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) - Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

BICYCLE - A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES - A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE) - A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH - A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

BIG BOX RETAIL - see "Superstore".

BLANK WALL - An exterior building wall with no openings and a single material and uniform texture on a single plane.

BLOCK- 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.

BLOCK FRONTAGE - All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

BOARD- Unless otherwise indicated in the text, Board shall refer to the City of Concord Board of Adjustment.

BOARDING HOUSE OR ROOMING HOUSE - A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

BOARDING KENNEL - A facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

BODY PIERCING - The intentional act of any person or persons of piercing any part of the body of another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance and/or other purposes. (Source: The Mining Act of 1971, NCGS § 74-49)

BREWERY-MICRO - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREW PUB - An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant. Where allowed by law, brewpubs may sell beer "to go" and /or distribute to offsite accounts. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREWERY-LARGE - An establishment where beer and malt beverages are made on the premises at an annual beer production rate of over 15,000 barrels of beer per year. The establishment may include uses permitted in the district, in accordance with state and local laws.

BREWERY-TAP ROOM - A room that is ancillary to the production of beer at a microbrewery, brewpub, or large brewery where the public can purchase and/or consume beer on site. The establishment may include uses permitted in the district, in accordance with state and local laws.

BROWNSTONE - A row house built of brownstone or sandstone; reddish brown in color.

BUBBLE PLAN - A graphic representation that does not depict the exact location of proposed structures or infrastructure, but depicts the general extent and nature of the proposed development. Nature of development should be

generally understood to mean uses, scale, and intensity, but may also include design elements and other anticipated features.

BUFFERYARD - A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a buffer yard is landscaped and developed in open space areas. See Article 11 of this Ordinance.

BUFFER, EXTERNAL- A Buffer yard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA - The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING - Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

BUILDING AREA - The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING ENVELOPE - The three-dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FAÇADE - That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

BUILDING FRONT - The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

BUILDING HEIGHT - A vertical distance from the highest point of a building to grade, measured in accordance with § 7.6.2.D of this Ordinance.

BUILDING LINE - A line as determined by meeting the respective front, side and rear yard setbacks or in the case of irregular shaped lots with less than the minimum lot frontage (such as cul-de-sac lots), the building line shall be established at the point of minimum lot width. The Building Line shall be measured with a line perpendicular to the street or property line in front of which no structure may be erected.

BUILDING, LIVE-WORK - A townhouse with the first story available as a commercial space, either independently leased or in conjunction with the residential unit above. The rear alley or parking lot accommodates the additional parking requirement.

BUILDING, MAIN OR PRINCIPAL - A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

BUILDING, MIXED USE - A vertically integrated mixed-use building. The building is able to accommodate a wide variety of uses, including apartments for sale or rent, small professional offices, ground floor retail or restaurant.

BUILDING PERMIT - An authorization to construct a structure as issued by the Cabarrus County Building Inspections Department.

BUILDING, TEMPORARY - A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BUILDING WALL OFFSET - For purposes of this ordinance, a building wall offset shall be defined as a change in the wall plane of a façade to the minimum described herein.

BUILDING WALL PROJECTION/RECESS - For purposes of this ordinance, a building wall projection or recess shall be defined as a change in the wall plane projection, a minimum of 12" in width. Downspouts shall not be considered projections.

BUILT-UPON AREA - That portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source: 15A NCAC 2H.1002).

BULK - The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

BUSINESS OR BUILDING IDENTIFICATION SIGN - A pedestrian oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building and/or the tenant.

CALIPER - A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes. (See Article 11 of this Ordinance.)

CAMP, THERAPEUTIC - A residential treatment facility provided in a camping environment which is designed to assist individuals to develop behavioral control, coping skills, self-esteem, and interpersonal skills. (Source: 10 NCAC 14V.5201, 10 NCAC 44E.0002).

CAMPGROUND- A plot, parcel, or tract of land upon which two (2) or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition. A Therapeutic Camp is not considered a "Campground." See § 8.3 of this Ordinance.

CAMPING UNIT - Any tent, trailer, cabin, lean-to, Recreational Vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

CAMPSITE - Any plot, parcel, or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

CANOPY - A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations).

CANOPY SIGN - A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.

CAPACITY - The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT - A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City, a special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED - A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM - A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

CAR DEALERSHIP - See "Automobile Sales Establishment."

CARNIVAL - See "Outdoor Event, Temporary."

CARPORT - A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CAR WASH - An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

CARRIAGE HOUSE - See "Accessory Dwelling."

CARRY-OUT FOOD SERVICE - A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CELLAR - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

CEMETERY - Anyone or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

1. A burial park, for earth interment.
2. A mausoleum.
3. A columbarium. (Source: NCGS § 65-48. See § 8.3)

CEMETERY, LICENSED- Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State. See § 8.3 of this Ordinance.

CEMETERY, UNLICENSED - Land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law. See § 8.3 of this Ordinance.

CENTERLINE - The true centerline of a street right-of-way that has been fully dedicated to the required width.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS- The gap between the centerline of streets adjoining a common road from opposite or same sides.

CENTRAL WATER SYSTEM - See public Water System.

CERTIFICATE OF COMPLIANCE - The certificate issued by the Administrator, indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure is in compliance with all regulation of this Concord Development Ordinance.

CERTIFICATE OF OCCUPANCY - The certificate issued by the North Carolina Department of Buildings, indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CERTIFICATE OF STORMWATER COMPLIANCE - The approval for activities that meet the requirements for coverage under a stormwater general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

CERTIFY - A certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

CHANGEABLE COPY SIGN - A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

CHANGE IN USE - A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANNEL - A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

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

1. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
2. Recreational programs operated for less than four consecutive months in a year;
3. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
4. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
5. Public schools;
6. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
7. Bible schools conducted during vacation periods;
8. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;

9. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
10. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.
(Source: NCGS § 110-86).

CHILD CARE CENTER - An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS § 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS § 110-86. See § 8.3).

CHILD CARE HOME, FAMILY - A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: NCGS § 110-86).

CHILDREN'S CAMP - A residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting. (Source: NCGS § 131D-10.2)

CHURCH - See "Religious Institutions."

CITY COUNCIL- City Council of Concord, North Carolina.

CITY RIGHT-OF-WAY - A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.

CITY UTILITY POLE - A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.

CLEANING OR PROCESSING ESTABLISHMENT- A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to, carpet cleaners, dry- cleaning plants, exterminating services, and taxidermists. This term does not include Dry Cleaning, and Laundry establishments.

CLINIC OR HEALTH CARE FACILITY - A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

COLLECTOR STREET - Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector or Minor Collector pursuant to Article 10 of this ordinance.

COLLEGE OR UNIVERSITY - An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

COLLOCATION - The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, or other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the

installation of new utility poles, city utility poles, or wireless support structures.

COMBINED DEVELOPMENT - Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

COMMERCIAL AMUSEMENT, INDOOR- An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

COMMERCIAL AMUSEMENT, OUTDOOR - An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

COMMERCIAL MESSAGE - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL PARKING LOT - See "Parking Lot."

COMMERCIAL PARKING STRUCTURE - See "Parking Structure."

COMMERCIAL STABLE - See "Stable, Commercial."

COMMERCIAL VEHICLE - See "Vehicle, Commercial."

COMMISSION - Unless otherwise indicated in the text, Commission shall refer to the City of Concord Planning and Zoning Commission.

COMMON OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

COMMUNICATIONS FACILITY - The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE - Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

COMMUNICATIONS SERVICE PROVIDER - A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider

COMMUNITY PARK - A community park as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-2 and 4-5.

COMMUNITY WATER SYSTEM - See definition of "Public Water System."

COMPREHENSIVE PLAN - A comprehensive plan for development of the City, or any County-wide Comprehensive Plan adopted by the City, pursuant to NCGS

§§ 160D-604 et seq., and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Unless and until a formal Comprehensive Plan is adopted for the City, any applicable Area Plan and/or the Official Zoning Map and the text of this Ordinance shall be considered the Comprehensive Plan.

CONCEPT PLAN - A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

CONDOMINIUM (CONDO)- A multiple unit complex in which the units are individual owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc. that unit and sharing joint ownership of any common grounds, passageways, etc.

CONFERENCE AND BANQUET FACILITIES - See "Places of Public Assembly, Indoors."

CONFORMING USE - A use that is permitted within the applicable zoning district (see Use Matrix in Table 8.1.8).

CONGREGATE CARE/CONGREGATE LIVING FACILITIES - Congregate Care Facilities (also called Congregate Living Facilities) are service-oriented housing complexes for older people who want security and some assistance, but would like to retain as much independence as possible. The residents may live in private suite apartments, studio apartments, or rooms. Meals are usually served in a central dining facility, and other services offered may include housekeeping, linen/laundry service, transportation, recreation, and possibly some personal care.

CONNECTIVITY INDEX - The index of the connectivity of a street system prescribed by the Street Improvement Standards of Article 10.

CONSENT AGREEMENT - A regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Concord Development Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Ordinance.

CONSERVE AND CONSERVATION - To use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

CONSERVATION EASEMENT - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

CONTIGUOUS - Bordering or adjoining, meeting or joining at the border or surface.

CONTROLLED-ACCESS FACILITY - A State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

CONVENIENCE STORE- A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales. See § 8.3 of this Ordinance.

CONVENTIONAL OPTION DEVELOPMENT - Any application requesting approval of a development or use within a zoning district other than a PUD, TND or TOD district, and a Cluster development.

CONVEY - To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CONVEYANCE PLAT - A plat that may be used for the transfer of land qualifying as a minor subdivision. See Article 5.

CORNER LOT - See "Lot, Corner."

CORRAL - A pen or enclosure for confining animals.

CORRIDOR (building) - A passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

CORRIDOR (road) - A street or roadway identified as a principal link or gateway within the community.

COUNTY - The County of Cabarrus, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Cabarrus County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Cabarrus County.

COURTYARD - A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

CO-WORKING SPACE: An establishment that involves individuals working independently or collaboratively in shared office space on a leased basis. The office space may include common or shared amenities such as Wi-Fi, meeting rooms, office equipment and kitchen facilities.

CRITICAL AREAS - Any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, the River/Stream Overlay District, or any Watershed Protection Overlay District.

CROSSWALK - A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

COUNTRY CLUB - A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

CUL-DE-SAC - A short, dead-end street terminating in a vehicular turn-around area.

CURB FACE - The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB - A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM - Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CUSTOM MANUFACTURING - An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUT, LAND - Land surface which is shaped through the removal of soil, rock or other materials.

DAY CARE - See "Child Care."

DAYS - When used to establish time limits on various processes in this Ordinance, days shall mean business days.

DECISIONMAKER - The agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

DECLARATION - An instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

DEDICATION - A gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

DE NOVO HEARING - A new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

DENSITY - The total number of dwelling units per acre, computed in accordance with Article 7 of this Ordinance.

DENSITY BONUS - Dwelling units or non-residential square footage permitted in addition to the permitted density or intensity within a zoning district, computed in accordance with Article 7 of this Ordinance.

DENSITY, NET - The number of dwelling units divided by the net acreage remaining after subtracting all critical areas and streets.

DEPARTMENT- Unless otherwise noted in the text, Department shall refer to the City of Concord Planning and Community Development Department.

DEVELOPER - A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the

property to be developed or who has been authorized by the landowner to undertake development on that property (Source NCGS § 160D-102)

DEVELOPMENT - Unless the context clearly indicates otherwise, the term means:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
2. excavation, grading, filling, clearing, or alteration of land;
3. the subdivision of land as defined in G.S. 160D-802; or
4. the initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by the Articles of this Chapter. (Source NCGS § 160D-102).

DEVELOPMENT ORDER - Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

DEVELOPMENT PERMIT - Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the City or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DEVELOPMENT RIGHT- The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DEVELOPMENT SERVICES DEPARTMENT - The Cabarrus County Development Services Department.

DIAGNOSTIC CENTER - A freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

DIMENSIONAL REGULATIONS - See Article 7 of this Ordinance.

DISPOSITION - A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DISTILLERY - An establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.

DORMITORY - A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

DRAGSTRIP- A dragstrip is a straight, purpose-built racetrack, typically an eighth or a quarter mile long, for the exclusive purpose of two (2) motorized vehicles racing against one another for paid admission by the public, with an additional shutdown area to allow vehicles time to stop after crossing the

finish line and which could include necessary accessory structures for parking, garages, staging, concessions, control and seating.

DRAINAGE AREA OR WATERSHED - The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT - A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

DRIVEWAY - A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

DUPLEX - A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. A duplex may include: (1) a semidetached dwelling, which is a building containing two dwelling units attached horizontally (see illustration), or (2) a building with two units attached vertically, with one dwelling unit located on top of the other.

DUST-FREE- A land surface that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

DWELLING Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for seasonal vacation purpose. (Source NCGS § 160D-102)

DWELLING, ATTACHED - A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units, or stacked one (1) above the other, or attached to a non-residential use. An Attached Dwelling includes any residential unit above a non-residential use, Duplex, Triplex, Quadruplex, Townhouse or Rowhouse.

DWELLING, MIXED USE - Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live-Work Units." Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail uses are also permitted.

DWELLING, MULTI-FAMILY- A building or portion thereof designed for or occupied as five (5) or more dwelling units.

DWELLING, SINGLE-FAMILY - A building designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY DETACHED - A Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards.

DWELLING UNIT - A dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

EASEMENT - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

EASEMENT, NON-ACCESS - An easement prohibiting vehicular access from a public street.

EFFECTIVE DATE OF THIS ORDINANCE - The effective date of this Ordinance determined in accordance with Article 1 of this Ordinance.

ELECTRIC GENERATING FACILITY - Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power. (Source: NCGS § 75A-2)

ELECTRONIC MESSAGE BOARD - Are also known as “dynamic” signs. Any sign which displays messages, in alternating light cycles, using any technology, including but not limited to digital or analog technologies, and electronic changeable copy signs (i.e. a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of LEDs, fiber optics, light bulbs or other illumination devices within the display area. Standards for Electronic Message Boards are referenced in Article 12. All Electronic Message Boards shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii).

ELEMENTARY SCHOOL - A school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program. (Source: NCGS § 115C-75)

ELIGIBLE FACILITIES REQUEST - A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

ENCLOSURE RATIO- (Note: this definition is used in § 9.4 TND District only) - The ratio of building height to spaces in front of the building. Buildings serve to spatially define streets. Proper spatial definition is achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width. The condition of alignment occurs when the facades of buildings cooperate to delineate the public space, as walls form a room. Building articulation must take place primarily in the vertical plane or facade. Appendages such as porches, balconies, and bay windows are encouraged to promote the visual transition. The condition of enclosure generated by the height-width ratio of the space is related to the physiology of the human eye. If the width of a public space is such that the cone of vision encompasses less street walls than the opening to the sky, then the degree of spatial enclosure is slight. Ratios not exceeding 1:4 are considered optimal, while a 1:6 height-to-width ratio is the absolute minimum required for appropriate urban spatial definition. See P. Craighead, ed., *The Hidden Design in Land Use Ordinances* (University of Southern Maine, 1991), at 45; R. Arendt, *Rural by Design* (American Planning Association, 1994), at 10-11. An appropriate average ratio is 1:3. As a general rule, the tighter the ratio, the stronger the sense of place. Spatial enclosure is particularly important for shopping streets, which must compete with malls which provide very effective spatial definition. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary along thoroughfares with substantial front yards. If Streetscape Landscaping is provided in accordance with the Landscaping Standards of this Ordinance, the Enclosure Ratio shall be measured from the height of the trees at maturity rather than the height of the buildings. For the internal streets or circulation systems of subdivision plats or site plans, the Enclosure Ratio shall be computed by dividing the height of the shortest facing structure by the spaces between the buildings. For development on individual tracts adjoining a

public right-of-way and not under Common Ownership with tracts or parcels facing across the right-of-way, the Enclosure Ratio shall apply only to the tract or parcel subject to the Application for Development Approval. Example: A building (Building A) is 15 feet in height and faces a building (Building B) 24 feet in height across a street with a 40-foot right-of-way. Building A is located 15 feet and Building B is located 20 feet from the edge of the right-of-way, producing a building-to-building space of 75 feet. The enclosure ratio is 1:5 ($15 \div 75 = 1:5$). See first "Village Scale" example (illustration). Source: P. Craighead, ed., The Hidden Design in Land Use Ordinances. (University of Southern Maine, 1991).

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ENGINEER - An Engineer licensed by the State of North Carolina.

ENGINEER, CITY - The City of Concord Director of Engineering.

ENHANCEMENT - Improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

ENLARGEMENT OR "TO ENLARGE" - An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

ENTRANCE ROAD - A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

EQUIPMENT - Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

EQUIPMENT COMPOUND - An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

ERECT - To build, construct, attach, hang, place, suspend, affix and/or apply.

EROSION CONTROL - See Article 4 of this Ordinance.

EVIDENCE - Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION - The removal of soil, rock or other matter from a land area.

EXISTING CAPACITY - The Capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING DEMAND - See "Public Facilities Standards" of this Ordinance.

EXOTIC ANIMALS - See Other Animals.

EXOTIC SPECIES (PLANT) - A species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

EXTENDED STAY LODGING FACILITY - Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities

may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

EXTRACTIVE USES - Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

EVENT CENTER: All buildings and associated parking facilities and open spaces which are kept, used, maintained, advertised, leased out or otherwise made available to private groups and/or the general public and not repeated on a weekly basis, for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, weddings, ceremonies and the like.

FAÇADE - The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation. See "Building Façade".

FACSIMILE SIGN - A three-dimensional object, such as a chicken bucket, automobile (or automobile part); or a human figure, either of which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located, designed and/or embellished in such a manner as to attract attention.

FALL ZONE - The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

FAMILY - An individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

FAMILY CARE HOME - A care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS § 168-21) No family care home shall be located within a one-half mile radius of an existing family care home. (Source: NCGS § 168-22)

FARM, BONAFIDE - A farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

FARM BUILDINGS - Structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). (Source: North Carolina State Building Code, Vol. 1, § 201.3)

FARM OPERATION - Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

FARM RELATED BUSINESS - A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

FARMERS' MARKET - A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers' market differs from a produce stand in that there may be more than one (1) seller per parcel of

land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.)

FEED LOT - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

FENCE - A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

FENCE, LIVING - A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, OPEN - A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

FENCE SIGN - A sign mounted on, attached to, or constructed as part of a fence or similar structure.

FENESTRATION - The entryways and windows of a building.

FESTOON LIGHTING - A string of outdoor lights suspended between two or more points.

FILL - Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT - A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 5 of this Ordinance.

FINAL SITE PLAN OR FINAL PLAN - The map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

FIRE FLOW SURVEY - A testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes.

FIRE PROTECTION FACILITIES - Fire stations and major pieces of firefighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the City of Concord Fire Department or other duly authorized volunteer fire districts.

FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. Flags are regulated in accordance with the standards of Article 12 "Sign Regulations".

FLAG LOT - See "Lot, Flag."

FLEA MARKETS - A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund-raising activities done by a non-profit organization.

FLOOR AREA - The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO (FAR) - The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

FOOD TRUCK - A licensed, motorized vehicle or mobile food unit which is temporarily located on a privately-owned lot or parcel or within a designated parking space or spaces on public streets, for the purpose of selling food items to the general public.

FORESTLAND - Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(3), and each tract must be under a sound management program.

FORTUNE TELLER - Telling fortunes by lines on the palm of the hand or fortunes told by a psychic (a person apparently sensitive to nonphysical forces) whose artistic expression is said to be a channel of communication between the earthly world and a world of spirits.

FRONT - Any public street frontage, not including alleys.

FRONTAGE - The frontage of a parcel of land is that distance where a property line is common with a public or private street right-of-way, or a recorded access easement. See Article 5 for provisions regarding access easements.

FRONTAGE, DOUBLE - A lot which extends from one street frontage to another street.

FRONTAGE, FULL - Frontage which meets the requirements of Article 5 of this Ordinance.

FRONTAGE ROAD - A way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

FRONT SETBACK - The minimum horizontal distance between any Building or Structure and the Front Lot Line.

FULLY SHIELDED - "Fully shielded" means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report.

FUNERAL HOME - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

GABLE- The triangle formed by a sloping roof. A building may be front-gabled or side-gabled. Porches and dormers may also be gabled

GARAGE, PRIVATE - An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

GASOLINE PUMP SIGNS - Signs attached to gasoline and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as price, fuel type and self-service instructions.

GAS STATION - Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GRADE - A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

GRADE, FINISHED - The level of the soil after completion of site development.

GRADE, NATURAL - The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

GREENBELT - Greenbelts run along the perimeter of a subdivision, Planned Unit Development, or TND, and serve to (1) buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, and/or (2) provide an edge for the neighborhood. Greenbelts differ from the other types of open spaces in that the natural vegetation and wildlife is undisturbed, or the area is actively cultivated for crops or the raising of Livestock (excluding Concentrated Animal Feeding Operations).

GREENFIELD DEVELOPMENT - Development on undeveloped parcels undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

GREENHOUSE - An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

GREENWAY - A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

GREYFIELD - Old, obsolete, or abandoned retail and commercial sites, namely strip malls containing large parking lots. These sites are often underutilized and are candidates for infill re-development opportunities.

GROSS AREA OR GROSS ACREAGE - The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS LEASABLE AREA (GLA) - The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROUND SIGN - A free-standing sign with its base or its supports mounted directly to the ground.

GROUND SUBSIDENCE - A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

GROUND WATER - Subsurface water within and below the zone of continuous saturation.

GROUP RESIDENTIAL DEVELOPMENT - A development where more than one principal residential building is permitted on a lot or any development where there are three (3) or more dwelling units in a building. A "Group Residential Development includes any (1) Apartment House/Multiple Dwelling, Quadruplex, Triplex, or Townhouse; and any Attached Dwelling (Duplex). or (2) any Mixed Use Dwelling.

GUEST - Any transient person who rents or occupies a room for sleeping purposes.

GUTTER - A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

HABITABLE ROOM - Any room meeting the requirements of the North Carolina One- and Two-Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

HAZARDOUS WASTE DISPOSAL FACILITY - Any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS § 130A-290). See § 5.11 of this Ordinance.

HAZARDOUS WASTE FACILITY- A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: NCGS § 130A-290). See § 8.3 of this Ordinance.

HAZARD PRONE AREA - An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

HEALTH CARE PROVIDER - Without limitation any person who pursuant to the provisions of NCGS Chapter 90 is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory

analysis, rendering assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital or a nursing home; or any other person who is legally responsible for the negligence of such person, hospital or nursing home; or any other person acting at the direction or under the supervision of any of the foregoing persons, hospital, or nursing home. (Source: NCGS § 90-21.11)

HEALTH SERVICE FACILITY - A hospital; psychiatric facility; rehabilitation facility; long term care facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for the mentally retarded; home health agency office; chemical dependency treatment facility; diagnostic center; oncology treatment center; hospice, hospice inpatient facility, hospice residential care facility; and ambulatory surgical facility. (Source: NCGS § 131E-176)

HEALTH CLUB - An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEAVY EQUIPMENT - Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT -The vertical distance from the grade to the highest point of any portion of a structure, measured as set forth in § 7.6.2 D. of this Ordinance.

HEIGHT, BUILDING - The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, STORY - The vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, WALL - The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

HELIPAD - A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

HELIPORT- An area providing for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

HIGH QUALITY WATERS - See Sedimentation Control Standards.

HIGH QUALITY WATER ZONES - See Sedimentation Control Standards.

HIGH SCHOOL - A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75)

HIGHWAY - A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HILLSIDE DISTURBANCE - Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

HILL CREST - The highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

HISTORIC BUILDING -Any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed.

HISTORIC SIGN - A sign 49 years old or older, which currently exists or formally existed in the City of Concord.

HOLIDAY DECORATIONS - Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

HOME OCCUPATION - Any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit. See § 8.4 and 8.5 of this Ordinance.

HOME OWNERS ASSOCIATION - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HORSE - Any animal of the genus Equus.

HORTICULTURAL LAND - Land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(2), and each tract must be under a sound management program. (Source: NCGS § 105-277.2).

HOSPICE - Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement. (Source: NCGS § 131E-176, 131E-201)

HOSPICE INPATIENT FACILITY - A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital which has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in G.S. 131E-201(4) and provides those services in a licensed acute care bed is not a

hospice inpatient facility and is not subject to the requirements in G.S. 131E-176(5)(ii) for hospice inpatient beds. (Source: NCGS § 131E-176, 131E-201)

HOSPICE RESIDENTIAL CARE FACILITY - A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. (Source: NCGS § 131E-176)

HOSPITAL - A hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws. (Source: NCGS § 130A-403) The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. The term also includes all facilities licensed pursuant to G.S.131E-77 of the General Statutes. (Source: NCGS § 131E-176)

HOTEL - Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

HOUSEHOLD PETS - Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

HUD CODE - The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

HYDROLOGY - The science of dealing with the properties, distribution, and circulation of water.

HYDROPERIOD - The period during which a soil area is saturated.

ILLUMINATION, BACK-LIGHTED - Illumination provided from a source located outside and behind the sign to provide a glowing/shadow appearance.

ILLUMINATION, INDIRECT - Illumination, which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

ILLUMINATION, INTERNAL - Illumination provided from a source located inside or with the face of the sign.

IMPACT AREA - See Adequate Public Facilities of this Ordinance.

IMPERVIOUS SURFACE - Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

IMPROVED (as in related to a parking surface) - means surfaced with any pervious material or method but not including grass or dirt.

IMPROVED OPEN SPACE - Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS - Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

IN KIND - For mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

INDIVIDUAL ESTABLISHMENT OR BUSINESS - A single establishment or business occupying one or more buildings designed to function as a single enterprise which does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

INDUSTRIAL OR COMMERCIAL TREATMENT PLANT SEPTAGE - Solid, semisolid or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (Source: NCGS § 130A-290)

INDUSTRIAL PARK - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible uses.

INDUSTRIAL PROCESS WASTEWATER - Any water-carried waste resulting from any process of industry, manufacture, trade, or business. (Source: NCGS § 130A-334)

INDUSTRIAL USES - Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products

INDUSTRIAL WASTE - Any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

INFLATABLE SIGNS - A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

INERT DEBRIS -Gravel, rocks, stumps, soil (not contaminated), unpainted and untreated materials such as bricks, concrete blocks and lumber.

INFILL - The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

INFILTRATION SYSTEMS - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

INTEGRAL UNITS - Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

INTENSITY - The number of square feet of development per acre by land use type with respect to non-residential land uses.

INTERIOR LOT - See "Lot, Interior."

INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED Facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions. (Source: NCGS § 131E-176)

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

JUNIOR HIGH SCHOOL - A school which embraces not more than the first year of high school with not more than the upper two elementary grades. (Source: NCGS § 115C-75)

JUNK - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS § 136-143).

JUNKYARD - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any "Automobile Graveyard." An "Automobile Graveyard is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136-143). See § 8.3 of this Ordinance.

LAGOON - A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act)

LAND CLEARING & INERT DEBRIS LANDFILL- A facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101)

LAND DISTURBING ACTIVITY - Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

LANDFILL - A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

LANDFILL, DEMOLITION - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or the Director's authorized representative. (Source: 15A NCAC § 13B.0101).

LANDLOCKED PARCEL - A parcel of land without access of record with the County Register of Deeds.

LANDOWNER - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased development plan under this section, in the manner allowed by ordinance. (Source: NCGS § 160D-102)

LANDSCAPE - An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

LANDSCAPE CONTRACTOR - Within the meaning of this Chapter any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-1).

LATERAL SEWER - A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LIBRARY OR MUSEUM - A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LICENSED GEOLOGIST - A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

LICENSED SOIL SCIENTIST - A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

LINEAR PARK - Any linear park as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8 and 4-7.

LIQUOR STORE- A store which sells or offers to sell alcoholic beverages, as defined in NCGS § 18B-101.

LIVESTOCK - "Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine (Source: Livestock Law, NCGS § 68-15) (excluding potbellied pigs weighing not more than 150 pounds and not more than 24 inches in height, that are registered with the International Potbellied Pig Registry (IPPR) and physically tattooed with their assigned number, with proof of annual vaccination records and neutering or spaying records from a licensed veterinarian, with a maximum of 2 such pigs per household (those within the City limits above 2 per household at the time of adoption of this ordinance shall be grandfathered but may not be replaced)) and domestic fowl (Source: NCGS § Domestic Fowls 68-25).

LIVESTOCK DEALER - Any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others. (Source: NCGS § 106-418.8)

LOADING AND UNLOADING SPACES - A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

LOADING SPACE - An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR LOCAL STREET - Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LOT - A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT AREA - The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER - A lot having frontage on two (2) intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

LOT COVERAGE - The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

LOT DEPTH (LENGTH) - The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between such lines.

2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT, DOUBLE FRONTAGE (THROUGH LOT) - An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG - A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE - The distance for which a lot abuts on a street.

LOT, INTERIOR - A lot other than a corner lot or a through lot.

LOT, KEY - A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE - Any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way. If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

LOT LINE, REAR - A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT LINE, SIDE - The boundary of a lot which is not a front lot line or a rear lot line.

LOT LENGTH - See Lot Depth.

LOT THROUGH - A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non- access easement.

LOT WIDTH - For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

LOW INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MAINTENANCE - The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SITE PLAN - See Article 5 of this Ordinance.

MAJOR SUBDIVISION - All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MAJOR THOROUGHFARE - A Major Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

MANSARD - A steeply pitched roof, pitched at such an angle as to resemble a building wall.

MANSARD ROOF - A roof with two slopes on all four sides, with the lower slope nearly vertical and the upper nearly horizontal.

MANUFACTURED HOME - A structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143-145).

MANUFACTURED HOME, SINGLE SECTION - See MANUFACTURED HOME, TYPE I.

MANUFACTURED HOME, MULT-SECTION - A manufactured home assembled in two (2) or more sections. Also, see MANUFACTURED HOME, TYPE II.

MANUFACTURED HOME, TYPE I - A manufactured home assembled in one section not exceeding seventeen (17) feet in width.

MANUFACTURED HOME, TYPE II - A multi-section manufactured home greater than or equal to seventeen (17) feet in width. Width for MANUFACTURED HOMES - TYPE II shall be determined by mean width when all sections are in a final assembly arrangement.

MANUFACTURED HOME PARK - Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

MANUFACTURED HOME SPACE - The portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

MANUFACTURED HOME SUBDIVISION - A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

MANUFACTURED HOUSING - See Manufactured Home.

MANUFACTURING, HEAVY - An establishment and/or activity primarily engaged in manufacturing, production and/or assembly which involves specialized processes on the premises.

MANUFACTURING, LIGHT - An establishment and/or activity primarily engaged in manufacturing, production and/or assembly which does not involve, on the premises, the use of heat, noise and/or odor generating/producing processes, which are detectable off-site.

MARQUEE - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN - Any sign attached to, in any manner, or made a part of a marquee.

MASSAGE - The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

MASSAGE BUSINESS - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS § 14-202.10)

MATERIAL - Relative to sexually oriented businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

MATERIALS RECOVERY FACILITY - Any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

MEAN SEA LEVEL - For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEDICAL CLINIC - An office occupied and used for the duties associated with a Health Care Provider or Chiropractor.

MENTAL HEALTH FACILITY - Any individual, association, group or other entity at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes any "area facility," "licensable facility," "private facility," "residential facility," "State facility," "24-hour facility," Veterans Administration facility as defined in NCGS § 122C-3. (Source: NCGS § 122C-3).

MEZZANINE - One or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

MICRO WIRELESS FACILITY - A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches

MINE - An area of land and all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage

of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, NCGS § 74-24.2) See § 8.3 of this Ordinance.

MINI-WAREHOUSE - Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located. See § 8.3 of this Ordinance.

MINING - Defined as: a.) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; or b.) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include: (i) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area; (ii) Mining operations where the affected land does not exceed one acre in area; (iii) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land; (iv) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; (v) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area. (Source: The Mining Act of 1971, NCGS § 74-49)

MINOR THOROUGHFARE- A Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

MITIGATION - The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

MIXED USE DWELLING - See "BUILDING, MIXED USE."

MIXED USE DEVELOPMENT OR MIXED USE PROJECT- A proposed development that includes primary non-residential and primary residential uses on the same development site.

MODERATE INCOME HOUSING - Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MODULAR HOME - A dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a

series of panels or room sections transported on a truck and erected or joined together on the site.

MONUMENT SIGN - A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

MOTOR HOME - A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

MOTOR VEHICLE - See "VEHICLE, MOTOR."

MOTOR VEHICLE REPAIR SHOP - See "AUTOMOBILE REPAIR SHOP".

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MULTI-FAMILY DWELLING - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

MULTIPLE DWELLING- See "APARTMENT HOUSE."

MUNICIPALITY - An incorporated city or town.

MUNICIPAL STREET - A street or highway accepted by the City and which is not a State Highway. (Source: 19A NCAC § 20.0404).

MUNICIPAL SOLID WASTE MANAGEMENT FACILITY- Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal. (Source: NCGS § 130A-290)

NAICS MANUAL - The North American Industry Classification System, 1997 edition (or most current version as amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

NATURAL EROSION - See Sedimentation Control Standards.

NATURAL HAZARD - A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

NATURAL RESOURCE - Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NEIGHBORHOOD PARK - A public recreation facility ranging in size from fifteen (15) to twenty-five (25) acres and which is improved with a combination of active recreation areas for family use such as field game areas (such as ball field), court game areas (such as tennis and basketball courts), crafts, playground apparatus, and passive recreation areas such as picnicking.

NET AREA - The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NET FLOOR AREA - The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

NODE - An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NON-COMMERCIAL MESSAGE - Any sign, wording or other representation that expresses an idea, theory or fact not relating directly or indirectly to business.

NON-COMMUNITY WATER SYSTEM - See definition of "Public Water System."

NON-CONFORMING - A legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

NONCONFORMING BUILDING OR STRUCTURE - A Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See § 13.1 of this Ordinance.

NON-CONFORMING SIGN - Any sign that does not conform to the requirements of this ordinance.

NON-CONFORMING USE - A use of land that:

1. legally existed before its current zoning or land use category designation; and
2. has been maintained continuously since the time the applicable regulations governing the land changed; and
3. because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

See § 13.1 of this Ordinance.

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NON-POINT SOURCE - Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT - Organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for

which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NOTICE OF INTENT - A written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use. See § 78.3 of this Ordinance.

NURSERY SCHOOL/PRE- SCHOOL/DAY CARE - See "CHILD CARE."

NURSING HOME - A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'nursing home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. (Source: NCGS § 131E-101) See § 8.3 of this Ordinance.

OBSTRUCTION - A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

OCCUPANCY - The purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

OCCUPANT LOAD - The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

OCCUPIED RESIDENCE - A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

OCCUPIED SPACE - The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

OFFICE - A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFF-PREMISE SIGN - A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However, this definition shall include Outdoor Advertising or "Billboard" signs.

OFF-SITE - Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

OFF-SITE STORMWATER SYSTEMS - Stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

ON-PREMISE SIGN - A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

ON-SITE - With regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

ON-SITE STORMWATER SYSTEMS - The systems necessary to control stormwater within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

OFF-STREET PARKING SPACE - The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN - The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent chance of occurring in any given year.

OPEN DUMP - A solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A- 290)

OPEN MINING - The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE - Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS § 160D-1307)

OPEN SPACE STANDARDS - See Parks and Open Space Standards.

OPEN SPACE, COMMON - Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

ORDINANCE - Unless otherwise specified, refers to this Concord Development Ordinance.

OTHER ANIMALS - Those animals not defined elsewhere in this Article as household pets or agricultural animals.

OUTDOOR ADVERTISING (BILLBOARD) SIGNS - A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

OUTDOOR CULTURAL EVENTS - Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

OUTDOOR EVENT, TEMPORARY - A temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

OUTDOOR LIGHT FIXTURES - "Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

OUTDOOR RECREATIONAL FACILITY - Any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

OUTDOOR STORAGE, NON-VEHICULAR - An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

OVERBURDEN - The earth, rock, and other materials that lie above the natural deposit of minerals.

OWNER - Any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202).

PANEL - The primary surface of a sign that carries the identifying/advertising message.

PARAPET - A low wall or barrier built above the cornice of a building, whether built with a sloped or flat roof.

PARCEL - An area of land defined by a legal description and recorded with the County Register of Deeds.

PARENT - A person that directly, or indirectly through one or more intermediaries, controls another person.

PARK, COMMUNITY - The community park is easily accessible to a single, or several neighborhoods, depending on local needs and population distribution at the time the park is developed. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARK, DISTRICT - A district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20-mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

PARK, LINEAR - A linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

PARK, NEIGHBORHOOD - The neighborhood park is designed to serve a population of up to 5,000, but in many instances, even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

PARK, REGIONAL - A regional park is a park within a fifty-mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally, 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

PARKING GARAGE - An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

PARKING LOT- Any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

PARKING SPACE - A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PARKING STRUCTURE- A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

PARTIALLY SHIELDED- "Partially shielded" means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report.

PASSIVE OPEN SPACE - Any area in a particular natural or environmental setting which may include conservation land providing for resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, nature trails, and nature study. Farm fields, pastures, and wood lots may be considered passive open space. Farm buildings and intensively used areas such as parking lots and equipment storage yards may not be considered passive open space.

PATH, MULTI-USE - A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PATIO HOME - A detached home built on a very small lot. A patio home can also be a single-family detached dwelling sitting on land owned by a condominium group. Targeted buyers are homeowners who do not want to be bothered with lawn maintenance.

PAVEMENT - The paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

PAWNSHOP - The location at which, or premises in which, a pawnbroker, as defined in NCGS § 91A- 2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS § 91A-2)

PEDESTRIAN PATH - An improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

PEDESTRIAN RIGHT-OF-WAY -A right-of-way or easement dedicated for public pedestrian access.

PEDESTRIAN SPACE: Any public or private space that invites people to sit, gather, or congregate.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMER - Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMEABLE PAVEMENT - A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

PERSON - Any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi- governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

PERSONAL SERVICE ESTABLISHMENT - A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

PETITIONER - An applicant.

PET SHOP - A person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. (Source: NCGS § 19A-23)

PHARMACY - Any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

PHASED DEVELOPMENT PLAN - A plan which has been submitted to a city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site-specific development plan. (Source: NCGS § 160D-102 et seq.)

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION - An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

PHYSICIAN - An individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PILINGS - Foundational structures placed into the earth to secure buildings and other structures.

PLACE OF PUBLIC ASSEMBLY - A fairground, auditorium, stadium, church, theater or any other place where people assemble. (Source: NCGS § 130A-334)

PLANNED CAPACITY - See Adequate Public Facilities Standards of this Ordinance.

PLANNED CAPITAL IMPROVEMENT - See Adequate Public Facilities Standards of this Ordinance.

PLANNED DEVELOPMENT - A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

PLANNED UNIT DEVELOPMENT (PUD) - An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of section 9.1 of this Ordinance.

PLANNING COMMISSION - The City of Concord Planning Commission. Also referred to as the "Commission."

PLANT- Any member of the plant kingdom, including seeds, roots and other parts or their propagules. (Source: NCGS § 106-202.12)

PLAT - The legal map of a subdivision.

POINT SOURCE- Any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143-213)

POLITICAL SIGN - A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.

POOL OR BILLIARD HALL OR PARLOR - An establishment which is engaged in the business of keeping for rent or hire four (4) to sixteen (16), billiard or bagatelle tables, or tables of like character. Businesses with more than sixteen (16) of such tables are not permitted.

PORTABLE SIGN - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

PORTICO - A colonnade or covered, sheltered entrance to a building.

POSITIVE DRAINAGE - Clear, unobstructed flow of stormwater away from any building.

PRACTICABLE ALTERNATIVE - Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

PRELIMINARY PLAT - The preliminary drawing or drawings, described in Chapter 5 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

PRETREATMENT FACILITY - Any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

PRETREATMENT STANDARDS - Effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

PRINCIPAL BUILDING OR STRUCTURE - The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have

multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL USE - The main or primary use of a parcel of land.

PRIVATE - Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE CLUBS - An organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1). (Source: NCGS § 130A-247)

PRIVATE USE - One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES - Includes power, telephone, natural gas, cable television and private water supply service.

PRODUCE STAND - A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)

PROFESSIONAL ENGINEER - A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

PROFESSIONAL OFFICE - An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

PROJECTING SIGN - A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

PROPERTY LINE, COMMON - A line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

PROPERTY LINE - See "Lot Line."

PROTECTED PLANT - A species or higher taxon of plant adopted by the Board to protect, conserve, and/or enhance the plant species and includes those the Board has designated as endangered, threatened, or of special concern. (Source: NCGS § 106-202.12)

PUBLIC - Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC OR COMMUNITY WASTEWATER SYSTEM - A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

PUBLIC ASSEMBLY, INDOORS - Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.

PUBLIC ASSEMBLY, OUTDOOR - See "Commercial Amusement, Outdoor."

PUBLIC FACILITIES - See Adequate Public Facilities of this Ordinance.

PUBLIC HEARING - A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP - Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.

PUBLIC MEETING - A meeting of a Board, Planning Commission, City Council or their representatives where the public may attend.

PUBLIC NOTICE - Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

PUBLIC SCHOOL OR PUBLIC SCHOOL FACILITY - Any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

PUBLIC SPACE - A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

PUBLIC TRANSPORTATION - Transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC TRANSPORTATION SYSTEM - Without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC USE - A use which is owned by, and operated for, the public by a public entity.

PUBLIC-USE HELIPORT - A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

PUBLIC WATER SYSTEM - A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

1. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
2. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

1. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
2. "Noncommunity water system" means a public water system which is not a community water system.

(Source: NCGS § 130A-313)

The term "public water system" also includes a system for the provision of piped water for human consumption as defined in NCGS 130A-313(10).

(Source: NCGS § 90A-20.1)

PYLON (OR POLE) SIGN - A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

QUADRUPLEX- A building containing four (4) attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

QUALIFIED LANDSCAPE ARCHITECT - A person with at least a four year degree in the field of landscape architecture from an accredited university offering such a degree.

QUARRY- See "MINE." See § 8.3 of this Ordinance.

RACE TRACK, AUTOMOBILE - A facility consisting of a paved roadway used primarily for the sport of automobile racing. Race track may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RCRA - The Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

REAL PROPERTY - Lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS § 160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

REAR YARD - See "Yard, Rear."

REAR SETBACK - The minimum horizontal distance between any building and the rear property line.

RECEIVING AREA - An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECLAMATION - The reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

RECLAMATION PLAN- The operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

1. Proposed practices to protect adjacent surface resources;
2. Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;
3. Manner and type of revegetation or other surface treatment of the affected areas;
4. Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;
5. Method of compliance with State air and water pollution laws;
6. Method of rehabilitation of settling ponds;
7. Method of control of contaminants and disposal of mining refuse;
8. Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;
9. Maps and other supporting documents as may be reasonably required by the Department; and
10. A time schedule that meets the requirements of G.S. 74-53.

(Source: The Mining Act of 1971, NCGS § 74-49)

RECORDED/RECORD - Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

RECREATIONAL CENTER - A facility, public or private, with reserved areas for relaxation, recreation, and social related activities.

RECREATIONAL VEHICLE - A vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
5. Is fully licensed and ready for highway use.

REDEVELOPMENT - For purposes of Article 4, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

REFUSE - All waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

REGISTERED LAND SURVEYOR - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

REGULATION - As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

RELIGIOUS INSTITUTION - A facility used primarily for religious assembly or worship and related religious activities.

RENDERER - The business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or other equines. (Source: § 106-549.15)

REQUIRED SETBACK - The distance required by Article 7 of this Ordinance between the building or other structure and the lot line or, for un-subdivided properties, the property line.

RESEARCH FACILITY - Any place, laboratory, or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted. (Source: NCGS § 19A-23)

RESERVATION- Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

RESIDENTIAL CHILD-CARE FACILITY - A staffed premise with paid or volunteer staff where children receive continuing full- time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care. (Source: NCGS § 131D-10.2)

RESIDENTIAL USE - Includes all uses listed as residential in the Use Matrix.

RESIDENT PLANT OR RESIDENT SPECIES - A native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

RESORT - A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

RESOURCE EXTRACTION - The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RESTAURANT - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

RE-SUBDIVISION - The changing of an existing parcel created by a plat and recorded with the County Clerk and Register of Deeds.

RETAIL - The sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105-164.3).

RETAILER - Every person engaged in the business of making sales of tangible personal property at retail, or peddling the same or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption. (Adapted from: North Carolina Sales and Use Tax Act, NCGS § 105-164.3)

RETAINING WALL - A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

REVISION - "Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

REZONING - An amendment to the Official Zoning Map as established and maintained according to Article 3 to this Ordinance.

RIDGE - For purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

RIGHT-OF-WAY - 1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the City for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

RIPARIAN ECOSYSTEM - Living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek,, or other body of water, either surface or subsurface.

RIVER - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Source: NCGS § 113A-33)

ROAD - A public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

ROADSIDE STAND - An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY - The improved portion of a street within a right-of-way and/or easement.

ROOF LINE - The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

ROOF SIGN - Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

ROWHOUSE - One of a series of houses, often of similar or identical design, situated side by side and joined by common walls.

SAFETY SERVICES - Any of the following uses or activities classified under NAICS 922 (Justice, Public Order, and Safety Activities); NAICS 92212 (Police Protection), NAICS 92216 (Fire Protection), or NAICS 56162 (Security Systems Services); but not including NAICS 9221 (Justice, Public Order, and Safety Activities); 92211(Courts); 92213 (Legal Counsel and Prosecution); 92214 (Correctional Institutions); or 92215 (Parole Offices and Probation Offices, including Emergency Medical Services). "Safety Services" does not include any warehouse or facility devoted to the maintenance of police or fire equipment, or any gun range or shooting range.

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

SANITARY LANDFILL - A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS § 130A-290)

SAWMILL - An operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A "sawmill" is sometimes referred to as a "planing mill." See § 8.3 of this Ordinance.

SAWMILL, ACCESSORY - A Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site. See § 8.3 of this Ordinance.

SCENIC EASEMENT - A perpetual easement in land which (i) is held for the benefit of the people of North Carolina, (ii) is specifically enforceable by its holder or beneficiary, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 113A-33). A "scenic easement" also includes a perpetual easement in land which

1. is held for the benefit of the people of North Carolina,
 2. is specifically enforceable by its holder or beneficiary, and
 3. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.
- (Source: North Carolina Trails System Act, NCGS § 113A-85)

SCHOOL - An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

SCHOOL, BOARDING - An elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

SCHOOL, BUSINESS OR TRADE - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

SCHOOL DISTRICT - Any school district as defined in NCGS § 115C-69.

SCHOOL PROJECT - Any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS § 115E-3)

SCRAP AND SALVAGE SERVICES - An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials

which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

SCREENING - Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or buffer yard. (See Landscape Standards).

SEARCH RING - The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SEASONAL HIGH WATER TABLE - The highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see 15A NCAC 2H.1002, which is hereby incorporated by this reference).

SEDIMENT - Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

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

SEDIMENTATION ACT - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

SEDIMENT AND EROSION CONTROL DEVICES- Sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

SEISMIC EFFECTS - Direct and indirect effects caused by an earthquake or man-made phenomena.

SENDING AREA - An area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

SENIOR HIGH SCHOOL - A school which embraces the tenth, eleventh and twelfth grades. (Source: NCGS § 115C-75)

SENSITIVE AREAS - Critical Areas, slopes exceeding 3:1 (pre-development), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the Comprehensive Plan.

SEPTAGE - Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:

1. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.
2. Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic

- sewage in a treatment works.
3. Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.
 4. Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water- carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.

(Source: NCGS § 130A-290)

SEPTAGE MANAGEMENT FIRM - A person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community wastewater systems that treat or dispose septage. (Source: NCGS § 130A-290)

SEPTIC TANK SYSTEM- A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

SERVICE LINES - Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE STATION - A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

SERVICE YARD AND/OR ENTRANCE - An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

SETBACK - The distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected.

SETBACK LINE- A line measured from the property line or right-of-way line of a public street, as applicable. Also, see building line.

SEWAGE - Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with food handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

SEWAGE DISPOSAL SYSTEM - Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWERS - Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including

pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

SEWER SYSTEM - Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213)
The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

SEXUALLY ORIENTED DEVICES - Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device. (Source: NCGS § 14-202.10)

SEXUALLY-ORIENTED BUSINESS - Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS § 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment. (Source: NCGA §§ 160A-181.1; 14-190.13; 14-202.10). See § 8.3 of this Ordinance.

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SHOULDER - The earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

SIDEWALK - The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIDE SETBACK- The minimum horizontal distance between any building and the side property line.

SIGN - Any object, device, display, structure, placard, identification, description, animation, illustration or part thereof which is used to advertise, to identify the purpose of a person or entity, to display, direct or attract attention to an object, person, institution, organization, business, product, service, event, individual, or to communicate information of any kind to the public, including, but not limited to, words, letters, logos, symbols, trademarks, trade names, insignia, numerals, figures, designs, symbols, fixtures, colors, illuminations, projected images, or any other attention-diverting device(s).

SIGNIFICANT ADVERSE IMPACT - Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
3. Alteration of base flood elevations;
4. Alteration of existing hydrologic or aquatic systems;
5. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

SILTATION - Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the

site of a land disturbing activity; and which has been deposited, or is in suspension in water.

SINGLE-FAMILY RESIDENTIAL COMPLEX - A group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

SINGLE-FAMILY RESIDENTIAL DWELLING - A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

SITE EVALUATION - An investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106-802, Swine Farm Siting Act)

SITE PLAN - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SITE SPECIFIC DEVELOPMENT PLAN (SSDP) - A plan which has been submitted to a city by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a city. Unless otherwise expressly provided by the City, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific development plan under this section that would trigger a vested right shall be finally determined by the City pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site-specific development plan, and approval of a site-specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site-specific development plan. (Source: NCGS § 160D-102.)

SKETCH PLAN- A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general

agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

SLAUGHTERHOUSE - A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

SLOPE - A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SLUDGE - Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

SMALL WIRELESS FACILITY - A wireless facility that meets both of the following qualifications: a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet. B. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

SPINNER - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

SQUARE - Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

SOLID MASONRY - Load-bearing or non-load-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross-sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

SOIL SURVEY - The Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

SOLID WASTE - Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

1. Fecal waste from fowls and animals other than humans.
2. Solid or dissolved material in
 - a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
 - b. Irrigation return flows.

- c. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- 3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- 4. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
- 5. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
(Source: NCGS § 130A-290)

SOLID WASTE DISPOSAL FACILITY - A facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste.
(Source: NCGS § 159C-3)

SOLID WASTE DISPOSAL SITE - Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method. (Source: NCGS § 130A-290)

SOLID WASTE MANAGEMENT FACILITY - Land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

SOUND MANAGEMENT PROGRAM - A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105- 277.2).

SPECIAL CONCERN SPECIES - Any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106-202.12).

SPECIAL USE - A "special use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a special use if designated as such by the Use Matrix of Table 8.1.8.

SPECIFIC PLAN - A document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by (1) refining the policies of the Comprehensive Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

SPECIFIED ANATOMICAL AREAS - Means: 1.) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or 2.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Source: NCGS § 14-202.10)

SPECIFIED SEXUAL ACTIVITIES - Means: 1.) Human genitals in a state of sexual stimulation or arousal; 2.) Acts of human masturbation, sexual intercourse or sodomy; or 3.) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts. (Source: NCGS § 14-202.10)

SPINNER - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

SPOIL BANK - A deposit of excavated overburden or refuse. (Source: The Mining Act of 1971, NCGS § 74-49)

STABLE, COMMERCIAL - A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands. See § 8.3 of this Ordinance.

STABLE, PRIVATE - A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

STAFF - Unless otherwise indicated, the staff of the Planning Department.

STATE HIGHWAY - Street or highway on the State Highway System.

STATE HIGHWAY SYSTEM - The system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

STORM DRAINAGE FACILITIES - The system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER - The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

STORMWATER COLLECTION SYSTEM - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

STORMWATER RUNOFF - The direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

STORY - That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

STORY ABOVE GRADE - Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) More than 6 feet (1829 mm) above grade plane; (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or (3) More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

STREAM - A watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

STREAM (CLASS I) - All rivers or streams shown on USGS Quadrangle maps as a solid blue line.

STREAM (CLASS II) - all rivers or streams shown on USGS Quadrangle Maps as a dotted blue line or if not already classified as a Class 1 stream, identified as a stream on the NRCS soil survey map for Cabarrus County; or identified as a

stream by a qualified stream classification professional as defined in subsection B.

STREAMER - A string or strip of miniature or full-size pennants or flags which may or may not be suspended between two points.

STREET - Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STREET LINE - A lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

STREETSCAPE- Features added to a public street, that improve its physical appearance beyond the typical minimum requirements. Such improvements, may include street trees, benches, public art, landscaping, textured pavement, decorative light poles, decorative street signs, etc.

STRIP DEVELOPMENT - A form of development characterized by the following:

1. the primary uses are commercial or retail in nature;
2. the development site takes direct access from an Arterial or Collector Road;
3. the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
4. the site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURE - Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures.

STRUCTURE, MAIN OR PRINCIPAL - See "Building, Main or Principal."

STRUCTURE, PERMANENT - Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY - A moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure, and placed on a parcel of land for a period of time equal to one (1) year or less.

STUB-OUT (STUB-STREET) - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE or "SUBDIVIDE LAND" - The act or process of creating a Subdivision.

SUBDIVIDER - Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business

of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definitions nor be subject to the regulations authorized by this part: (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 are equal to or exceed the standards of the municipality as shown in its subdivision regulations. (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved. (3) The public acquisition by purchase of strips of land 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 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

SUBGRADE - The foundation layer of a street.

SUBSIDIARY - A person who is directly, or indirectly through one or more intermediaries, controlled by another person.

SUBSTANTIAL MODIFICATION - The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

1. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
2. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

SUPERSTORE - A retail structure or group of structures have a total of in excess of twenty-five thousand (25,000) square feet of Gross Floor Area.

SURFACE, IMPERVIOUS - See Impervious Surface.

SURVEYOR - A land surveyor registered by the State of North Carolina.

SWALE - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE - A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

SWINE FARM - A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

SWINE HOUSE - A building that shelters porcine animals on a continuous basis.
(Source: NCGS § 106-802, Swine Farm Siting Act)

TATTOO PARLOR - Any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof.

T-SHAPED SIGN - A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

TELEVISION, RADIO AND FILM STATION - A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TEMPERATURE CONTROLLED - having the temperature regulated by a heating and/or cooling system, built-in or appliance.

TEMPORARY - Unless otherwise specified, for a period of time less than or equal to one (1) year.

TEMPORARY SIGN - A sign advertising a special event and not intended to be displayed on a permanent basis.

TEMPORARY USE - See Use, Temporary.

TEN-YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.
(Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

THOROUGHFARE - A Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

THOROUGHFARE PLAN - The document entitled Cabarrus - South Rowan Urban Area Transportation Plan prepared by the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation and dated October 1997 (or newer edition as amended), which document is hereby incorporated by this reference.

THREATENED SPECIES - Any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

THROUGH LOT- See "Lot, Through."

TIME SHARE - A "time share" as defined in NCGS 93A-41(9).

TIRE COLLECTION SITE - A site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

TIRE PROCESSING SITE - A site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

TOTAL PERMISSIBLE DWELLING UNITS OR SQUARE FOOTAGE - The total density or intensity of a project computed pursuant to Article 7 of this Ordinance.

TOWNHOUSE - A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines

separating each unit. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

TOWNHOUSE, STACKED - Units that are stacked on each other; units may be multilevel; all units have direct access from the outside.

TOXIC WASTE - That waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

TRACT - All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TRAIL - Any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

1. Park trail. -- A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
2. Designated trail. -- A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
3. A State scenic trail, State recreation trail, or State connecting trail under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
4. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system

(Source: North Carolina Trails System Act, NCGS § 113A-85)

TRANSFER STATION, HAZARDOUS - A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

TRANSIENT - Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

TRANSIT SYSTEM - The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRANSIT STATION - Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSIT FACILITY - All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

TRANSIT TERMINAL - A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES - Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRAVEL TRAILER - A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT WORKS - Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

TRIPLEX - A building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK CAMPER - A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

TRUCK AND MULTI-MODAL TERMINAL - A facility for truck loading and unloading and cargo storage.

TRUCK PARKING AREA - An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

TWENTY-FIVE YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

UNCOVERED - The removal of ground cover from, on, or above the soil surface.

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM - A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

UNDERLYING DISTRICT or UNDERLYING ZONING DISTRICT- A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UNIQUE OR SPECIAL AREAS PARKS - Any unique or special area as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8.

UNSUITABLE OR UNSTABLE SLOPE - An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

UNUSABLE LAND - Unusable land shall mean:

1. Any land where building construction is prohibited (such as wetlands, stream buffers, dedicated easements and rights-of-way, except those existing only to protect underground utilities such as water lines or sewer lines, etc.) as determined by the Administrator; or
2. Land with a post-development slope greater than 3:1; or
3. Land farther than ½ mile from a lot included in the development.

UPZONING - The reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity than the current zoning classification of the property.

USE - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED - Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE MATRIX - The schedule of permitted uses, conditional uses and accessory uses within each zoning district set forth in Table 8.1.8 of this Ordinance.

USE PERMITS - Approval, with appropriate stipulations, by the Governing Agency after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

USE, QUASI-PUBLIC - Uses which are considered to be dedicated to public service or to culture. These uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY - A use that is established for one (1) year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 8.1.8 of this Ordinance.

USE, VARIANCE - A variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

USED OIL RECYCLING FACILITY - Any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290).

UTILITIES - Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY FACILITIES - Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

UTILITY POLE - A structure that is designed for and used to carry lines, cables, or wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

UTILITY SERVICE YARDS - Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

VALANCE - A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VARIANCE - A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VEGETATIVE BUFFER- An area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE FILTER - An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE GROUND COVER - Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

VEHICLE - Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK - A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL - Any motor vehicle with a manufacturer's chassis rating greater than one ton.

VEHICLE, MOTOR - A device, in, upon or by which any person or property is or may be transported or drawn upon a road or highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

1. First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.
2. Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

VEHICLE SIGN - See Portable Sign.

VERY LOW INCOME HOUSING - Dwelling units reserved for occupancy or ownership by persons or households whose annual gross income does not exceed fifty percent (50%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

VESTED RIGHT- The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS § 160D-102 et seq.)

VETERINARIAN - A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinarian establishment.

WALL, EXTERIOR - A wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

WALL SIGN - A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

WAREHOUSING AND DISTRIBUTION, GENERAL - An establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

WAREHOUSING AND STORAGE - Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties.

WASTE-RELATED USE- Any of the following, (see Use Matrix and this Article for rules of interpretation: Concentrated Animal Feeding Operation or Animal Production; Demolition Landfill; Hazardous Waste facility; Land Clearing and Inert Debris Landfill; Materials Recovery Facility; Salvage Yard; Septic and Other Waste Management Service; Slaughter House; Solid Waste Disposal Facility (including any Landfill, Incinerator or Combustor); Hazardous Waste Collection facility; or Nonhazardous Waste Collection facility.

WASTEWATER- Any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

WASTEWATER COLLECTION SYSTEM - A unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

WASTEWATER FACILITIES - Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTEWATER SYSTEM - A system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

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

WATER DEPENDENT STRUCTURES - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WATER FACILITIES - Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WATER POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143-213).

WATER POLLUTION CONTROL FACILITY - Any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing

liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

WATER POLLUTION CONTROL SYSTEM - A system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

WATER SUPPLY SYSTEM - A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

WATER SYSTEM - All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of stormwater runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural stormwater and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

WATER SYSTEM IMPROVEMENTS OR SEWER SYSTEM IMPROVEMENTS - Such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

WATER TOWER - A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WATER TREATMENT FACILITY - Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (Source: NCGS § 90A-20.1).

WATERS - Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the City. (Source: NCGS § 143-212).

WATERSHED - A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

WATERSHED COMMISSION - The Cabarrus County Watershed Improvement Commission.

WET DETENTION POND - As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

WIND-DRIVEN SIGN - Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

WINDOW SIGN - A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information can be read from off-premise.

WINERY/CIDERY - An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages. The establishment may include uses permitted in the district in accordance with state and local laws.

WINERY/CIDERY-MICRO - An establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages with a capacity not to exceed 1,000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

WIRELESS FACILITY - Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

1. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
2. Wireline backhaul facilities.
3. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER - Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

WIRELESS PROVIDER - A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES - Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER - A person who provides wireless services

WIRELESS SUPPORT STRUCTURE - A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

WOODLAND - All forest areas, both timer and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS § 113-57)

YARD - An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202)

YARD, FRONT - A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR - A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED - The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD, SIDE - A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 7.6.2 B of this Ordinance. (See Figure in definition of "required setback.") An interior side yard is defined as the side yard adjacent to a common lot line.

YARD SETBACK - The minimum horizontal distance between any building and the property line.

ZERO LOT LINE - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING CLEARANCE - The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

ZONING DISTRICT - Any portion of the area of the City in which the same Zoning regulations apply.

ZONING INSPECTOR - The Administrator or his duty authorized representative.

SECTION 5: That this Ordinance be effective immediately upon adoption.

Adopted in this 11th of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

ATTEST: _____

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

RESOLUTION OF INTENT

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys;
and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closure of a portion of the Evans Street NW right-of-way, as more specifically set forth below:

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

(1) A meeting will be held at 6:00 p.m. on the 11th day of July, 2024 at the City Hall Council Chambers, 35 Cabarrus Ave. W, Concord, NC to consider a resolution on the closure of the area described as follows:

BEGINNING at a calculated point in the western margin of the deeded right-of-way recorded in Book 399 at Page 242, said point being N53°05'31"E 25.15 feet from an existing iron rod marking the northwestern-most corner of the aforementioned deeded right-of-way; thence following the right-of-way N53°05'31"E 44.33 feet to a calculated point, said point being S53°05'31"W 80.83 feet from an existing iron rod marking the northeastern most corner of the deeded right-of-way; thence S35°05'55"E 2.03 feet to a calculated point within the deeded right-of-way; thence S54°41'56"W 44.30 feet to a calculated point within the deeded right-of way; thence N35°05'55"W .78 feet to the point of BEGINNING, being 62.3 sq. ft., more or less, as surveyed by Billy B. Long, Jr. on May 28, 2024.

(2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Independent Tribune or other newspaper of general circulation in the area.

(3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

(4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted this 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch Mayor

ATTEST:

Kim Deason, Clerk



Petition for Closure of Right-of- Way
(Type or print in black ink)

Applicant: Erica Fulton & Jermaine T Lawrence c/o Cooper Legal Firm PC Date: 04-19-2024
Applicant's address: 636 Central Drive NW, Concord, NC 28027

Applicant's telephone: Home: Work: 704-940-3236
Location of right-of-way proposed for closure (name, paved, unpaved, etc.):
0.39 foot of a portion of Evans Street NW as shown on the survey near the intersection of Evans and Central Drive

List all adjoining property owners, other than applicant (use additional page, if necessary):

Name: Lasunkanmi Doyin Ogunyomi Name: Liberty Primitive Baptist Church
Address: 646 CENTRAL DR NW CONCORD NC 28027 Address: 652 and 656 CENTRAL DRIVE CONCORD, NC 28027

Name: Address:
Name: Address:

Reason for Petition for Closure of Right-of-Way: Older Existing Home was built partially in the 50 foot ROW

Signature(s) of applicant(s):  Date: 4/20/24
Date: 4/20/24
Date:
Date:

Required Attachments/Submittals:

1. Legal petition (boundary description)
2. Tax map with subject right-of-way delineated
3. Filing fee (*check payable to City of Concord*) – see the Official Fee Schedule for the applicable fee.
4. Cabarrus County Land Records print-out of names and addresses of all immediately adjacent

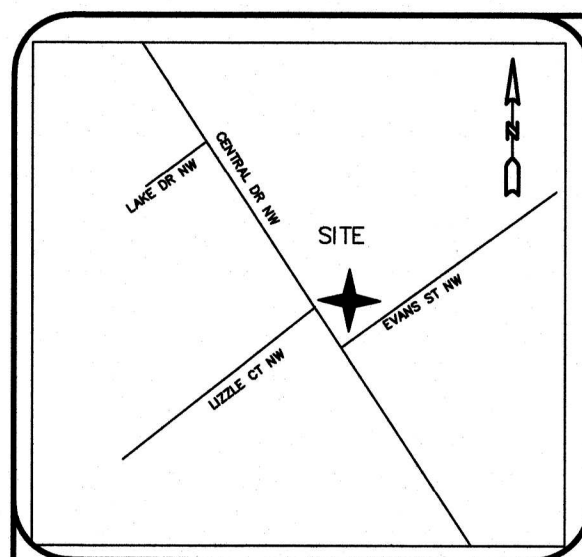
Please submit this application to the Planning & Neighborhood Development Department

Staff Use Only:

Fee: Received by: Date:

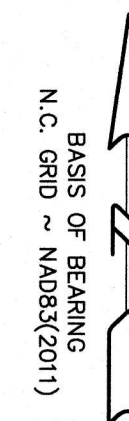
Planning & Neighborhood Development

35 Cabarrus Avenue W • P. O. Box 308 • Concord, NC 28025
Phone (704) 920-5152 • Fax (704) 920-6962 • www.concordnc.gov



VICINITY MAP
NOT TO SCALE

LEGEND	
■ CMF (CONC MONUMENT)	○ POWER POLE
● EIP (AS DESCRIBED)	○ WATER VALVE
○ SIP (#5 REBAR W/CAP)	○ WATER VAULT
⊗ NPS (NO POINT SET)	⊞ CATCH BASIN
— BOUNDARY LINE (AS SURVEYED)	— BOUNDARY LINE (BY DEED OR PLAT)
— RIGHT-OF-WAY LINE	— EASEMENT LINE
— TIE LINE	— SD — SD STORM SEWER PIPE
— P — P OVERHEAD POWER LINE	



LASUNKAMI DOYIN OGUNYOMI
PIN: 5621-01-5357
DB: 13271, PG. 306
MB. 2, PG. 45

LIBERTY PRIMITIVE BAPTIST CHURCH
PIN: 5621-01-7421
DB: 1031, PG. 336
MB. 1, PG. 9
(LOTS 1 & 2 BLOCK D)

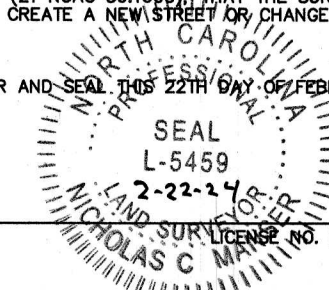
ERICA Y. FULLTON
and husband
JERMAINE T. LAWRENCE
PIN: 5621-01-6209
DB: 16515, PG. 45
MB. 2, PG. 180
(LOTS 20-23 BLOCK H)
0.346 ACRES
(0.039 ACRES INSIDE R/W)

PLAT CERTIFICATION

I, NICHOLAS C. MANSEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM DEEDS OR MAPS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:10,319; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 22TH DAY OF FEBRUARY, A.D., 2024.

Nicholas C. Mansey
PROFESSIONAL LAND SURVEYOR



NOTES:

1. TRAVERSE ADJUSTED BY LEAST SQUARE ADJUSTMENT METHOD.
2. AREA COMPUTED BY COORDINATE COMPUTATIONS.
3. RAW ERROR OF CLOSURE 1:10,319.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. NC GRID ~ NAVD 83 (2011) POSITION; BASIS OF BEARING DERIVED FROM NGS NETWORK RTK ON FEBRUARY 20-21, 2024. (HORIZONTAL POSITIONAL ACCURACY <0.10) PROJECT LOCALIZED HOLDING 1/2" PIPE #102(N = 611,285.24', E = 1,520,526.42') AND USING COMBINED GRID FACTOR 0.9998502096 AND UNIT IF MEASUREMENT IS U.S. SURVEY FEET.
6. NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS SURVEY. BEFORE DOING ANY DIGGING, CALL NC NE-CALL (1-800-632-4949).
7. FLOODPLAIN DATA DERIVED FROM F.I.R.M. MAP NUMBER 3710562100K, EFFECT DATE NOVEMBER 16, 2018. ZONE X = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
8. THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
9. THIS MAP DOES NOT CONFORM TO G.S. 47-30 AS AMENDED.

REFERENCES:

1. ALL DEEDS AND MAPS SHOWN HEREON.
2. CABARRUS COUNTY ON-LINE G.I.S. TAX MAP.
3. NORTH CAROLINA FLOOD RISK INFORMATION.
4. RECORD PLAT TITLED "LAURINGOOD PARK SUBDIVISION", BY REECE IRA LONG, DATED 1926, RECORDED IN CABARRUS COUNTY REGISTRY MB. 2, PG. 45.
5. RECORD PLAT TITLED "CEDAR-ROSE SUBDIVISION", BY REECE IRA LONG, DATED 1926, RECORDED IN CABARRUS COUNTY REGISTRY MB. 2, PG. 45.
6. RECORD PLAT TITLED "YORKE ADDITION", DATED 1901, RECORDED IN CABARRUS COUNTY REGISTRY MB. 1, PG. 9.

BOUNDARY SURVEY OF:

636 Central Drive

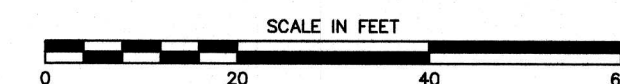
NO. 4 TOWNSHIP, CITY OF CONCORD, CABARRUS CO., NORTH CAROLINA

FOR CLIENT:

ALL GOODNESS ENTERPRISE, LLC
P.O. BOX 1944
CONCORD NC, 28026

DATE: 2/22/2024
REVISED:
SCALE: 1" = 20'
JOB NO.: 240085.000

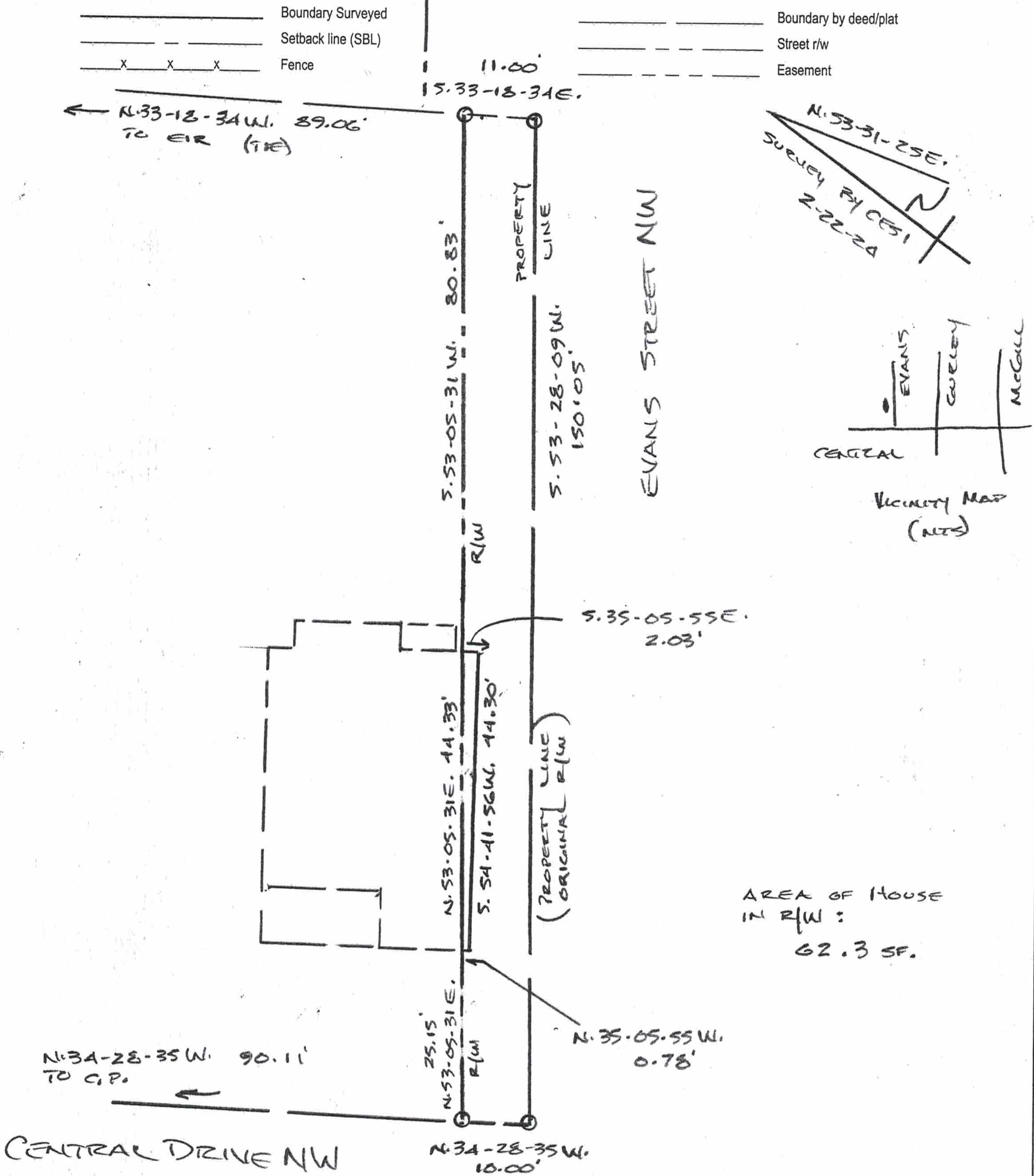
COMPUTED BY: PJS
DRAWN BY: NCM
CHECKED BY: NCM



CIVIL - GEOTECHNICAL - SURVEYING
N.C. FIRM LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025 FAX (704) 786-7454
ACAD FILE: 240085-NM.DWG
© CESI 2024

Property subject to recorded or unrecorded R/WS, easements, agreements, restrictions. The boundary description prepared from this survey is the surveyors opinion of the location of boundary lines of the property based on monuments found in field and is not to be construed as a certification of the quality of title or location of title to the property. A full title investigation is recommended.

Area by coordinates		WITH PLASTIC	
EIR = Existing $\frac{1}{2}$ " iron rod	CAD	EIP = Existing _____ iron pipe	EN = Existing Nail
SIR = 1/2" iron rod set		CP = Computed Point	S.T. = Sight Triangle
SSR = Sanitary Sewer R/W or Easement		PSDE = Public Storm Drainage Easement	EMH = Existing Manhole
		ECM = Existing Concrete Monument	
		OUL = Overhead Utility Lines	
		UB = Utility Box	
		EMN = Existing Magnetic Nail	

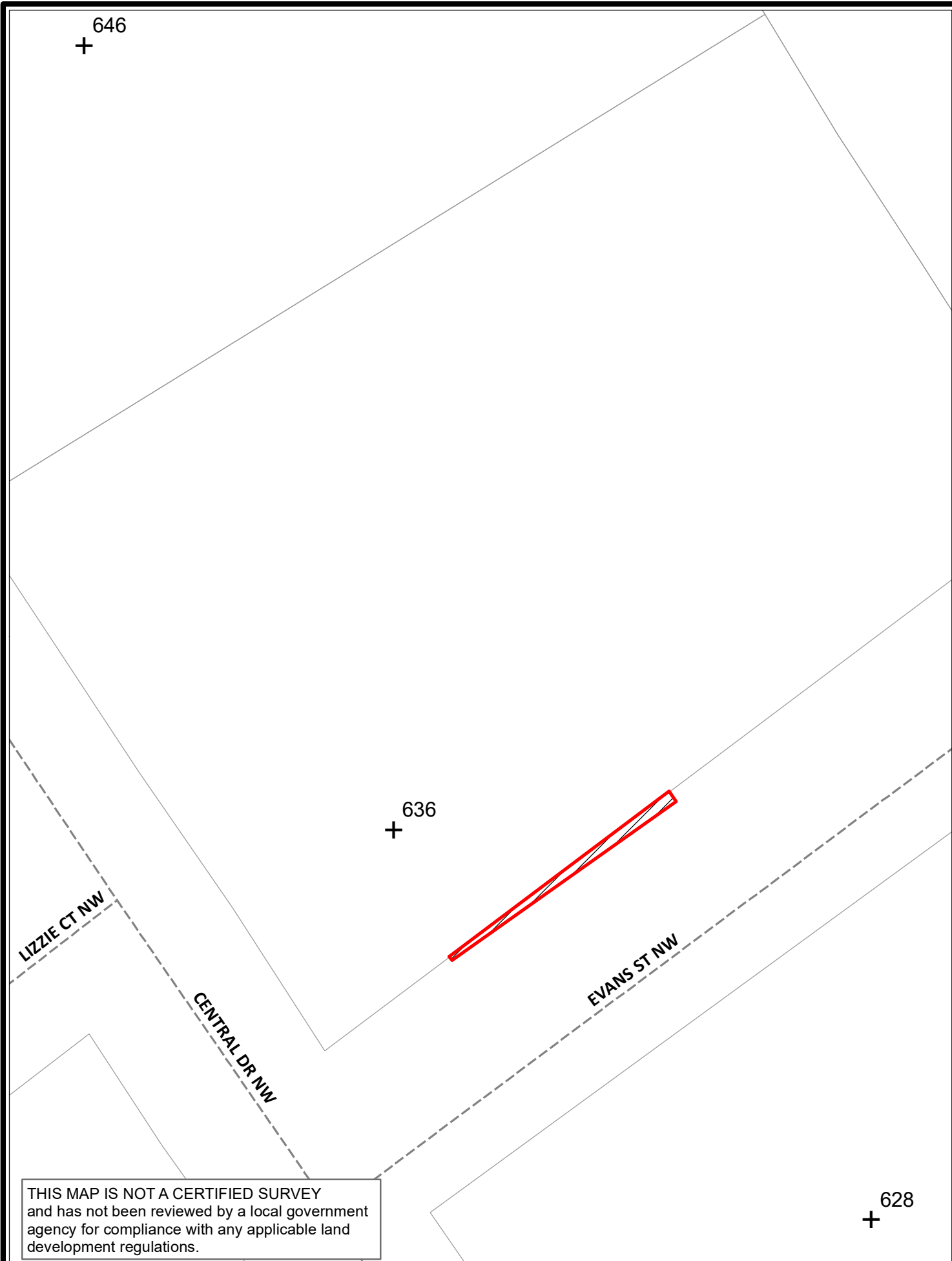


PROPERTY OF
ERICA Y. FULTON
PHYSICAL SURVEY OF
LOT NO. 23 IN BLOCK "H" OF LAURINGOOD PARK
LOCATED IN WARD NO. _____ CITY OF CONCORD NO. A TOWNSHIP: CABARETUS COUNTY, NC
Scale 1"=20'

I certify that this map was drawn under my supervision from an actual survey made under my supervision (Deed Recorded in Book 13515 Page 180, Map Recorded in Map Book 2 Page 45; that the boundaries not surveyed are indicated as drawn from information in Deeds or Maps shown hereon; that the ratio of precision does not exceed an error of closure of one foot per 10,000 feet; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21NCAC 56.1600)

This 28 day of MAY, 2024
Property shown does/does not lie in a flood hazard zone
Reference by FIRM No. NA
Effective date: NA

Billy B. Long, Jr. Professional Land Surveyor - L4178
© 2024 Billy B. Long, Jr., PLS • This Plat is not to be transferred to third parties without permission.

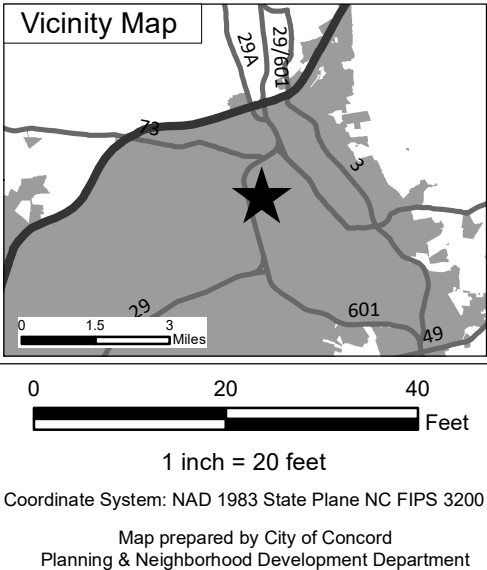
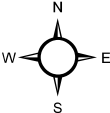


Right-of-Way Closure Map 636 Central Dr NW Concord, NC

Area: 62.3 Square Feet

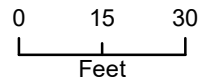
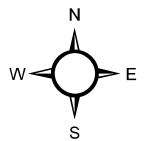
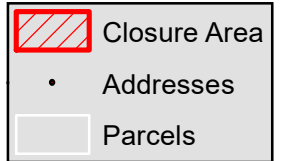
Legend

- + Addresses
- Street Centerline
- Case Boundary
- Case Area
- Parcel Boundaries



**Right-of-Way
Proposed Closure**

636 Central Dr NW

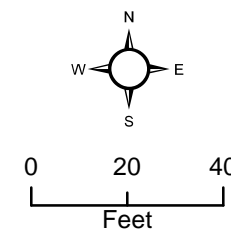


Proposal for Purchase
City of Concord
Owned Property on
Market St SW

PIN: 5620-97-0605

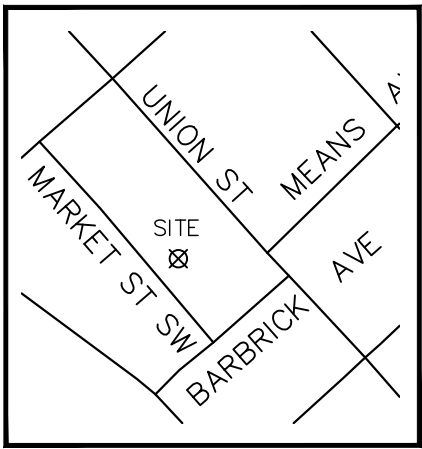
0.03 acres (1,402 sq ft)

 5620-97-0605
 Parcels



1 inch = 40 feet





VICINITY MAP
NO SCALE

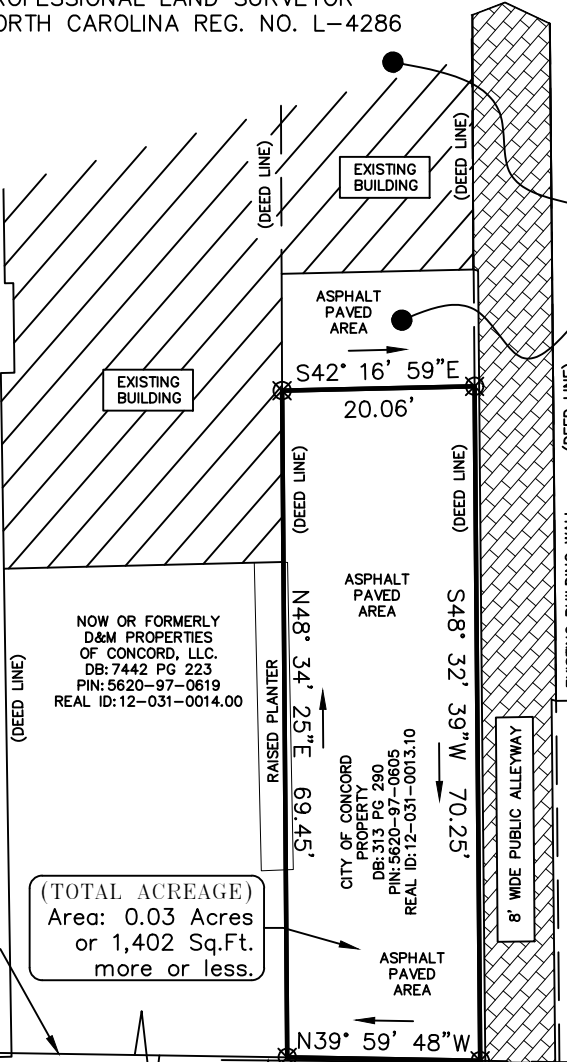
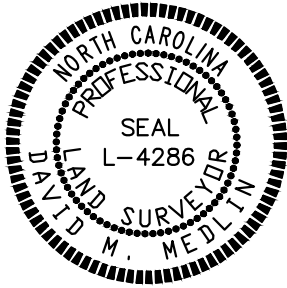
CERTIFICATE OF SURVEY AND ACCURACY

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 47-30.2, AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE 7th DAY OF MARCH, A.D., 2024.

David M. Medlin
DAVID M. MEDLIN
PROFESSIONAL LAND SURVEYOR
NORTH CAROLINA REG. NO. L-4286



NOW OR FORMERLY
HAROLD KENNETH WILLIS
AND
DIANE M. WILLIS
(AS TENANTS IN COMMON)
DB: 1816 PG 77
PIN: 5620-97-0770
REAL ID: 12-031-0013.00

NOW OR FORMERLY
MORRIS BUILDING, LLC.
DB: 15853 PG 344
PIN: 5620-97-1613
REAL ID: 12-031-0012.00

NOW OR FORMERLY
SKYE LEGACIES, LLC.
DB: 14029 PG 174
PIN: 5620-97-0702
REAL ID: 12-031-0015.00

NOW OR FORMERLY
D&M PROPERTIES
OF CONCORD, LLC.
DB: 7442 PG 223
PIN: 5620-97-0619
REAL ID: 12-031-0014.00

CITY OF CONCORD
PROPERTY
DB: 313 PG 290
PIN: 5620-97-0605
REAL ID: 12-031-0013.10

NCGS Monument
"PENNEY"
(NC GRID NAD83/2011)
N: 599,937.64'
E: 1,530,036.74'

NOTES:

- THIS MAP MAY NOT HAVE BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.
- ALL DISTANCES SHOWN ARE HORIZONTAL U.S. SURVEY FOOT GROUND DIMENSIONS, UNLESS OTHERWISE NOTED.
- AREAS SHOWN WERE DETERMINED BY COORDINATE COMPUTATIONS.
- THE PROPERTY AS SHOWN ON THIS PLAT IS SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD PRIOR TO THE DATE OF THIS SURVEY.
- THIS MAP IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- THIS MAP MAY BE RECORDED AS AN ATTACHMENT TO A DEED, ONLY.

LEGEND:

SURVEYED LINE _____
LINES NOT SURVEYED - - - - -
SUBJECT LINE _____
RIGHT OF WAY _____
EXISTING IRON ROD ○
MAG-NAIL SET ⊗

MARKET STREET, SW
(VARIABLE WIDTH PUBLIC R/W)

N7° 48' 45"W
7,752.62' (GROUND)
7,751.51' (GRID)
(JOB CSF: 0.9998574662)

SHEET 1 OF 1

PLAT PREPARED BY:

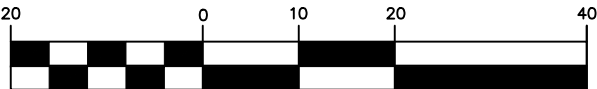
THE CITY OF CONCORD
ENGINEERING DEPARTMENT
635 ALFRED BROWN JR. COURT, SW
CONCORD, N.C. 28026-0308
(704) 920-5420 FAX (704) 786-4521
WWW.CONCORDNC.GOV/ENGINEERING

DRAWN BY:	CHECKED BY:	REVISED:
DMM	JS	

EXHIBIT PLAT

THE PROPERTY OF:
CITY OF CONCORD

EAST SIDE OF MARKET STREET, CONCORD, NC 28025
DEED BOOK 313, PAGE 290; PIN: 5620-97-0605
REAL ID: 12-031-0013.10
No. 12 TOWNSHIP OF CABARRUS COUNTY, N.C.
SCALE: 1"= 20' DATE: MARCH 7, 2024



LOFTS ON UNION

THE MORRIS BUILDING



May 30, 2024

City of Concord
Attn: Steve Osborne
35 Cabarrus Avenue West
Concord, NC 28025

RE: Proposal for Purchase of City of Concord Owned Property
Cabarrus Parcel 56209706050000 0.03 acres or 1,402 Square Feet

Dear Mr. Osborne,

Morris Building, LLC ("Morris") is the owner of 48-56 Union Street South, Concord, NC 28025 ("Building"). This 45,000 square foot building was recently renovated into 14 apartment units and will soon be home to SawMill Tavern and Charros Mexican Restaurant.

The Building fronts Union Street and Market Street. With the closure of the dumpster pad on Cesi's neighborhood property at 45 Spring Street SW, Concord, NC 28025, there currently exists no options for the businesses along the Market Street side to dispose of trash. We are concerned at this time that the situation with trash will become untenable in the near future with the growth of downtown Concord and the higher capacity businesses coming into downtown that have large disposal needs.

The City owns a parcel (Cabarrus County PIN 56209706050000) along market that is 0.03 acres (the "City Parcel") Morris is proposing the following regarding purchase of this property to resolve the inevitable trash problem:

- Morris purchases the City Parcel for Seven Thousand Five Hundred and NO/100 Dollars (\$7,500.00)
- Closing will occur within Thirty (30) days of execution of a Purchase Agreement
- A deposit of Ten and NO/100 Percent (10.0%) of the purchase price will be placed in escrow
- Morris will construct an approximately 12' Wide x 9' Deep x 8' Tall dumpster enclosure with masonry or brick base with wood/tin siding
- Morris will provide dumpster services to its apartment tenants and business as well as the neighboring business
- Morris will manage the dumpster at no cost to the City of Concord
- Morris will use the City property as parking for its residents and guests

Morris Building, LLC

Morris is prepared to offer this service to the City of Concord with an estimated cost of \$75,000 over 10 years with an immediate \$30,000 of costs in the first year. The cost is estimated as follows:

- \$25,000 to build the dumpster enclosure
- \$50,000 (\$5,000 per year) for maintenance and management of the dumpster area

Thank you for your time and look forward to your thoughts on the proposal.

Sincerely,

Justin Mueller
Morris Building, LLC
704-578-5688
justin@sdgcarolinas.com

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 acquired a parcel of real property parcel being approximately 0.03 acres, located off Market Street SW by deed recorded on Deed Book 313, at Page 290 of the Cabarrus County Registry; and

WHEREAS, the 0.03 acres parcel off Market Street NW (“Property”) is further described as follows:

LYING AND BEING in Ward No. 4 of the City of Concord, N.C., on the Southwest side of Market Street adjoining the lot of Daisy McDonald Patterson on the north, Market Street on the west and an alley on the south, as described as follows:

BEGINNING at the iron stake in the east edge of the sidewalk of Market Street, corner of Daisy McDonald Patterson, and runs with the inside of said sidewalk, S. 40-54 E, 20.0 feet to an iron stake on the north side of an alley: Thence with the north side of said alley, N. 47-44-10 E. 70.25 feet to an iron stake; Thence a new line N 43-00-30 W. 20.06 feet to an iron stake on the line of Daisy McDonald Patterson and at the south edge of a brick wall; thence with her line S. 47-46-30 W. 69.53 feet to the beginning.

WHEREAS, on May 30, 2024, the City received an Offer to Purchase the Property from Morris Building, LLC (“Buyer”) for \$7,500.00 and to construct a 12’ wide x 9’ deep x 8’ tall dumpster enclosure behind the Morris Building and manage it to Market Street businesses for common use and cost share with the goal of reducing roll outs and dumpsters for a 10-year period.

And

WHEREAS, the Buyer proposes to deposit 10% of \$750.00 which will be placed in escrow.

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 \$750.00 as a deposit to be held in escrow; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, that being further described as a parcel of land 0.03 Acre located off of Market Street SW (“Property”), is further described as follows:

LYING AND BEING in Ward No. 4 of the City of Concord, N.C., on the Southwest side of Market Street adjoining the lot of Daisy McDonald Patterson on the north, Market Street on the west and an alley on the south, as described as follows:

BEGINNING at the iron stake in the east edge of the sidewalk of Market Street, corner of Daisy McDonald Patterson, and runs with the inside of said sidewalk, S. 40-54 E, 20.0 feet to an iron stake on the north side of an alley; Thence with the north side of said alley, N. 47-44-10 E. 70.25 feet to an iron stake; Thence a new line N 43-00-30 W. 20.06 feet to an iron stake on the line of Daisy McDonald Patterson and at the south edge of a brick wall; thence with her line S. 47-46-30 W. 69.53 feet to the beginning.

4. Any persons wishing to upset the offers 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 City Council.
6. A qualifying higher bid is one that raises the existing offer by not less and ten (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 (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 a 0.03-acre real property parcel located off Market Street SW.
 - b. The City will convey the property along with any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any other ordinance of record.
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 a 0.03-acre real property parcel located off Market Street SW in accordance with this resolution.

Adopted this 11th day of July, 2024.

CITY COUNCIL

CITY OF CONCORD

NORTH CAROLINA

/s/

Willian C. Dusch, Mayor

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD
CODE OF ORDINANCES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

Section 1. That Article II Chapter 50, **Section 50-44 – Display and sale of merchandise**, of the Concord Code of Ordinances be hereby amended and stated as follows:

It shall be unlawful for any person to obstruct entirely or in part any sidewalk or street of the city by displaying, offering for sale or selling at auction or otherwise any goods, wares or merchandise. This section shall not apply to restaurants erecting temporary tables on portions of the sidewalk adjacent to their business and retail businesses erecting signage and displays that have obtained the proper permit provided that:

- (1) Sufficient space of three feet from the curb shall remain for pedestrians to pass without stepping into the portion of the street used by motor vehicles; and
- (2) Sales are limited to food, specifically not including alcoholic beverages; and
- (3) Outside seating area shall be cordoned off.

In addition to the civil penalties provided for in section 1-6, violation of this section shall be a misdemeanor punishable by a fine not to exceed \$50.00 as provided for in N.C.G.S. 14-4.

Section 2. That Article II Chapter 50, **Section 50-50 – Permits required, generally**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City Manager, or his designee, may enter into encroachment agreements for the serving of food and beverages or the display of merchandise on city sidewalks on the following conditions:

- (1) Sidewalk dining is for customers of the restaurant only;
- (2) Outdoor merchandise display must be an accessory use to the lawfully established retail business and shall be limited to the type of merchandise sold by that retailer at that site;
- (3) Sidewalk dining furnishings and outdoor merchandise display fixtures may not be bolted into the ground or fastened to streetlights, trees or other street furniture or installed within the city right-of-way;
- (4) All merchandise and merchandise display fixtures must be removed during non-business hours unless located on private property;
- (5) A cover charge is not charged for sidewalk dining;
- (6) Furnishings including but not limited to tables, chairs and umbrellas, shall not display the branding or advertising of any business entity other than the permit holder; and

- (7) The sidewalk is kept free from litter, food products and other items.

Section 3. That Article II Chapter 50, **Section 50-51 – Definitions**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Merchandise means the commodities or goods that are bought and sold in a retail business.

Physical barrier means stanchions, planter boxes, fencing, or other materials used to separate sidewalk/dining or merchandise display from the sidewalk. Physical barriers are required for restaurants that serve alcohol within an encroachment area and are not part of the Downtown Social District. Participating businesses in the Downtown Social District must serve beverages in the appropriate cups for sidewalk dining.

Public right-of-way means any area adjoining a street, road, highway alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

Restaurant means an establishment in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as "restaurants," "cafeterias," "cafes," "lunch stands," "grills," "snack bars," "fast food businesses" and other establishments, such as drugstores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include mobile food vendors, such as food trucks or carts.

Restaurant operator means the person operating a restaurant and associated sidewalk dining. As used in this article, this definition includes the owner and manager, if different from the owner, of the restaurant and associated sidewalk dining.

Retailer means a person or an establishment that sells merchandise to the public in relatively small quantities for use or consumption rather than for resale.

Sidewalk dining means any outdoor dining elements authorized by the City to be placed on public sidewalks for outdoor dining purposes to be used by patrons of a contiguous and adjacent permitted restaurant.

Temporary encroachment means all items of privately owned personal property situated on, but not affixed, connected, attached, or fastened to any sidewalk or public right-of-way.

Unobstructed Pedestrian Path (UPP) means the minimum distance between any sidewalk dining element to the nearest obstruction, landscape area, curb, or other element that restricts accessible pedestrian travel, including any required buffers or offsets.

Section 4. That Article II Chapter 50, **Section 50-52 – Encroachment agreement**, of the Concord Code of Ordinances be hereby amended and stated as follows:

Any restaurant operator who desires to offer sidewalk dining or retailer who desires to display merchandise shall execute an encroachment agreement with the City, which agreement shall contain, but not be limited to, the following:

- (1) The name, address, and telephone number of the restaurant/retailer desiring to operate sidewalk dining/merchandise display.
- (2) The name, telephone number and email address of the restaurant or retail operator.

- (3) The type of food and beverage, or food product, to be sold and served for the sidewalk dining; or
- (4) The type of merchandise to be displayed and sold including the manner in which it will be displayed.
- (5) The hours of operation of the restaurant/retailer and the proposed hours of operation of sidewalk dining/merchandise display.
- (6) A scaled drawing or site plan showing the following:
 - a. The section of sidewalk or right-of-way to be used for the dining/merchandise display with dimensions included.
 - b. The section to be kept clear for pedestrian use.
 - c. The existing curb line and public right-of-way line.
 - d. The proposed placement of the tables, chairs, merchandise display and other furnishings on the sidewalk and the physical barrier (if included) separating the dining/merchandise display area from the sidewalk.
- (7) Cut sheets or product data sheets of the furnishings to be used within the encroached area. For restaurants/retailers within the Downtown Municipal Services District (MSD), furnishings must comply with the Downtown Sidewalk Design Guidelines.
- (8) Evidence of adequate insurance, as determined by the City, to hold the City harmless from claims arising out of the operation of the sidewalk dining and/or merchandise display.
- (9) An indemnity statement whereby the restaurant operator/retail operator agrees to indemnify and hold harmless the City and its officers, agents, and employees from any claim arising from the operation of the sidewalk dining and/or merchandise display.
- (10) A copy of all permits and licenses issued by the state, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city for exterior alterations or improvements to the restaurant and/or retail establishment.
- (11) Such additional information as may be requested by the City Manager or his designee to determine compliance with this article.
- (12) A fee as determined by the City to cover the cost of processing and investigating the application and issuing the permit.

Section 5. That Article II Chapter 50, **Section 50-53 – Issuance of encroachment agreements**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City Council delegates the authority to issue encroachment agreements to the City Manager. An encroachment agreement for the operation of sidewalk dining or merchandise display may not be issued unless the following requirements are met:

- (1) Sidewalk dining must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant.
- (2) Sidewalk dining must be clearly incidental to the associated restaurant business.

- (3) The placement of tables, chairs and other furnishings as shown in the drawing required in subsection 50-52(6) must be done in such a manner that at least four feet of unobstructed pedestrian path (UPP) remains on the sidewalk for the passage of pedestrians in the center city zoning district where the total sidewalk width is ten feet or less and at least five feet of unobstructed paved space in the center city zoning district where the total sidewalk width is more than ten feet and in all other zoning districts.
- (4) The restaurant/retailer seeking approval for sidewalk dining/merchandise display must front on and/or open onto the sidewalk proposed for the sidewalk dining/merchandise display. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk frontage of the associated restaurant/retail establishment unless as provided in subsections 50-54(5) and (6) of this article.
- (5) The tables, chairs, displays and other furnishings used in sidewalk dining and/or merchandise display shall be placed in the sidewalk dining/merchandise display area during the hours that the business is open and shall be removed daily from the sidewalk at the close of the associated restaurant's business day. Sidewalk dining furnishings may be permitted to remain in the encroachment area provided they are adequately secured to prevent vandalism or damage.
- (6) The operation or furnishings associated with sidewalk dining/merchandise display shall not result in any permanent alteration to or encroachment upon any street, sidewalk, or to the exterior of the associated restaurant or retail establishment.
- (7) Outdoor merchandise display fixtures shall be in compliance with the applicable design guidelines of the area. Merchandise displays utilizing card tables, cardboard cartons, plastic milk crates, plywood boxes, or pallets are not permitted. Freestanding mannequins and dress forms are allowed.

Section 6. That Article II Chapter 50, **Section 50-54 – Placement of furnishings**, of the Concord Code of Ordinances be hereby amended and stated as follows:

Furnishings for sidewalk dining or the display of merchandise:

- (1) Shall not be within four feet of any driveway or alleyway;
- (2) Shall not be within four feet of a fire hydrant or standpipe;
- (3) Shall not be within two feet of any other streetscape amenity such as benches, light poles, public art, and raised planters;
- (4) Shall not be within ten feet of a crosswalk or the intersection of right-of-way lines (property lines) at a street intersection;
- (5) Shall not be at any location which obstructs underground utility access points, ventilation areas, meters, accessible ramps or other facilities provided for physically challenged persons, a building access or exit, or any emergency access or exit way;
- (6) Shall not be in front of an adjacent property, without the written approval of the adjacent business or property owner;
- (7) Shall not be in front of an adjacent display window, without the written approval of the business or property owner; and
- (8) Shall have other conditions that may be necessary as determined by the City Manager.

Section 7. That Article II Chapter 50, **Section 50-55 – Denial/revocation of encroachment agreement**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City Manager or his designee may deny or revoke an encroachment agreement, pursuant to this article, if he finds that the granting or continuation of the agreement would not be in the public's interest or if he finds that the applicant has:

- (1) Made a deliberate misrepresentation or provided false information in the encroachment application or agreement;
- (2) Operated sidewalk dining or merchandise display at the location in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically to include failure to keep the sidewalk clean and free of refuse;
- (3) Failed to comply with the Downtown Sidewalk Design Guidelines for encroachments within the Downtown MSD;
- (4) Failed to maintain any health, business or other permit or license required by law for the operation of the business; or
- (4) Failed to uphold the terms of the encroachment agreement.

Section 8. That Article II Chapter 50, **Section 50-56 – Reservation of rights**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City reserves the right to cease part or all of any sidewalk encroachment pursuant to this article to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building by the City, its agents or employees or by any governmental entity or public utility, and to allow for the use of the street or sidewalk in connection with parades, civic festivals, and other events of a temporary nature, as permitted by the City. The City also reserves the right to amend, alter, or change the encroachment agreement upon further review and consideration for reasons of public safety, adopted public policy, or operational concerns without any costs to the City. In such an event, the City Manager or his designee will notify the encroachment holder by certified mail of amendments to the agreement. These amendments will require the execution of a new agreement within the period specified in the notice. Failure to enter into a new encroachment agreement pursuant to this section will result in automatic termination of the agreement.

Section 9. That Article II Chapter 50, **Section 50-57 – Term and transfer of encroachment agreements**, of the Concord Code of Ordinances be hereby amended and stated as follows:

Agreements issued following this article shall remain in effect until termination due to a transfer of business ownership, termination at the request of the business or in the event of the revocation of the encroachment at the sole discretion of the City Council.

Section 10. This Ordinance shall be effective on the 29th day of July, 2024.

Adopted this the 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney



DOWNTOWN SIDEWALK DESIGN GUIDELINES

CITY OF CONCORD | JULY 2024

Exit

Enter

330

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1. OVERVIEW

1.1. HISTORY & OVERVIEW

The City of Concord's Downtown Sidewalk Design Guidelines enable the public right-of-way to be used for sidewalk dining and retail merchandise display while allowing the needs of all user groups to utilize the public space. Utilization of public spaces through an Encroachment Agreement with the City of Concord, enables sidewalk activation that creates and sustains a downtown experience that attracts new investment, visitors, residents and workers. (See [Downtown Concord Master Plan](#)).

Business owners within the City of Concord's [Downtown Municipal Services District \(MSD\)](#) that wish to enter into an Encroachment Agreement must follow these established Guidelines. The Downtown Sidewalk Design Guidelines lay a foundation for future adaptations as Downtown Concord continues to learn from successes and advance best practices.

1.2. HOW TO USE THIS DOCUMENT

Guidelines are objective and tied to code and safety requirements.

Failure to uphold the guidelines in this document, at any time, will result in Encroachment Agreement revocation. Guidelines are based on the following categories and associate regulatory documents:

Location & Site Requirements: Sidewalk dining and retail merchandise displays should consider existing utilities, infrastructure and street design when planning for placement of furnishings. Areas must not obstruct

pedestrian or vehicular visibility, crosswalks, bicycle lanes, traffic signals or other traffic warning devices, and must allow proper storm water drainage flow and streetscape maintenance.

Fire and Emergency Access: Emergency responders utilize the most direct path to access a building from the street to respond to an emergency. Clearance must be provided for responders to maneuver and operate through and around sidewalk dining and retail merchandise displays.

Accessibility: Sidewalk dining and retail merchandise displays should be fully accessible to all people including those with disabilities. Proposed furnishings must conform to the applicable provisions, rules, regulations and standards of the City of Concord Code, North Carolina Building Code, and Americans with Disabilities Act 2010 Standards Accessibility Requirements.



Links to applicable, regulatory documents:

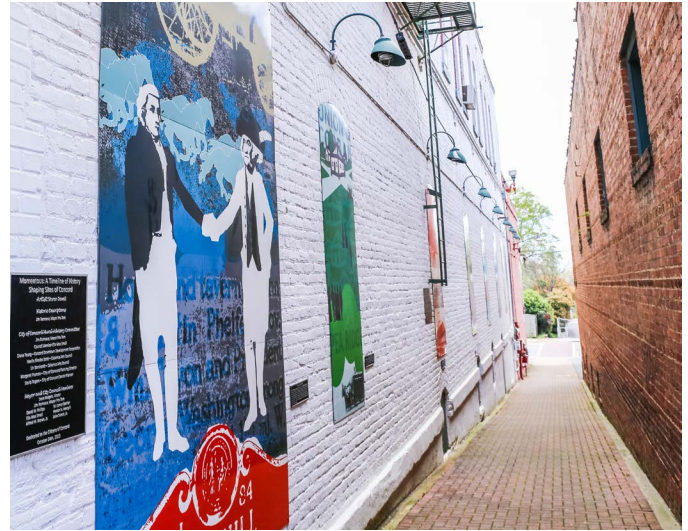
[City of Concord Code of Ordinances](#)
[Chapter 50 - Streets, Sidewalks, and Other](#)
[Public Places](#)

[City of Concord Development Ordinance](#)

[North Carolina Building Code 2018](#)

[Americans with Disabilities Act 2010](#)
[Standards Accessibility Requirements](#)

[ABC Commission of North Carolina](#)



2. OPERATIONS & PERMITTING

2.1. HOW TO APPLY

To apply for an Encroachment Agreement, visit the City of Concord's website via concordnc.gov/encroachment to download an application or see Appendix D.

Once complete, the application will be reviewed by the Planning and Legal Departments for Compliance with the [City of Concord Code](#) and these Guidelines.

Application materials required for Encroachment Agreement:

- Detailed Site Plan showing the section of sidewalk to be used for sidewalk dining/merchandise display with dimensions included, the required unobstructed pedestrian path, and the proposed placement of furnishings/merchandise display.
- Cut sheets, product data sheets, or specs of the furnishings to be used within the encroached area.
- Storage plan (if applicable)
- Proof of ABC Permit (required for alcohol service)
- Certificate of Insurance (COI)
- Neighbor Letter of Consent (required if exceeding space directly in front of business)

For questions related to submitting and processing your application, please contact:
downtown@concordnc.gov
704.920.6130

For general questions related to sidewalk dining and retail merchandise displays, please contact:
planning@concordnc.gov
704.920.5152

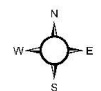
2.2. ENCROACHMENT TERMS

- Unless allowed elsewhere in the City Code, no person or entity in the Downtown MSD may use a public sidewalk for sidewalk dining/merchandise display, nor place tables, chairs, furniture, seating materials or other similar items, unless issued an Encroachment Agreement in conformance with these Downtown Sidewalk Design Guidelines, as may be amended, and City of Concord Code Chapter 50: Streets, Sidewalks and Other Public Places.
- Encroachment Agreements remain in effect until termination due to a transfer of business ownership, termination at the request of the business or in the event of the revocation of the Encroachment at the sole discretion of the City Council.
- Agreement holders:
 - Must keep all licenses and permits required for business operations.
 - Agree to keep and maintain for the duration of the permit commercial general liability insurance. The applicant must furnish the City with a Certificate of Insurance (COI) as part of the application process.
 - Shall defend, indemnify, and save harmless the City of Concord, its agents, officers, and employees, from and against all charges that arise in any manner from, in connection with, or out of the encroachment agreement as a result of the acts or omissions of the agreement holder or anyone directly or indirectly employed by any of them or anyone for whose acts may be liable except for damage or injury caused solely be the negligence of the City, its agents, officers,



Downtown Municipal Service District

 Downtown MSD
 Parcels



0 0.05 0.1
Miles

or employees.

- Must get written consent from neighboring business and property owner (if different) if the requested Encroachment Area extends beyond property lines to an adjacent building or property.
- Are liable for all damages and repairs to

the streetscape – trees and vegetation, sidewalks, streets, or other public amenities that directly relate to the use of the permitted space.

- Encroachment Agreements are shall remain in effect until termination due to a transfer of business ownership, termination at the request of the business or in the event of

revocation of the encroachment at the sole discretion of the City Council

2.3. OPERATIONAL REQUIREMENTS

- All operations and furnishings associated with sidewalk dining/retail merchandise displays shall be contained within the approved Encroachment Area and adhere to the standards outlined in these Guidelines.
- Agreement holders are responsible for keeping the Encroachment Area maintained and in good repair under the conditions of approval of the associated Encroachment Agreement as well as the responsibilities detailed in City of Concord [Code Chapter 50: Streets, Sidewalks and Other Public Places](#).
- Encroachment Agreement holders must maintain the level of noise, safety, and cleanliness of the Encroachment Area, in accordance with the relevant standards set forth in the City's Code.
- Furnishings must not be permanently affixed or bolted to any public infrastructure including the street, curb, and sidewalk.
- The City reserves the right to cease part or all of any sidewalk encroachment to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building by the City, and to allow for the use of the street or sidewalk in connection with parades, civic festivals, and other events of a temporary nature, as permitted by the City.
- The City also reserves the right to amend, alter, or change the encroachment agreement upon further review and consideration for reasons of public safety, adopted public policy, or operational concerns without any costs to the City. Failure to enter into a new encroachment agreement pursuant to this section will result in automatic termination of the agreement.

2.4. ENFORCEMENT & COMPLIANCE

An Encroachment Agreement may be denied or revoked if granting or continuation of the agreement would not be in the public's interest or if the applicant has:

- Made a deliberate misrepresentation or provided false information in the Encroachment Application or Agreement.
- Operated sidewalk dining or merchandise display at the location in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically to include failure to keep the sidewalk clean and free of refuse.
- Failed to comply with the Downtown Sidewalk Design Guidelines for Encroachments within the Downtown MSD.
- Failed to maintain any health, business or other permit or license required by law for the operation of the business.
- Failed to uphold the terms of the Encroachment Agreement.



Ann Arbor, MI - Main Street Sidewalk Dining (Source: SmithGroup)



Goldsboro, NC - Photo Credit: Eric Waters



Raleigh, NC - Photo Credit: Jessie Gladdek, Downtown Durham Inc.



Greenville, SC (Source: visitgreenvillesc.com)

3. DESIGN GUIDELINES

3.1. LOCATION & SITE REQUIREMENTS

Sidewalk dining and retail merchandise displays should consider existing utilities, infrastructure and street design when planning for placement of furnishings. Areas must not obstruct pedestrian or vehicular visibility, crosswalks, bicycle lanes, traffic signals or other traffic warning devices, and must allow proper storm water drainage flow and streetscape maintenance.

Location

- Sidewalk dining or merchandise display must be located within the Downtown Municipal Services District (MSD).
 - If the Encroachment Area abuts right-of-way maintained by the NC Department of Transportation (NCDOT), all requirements of NCDOT must also be met.
 - The Encroachment Area shall generally be within the permittee's business

frontage; dining areas outside of a business' frontage must include the neighboring business and property owner's consent.

Site Requirements

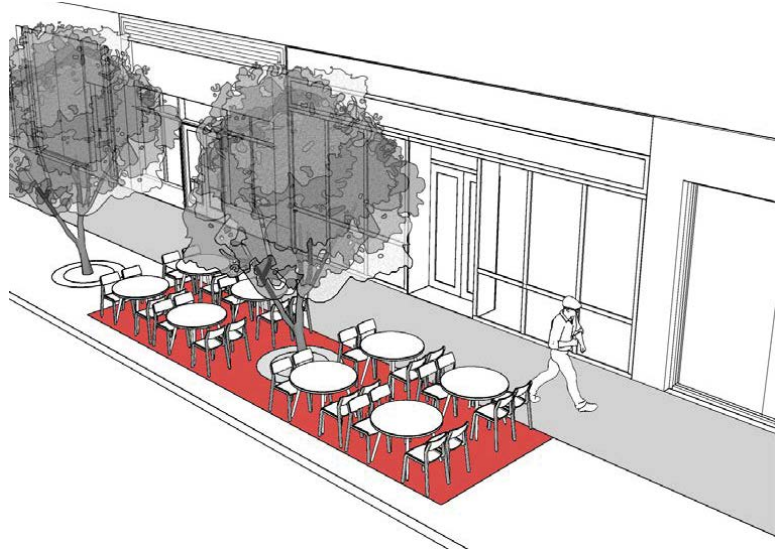
- All elements used for sidewalk dining/merchandise display shall be located so there is a minimum, accessible five-foot Unobstructed Pedestrian Path (UPP) where the sidewalk width is more than ten feet and a minimum, accessible four-foot UPP where the sidewalk width is ten feet or less.
- Sidewalk dining/merchandise display may be adjacent to the edge of building or curb.
- When movable seating extends to the UPP, an 18-inch seating setback shall be provided between the table and the path. This space allows for movement of chairs without obstructing pedestrian access along the sidewalk.
- Encroachment Areas will be reviewed by staff. Sidewalk dining/merchandise displays shall be arranged as efficiently as possible with pedestrian connectivity prioritized.
- Where an Encroachment Area extends to the curb, a minimum two-foot setback shall be maintained from the edge of curb.
- Where an Encroachment Area extends to on-street parking, furnishings shall be placed parallel to the street and a minimum two-foot setback shall be maintained from the curb edge.



Greenwich, CT - Photo Credit: Jenny Allen

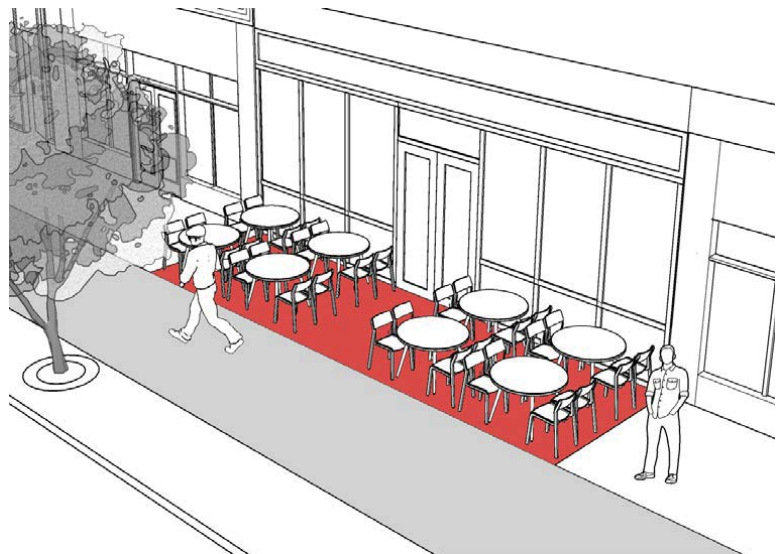
>10' EDGE OF CURB

Sidewalk Dining and Merchandise Display is permitted to be at the edge of curb as long as an unobstructed pedestrian path remains open and a two-foot buffer from the edge of curb is maintained.



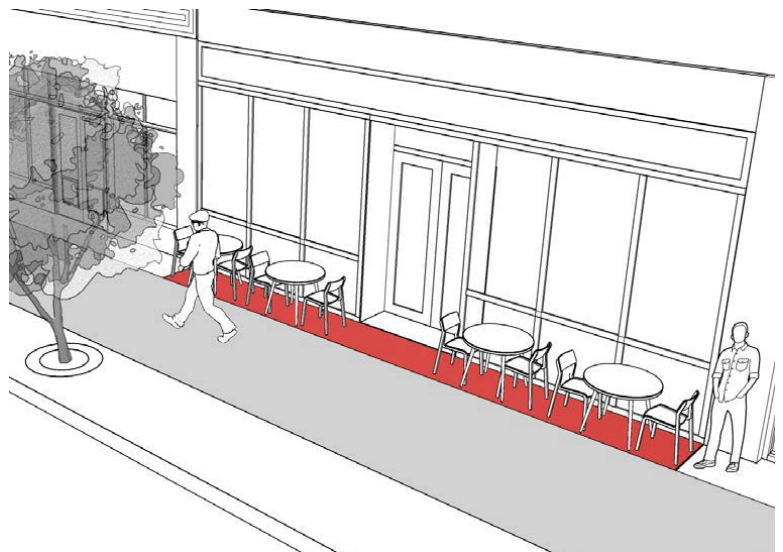
>10' EDGE OF BUILDING

Sidewalk Dining and Merchandise Display is permitted to be at the edge of building as long as an unobstructed pedestrian path remains open and all appropriate setbacks are maintained.



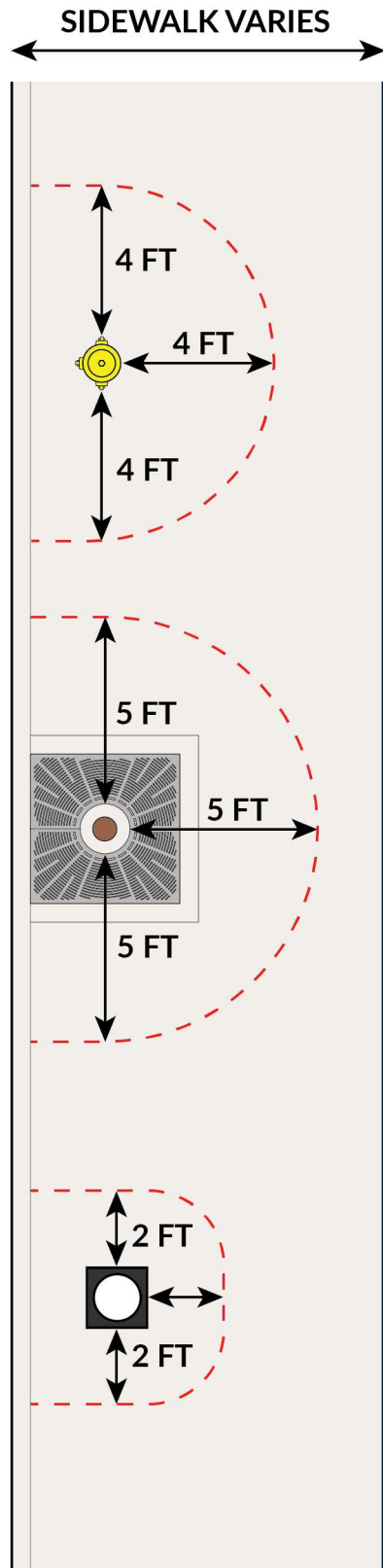
≤10' EDGE OF BUILDING

Sidewalk Dining and Merchandise Display is permitted on narrow sidewalks (10-foot or less) as well, as long as a four-foot unobstructed pedestrian path is maintained.



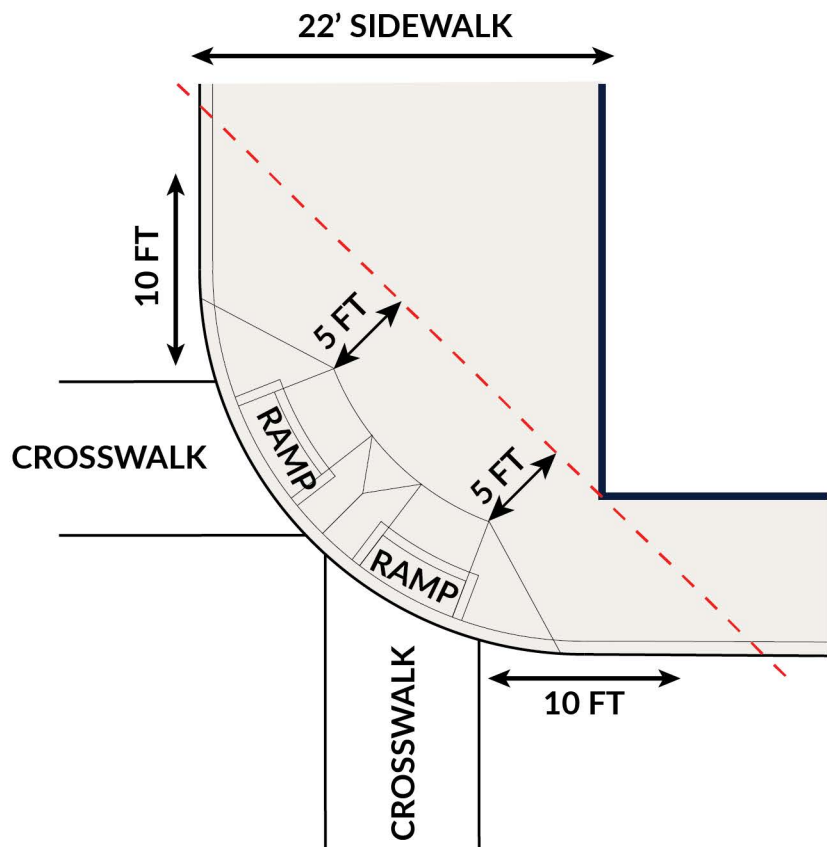
Images from Salt Lake City Sidewalk Dining Guidelines

CLEAR SPACE REQUIREMENTS

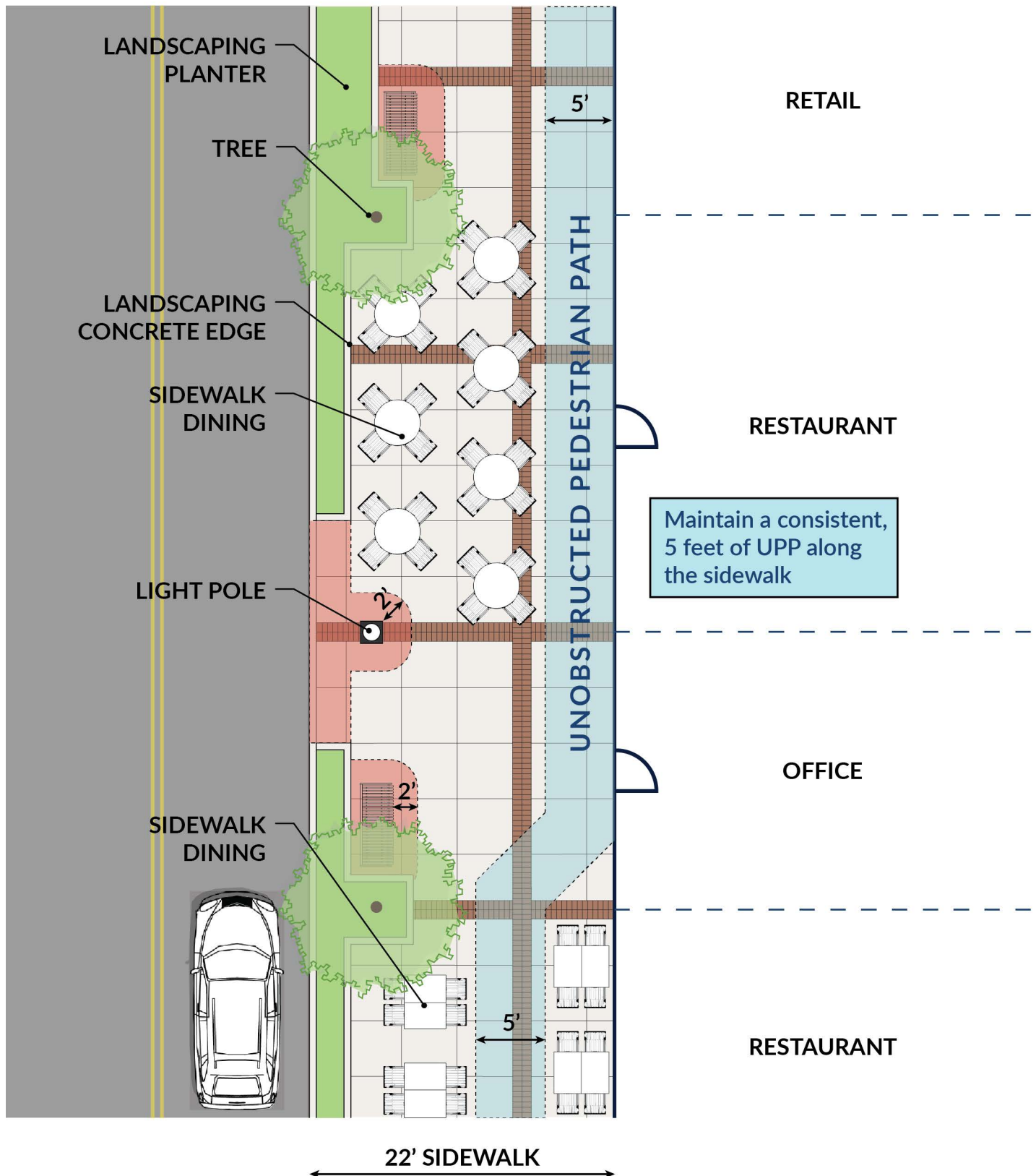


Furnishings for sidewalk dining or the display of merchandise:

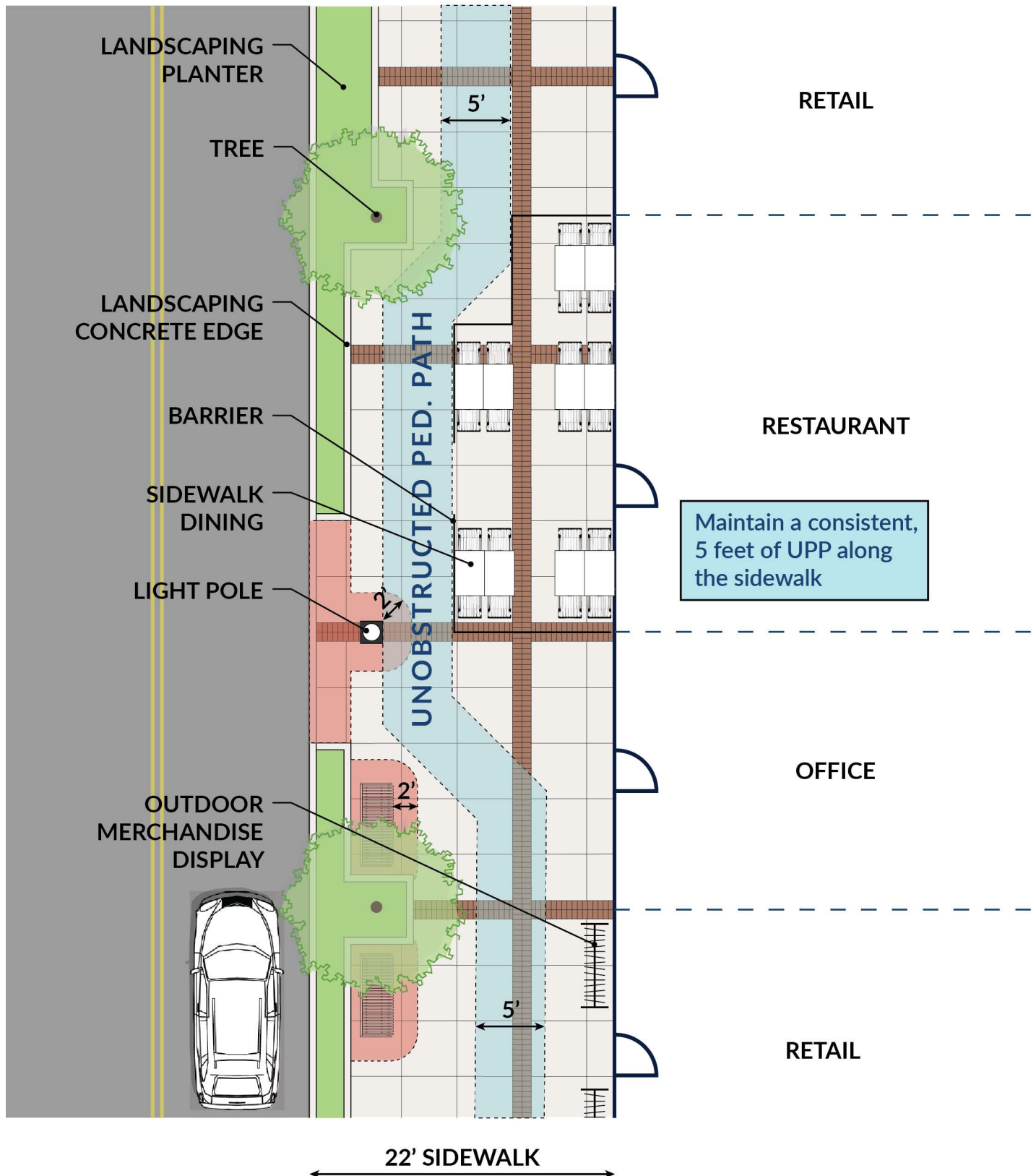
- Shall not be within four feet of any driveway or alleyway.
- Shall not be within four feet of a fire hydrant or standpipe.
- Shall not be within two feet of any other streetscape amenity such as benches, light poles, public art, and raised planters.
- Shall not be within ten feet of a crosswalk or the intersection of right-of-way lines (property lines) at a street intersection.



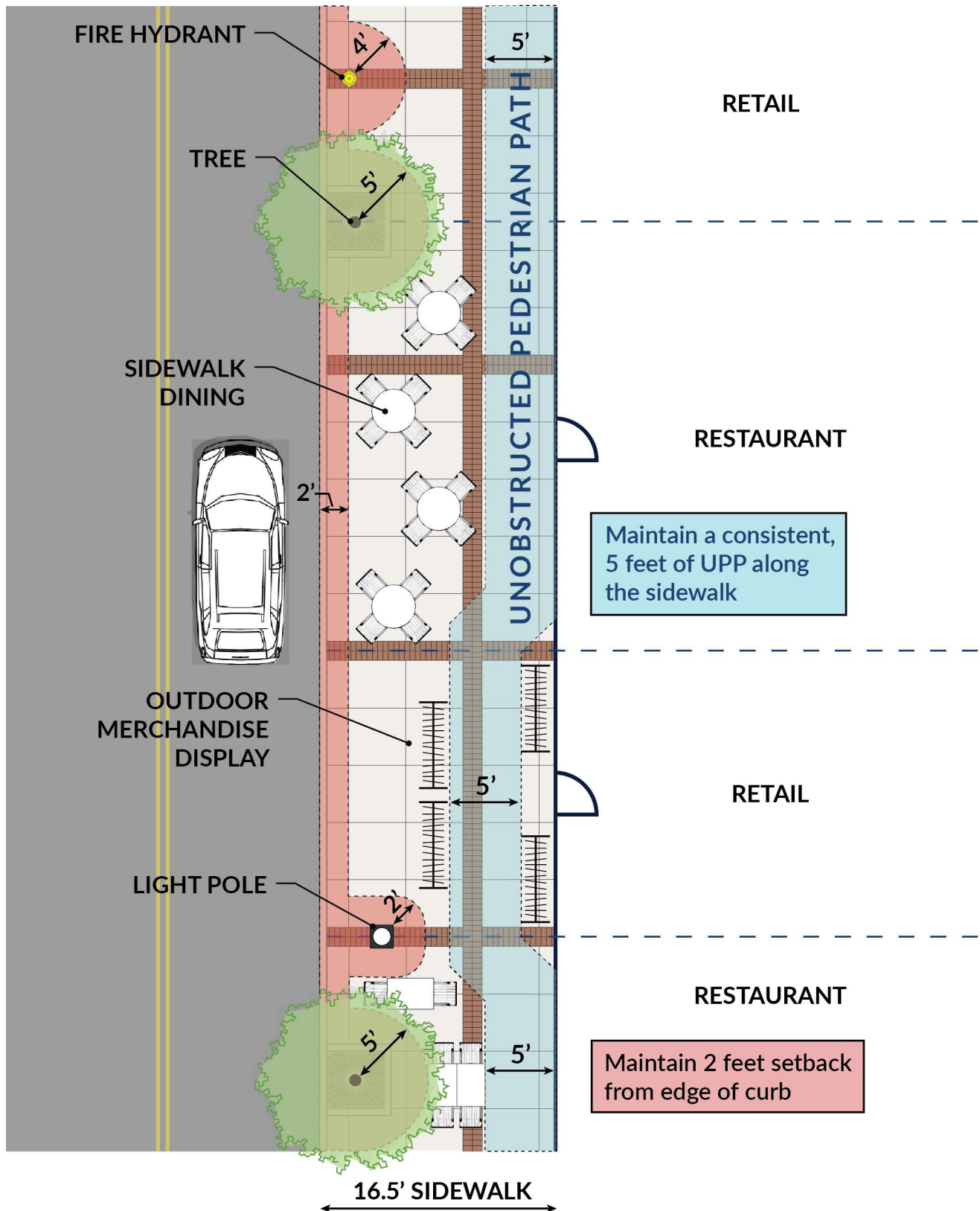
>10' EDGE OF CURB/LANDSCAPING



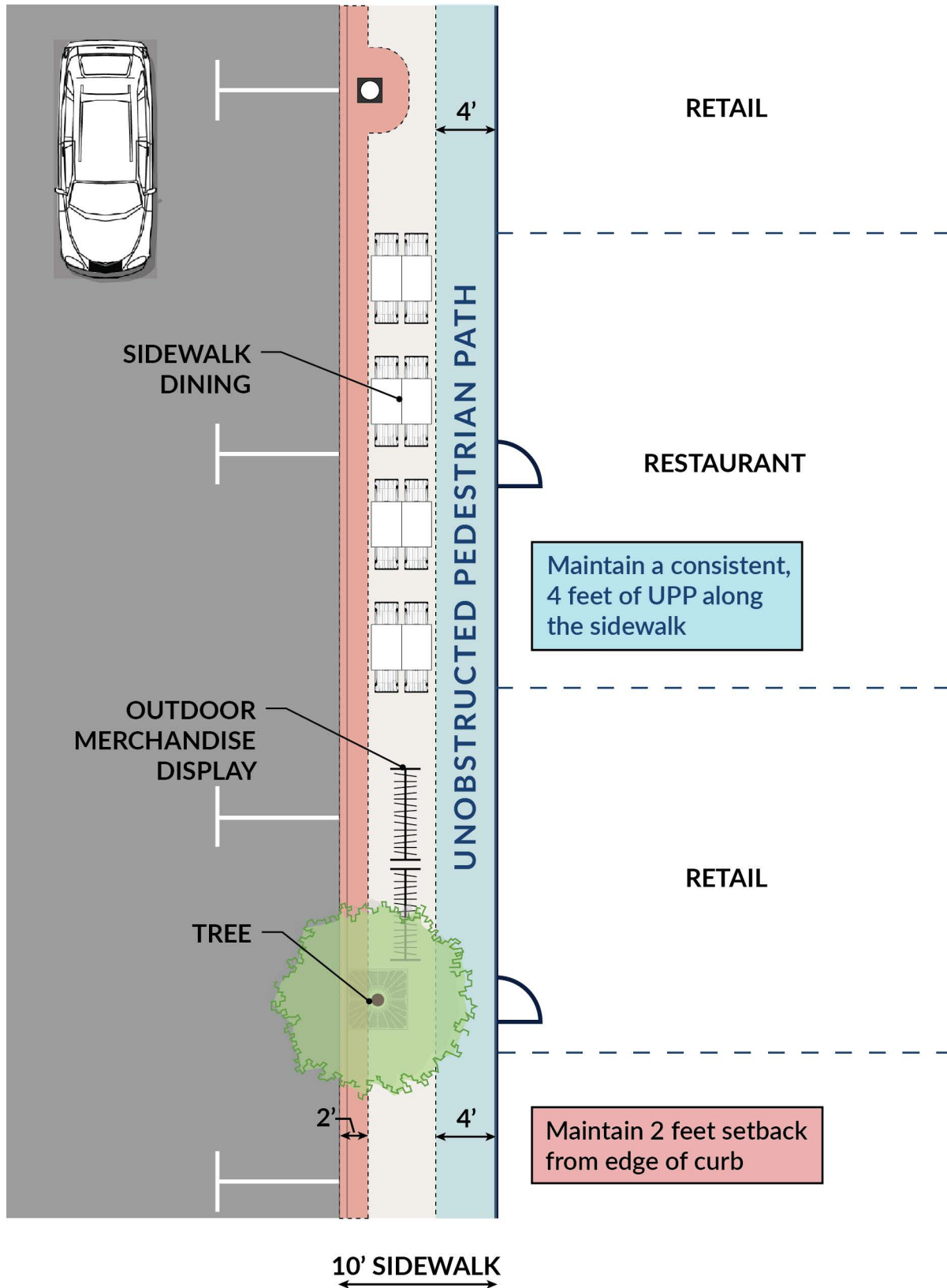
>10' EDGE OF BUILDING



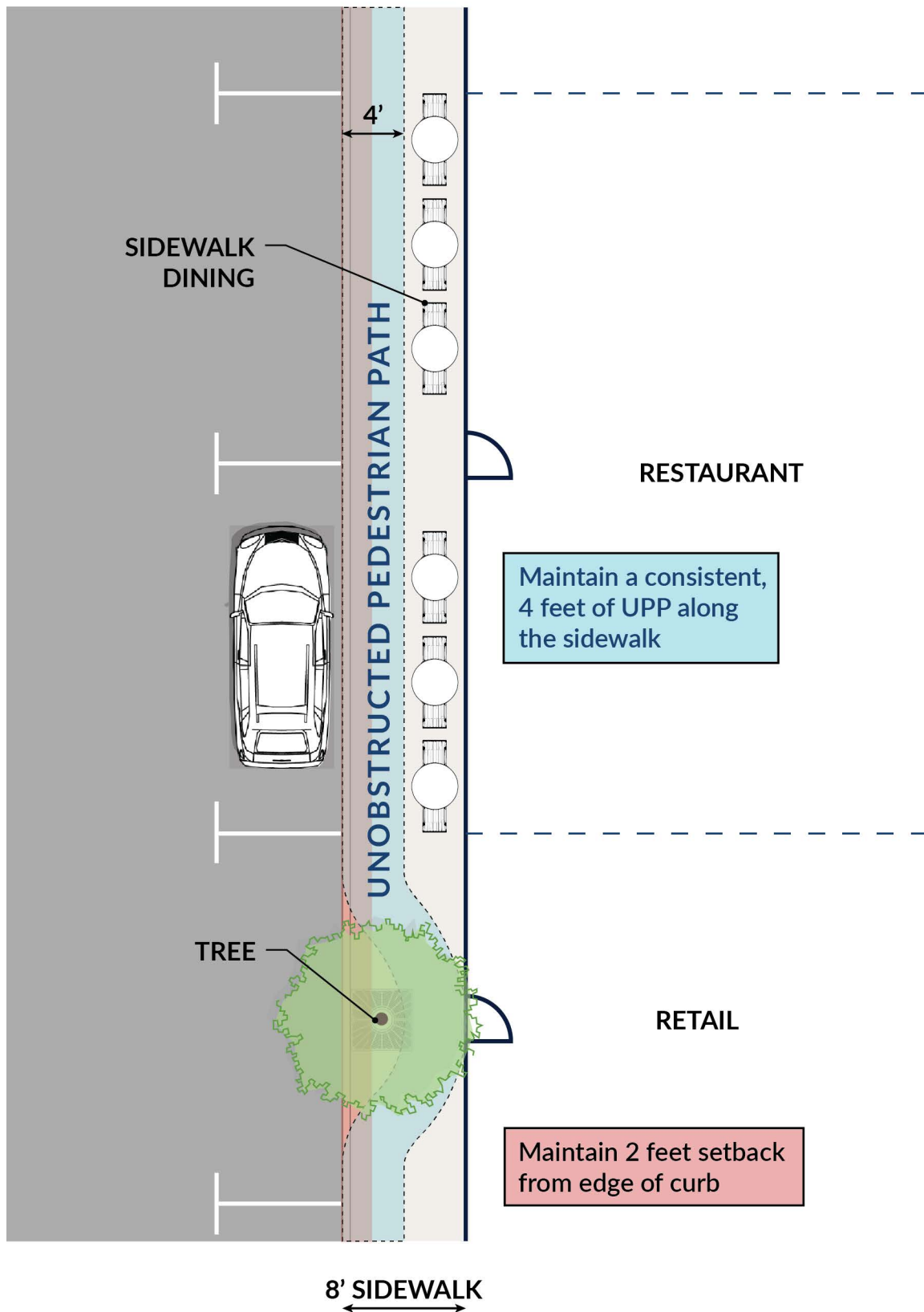
>10' EDGE OF CURB



10' EDGE OF CURB



<10' EDGE OF BUILDING



3.2. DESIGN REQUIREMENTS

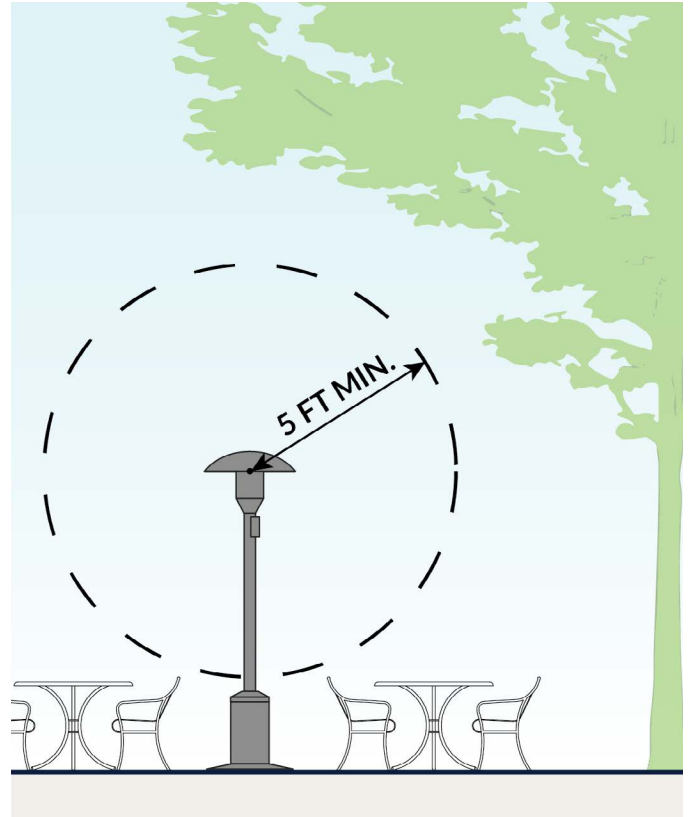
3.2.1. HEATING & LIGHTING

Heating

- Heaters in Encroachment Areas, as permitted through these guidelines, must be portable and meet all requirements of the current edition of the North Carolina Fire Code. Heaters must also follow the standards outlined below:
 - Heater locations must be within the approved Encroachment Area.
 - Operation and maintenance are to be performed by the permittee per manufacturer's instructions.
- Heating elements must not encroach into required setbacks or the unobstructed pedestrian path on sidewalks.
- Outdoor fire pits/open flames of any kind are prohibited on City-owned property, including the right-of-way.
- Equipment must be UL listed and approved (or listed with a similar qualified testing laboratory) and be designed for outdoor use.

Lighting

- Equipment must:
 - Be UL listed and labeled for outdoor use.
 - Be low-level and downward directed.
- Cords that extend over the sidewalk, suspended overhead or on the ground, are prohibited.
- Lighting, electrical wires, and/or boxes must not be affixed to or strung within street trees, tree pits, or other public infrastructure.
- Additional lighting must not flash or cause glare to pedestrians or vehicular traffic. Any proposed lighting will be approved at the discretion of City staff.
- Solar or battery-powered lighting approved for outdoor use is allowed.

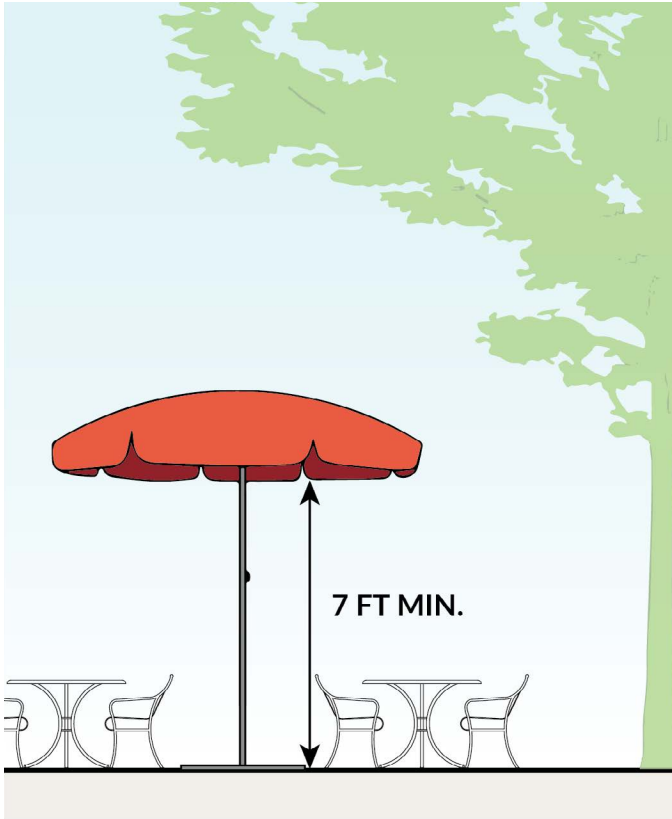


Images from Asheville Outdoor Dining Program

3.2.2. SIDEWALK DINING

Overhead Structures

- Overhead structures shall not be attached to street trees, buildings or other Sidewalk Dining elements like planters or barriers unless they are detachable.
 - Allowed as part of an Encroachment Agreement: umbrellas.
 - Not allowed as part of an Encroachment Agreement: structural roofing, awnings supported by vertical elements, shade sails.
- A minimum clear, unobstructed height of seven feet must be maintained between the sidewalk surface and any overhead objects.
- The design, format, and material of overhead elements must not interfere with the visibility of any traffic or wayfinding signage, block required unobstructed



pedestrian paths, or reduce visibility for pedestrians or vehicular traffic. Additional requirements and review will be necessary if Sidewalk Dining is located within a sight triangle.

Furniture and Barriers

- Furnishings must be made of durable, commercial grade materials.
- All furnishings shall be cohesive and complementary in design.
- Cut sheets or product data sheets of the furnishings to be used within the Encroached Area must be submitted with the permit application.
- Furniture must be kept clean and in good condition.
- Furniture, diverters, barriers and other elements shall not be bolted to the sidewalk or any public infrastructure.

- Eating and drinking surfaces, like tables, bars, and lean rails must have an 18-inch buffer where seating or space for standing is planned.
- Furniture must be removed daily or adequately secured to prevent vandalism or damage.
- Furnishings including by not limited to tables, chairs, and umbrellas, shall not display the branding or advertising of any business entity other than the permit holder.

ABC Laws and Rules in a Sidewalk Dining Area

- Any Outdoor Dining applicant that plans to serve alcohol must ensure all NC ABC permit requirements are met.
 - The Sidewalk Dining Area must be visibly and vertically marked (if non-participant of the Downtown Social District or serving beverages in container other than approved Social District cups).

3.2.3. OUTDOOR MERCHANDISE DISPLAY

- Merchandise display fixtures must be made of durable, commercial grade material.
- All display items shall be cohesive and complementary in design.
- Photographs, cut sheets or product data sheets of the furnishings to be used within the Encroached Area must be submitted with the permit application.
- Card tables, cardboard cartons, plastic milk crates, plywood boxes, or pallets are not permitted.
- Freestanding mannequins and dress forms are allowed.
- All merchandise and merchandise display fixtures must be removed during non-business hours unless located on private property.

3.3. FIRE AND EMERGENCY ACCESS

Emergency responders utilize the most direct path to access a building from the street to respond to an emergency. Clearance must be provided for responders to maneuver and operate through and around sidewalk dining and retail merchandise displays.

3.4. ACCESSIBILITY

Sidewalk dining and retail merchandise displays should be fully accessible to all people including those with disabilities. Proposed furnishings must conform to the applicable provisions, rules, regulations and standards of the City of Concord Code, North Carolina Building Code, and Americans with Disabilities Act 2010 Standards Accessibility Requirements.

ADA and Encroachment Area

- An accessible path of travel must connect the sidewalk to the Encroachment Dining Area. The accessible path must be a minimum of four feet wide.
- If the Encroachment Area has a vertical enclosure, it shall provide an accessible entry that is four feet wide or greater.
- Once inside the Encroachment Area, the accessible path must be a minimum of three feet wide and connect to accessible furnishing(s).
- Where tables, counters, or drink rails are provided, at least 5%, but no fewer than one, shall be wheelchair accessible.



Westport, CT - Photo Credit: Autumn Driscoll, CT Post



Birkdale Village, NC (Source: VisitNC.com)



Hendersonville, NC (Source: Expedia)

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APPENDICES



APPENDIX A: DEFINITIONS

APPENDIX B: APPLICATION CHECKLIST

APPENDIX C: SITE PLAN CHECKLIST

APPENDIX D: ENCROACHMENT APPLICATION

APPENDIX A: DEFINITIONS

////////////////////////////////////

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Merchandise means the commodities or goods that are bought and sold in a retail business.

Physical barrier: stanchions, planter boxes, fencing, or other materials used to separate sidewalk/ dining or merchandise display from the sidewalk. Physical barriers are required for restaurants that serve alcohol within an encroachment area and are not part of the Downtown Social District. Participating businesses in the Downtown Social District must serve beverages in the appropriate cups for sidewalk dining.

Public Right-Of-Way (ROW): any area adjoining a street, road, highway alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

Restaurant: an establishment in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as “restaurants,” “cafeterias,” “cafes,” “lunch stands,” “grills,” “snack bars,” “fast food businesses” and other establishments, such as drugstores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include mobile food vendors, such as food trucks or carts.

Restaurant Operator: the person operating a restaurant and associated sidewalk dining. As used in this article, this definition includes the owner and manager, if different from the owner, of the restaurant and associated sidewalk dining.

Retailer: means a person or an establishment that sells merchandise to the public in relatively small quantities for use or consumption rather than for resale.

Sidewalk Dining: any outdoor dining elements authorized by the City to be placed on public sidewalks for outdoor dining purposes to be used by patrons of a contiguous and adjacent permitted restaurant.

Temporary Encroachment: all items of privately owned personal property situated on, but not affixed, connected, attached, or fastened to any sidewalk or public right-of-way.

Unobstructed Pedestrian Path (UPP): the minimum distance between any sidewalk dining element to the nearest obstruction, landscape area, curb, or other element that restricts accessible pedestrian travel, including any required buffers or offsets.

APPENDIX B: APPLICATION CHECKLIST



The City of Concord’s Downtown Sidewalk Application Checklist serves as a simplified document to assist new and existing businesses in navigating application materials. Please review the checklists carefully and refer to the Downtown Sidewalk Design Guidelines for any specific details. Once you have all your application materials together, please submit your application.

SIDEWALK DINING

Before proceeding, please review the City’s Downtown Sidewalk Design Guidelines.

Your Application shall include, but is not limited to, the following:

- | | |
|--|---|
| 1 <input type="checkbox"/> Detailed site plan & furnishings product information | 4 <input type="checkbox"/> Storage plan (if applicable) |
| 2 <input type="checkbox"/> Certificate of Insurance (COI) | 5 <input type="checkbox"/> Neighbor letter of consent (required If exceeding space directly in front of the business) |
| 3 <input type="checkbox"/> Proof of ABC of permit (required for alcohol service) | |

MERCHANDISE DISPLAY

Before proceeding, please review the City’s Downtown Sidewalk Design Guidelines.

Your Application shall include, but is not limited to, the following:

- | |
|---|
| 1 <input type="checkbox"/> Detailed site plan & furnishings product information |
| 2 <input type="checkbox"/> Certificate of Insurance (COI) |
| 3 <input type="checkbox"/> Neighbor letter of consent (required If exceeding space directly in front of the business) |

APPENDIX C: SITE PLAN CHECKLIST



The City of Concord's Downtown Sidewalk Site Plan Checklist serves as a simplified document to assist new and existing businesses in navigating the creation of their Site Plan. Please review the checklist carefully and refer to the Downtown Sidewalk Design Guidelines for any specific details.

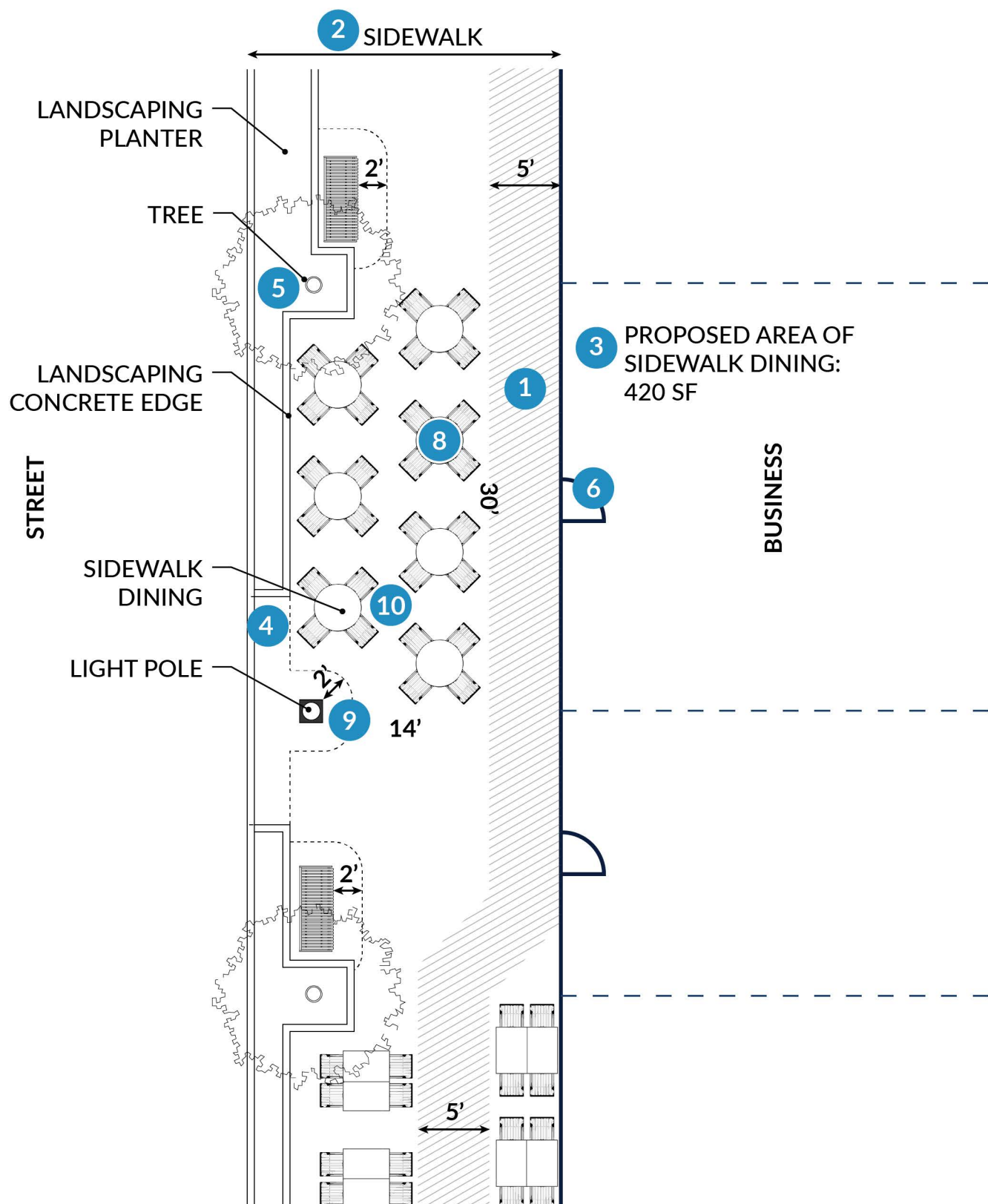
SIDEWALK DINING OR MERCHANDISE DISPLAY

Before proceeding, please review the City's Downtown Sidewalk Design Guidelines.

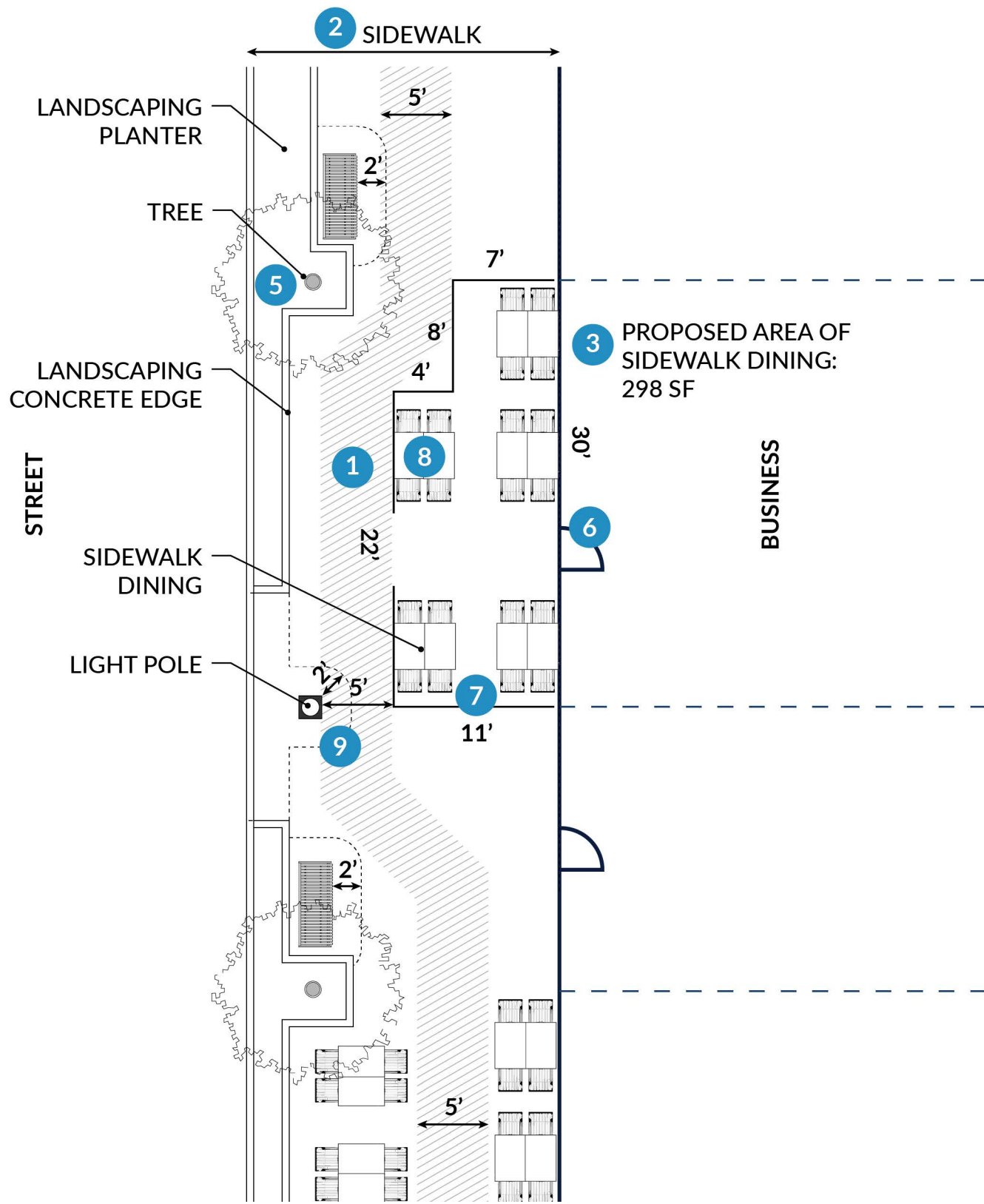
Your Site Plan shall include, but is not limited to, the following:

- | | |
|--|---|
| 1 <input type="checkbox"/> Unobstructed Pedestrian Path | 7 <input type="checkbox"/> Locations of barriers and the barrier material (plantings, walls, rails, etc.) |
| 2 <input type="checkbox"/> Total sidewalk width | 8 <input type="checkbox"/> Location and distance between sidewalk dining/merchandise display elements |
| 3 <input type="checkbox"/> Square footage of your proposed encroachment area | 9 <input type="checkbox"/> Contextual information includes bus stops, intersections, driveways, crosswalks, ADA ramps, bike racks, Fire Hydrants, FDCs, A-frame signs, wayfinding signs, etc. |
| 4 <input type="checkbox"/> Distance from the travel lane/curb | 10 <input type="checkbox"/> Overhead elements such as umbrellas, heaters, lighting, etc. |
| 5 <input type="checkbox"/> Street trees and tree grates | |
| 6 <input type="checkbox"/> Building frontage, including entries and exits | |

SIDEWALK DINING - SITE PLAN EXAMPLE 1



SIDEWALK DINING - SITE PLAN EXAMPLE 2



RIGHT OF WAY ENCROACHMENT PERMIT APPLICATION

Please fill out this application completely and submit along with all required attachments and fees to the City of Concord Planning Department at:
Via US Postal Service: P.O. Box 308, Concord, NC 28026-308
Via Hand Delivery or Delivery Service: 35 Cabarrus Ave. W. Concord, NC 28025
Via Email: planning@concordnc.gov

**Applicants within the [Downtown MSD](#) must follow the
Downtown Sidewalk Design Guidelines**

ALL INFORMATION MUST BE PRINTED OR TYPED LEGIBLY

Fee Amount: \$175.00

Date Paid: _____

Date Received: _____

Applicant Information:

Name: _____

Corporate Name, if different from location name: _____

Address: _____

Mailing Address, if different: _____

PIN #: _____ Tax ID #: _____

Telephone: _____

Owner and Manager Information:

Owner Name (Corporate Name if applicable): _____

Specific Contact Name (if Owner is other than a natural person): _____

Owner Address: _____

Owner Mailing Address: _____

Owner Telephone: _____

Manager Name: _____

Manager Address: _____

Manager Mailing Address: _____

Manager Telephone: _____

RIGHT OF WAY ENCROACHMENT PERMIT APPLICATION (CONT'D)

Hours of Operation:

Hours of Operation:

Monday _____

Tuesday _____

Wednesday _____

Thursday _____

Friday _____

Saturday _____

Sunday _____

Hours of Operation of Sidewalk Dining/Merchandise Display (if different than normal hours of operation):

Type of food, beverage, product, or merchandise to be served or displayed:

Detail of furnishings and items to be placed within the public right of way.

Narrative detailing the installation procedure and plan notes as necessary.

RIGHT OF WAY ENCROACHMENT PERMIT APPLICATION (CONT'D)

The following items **MUST** be attached for the Application to be complete:

- 1. Scale drawing or site plan** with dimensions showing the section of the right of way proposed to be encroached upon;
- 2. Evidence of liability insurance in the amount of \$1,000,000.00.**
- 3.** Copies of any and **all permits and licenses** issued by the state, county or city including health and ABC permits, if any, necessary for the operation of a restaurant. If permits have been applied for, but not yet issued, attach a copy of the application.
- 4. Processing and investigation fee in the amount of \$175.00.**

PLEASE NOTE: You have a continuing duty to update the information contained in this Application. This Application shall become an attachment to and part of any Permit issued to you. Failure to update the information contained in this Application may result in denial of your Application or revocation of any such Permit that has already been issued.

Applicants within the [Downtown MSD](#) must follow the
Downtown Sidewalk Design Guidelines

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DOWNTOWN CONCORD SOCIAL DISTRICT

STICKERS FOR CUPS



**SOCIAL
DISTRICT**

BUSINESS NAME HERE

DATE: _____

TIME: _____

DRINK RESPONSIBLY—BE 21.

concordnc.gov/socialdistrict

DOWNTOWN CONCORD SOCIAL DISTRICT

WINDOW CLINGS FOR BUSINESSES



**SOCIAL
DISTRICT**

**DRINKS
SOLD HERE**



**SOCIAL
DISTRICT**

**DRINKS
WELCOME**



**SOCIAL
DISTRICT**

**NO DRINKS
PLEASE**



DOWNTOWN CONCORD SOCIAL DISTRICT

PRIMARY BOUNDARY SIGN



SOCIAL DISTRICT

Welcome to the Downtown Concord Social District. Enjoy your alcoholic beverage on sidewalks and in participating businesses within the district.

HOURS OF OPERATION:
MONDAY—SUNDAY
11:00AM—10:00PM

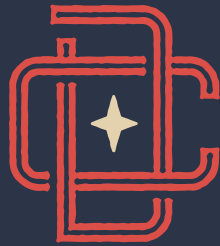
Please Drink Responsibly—Be 21.

To learn more about the
Downtown Concord Social
District please visit,
concordnc.gov/socialdistrict



DOWNTOWN CONCORD SOCIAL DISTRICT

SECONDARY BOUNDARY SIGN



**SOCIAL
DISTRICT**

**HOURS OF OPERATION:
MONDAY—SUNDAY
11:00AM—10:00PM**



Please Drink Responsibly—Be 21.
concordnc.gov/socialdistrict

DOWNTOWN CONCORD SOCIAL DISTRICT

ADDITIONAL BOUNDARY SIGN

YOU ARE ENTERING



**SOCIAL
DISTRICT**

HOURS OF OPERATION:
MONDAY—SUNDAY
11:00AM—10:00PM
concordnc.gov/socialdistrict



YOU ARE LEAVING



**SOCIAL
DISTRICT**

HOURS OF OPERATION:
MONDAY—SUNDAY
11:00AM—10:00PM
concordnc.gov/socialdistrict



DOWNTOWN CONCORD SOCIAL DISTRICT

SIDEWALK STICKER

SOCIAL DISTRICT BOUNDARY



**SOCIAL
DISTRICT**

HOURS OF OPERATION:
MONDAY—SUNDAY
11:00AM—10:00PM
concordnc.gov/socialdistrict



NO ALCOHOL BEYOND THIS POINT

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD
CODE OF ORDINANCES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

Section 1. That Chapter 50, **Article X Social Districts**, of the Concord Code of Ordinances be hereby added.

Section 2. That Article X Chapter 50, **Section 50-307 – Purpose and intent**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the city and the city hereby creates and designates the following social district:

(1) Downtown Concord Social District which is designated as shown on a map dated July 11, 2024; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.

(b) The Downtown Concord Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.

(c) Any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Section 3. That Article X Chapter 50, **Section 50-308 – Definitions**, of the Concord Code of Ordinances be hereby added and stated as follows:

Non-permittee means and refers to a person holding no ABC permits issued by the North Carolina Alcoholic Beverage Control Commission.

Permittee means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200:

- (1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
- (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- (3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
- (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- (5) A distillery permit issued pursuant to G.S. 18B-1100(5).

Person means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

Premises means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Social district means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. § 18B-904(h).

Section 4. That Article X Chapter 50, **Section 50-309 – Application**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) The provisions and terms contained in this article shall be applicable between the hours of 11:00 a.m. and 10:00 p.m., Monday through Sunday. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

(b) Any alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in that social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits that social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this section is a class 3 misdemeanor.

Section 5. That Article X Chapter 50, **Section 50-310 – Requirements for sale of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within that social district in which it is located in or contiguous to in accordance with the following requirements:

(1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

(2) The permittee shall only sell alcoholic beverages for consumption in the social district in which it is located in a container that meets all of the following requirements:

- a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
- b. The container clearly displays a logo or some other mark that is unique to the social district in which it is sold.
- c. The container is not made of glass.
- d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly—Be 21."
- e. The container shall not hold more than sixteen (16) fluid ounces.

(3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Section 6. That Article X Chapter 50, **Section 50-311 – Requirements for possession and consumption of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

(1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed in that social district.

(2) Alcoholic beverages shall only be in containers meeting the requirements set forth in this article.

(3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in this article.

(4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.

(5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district in which the beverage was purchased unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.

(7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.

(8) During the days and hours when the social district is in effect as set forth in this Article, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.

(9) A violation of this section is a class 3 misdemeanor.

Section 6. That Article X Chapter 50, **Section 50-312 – Public Assembly**, of the Concord Code of Ordinances be hereby added and stated as follows:

When a public assembly (as that term is used in article VIII of this chapter) is held pursuant to the issuance of an assembly permit (as that term is used in article VIII of this Chapter) the terms of the assembly permit supersede the provisions of this article within the boundaries of the special event. Any alcohol purchased within the boundaries of the public assembly may be taken outside of the public assembly, as long as the alcohol is to be taken from the boundary of the public assembly into the boundary of a social district. Any alcohol purchased from a permittee may be taken into a public assembly, as long as the alcohol is to be taken from the boundary of the social district into the boundary of a public assembly.

Section 7. That Article X Chapter 50, **Section 50-313 – Severability**, of the Concord Code of Ordinances be hereby added and stated as follows:

If any section, phrase, sentence, or portion of this article is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

Section 8. This Ordinance shall be effective on the 1st day of October, 2024.

Adopted this the 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**RESOLUTION CONFIRMING APPROVAL OF A MULTIFAMILY
HOUSING FACILITY TO BE KNOWN AS COLEMAN MILL LOFTS IN
THE CITY OF CONCORD, NORTH CAROLINA AND THE FINANCING
THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,630,000**

WHEREAS, the City Council (the “City Council”) of the City of Concord, North Carolina (the “City”) met in Concord, North Carolina at 6:00pm on the 11th day of July, 2024; and

WHEREAS, the City has agreed to assist STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliate or subsidiary thereof (the “Borrower”), in the financing of the acquisition of the historic Coleman Mill and the renovating and equipping therein of a 144-unit qualified residential rental project (as defined in Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”)) to be known as Coleman Mill Lofts (the “Development”) and located at 625 Main Street SW in the City, through the issuance of its multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000 (the “Bonds”); and

WHEREAS, Section 147(f) of the Code requires that any tax-exempt bonds issued by the City for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on July 13, 2023, the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development, and adopted a resolution approving the issuance of the Bonds as required by Section 147(f) of the Code; and

WHEREAS, under the Code, bonds approved by an elected body for purposes of Section 147(f) of the Code must be issued within one year of the date of such approval; and

WHEREAS, due to an unexpected delay in completing the financing for the Development, the closing of the Bonds has been delayed such that the Bonds will not be issued by July 13, 2024; and

WHEREAS, the City and the Borrower have requested the City Council reapprove the issuance of the Bonds to satisfy the requirements of Section 147(f) of the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds, or to constitute the Bonds an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA DOES HEREBY RESOLVE, AS FOLLOWS:

1. The proposed housing development consisting of the acquisition, construction, rehabilitation and equipping of the Development described above in the City by the Borrower and the issuance of the City’s multifamily housing revenue bonds therefor in an amount not to exceed \$20,630,000 are hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

* * * * *

CERTIFICATION

I, Kim Deason, City Clerk of the City of Concord, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Concord, North Carolina, at a regular meeting duly called and held on July 11, 2024, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Concord, North Carolina, this 11th day of July, 2024.

(SEAL)

Kim Deason, City Clerk
City of Concord, North Carolina

CONTRACT AMENDMENT

THIS CONTRACT AMENDMENT ("Amendment") is made and entered into this ____ day of _____ 2024, by and between the City of Concord (hereinafter "City"), and JD Goodrum Company, Inc. (hereinafter "Contractor"):

WHEREAS, the City and Contractor entered into a Standard Form Contract (hereinafter "Agreement") dated September 6, 2023; and

WHEREAS, the purpose of this Amendment is to amend the Agreement to include the replacement of the existing tennis courts, the replacement of existing storm drain under the athletic fields and to amend Exhibit "A" of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. Exhibit "A" is hereby amended to read as follows:

Exhibit A:

Fees for services shall be based on the unit price rate schedule provided below:

Listing of Fees for scope of service:

- | | |
|--|-----------------------|
| 1. Original agreement amount; | \$4,893,191.36 |
| 2. Replacement of the existing tennis courts; | \$ 156,411.00 |
| 3. Replacement of the existing storm drain under the athletic fields; | \$55,490.86 |

Total Revised Agreement;	\$5,105,093.22
---------------------------------	-----------------------

2. All other terms and conditions of the Agreement dated September 6, 2023, shall remain in full force and effect.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Contract Amendment as of the day and year first above written.

CONTRACTOR
JD Goodrum, Inc.

By: _____

Printed Name: _____
President/Vice President/Manager/Partner

_____ County
State of North Carolina

I _____, a Notary Public in and for _____
County and State of _____, do hereby certify that _____
_____, as President/Vice President/Manager/Partner of JD Goodrum, Inc., personally appeared before me this day and acknowledged to me that he/she is the President/Vice President/Manager/Partner and that he/she has authority to sign on behalf of the company and that he/she voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and Notarial Seal this the _____ day of _____, 2024.

My Commission Expires: _____ Notary Public

CITY OF CONCORD

By _____
Lloyd Wm. Payne, Jr., City Manager

ATTEST BY:

Kim J. Deason, City Clerk

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

APPROVAL BY CITY FINANCE OFFICER

This instrument has been pre-audited in the matter required by the Local Government Budget and Fiscal Control Act.

Jessica Jones, Finance Director



OFFER TO PURCHASE CONTRACT

Seller: The City of Concord, a North Carolina municipal corporation

Buyer: Jessica R. Andreano and husband, Vincent Andreano

Jessica R. Andreano and husband, Vincent Andreano ("Buyers") have made an offer to purchase a 900 square foot outparcel, located in the rear of 281 Misenheimer Drive NW, specifically the outparcel being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 and is further described by metes and bounds (the "Property"), for Seven Thousand Five Hundred and Twenty-Five Dollars and Zero Cents (\$7,525.00) from the City of Concord, a North Carolina municipal corporation ("Seller") and has left a 5% deposit, that being Three Hundred Seventy-Six Dollars and Twenty-Five Cents (\$376.25). If the City Council of Concord proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to N.C.G. S. § 160A-269.

The property is specifically described as follows:

[Insert metes and bounds description]

BEING a portion of PIN 5620-39-5338 as conveyed by David H. Murdock, doing business as DHM Holding Company to the City of Concord as shown in deed recorded on July 30, 1986 in Book 611, at Page 30 of the Cabarrus County Registry.

1. The offer set forth herein is a real offer to purchase the Property from the Seller. This offer **MUST** be accepted and approved by the Concord City Council. Once accepted, the Buyer must deposit 5% of the offered amount to the City Clerk. The offer must then be advertised for upset bid as required by North Carolina General Statute 160A-269.
2. All payments are to be in the form of a money order, cash, or certified bank funds and made to the City Clerk. All bid deposits are non-refundable, unless the bid is upset by another bidder or the offer declined by the Concord City Council.
3. Once the bid period closes, if the Buyer hereunder has the highest bid, the City Council will accept the bid and direct City staff to take the necessary actions to convey the Property to the Buyer.
4. The Buyer shall have thirty (30) days after the close of the upset bid period to pay the remaining balance in the form of cash, cashier's check, or certified check to the City of Concord. If more time is needed in order to close on the Property, please contact the City of Concord with the projected time frame needed.
5. The City of Concord will convey title in the name of the Buyer by North Carolina Special Warranty Deed.
6. Payments are made payable to: City of Concord.
7. If Buyer desires to have the City record the deed, a separate payment in the amount of \$26.00 must be submitted and made payable to the Cabarrus County Register of Deeds.

8. We strongly suggest a title search as all property is subject to any and all outstanding liens and assessments and sold as is, buyer beware.

This the 20 Day of September, 2023.

Buyers:

By: Jessica Andreano
Jessica R. Andreano

By: Vincent Andreano
Vincent Andreano

(See the Following Page for Seller Signatures)

Seller:

CITY OF CONCORD,
A North Carolina municipal corporation

ATTEST:

By _____
Kim J. Deason, City Clerk

By _____
Lloyd Wm. Payne, Jr., City Manager

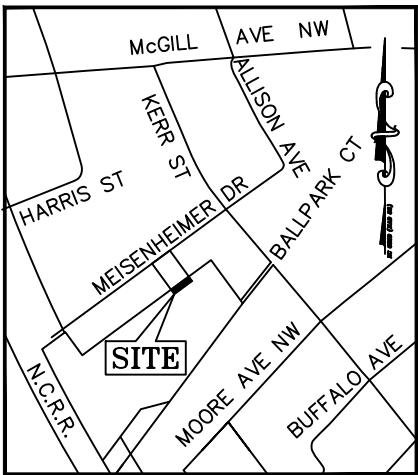
(Corporate Seal)

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

This instrument has been pre-audited in the manner required by the "Local Government Budget and Fiscal Control Act."

Jessica Jones, Finance Director



VICINITY MAP
NO SCALE

LEGEND:

- SURVEYED LINE ———
LINES NOT SURVEYED - - - - -
SUBJECT LINE ———
RIGHT OF WAY ——— R/W ———
EXISTING IRON PIPE —●— EIP
EXISTING IRON ROD —○— EIR
SET IRON ROD —⊗— SIR
AREA BEING CONVEYED IN FEE SIMPLE.

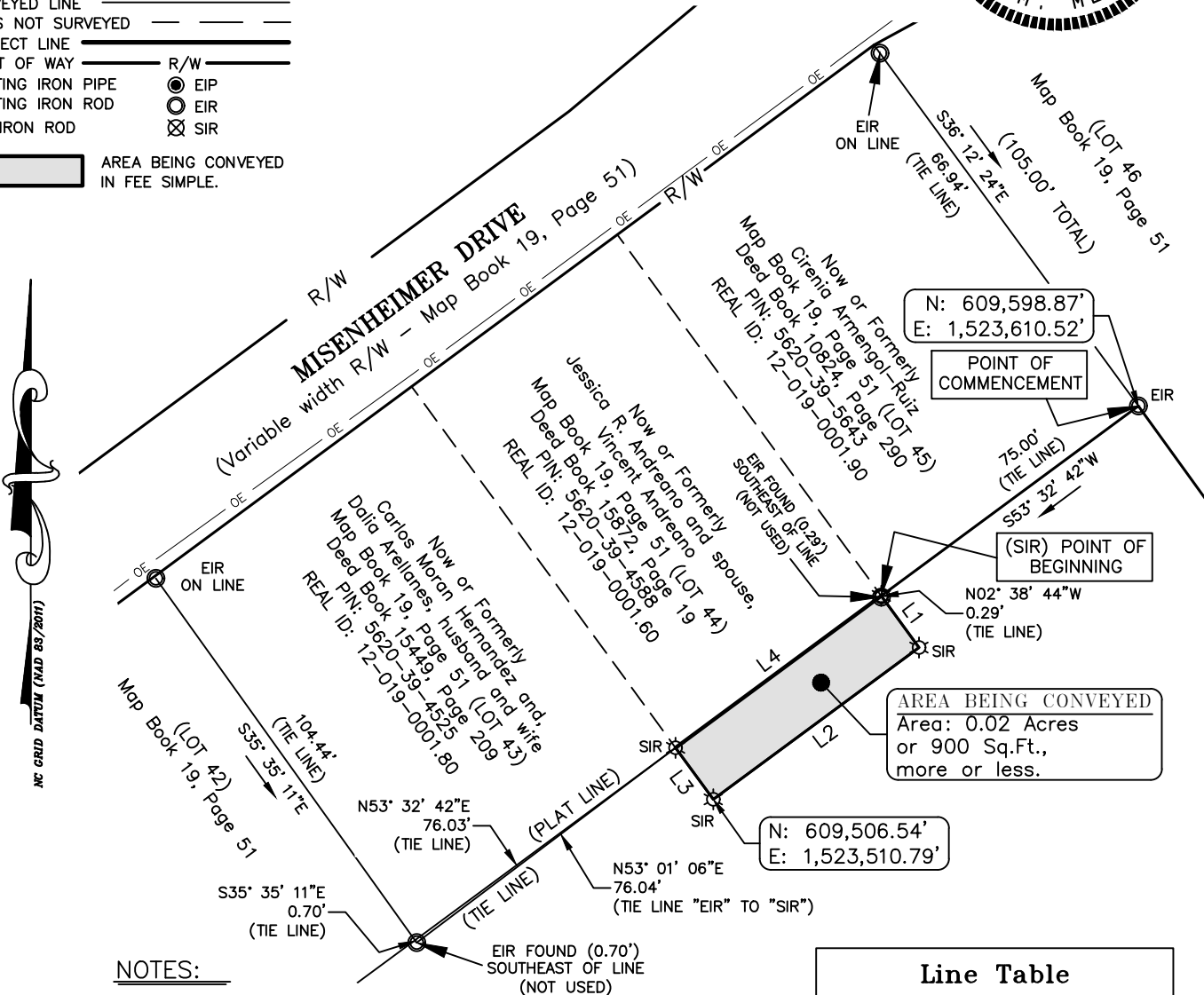
CERTIFICATE OF SURVEY AND ACCURACY

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 47-30.2, AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE 2nd DAY OF OCTOBER, A.D., 2023.

David Medlin
DAVID M. MEDLIN
PROFESSIONAL LAND SURVEYOR
NORTH CAROLINA REG. NO. L-4286



NOTES:

- THIS MAP MAY NOT HAVE BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.
- ALL DISTANCES SHOWN ARE HORIZONTAL U.S. SURVEY FOOT GROUND DIMENSIONS.
- AREAS SHOWN WERE DETERMINED BY COORDINATE COMPUTATIONS.
- THE PROPERTY AS SHOWN ON THIS PLAT IS SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD PRIOR TO THE DATE OF THIS SURVEY.
- THIS MAP IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

City of Concord
Part of Lot 52
Map Book 19, Page 51
Deed Book 611, Page 30
PIN: 5620-39-5338
REAL ID: 12-019-0001.12

Line Table		
Line #	Direction	Length
L1	S36° 08' 17"E	15.00'
L2	S53° 32' 42"W	60.00'
L3	N36° 08' 17"W	15.00'
L4	N53° 32' 42"E	60.00'

SHEET 1 OF 1

PLAT PREPARED BY:

THE CITY OF CONCORD
ENGINEERING DEPARTMENT
635 ALFRED BROWN JR. COURT, SW
CONCORD, N.C. 28026-0308
(704) 920-5420 FAX (704) 786-4521
WWW.CONCORDNC.GOV/ENGINEERING

DRAWN BY:	CHECKED BY:	REVISED:
DMM	JS	

EXHIBIT PLAT:

A PORTION OF THE PROPERTY OWNED BY:

THE CITY OF CONCORD
WEST END OF BALL PARK COURT, CONCORD, NC 28025
DEED BOOK 611, PAGE 30;
PIN: 5620-39-5338 REAL ID: 12-019-0001.12
No. 12 TOWNSHIP OF CABARRUS COUNTY, N.C.
SCALE: 1"= 40' DATE: OCT. 2, 2023

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 acquired a large parcel containing 2.592 acres (more or less), also being described as being "Part of Tract 52, Map 1, of Cannon Holdings Corporation, property of Atlantic American Properties, Inc." by deed recorded on July 30, 1986 in Book 611, at Page 30 of the Cabarrus County Registry between David H. Murdock, doing business as DHM Holding Company to the City; and

WHEREAS, a 900 square foot outparcel, located in the rear of 281 Misenheimer Drive NW, specifically being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 and is Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, and being a 900 Square Foot portion of Lot 52 of Map One of Cannon Holding Corporation as shown in Map Book 19, at Page 51, also recorded in Deed Book 611, at Page 30, Cabarrus County Registry, a portion of PIN 5620-39-5338, Tax ID No: 12-019-0001.12 and being more particularly described as follows:

Commencing from an EXISTING IRON FOUND at the common corner of Lots 45 and 52 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said EXISTING IRON FOUND (EIR) being further described as having Localized Coordinates of N: 609,298.87', E: 1,523,610.52', thence running a tie line along the common line of said Lots 45 and 52; South 53°32'42" West 75.00 feet to a new SET IRON ROD (SIR) on said common line at the common corner of Lots 44 and 45 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said new SET IRON ROD (SIR) being further described as being located North 02°38'44" West 0.29' from an EXISTING IRON FOUND (EIR) not on the aforesaid common line and also being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running 3 new lines into the aforesaid Lot 52 (Map Book 19 Page 51) (Deed Book 611, Page 30) (PIN: 5620-39-5338; Real ID: 12-019-0001.12)

1. South 36°08'17" East 15.00 feet (L1) to a new SET IRON ROD (SIR); thence
2. South 53°32'42" West 60.00 feet (L2) to a new SET IRON ROD (SIR); thence
3. North 36°08'17" West 15.00 feet (L3) to a new SET IRON ROD (SIR) on the aforesaid common line of Lots 52 and 44; thence running along said common line
4. North 53°32'42" East 60.00 feet (L4) to the Point of Beginning and containing 900 square feet or 0.02 acres of land, more or less, as shown on map titled, "Exhibit Plat: A Portion of the Property Owned by the City of Concord" dated 10/02/2023 by the City of Concord Engineering Department and is attached as Exhibit A for further reference.

WHEREAS, on September 25, 2023, the City received an Offer to Purchase the Property from Jessica R. Andreano and husband, Vincent Andreano ("Buyer") for \$ 7,525.00.

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 a 5% deposit, three hundred, seventy-six dollars and twenty-five cents (\$376.25) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause a notice of the proposed sale of the Property as follows:

Lying and Being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, and being a 900 Square Foot portion of Lot 52 of Map One of Cannon Holding Corporation as shown in Map Book 19, at Page 51, also recorded in Deed Book 611, at Page 30, Cabarrus County Registry, a portion of PIN 5620-39-5338, Tax ID No: 12-019-0001.12 and being more particularly described as follows: Commencing from an EXISTING IRON FOUND at the common corner of Lots 45 and 52 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said EXISTING IRON FOUND (EIR) being further described as having Localized Coordinates of N: 609,298.87', E: 1,523,610.52', thence running a tie line along the common line of said Lots 45 and 52; South 53°32'42" West 75.00 feet to a new SET IRON ROD (SIR) on said common line at the common corner of Lots 44 and 45 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said new SET IRON ROD (SIR) being further described as being located North 02°38'44" West 0.29' from an EXISTING IRON FOUND (EIR) not on the aforesaid common line and also being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running 3 new lines into the aforesaid Lot 52 (Map Book 19 Page 51) (Deed Book 611, Page 30) (PIN: 5620-39-5338; Real ID: 12-019-0001.12), South 36°08'17" East 15.00 feet (L1) to a new SET IRON ROD (SIR); thence South 53°32'42" West 60.00 feet (L2) to a new SET IRON ROD (SIR); thence North 36°08'17" West 15.00 feet (L3) to a new SET IRON ROD (SIR) on the aforesaid common line of Lots 52 and 44; thence running along said common line North 53°32'42" East 60.00 feet (L4) to the Point of Beginning and containing 900 square feet or 0.02 acres of land, more or less, as shown on map titled, "Exhibit Plat: A Portion of the Property Owned by the City of Concord" dated 10/02/2023 by the City of Concord Engineering Department, to be published. 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 a 900 square foot outparcel, located in the rear of 281 Misenheimer Drive NW, specifically being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 to the Highest Bidder, by North Carolina Special Warranty Deed.
 - 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 no more than 30 days from the date of acceptance of the highest bid.
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 and the rezoning is approved. The City Manager is authorized to execute the necessary instruments to effectuate the sale of the City's interest in 900 square feet outparcel, located in the rear of 281 Misenheimer Drive NW, specifically being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 in accordance with this resolution.

Adopted this _____ day of July. 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William "Bill" Dusch, Mayor

ATTEST:

Kim J. Deason, City Clerk

[SEAL]



APPRAISAL OF REAL PROPERTY

Located at 265 Misenheimer Dr NW
Concord, NC 28025

IN AN APPRAISAL REPORT

Dated August 28, 2023

Prepared For:

City of Concord Legal Department
C/O Ellen Thomas
PO Box 308
Concord, NC 28026-0308

Prepared By:

Cushman & Wakefield, Inc.
Valuation & Advisory
333 2nd Street, NW
Hickory, NC
Cushman & Wakefield File ID: 23-7387

August 28, 2023

Ellen C. Thomas, CP, NCCP
City of Concord Legal Department
PO Box 308
Concord, NC 28026
(704) 920-5116

RE: Appraisal of 900 SF located at 265 Misenheimer Dr NW, Concord, Cabarrus County, NC 28025

Cushman & Wakefield File ID: 23-7387

Ms. Thomas:

As requested, an appraisal of the property referenced above has been prepared and reported in a narrative format. The market value of the fee simple estate was estimated as of the inspection date, August 14, 2023.

This appraisal includes an opinion of market value for a 900 SF portion of a public park owned by the City of Concord. The property is unimproved. This appraisal has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. Additionally, this appraisal has been prepared in accordance with the Standards of Professional Practice and Code of Ethics of the Appraisal Institute.

The reader is referred to the Certification and Assumptions and Limiting Conditions included in the attached report. The value opinion is supported by the data and reasoning set forth in the attached narrative. We particularly call your attention to the following extraordinary assumptions and hypothetical conditions:

Extraordinary Assumptions – The appraisal employs the following extraordinary assumption:

- The added land is as represented in the client-provided plat included herein.


Hypothetical Conditions – The appraisal employs the following hypothetical conditions:

- None

This appraisal is intended for use only by City of Concord Legal Department for use in negotiating compensation for the proposed land offering. Use of this report by others is not intended by the appraiser.

Thank you for the opportunity to be of service. If I can be of further assistance, please call me at (704) 615-2416.

Sincerely,



Philip S. Porter, MAI
NC State Certified General Real Estate
Appraiser
Certificate Number A7392



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CERTIFICATION OF THE APPRAISER

I, Philip S. Porter, certify that, to the best of my knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported Assumptions and Limiting Conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice* (USPAP), and with the requirements of the State of North Carolina for State Certified Appraisers.
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. I have made a personal inspection of the property that is the subject of this report.
10. I have not appraised or provided any services regarding the subject of this appraisal in the three years prior to accepting this assignment.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.
12. No one provided significant real property appraisal assistance to the person signing this certification.
13. As of the date of this report I, Philip Porter, have completed the continuing education program for Designated Members of the Appraisal Institute.



Philip S. Porter, MAI

NC State Certified General Real Estate Appraiser

Real Estate Number A7392

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

Location:	265 Misenheimer Dr NW, Concord, NC 28025
Tax Identification:	PT of 5620-39-5338 (City of Concord)
Property Owner:	City of Concord
Effective Date of Value:	August 14, 2023
Date of Inspection:	August 14, 2023
Date of Report:	August 28, 2023
Property Rights Appraised:	Fee Simple
Standard of Value:	Market Value
Intended Use:	The intended use is to inform negotiations for compensation for the land offering identified in this report.
Client:	City of Concord Legal Department
Intended Users:	City of Concord Legal Department
Zoning:	RC: Residential Compact
Land Area:	900 SF of a larger parcel
Flood Zone:	Zone X, National Flood Insurance Program of the Federal Emergency Management Agency, #3710562100K, Revised November 16, 2018

Current Use:	Vacant
Highest and Best Use:	
As Vacant	Assemblage with adjacent SFR property
As Improved	N/A
Appraisal Procedures:	Sales Comparison Approach
Market Value Conclusion:	\$7,525

ASSUMPTIONS AND LIMITING CONDITIONS

"Report" means the appraisal or consulting report and conclusions stated therein, to which these Assumptions and Limiting Conditions are annexed.

"Property" means the subject of the Report.

"Cushman & Wakefield" means Cushman & Wakefield, Inc. or its subsidiary that issued the Report.

"Appraiser(s)" means the employee(s) of Cushman & Wakefield who prepared and signed the Report.

The Report has been made subject to the following assumptions and limiting conditions:

- No opinion is intended to be expressed and no responsibility is assumed for the legal description or for any matters that are legal in nature or require legal expertise or specialized knowledge beyond that of a real estate appraiser. Title to the Property is assumed to be good and marketable and the Property is assumed to be free and clear of all liens unless otherwise stated. No survey of the Property was undertaken.
- The information contained in the Report or upon which the Report is based has been gathered from sources the Appraiser assumes to be reliable and accurate. The owner of the Property may have provided some of such information. Neither the Appraiser nor Cushman & Wakefield shall be responsible for the accuracy or completeness of such information, including the correctness of estimates, opinions, dimensions, sketches, exhibits and factual matters. Any authorized user of the Report is obligated to bring to the attention of Cushman & Wakefield any inaccuracies or errors that it believes are contained in the Report.
- The opinions are only as of the date stated in the Report. Changes since that date in external and market factors or in the Property itself can significantly affect the conclusions in the Report.
- The Report is to be used in whole and not in part. No part of the Report shall be used in conjunction with any other analyses. Publication of the Report or any portion thereof without the prior written consent of Cushman & Wakefield is prohibited. Reference to the Appraisal Institute or to the MAI designation is prohibited. Except as may be otherwise stated in the letter of engagement, the Report may not be used by any person(s) other than the party(ies) to whom it is addressed or for purposes other than that for which it was prepared. No part of the Report shall be conveyed to the public through advertising, or used in any sales, promotion, offering or SEC material without Cushman & Wakefield's prior written consent. Any authorized user(s) of this Report who provides a copy to, or permits reliance thereon by, any person or entity not authorized by Cushman & Wakefield in writing to use or rely thereon, hereby agrees to indemnify and hold Cushman & Wakefield, its affiliates and their respective shareholders, directors, officers and employees, harmless from and against all damages, expenses, claims and costs, including attorneys' fees, incurred in investigating and defending any claim arising from or in any way connected to the use of, or reliance upon, the Report by any such unauthorized person(s) or entity(ies).
- Except as may be otherwise stated in the letter of engagement, the Appraiser shall not be required to give testimony in any court or administrative proceeding relating to the Property or the Appraisal.
- The Report assumes (a) responsible ownership and competent management of the Property; (b) there are no hidden or unapparent conditions of the Property, subsoil or structures that render the Property more or less valuable (no responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them); (c) full compliance with all applicable federal, state and local zoning and environmental regulations and laws, unless noncompliance is stated, defined and considered in the Report; and (d) all required licenses, certificates of occupancy and other governmental consents have been or can be obtained and renewed for any use on which the value opinion contained in the Report is based.
- The physical condition of the improvements considered by the Report is based on visual inspection by the Appraiser or other person identified in the Report. Cushman & Wakefield assumes no responsibility for the soundness of structural components or for the condition of mechanical equipment, plumbing or electrical components.
- The forecasted potential gross income referred to in the Report may be based on lease summaries provided by the owner or third parties. The Report assumes no responsibility for the authenticity or completeness of lease information provided by others. Cushman & Wakefield recommends that legal advice be obtained regarding the interpretation of lease provisions and the contractual rights of parties.

- The forecasts of income and expenses are not predictions of the future. Rather, they are the Appraiser's best opinions of current market thinking on future income and expenses. The Appraiser and Cushman & Wakefield make no warranty or representation that these forecasts will materialize. The real estate market is constantly fluctuating and changing. It is not the Appraiser's task to predict or in any way warrant the conditions of a future real estate market; the Appraiser can only reflect what the investment community, as of the date of the Report, envisages for the future in terms of rental rates, expenses, and supply and demand.
- Unless otherwise stated in the Report, the existence of potentially hazardous or toxic materials that may have been used in the construction or maintenance of the improvements or may be located at or about the Property was not considered in arriving at the opinion of value. These materials (such as formaldehyde foam insulation, asbestos insulation and other potentially hazardous materials) may adversely affect the value of the Property. The Appraisers are not qualified to detect such substances. Cushman & Wakefield recommends that an environmental expert be employed to determine the impact of these matters on the opinion of value.
- Unless otherwise stated in the Report, compliance with the requirements of the Americans with Disabilities Act of 1990 (ADA) has not been considered in arriving at the opinion of value. Failure to comply with the requirements of the ADA may adversely affect the value of the Property. Cushman & Wakefield recommends that an expert in this field be employed to determine the compliance of the Property with the requirements of the ADA and the impact of these matters on the opinion of value.
- If the Report is submitted to a lender or investor with the prior approval of Cushman & Wakefield, such party should consider this Report as only one factor, together with its independent investment considerations and underwriting criteria, in its overall investment decision. Such lender or investor is specifically cautioned to understand all Extraordinary Assumptions and Hypothetical Conditions and the Assumptions and Limiting Conditions incorporated in this Report.
- In the event of a claim against Cushman & Wakefield or its affiliates or their respective officers or employees or the Appraisers in connection with or in any way relating to this Report or this engagement, the maximum damages recoverable shall be the amount of the monies actually collected by Cushman & Wakefield or its affiliates for this Report and under no circumstances shall any claim for consequential damages be made.
- If the Report is referred to or included in any offering material or prospectus, the Report shall be deemed referred to or included for informational purposes only and Cushman & Wakefield, its employees and the Appraiser have no liability to such recipients. Cushman & Wakefield disclaims any and all liability to any party other than the party that retained Cushman & Wakefield to prepare the Report.
- Unless otherwise noted, we were not given a soil report to review. However, we assume that the soil's load-bearing capacity is sufficient to support existing and/or proposed structure(s). We did not observe any evidence to the contrary during our physical inspection of the property. Drainage appears to be adequate.
- Unless otherwise noted, we were not given a title report to review. We do not know of any easements, encroachments, or restrictions that would adversely affect the site's use. However, we recommend a title search to determine whether any adverse conditions exist.
- Unless otherwise noted, we were not given a wetlands survey to review. If subsequent engineering data reveal the presence of regulated wetlands, it could materially affect property value. We recommend a wetlands survey by a professional engineer with expertise in this field.
- Unless otherwise noted, we observed no evidence of toxic or hazardous substances during our inspection of the site. However, we are not trained to perform technical environmental inspections and recommend the hiring of a professional engineer with expertise in this field.
- Unless otherwise noted, we did not inspect the roof, nor did we make a detailed inspection of the mechanical systems. The appraisers are not qualified to render an opinion regarding the adequacy or condition of these components. The client is urged to retain an expert in this field if detailed information is needed.
- By use of this Report each party that uses this Report agrees to be bound by all of the Assumptions and Limiting Conditions, Hypothetical Conditions and Extraordinary Assumptions stated herein.

HYPOTHETICAL CONDITIONS:

Hypothetical Conditions¹, as used in this report, is defined as follows:

"A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis. Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in analysis."

- None

EXTRAORDINARY ASSUMPTIONS:

Extraordinary Assumptions², as used in this report, is defined as follows:

"An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraisers' opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis."

- The land is as represented in the client-provided plat included herein.

If the hypothetical conditions and/or extraordinary assumption prove false, it may have an impact on the value conclusion reached in this appraisal report.

¹ Source: *The Dictionary of Real Estate Appraisal*, Sixth Edition, Appraisal Institute, Page 113.

² Source: *The Dictionary of Real Estate Appraisal*, Sixth Edition, Appraisal Institute, Pages 83-84.

PROPERTY IDENTIFICATION

Address: 265 Misenheimer Dr NW, Concord, NC 28025
Parcel #: PT of 5620-39-5338 (City of Concord) – 900 SF
Legal Description: See survey of 900 SF in this report
Current Use: Vacant portion of park

DEFINITION OF MARKET VALUE

Market value³, as used in this report, is defined as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated.
- Both parties are well informed or well advised and acting in what they consider their own best interests.
- A reasonable time is allowed for exposure in the open market.
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

EXPOSURE TIME

Exposure time is a retrospective estimate of the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale based upon an analysis of past events assuming a competitive and open market at market value on the effective date of the appraisal. Based on the days on market of recent sales and listings, the exposure time of the subject is estimated to be *1 to 3 months*.

³ Source: *The Dictionary of Real Estate Appraisal*, Sixth Edition, Appraisal Institute, Page 142; 12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994.

RELEVANT ASSIGNMENT DATES

Date of Inspection:	August 14, 2023
Effective Date of Value:	August 14, 2023
Date of the Report:	August 28, 2023

PROPERTY RIGHTS APPRAISED

Fee Simple Estate as defined in *The Appraisal of Real Estate*, 15th Edition, Appraisal Institute, follows:

“The Fee Simple Estate: Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”

A fee simple estate includes all the rights and privileges of ownership.

SCOPE OF WORK

Inspection Scope:	An inspection of the subject and immediate neighborhood was made.	
Inspection Challenges:	None	
Market Area Researched:	Immediate neighborhood and Cabarrus County	
Unusual Market Externalities:	None	
Data Sources Considered:	Canopy MLS, public records	
Data Time Frame:	Approximately Two Years	
Valuation Approaches:	Applicable	Completed
Cost Approach:	No	No
Income Capitalization Approach:	No	No
Sales Comparison Approach:	Yes	Yes

Scope of Sales Researched:	One-mile radius from the subject
Highest and Best Use Analysis Completed:	Yes
Extraordinary Assumptions:	Yes
Hypothetical Conditions:	No
Comparables Inspected:	Yes
Report Type:	Appraisal Report
Extraordinary Appraisal Problems:	The subject is a small, undevelopable portion of an existing public park. The neighboring single-family residence has encroached on this area with a building and negotiations are underway to resolve the encroachment by (potentially) selling the 900 SF area to the homeowner. Being only two possible interested parties to the 900 SF, there is no formal “market” for the small area. The valuation theory proceeds on the reasoning that the highest and best use of the 900 SF would be purchased by the homeowner to resolve the encroachment. Thus, a reasonable valuation of the area is to consider its contributory value to the neighboring residential site.
Effective Date of Value:	August 14, 2023

SCOPE OF WORK REMARKS

The scope of this Appraisal Report is to estimate the market value of the subject. Local comparable land sales and general market data and conditions were analyzed. Because the proposed grant is a tract of unimproved land, the impact of the grant on the neighboring site value is emphasized and no site improvements are included in the valuation.

INSPECTION OF THE SUBJECT PROPERTY

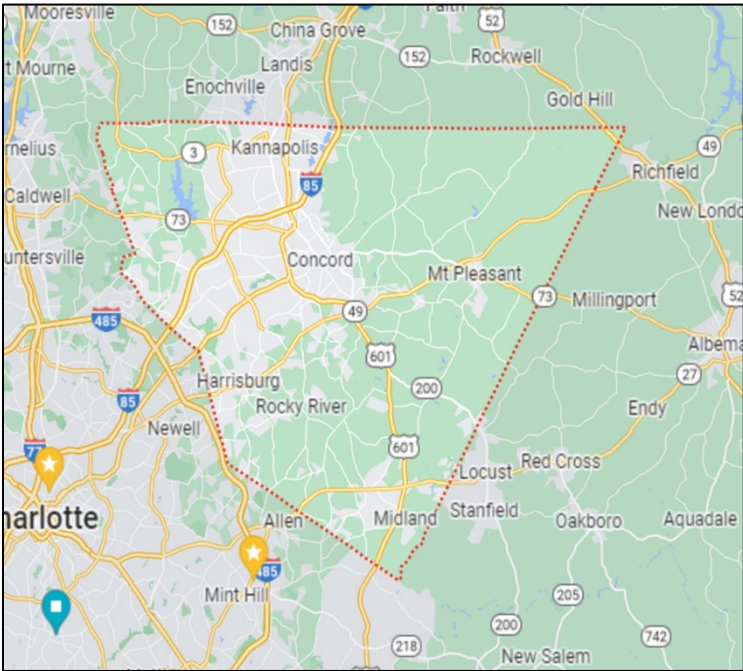
The subject was inspected from the public park of which it is a part. The adjacent SFR property was inspected from the park and public ROW. No interior inspection of improvements was completed.

MARKET AREA ANALYSIS

Cabarrus County Regional Market Analysis

Introduction

Cabarrus County is located in North Carolina and is the most populous county in the state. Cabarrus County is part of the Research Triangle area and is a member of the regional Triangle J Council of Governments. Cabarrus County is outlined in red in the map below.



Population Trends

Population Trends					
	Population			Compound Ann. % Change	
	2010 Census	2022 Est.	2027 Est.	2010 - 2022	2022 - 2027
Cabarrus County	178,013	226,477	247,834	2.03%	1.82%
North Carolina	9,535,481	10,741,461	11,341,406	1.00%	1.09%

SOURCE: © 2022 Experian Marketing Solutions, Inc. •All rights reserved

Looking forward, Cabarrus County’s population is projected to increase at a 1.82% annual rate over the next five years, equivalent to an average gain of 4,271 residents per year. Cabarrus County’s expected population growth reflects a similar trend with the last decade. Comparatively, North Carolina is expected to see a growth in population at a 1.09% annual rate over the next five years. The residents of Cabarrus County are younger than their North Carolina counterparts. Cabarrus County has a median age of 38 years old compared to the median age of 40 years old for North Carolina.

Housing Trends

Looking forward, Cabarrus County's households are projected to increase at a higher rate than North Carolina as a whole.

	Total Households			Compound Ann. % Change	
	2010 Census	2022 Est.	2027 Est.	2010 - 2022	2022 - 2027
Cabarrus County	65,666	84,555	92,852	2.13%	1.89%
North Carolina	3,745,161	4,527,814	4,527,814	1.08%	1.22%

SOURCE: © 2022 Experian Marketing Solutions, Inc. •All rights reserved

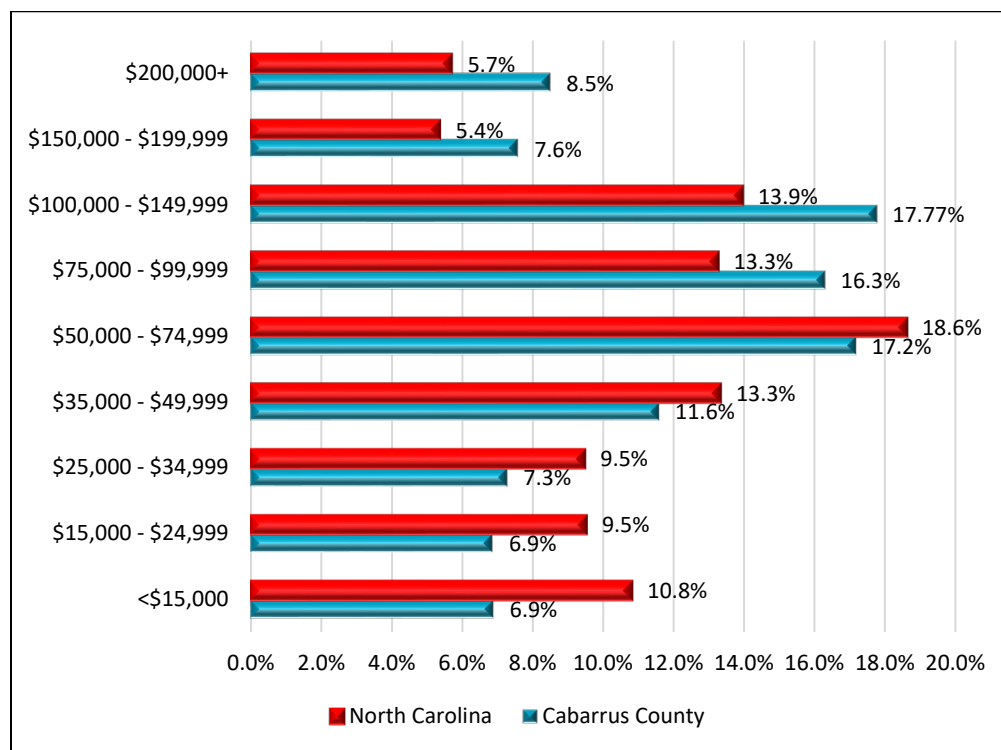
Household Income

Cabarrus County is significantly more affluent than North Carolina as a whole. The table below compares the median incomes between Cabarrus County and North Carolina.

Median Household Income - 2022	
	Median
Cabarrus County	\$75,242
North Carolina	\$58,532
Comparison of Cabarrus County to North Carolina	28.55%

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An in depth comparison of income is displayed in the graph below.



Employment

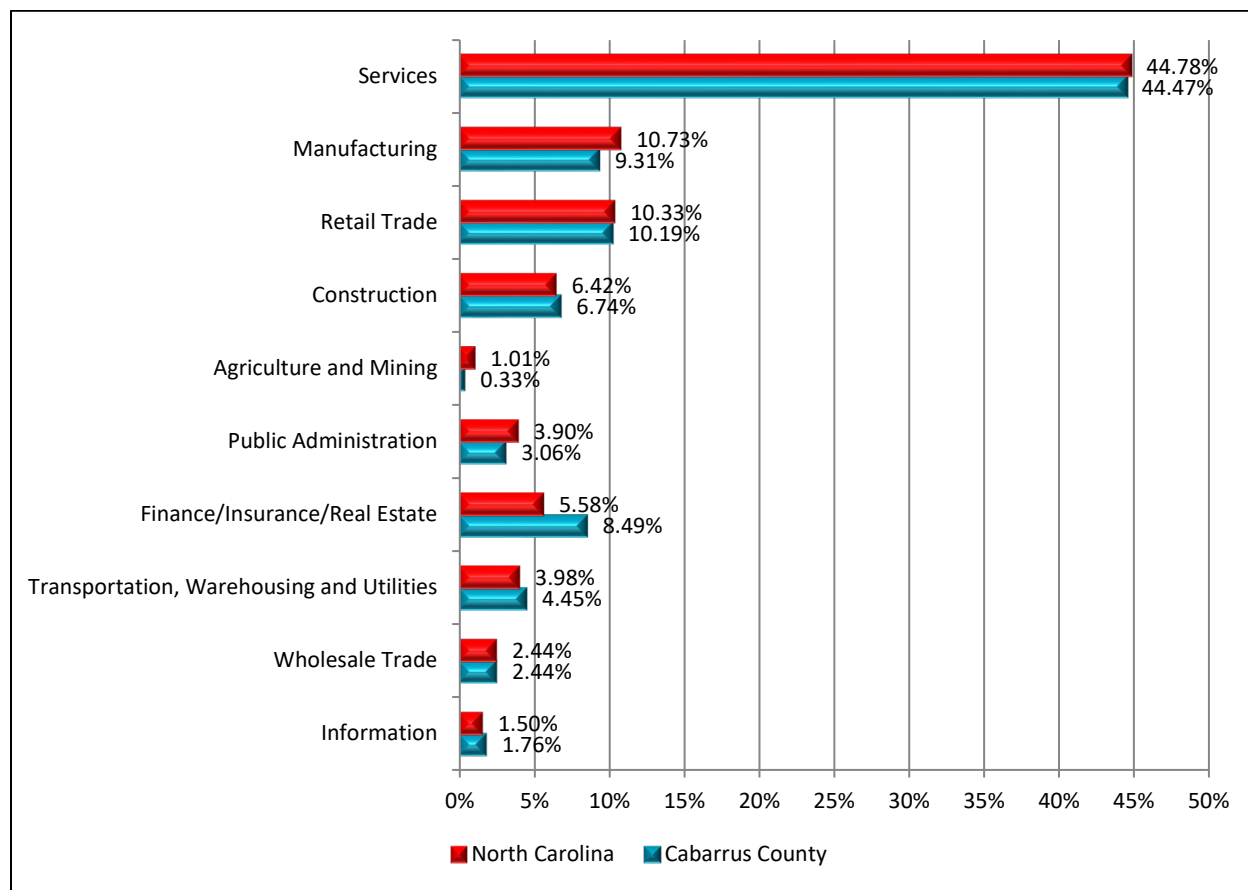
Employment Trends						
Year	Total Employment (Year End)				Unemployment Rate (Ann. Avg.)	
	Cabarrus County	% Change	North Carolina	% Change	Cabarrus County	North Carolina
2012	63,398		3,907,085		9.2%	9.5%
2013	64,921	2.4%	3,974,937	1.7%	7.4%	7.8%
2014	66,353	2.2%	4,057,439	2.1%	5.7%	6.1%
2015	68,499	3.2%	4,161,654	2.6%	5.1%	5.7%
2016	72,759	6.2%	4,259,276	2.3%	4.6%	5.1%
2017	76,290	4.9%	4,330,606	1.7%	4.2%	4.5%
2018	77,218	1.2%	4,410,791	1.9%	3.7%	4.0%
2019	76,888	-0.4%	4,498,572	2.0%	3.6%	3.9%
2020	73,794	-4.0%	4,323,325	-3.9%	6.8%	7.2%
2021	73,234	-0.8%	4,509,160	4.3%	4.4%	4.9%
2022	82,113	12.1%	4,693,839	4.1%	3.4%	3.7%
Compound Annual % Change	18,715	2.62%	786,754	1.85%		
Avg. Unemp. Rate 2012-2022					5.3%	5.7%
Unemployment Rate - June 2023					3.3%	3.6%

Source: Bureau of Labor Statistics and Economy.com. Employment figures are from the Quarterly Census of Employment and Wages (QCEW). Unemployment rates are from the Current Population Survey (CPS). The figures are not seasonally adjusted.

Preliminary data from June 2023 shows that the Cabarrus County unemployment rate was 3.3% which is slightly lower than that of North Carolina. The long-term impact on real estate markets from the COVID-19 pandemic remains uncertain, but the slow down/shut down of certain business activities has revealed its influence in discernable, but not yet sharp, trends both positive and negative. The housing market appears strong and active, though weakening fundamentals (primarily unemployment) are causing mortgage payment delinquencies to edge up. Weakness is becoming apparent in some commercial real estate markets such as hospitality, entertainment, and student housing, particularly in markets driven by sports teams and universities. Office markets have weakened as large numbers of employees have transferred to home offices and brick-and-mortar retail has continued to soften as the pandemic has caused an acceleration in virtual-shopping. Rental housing has shown signs of weakness in delinquent and/or partial rent payment. Other markets have remained strong, such as warehousing for virtual-retail deliveries, pharmacies, grocery stores, self-storage, and restaurants with strong take-out/delivery services. Broadly, it appears that the pandemic has had a gradual rather than catastrophic, and market-specific rather than general, impact on real estate values to date. It is assumed the Client will take these uncertainties into consideration.

Employment Sectors

The composition of the Cabarrus County job market is depicted in the following graph, along with that of North Carolina. Total employment for both areas is broken down by major employment sector, and the sectors are listed as percentages of jobs in each category.



Education

Residents of Cabarrus County have a higher level of educational attainment than those of North Carolina. An estimated 35% of Cabarrus County residents are college graduates with four-year degrees or higher, versus 22% of North Carolina residents.

Conclusion

Over the long term, Cabarrus County will benefit from a growing population base and higher income. Cabarrus County experienced growth in the number of jobs and has maintained only a slightly lower unemployment rate as North Carolina over the past decade. Based on these factors, the appraiser anticipates that the Cabarrus County economy will continue to experience slow growth and employment will grow, strengthening the demand for real estate.

NEIGHBORHOOD ANALYSIS

Neighborhood Description: The subject is located within the city limits of Concord in Cabarrus County. The neighborhood is defined by a 0.5-mile radius from the subject and has easy access to other areas of the city and county. See Ring Map.

Land Use Characteristics: The immediate area is predominately residential, with nearby commercial along exterior streets.

Land Use Change: None is anticipated

Immediate Land Uses: Immediate uses include single family residential, a public park with pockets of industrial development.

Access: Access to the neighborhood is considered average.

Utilities Available:		Road Improvements:	Asphalt with masonry curb/gutter
Electricity:	Yes	Nuisances & External	The neighborhood properties have average levels of maintenance. No adverse or unfavorable factors were observed.
Natural Gas:	Yes	Obsolescence:	
Telephone:	Yes		
Water:	Yes		
Sewer:	Yes		

Neighborhood Life Cycle: Steady growth
(Four Cycles – growth, stability, decline, and renewal)

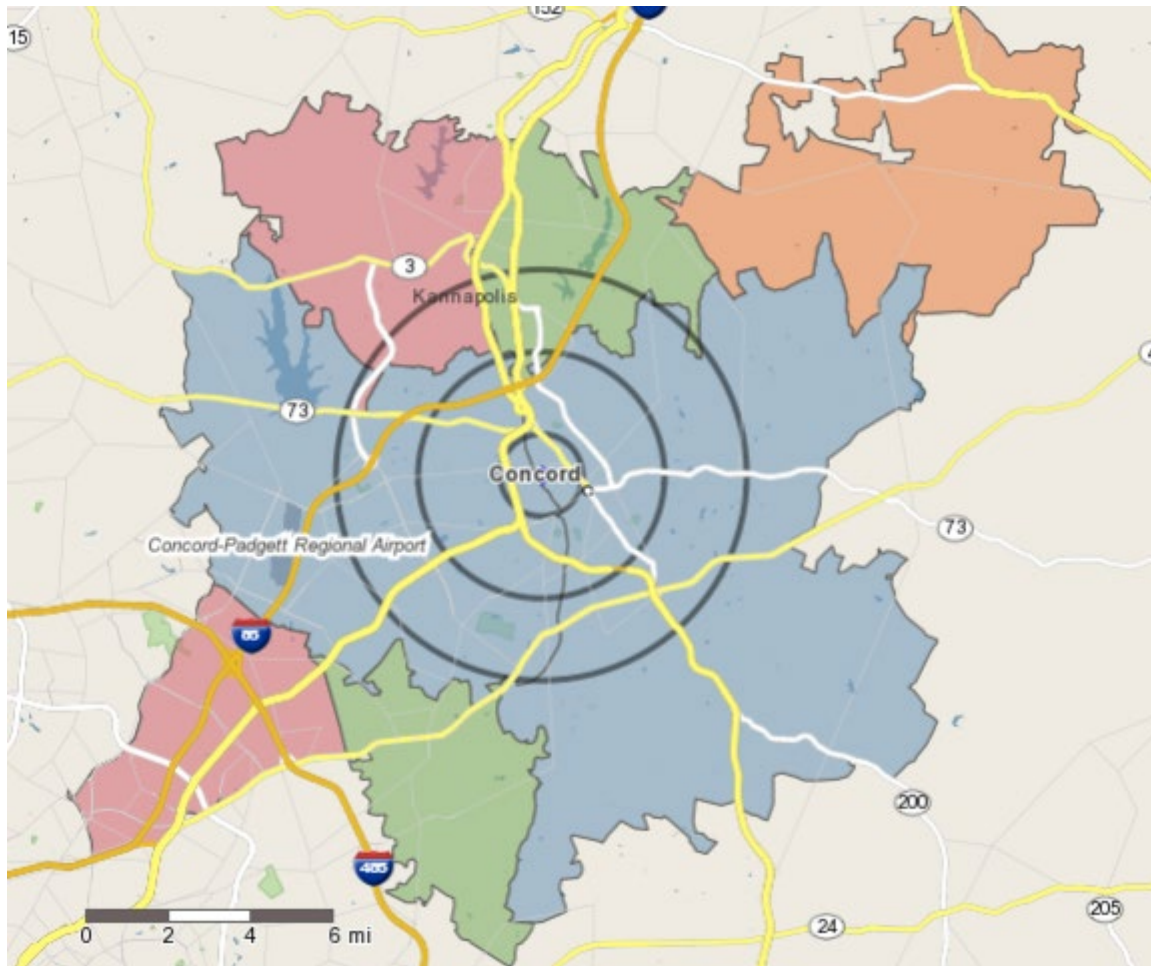
Analysis/Comments: The neighborhood is predominately residential with some pockets of industrial development. No changes in land use are expected in the near future. The area is an older neighborhood with homes in various conditions, from having deferred maintenance in the case of a few to newly renovated, but largely average home in average condition. The rental market in the immediate area represents roughly 50% of all housing. There is redevelopment occurring, with some older homes demolished to make way for new construction.

There is very little undeveloped land, and the population and housing growth within the 5-mile radius of the subject reflects this with a much slower growth rate than the city and county at large. The median HH income within the 5-mile radius of the subject is below that of the city and county themselves.

No nuisances or hazards were noted in the neighborhood.

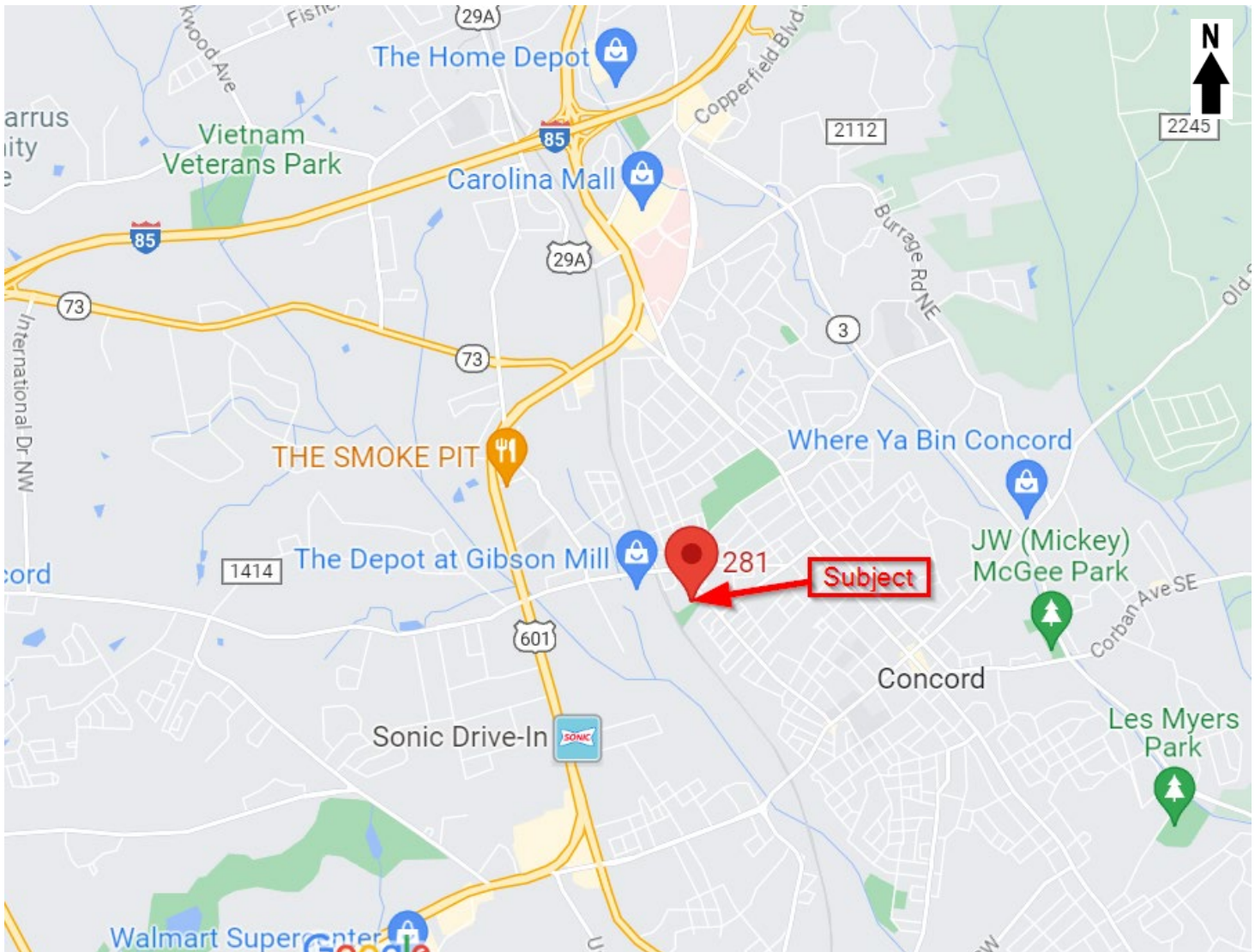
DEMOGRAPHIC SUMMARY						
	1.0-Mile Radius	3.0-Mile Radius	5.0-Mile Radius	Concord City or Community	Cabarrus County	State of North Carolina
POPULATION STATISTICS						
2000	8,067	37,902	69,852	59,386	131,055	8,048,507
2022	8,342	47,237	104,094	104,093	226,477	10,741,461
2027	8,444	49,688	111,685	114,103	247,834	11,341,406
<u>Compound Annual Change</u>						
2000 - 2022	0.15%	1.01%	1.83%	2.58%	2.52%	1.32%
2022 - 2027	0.24%	1.02%	1.42%	1.85%	1.82%	1.09%
HOUSEHOLD STATISTICS						
2000	2,875	14,638	26,662	22,353	49,512	3,131,665
2022	3,122	18,710	40,018	39,101	84,555	4,261,304
2027	3,198	19,795	43,138	43,044	92,852	4,527,814
<u>Compound Annual Change</u>						
2000 - 2022	0.38%	1.12%	1.86%	2.57%	2.46%	1.41%
2022 - 2027	0.48%	1.13%	1.51%	1.94%	1.89%	1.22%
AVERAGE HOUSEHOLD INCOME						
2000	\$43,142	\$49,399	\$53,006	\$56,527	\$55,441	\$51,245
2022	\$66,539	\$80,917	\$88,345	\$104,835	\$102,417	\$83,732
2027	\$79,592	\$96,509	\$104,835	\$123,263	\$120,640	\$94,866
<u>Compound Annual Change</u>						
2000 - 2022	1.99%	2.27%	2.35%	2.85%	2.83%	2.26%
2022 - 2027	3.65%	3.59%	3.48%	3.29%	3.33%	2.53%
OCCUPANCY						
Owner Occupied	44.75%	54.62%	64.96%	68.19%	72.83%	65.35%
Renter Occupied	55.25%	45.38%	35.04%	31.81%	27.17%	34.65%

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Ring Map
(1, 3, and 5 miles from the subject)

Location Map



SITE ANALYSIS – 900 SF

Location: 265 Misenheimer Dr NW, Concord, NC 28025

Gross Land Area: Subject: 900 SF (according to client survey)
 Subject Park: 2.59 Ac. (according to GIS)
 Adjacent SFR Lot: 0.145 acres (based on plat and assessor's records)

Site Dimensions: 60' x 15'

Street Frontages: Subject – None
 Park – nominal
 Adjacent SFR Lot: Approximately 60 feet of frontage on Misenheimer Dr NW (per GIS)

Access	Below average	Drainage	Appears adequate
Shape	Rectangular	Adequacy of Utilities	Good
Visibility	Fair	Traffic Pattern	Average
Functional Utility	See comments	Traffic Volume	Average
Landscaping	Nominal		

Public Amenities:		Physical Characteristics:	
Streets	Residential, asphalt paved	Topography	Level
Curb-Gutter	Yes	Corner Parcel	No
Lighting	Yes	Underground Utilities	Surface electric/comms
Electric	Yes	Rail Access	No
Natural Gas	Available	Earthquake Zone	No
Water	Yes	Flood Zone	No
Sewer	Yes	Flood Panels #	3710562100K
Storm Drainage	No	Flood Plain Estimate	Zone X, minimal risk
Sidewalks	No	Date	November 16, 2018

Other Improvements: None

Soil Condition: The soil conditions observed at the subject appear to be typical of the region and adequate to support development.

Encroachments: The subject is encroached upon by a neighboring building

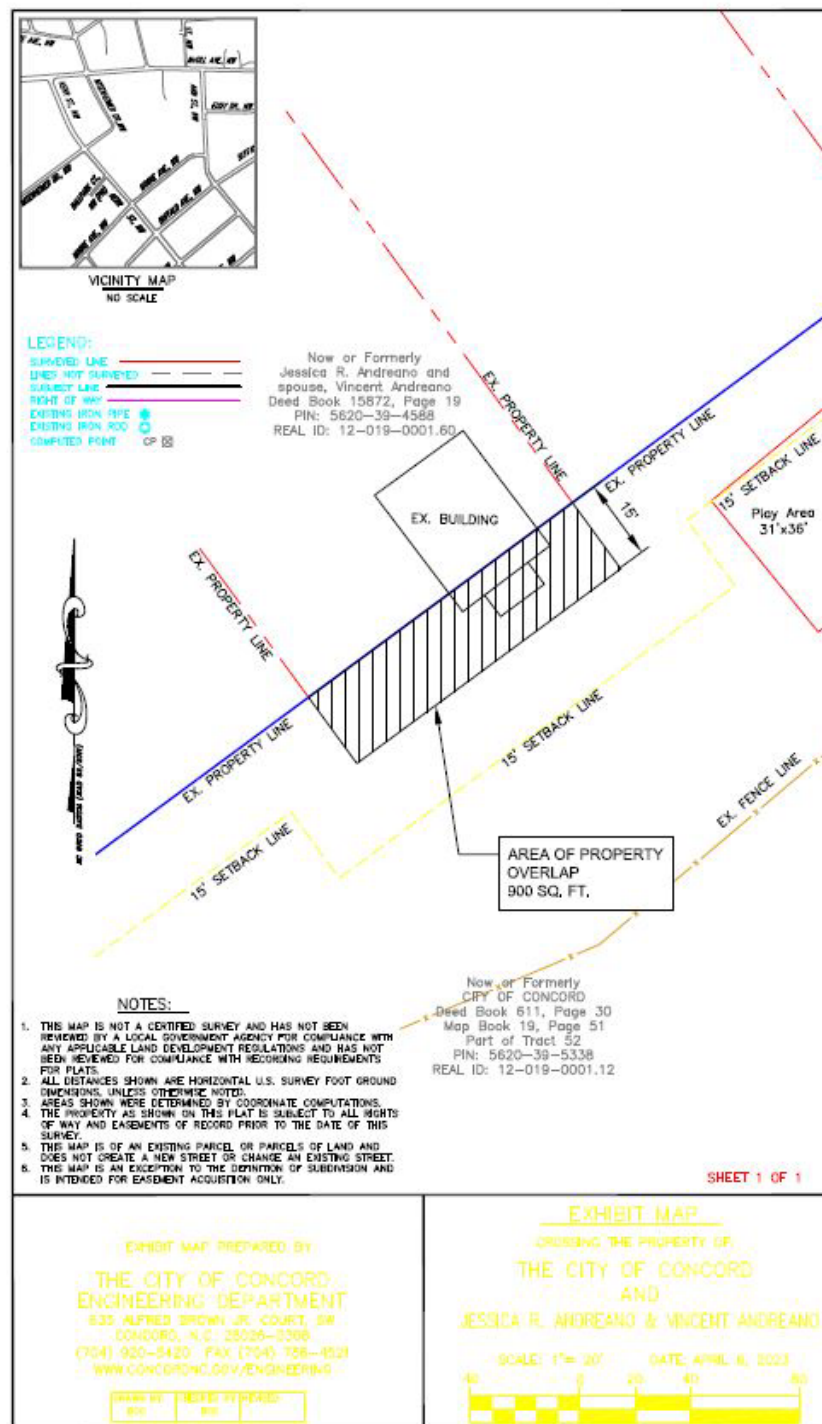
Environmental Concerns: None known

Easements/Rights-of-Way: Utility easements possible.

Analysis/Comments:

The subject site is in a residential area within the city limits of Concord in Cabarrus County. It is a small portion of an existing park adjacent to the neighboring residential lot, whose development encroaches upon it. Independently, it has little functional utility other than to add to its parent tract or the neighboring property.

Adjacent Residential Lot: The site has good frontage and visibility on Misenheimer Dr NW, which is a residential road. The site is level and cleared. The site is out of the flood zone and has minimal risk. Utilities include electricity, telephone, water and sewer, and natural gas. Overall, the subject is well-suited for single family residential development with good frontage, visibility, and access characteristics.



Black Hatched Area – Subject - Proposed Land Transfer

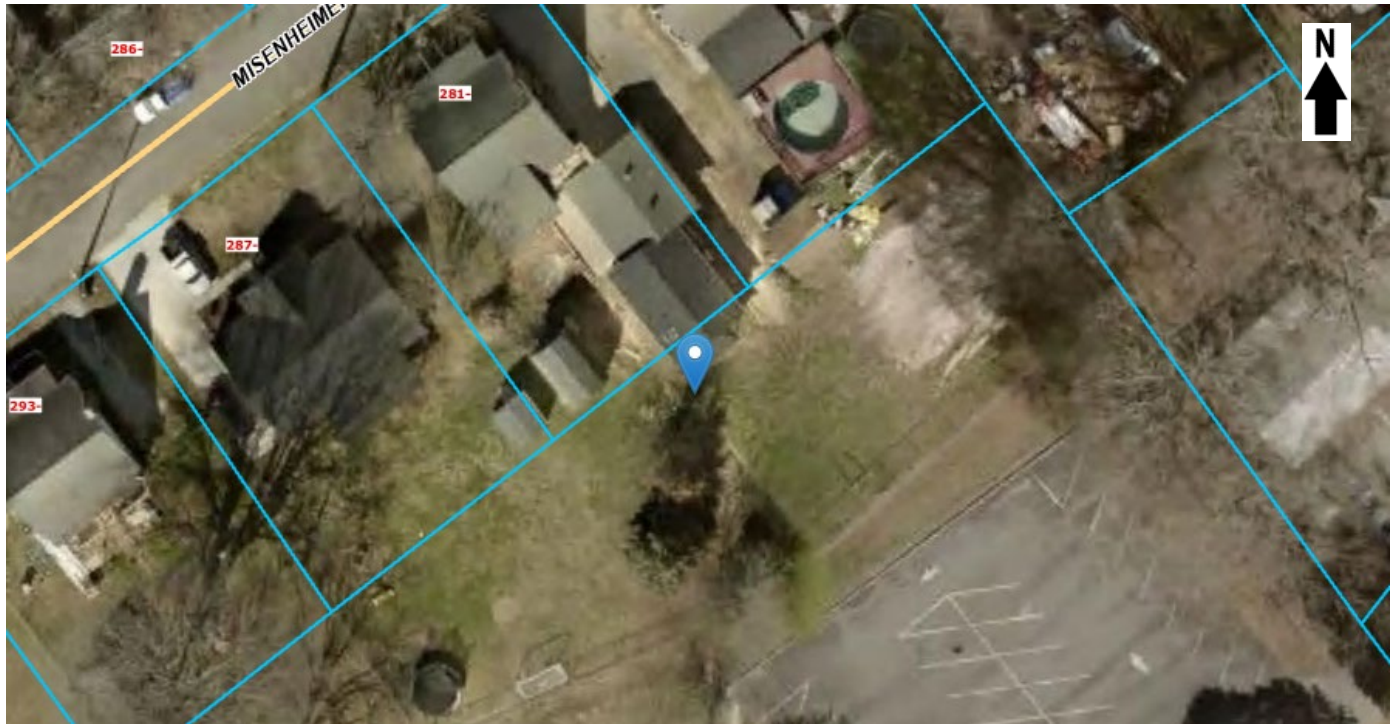
IMPROVEMENT ANALYSIS

The subject site is unimproved with the exception of an encroaching building. Because the focus of this appraisal is on the land, the improvements have not been included in the valuation; therefore, a description of the improvements is unnecessary.

GIS Contour Map



GIS Aerial/Tax Map



GIS Flood Map

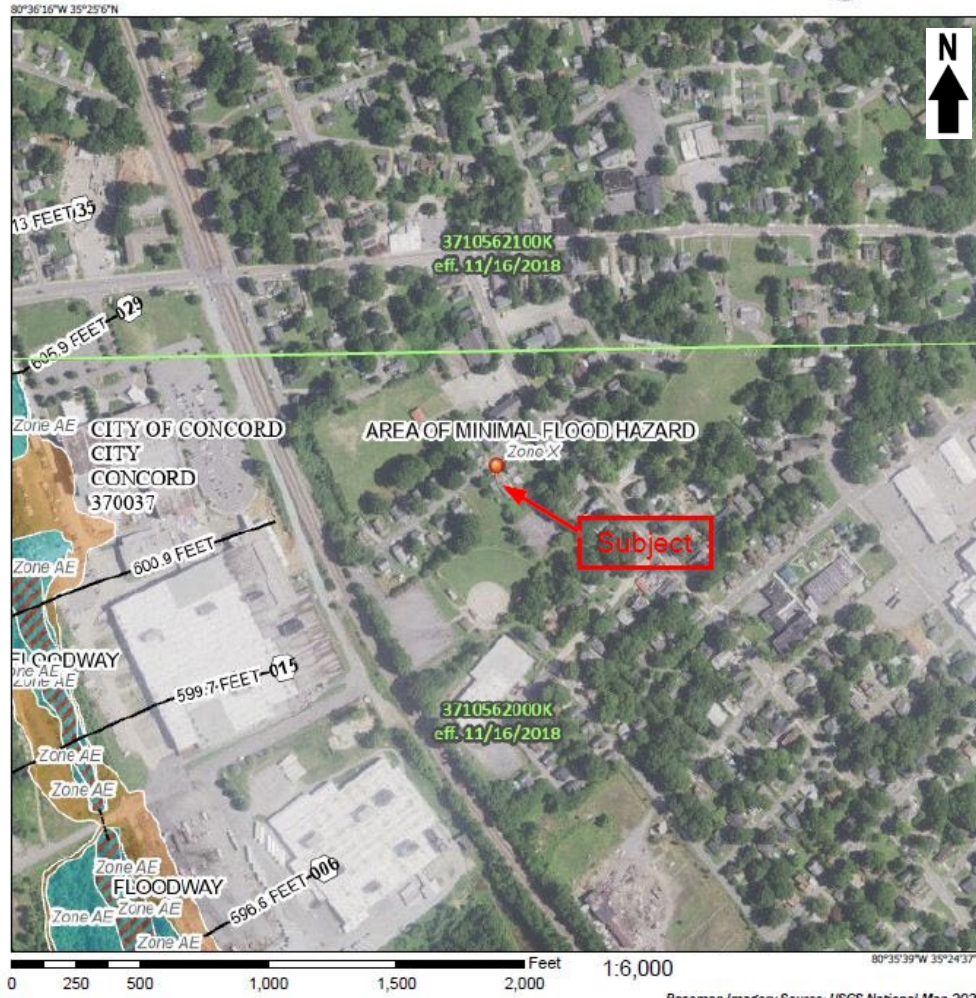
Light Blue Shading – Floodplain

Dark Blue Line - Floodway



FEMA Flood Map

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, AE, AH
	With BFE or Depth Zone AE, AO, AH, VE, AP
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future conditions 1% Annual chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes, Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual chance Water Surface Elevation 20.2 17.8
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
MAP PANELS	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/15/2023 at 3:21 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

ZONING

The subject is located in the town of Concord in Cabarrus County and is subject to municipal zoning ordinances. According to the Concord Zoning Ordinance the subject is zoned RC: Residential Compact.

Zoning Jurisdiction: City of Concord

Zoning Designation: RC: Residential Compact

Description: *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.*

Some Permitted Uses: Single family and multi-family development up to 15 dwelling units per acre plus parks and other institutional uses.

Some Conditional Uses: Single Family Attached Dwelling, Multifamily Dwelling/Apartment, Duplex/Triplex, Accessory Dwelling, Congregate Care Senior Housing, Family Care Home, Group Home, Museum or Non-Profit Foundation, Child Care Center (not including home day care), School - Boarding, School - Business, School – Elementary and Secondary, Cemetery, Religious Institution/House of Worship, more than 350 seats, Religious Institution/House of worship, up to 350 seats, Pipeline, Petroleum, and Natural or Manufactured Gases, Sewage Treatment Facility, Private as permitted by NCDENR, Bed and Breakfast Inn, Parking lot or deck, principal use, Food Truck.

Setback Requirements: Front: 24'
Rear: 5'
Side: 7'

Allowable Units/Density Info: Min Lot Size: 5,000 SF
Max Density: 15 DUA
Impervious Surface Ratio: 0.5
Min Frontage: 15'
Min Lot Width: 50'
Min Lot Depth: 100'
Max Bldg Height: 35'

Current Use is Legally Permissible

Yes

Current Lot Size & Configuration is Legally Conforming:

Not for independent
development

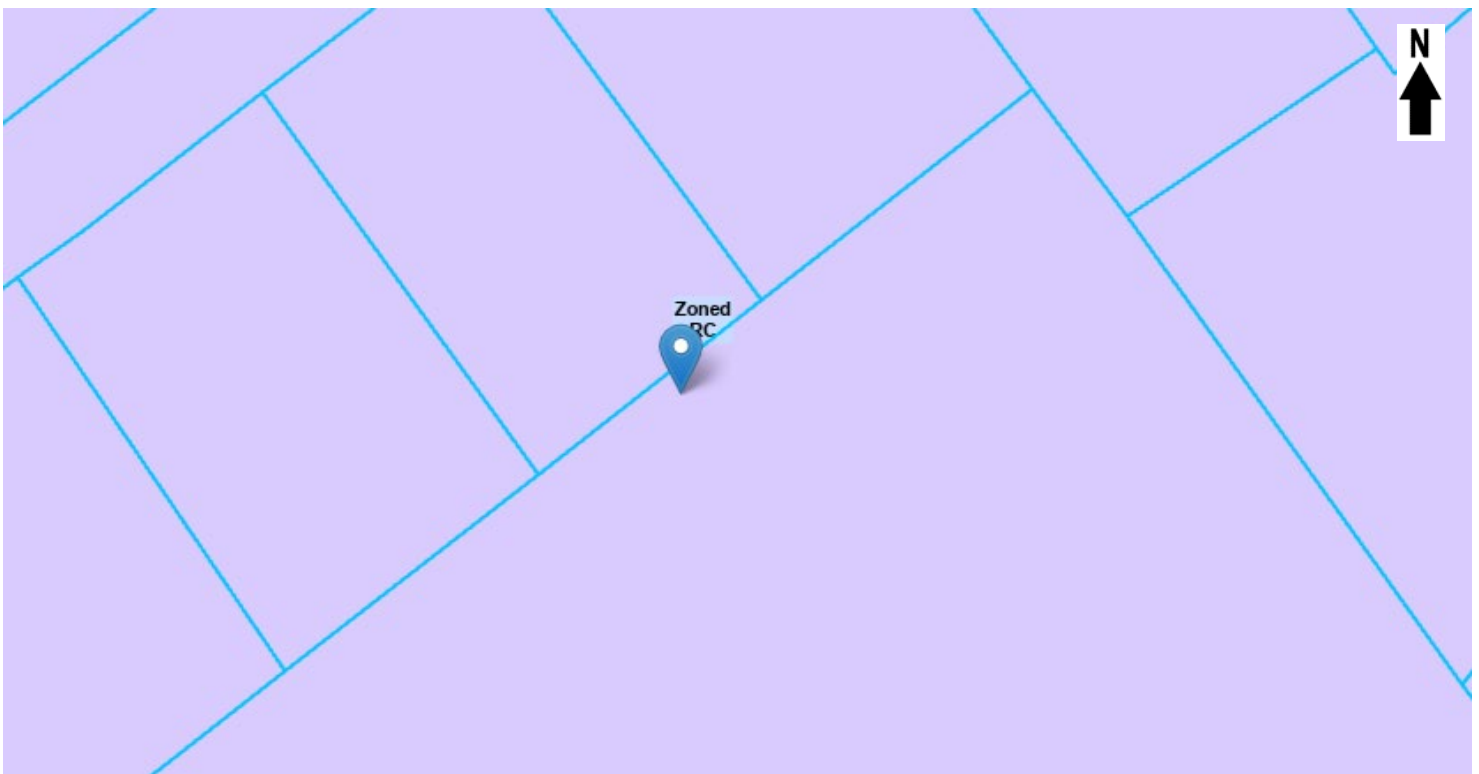
Current Improvement is Legally Conforming:

See remarks

Remarks:

The subject (900 SF) is not legally conforming as a stand-alone site but could add to either the parent tract or the adjacent lot.

GIS Zoning Map



REAL ESTATE TAXES AND ASSESSMENTS

Municipality: Concord

2023 Tax Rate:

Cabarrus County:	\$0.74	Per \$100 Valuation
City of Concord:	\$0.48	Per \$100 Valuation
Total:	\$1.22	Per \$100 Valuation

Subject Assessment:

Land:	\$ 67,030
Building:	\$ 0
Features/Other:	\$ 22,910
Total Assessment:	\$ 89,940

Tax Calculation: Tax exempt

2022 Total Tax Liability: Tax exempt

Remarks: The subject is park land owned by the City of Concord; therefore, no taxes are to be paid. Cabarrus County's most recent revaluation was 2020 and is next scheduled for revaluation in 2024.

The tax assessment should not be considered a reliable indicator of the actual market value of the subject property, as mass appraisal techniques tend to create opportunity for errors in that they do not typically take into consideration individual property features. While tax assessors have access to a wealth of market data, the goal is oftentimes the equalization of value from property to property, rather than a pure estimate of market value.

PUBLIC AND PRIVATE RESTRICTIONS

A review of public and private restrictions did not identify any onerous or unusual restrictions. Typical utility easements are assumed.

OWNERSHIP AND HISTORY OF THE SUBJECT

According to public records, the subject is currently held in the ownership name as follows:

City of Concord
35 Cabarrus Ave W
Concord, NC 28025

Tax Pin #:	5620-39-5338 (City of Concord)
Grantor:	David H. Murdock, dba DHM Holding Company
Grantee:	City of Concord
Date Recorded:	July 30, 1986
Deed Reference:	Deed Book 611, Page 30, as recorded in the Cabarrus County Register of Deeds
Consideration:	\$9,000 (\$18 excise tax)
Conditions of Sale:	Assumed Arm's Length
Purchase Pending:	No
Leases:	None noted
Other transfers within the past five years:	No
Zoning Changes:	No
Changes in Building Improvements:	No
Current or Expired Building Permit:	No
Remarks:	Because the previous sales were of the improved property, and not the land only, while the scope of this valuation addresses land value only, the sales are not indicative of the market value sought in this appraisal.

HIGHEST AND BEST USE ANALYSIS

Highest and best use is defined as follows:

*"The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity."*⁴

Highest and best use is divided into two categories: 1) "as vacant" and 2) "as improved." The first assumes that the site is vacant, or that it can be made vacant through the demolition of any improvements. This analysis answers the question "what use should be made of the site?" The second type pertains to the use that should be made of the property, as it exists. The question to be answered is "should the existing improvements be maintained, renovated, modified, or removed?"

The purpose of a highest and best use analysis is different for each type of highest and best use examined. For each type of highest and best use, the criteria that are considered must include what is legally permissible, physically possible, financially feasible and maximally productive.

This conclusion is critical to the valuation of the subject because it directs the appraiser to the most appropriate type of market information and support.

⁴ Source: *The Dictionary of Real Estate Appraisal*, Sixth Edition, Appraisal Institute, Page 109.

Highest and Best Use, As Vacant**Physically Possible:**

The site's size does not allow for independent development. Physically possible uses are limited to adding land to the parent tract or to the adjacent residential site.

Legally Permissible Uses:

Legal permissibility does not reduce the possible uses further.

Financially Feasible:

Either as an addition to the parent tract or to the adjacent lot.

Maximally Productive:

The value per acre of a finished residential lot is higher than that of a larger tract of development land such as the park and, thus, the maximally produced (highest and best) use of the site is assemblage with the neighboring residential lot.

Highest and Best Use, As Improved

N/A

VALUATION METHODOLOGY – BEFORE THE TAKING

The appraisal process typically involves three approaches in estimating value, which consist of the cost approach, income capitalization approach, and sales comparison approach. A brief description of each technique follows:

Cost Approach

This appraisal procedure uses depreciated replacement or reproduction costs of improvements plus land value as a basis for estimating value. The underlying assumption is that an informed purchaser will pay no more than the cost of producing a substitute property with the same utility as the subject.

Sales Comparison Approach

This appraisal procedure uses sales prices of properties similar to the subject as a basis for estimating value. The underlying assumption is that an informed purchaser will pay no more for a property than would have to be paid for a similar property of comparable utility.

Income Capitalization Approach

This approach uses capitalization of expected future income as a basis for estimating value. The underlying assumption is that an informed purchaser will pay no more for the subject than would have to be paid for another property with an income stream of comparable amount, duration and quality.

Appraisal Procedures

The subject is valued by the sales comparison approach. Given the highest and best use, the value of the adjacent residential lot is estimated without and with the 900 SF subject attached to estimate the value of the subject. There is adequate data to develop value estimates and this approach reflects market behavior for this property type as vacant.

The cost approach and income approach are not applicable in the subject's valuation as there are no improvements included in the scope of valuation. Therefore, the most applicable approach to value is the Sales Comparison Approach.

LAND SALES COMPARISON APPROACH

The sales comparison approach is a method of valuation, which employs sales of comparable properties as a basis for the value of the subject. When comparable sales are available, those that are most like the subject are compared and adjusted to the subject for various dissimilarities. This method is favorable when enough comparable sales exist. This approach is based on the appraisal principle of substitution which states that when similar properties are available, the one with the lowest price will attract the greatest demand and widest distribution.

The Appraisal Institute defines sales comparison approach as:

*"The process of deriving a value indication for the subject property by comparing sales of similar properties to the property being appraised, identifying appropriate units of comparison, and making adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant when an adequate supply of comparable sales is available"*⁵

The following steps are generally followed for this approach:

1. The market is researched for similar properties that may serve as possible substitutes for the subject.
2. Information about each comparable is verified, with emphasis on those physical and non-physical characteristics that typically create a value difference.
3. The sales are analyzed based on appropriate units of comparison, i.e., price per square foot or price per acre.
4. Adjustments are made to each sale for any significant dissimilarity with the subject property. Although each adjustment is not absolute, the primary objective of the adjustments is to demonstrate the appraiser's thought process for the reader and magnitude of the adjustment.
5. After appropriate adjustments are made, a final value opinion is made from the adjusted sale prices of the comparable sales.

A thorough search of the market was conducted, returning several comparable sales. All comparables are within one mile of the subject. The market indicates that the most applicable unit of comparison for the subject is sales price per lot. Following are summaries of the comparables, followed by a location map, an adjustment table, and explanations of the adjustments made to the comparables.

5 The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, Page 175.

COMPARABLE NO: 1

Date: 5/15/23 Deed Book: 16486 Page: 0338 Stamps: \$120 County: Cabarrus
 Grantor: Donald L. Newton and wife, Teresa Newton Grantee: All Goodness Enterprises LLC
 Location: 590 Harris St, Concord, NC 28025
 Sales Price: \$60,000 Confirmed by (Name): Spencer Ross, Listing Agent
 Financing: Cash to Seller
 Condition of Sale and Reason Bought/Sold: Arm's-Length/SFR development

Present Use: Vacant land Zoning: RV – Residential Village
 Highest and Best Use: SFR Development
 Size: 0.22 AC Shape: Rectangular Topography: Generally level
 Existing R/W Area: 0 Area Cleared/Wooded: Cleared building site
 Soil Type: TYPICAL Drainage: Adequate Available Utilities: WSTE
 Access: Average Frontage: Approximately 58 ft
 Improvements: None
 Unit Price: \$272,727/acre Tax ID: 5621-21-6815-0000

Additional Comments:

Other Pertinent Information:



Taken by: C&W

Date Inspected: 8/14/2023

COMPARABLE NO: 2

Date: 1/20/23 **Deed Book:** 16348 **Page:** 0349 **Stamps:** \$116 **County:** Cabarrus
Grantor: Drew Maher, INC **Grantee:** EST Construction, LLC
Location: 571 Buford St NW, Concord, NC 28025
Sales Price: \$58,000 **Confirmed by (Name):** Drew Maher, Listing agent
Financing: Cash to seller
Condition of Sale and Reason Bought/Sold: Arm's-length/ SFR development

Present Use: Vacant land **Zoning:** RV – Residential Village
Highest and Best Use: SFR Development
Size: 0.192 AC – GROSS **Shape:** Irregular Rectangle **Topography:** Sloping
 0.174 AC - NET
Existing R/W Area: 0.018 **Area Cleared/Wooded:** Cleared
Soil Type: TYPICAL **Drainage:** Adequate **Available Utilities:** WSTE available; needs to be connected
Access: Average **Frontage:** Approximately 58 ft
Unit Price: \$333,333/net acre **Tax ID:** 5621-32-3485

Additional Comments: Drew Maher, selling and listing agent, owned tax parcel: 5621-32-3468, subdividing it into two different properties. The Grantee, EST Construction, LLC, is building a speculative single family residence on the vacant land.

Other Pertinent Information:



Taken by: C&W

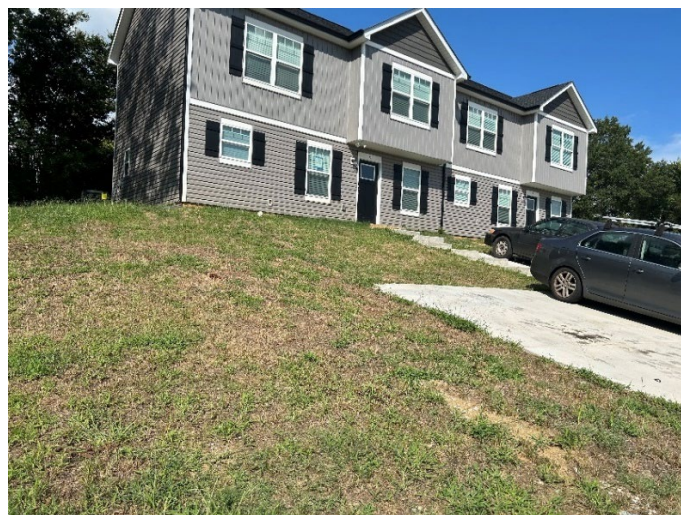
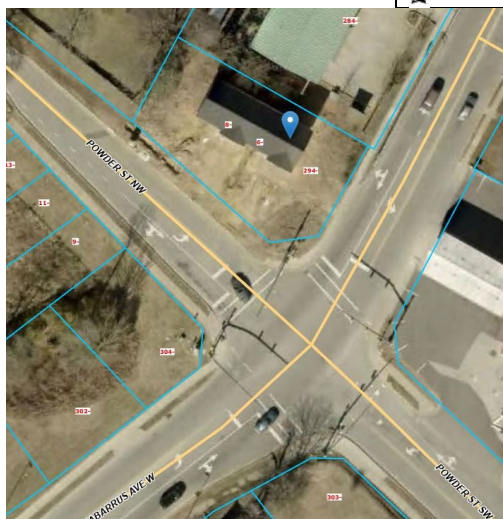
Date Inspected: 8/14/2023

COMPARABLE NO: 3

Date: 4/1/2022 **Deed Book:** 15944 **Page:** 0201 **Stamps:** \$105 **County:** Cabarrus
Grantor: JB Chase Ventures, INC **Grantee:** All 4 U Homes, LLC
Location: 294 Cabarrus Ave W, Concord, NC 28025
Sales Price: \$52,500 **Confirmed by (Name):** Brandon Chase, Listing Agent
Financing: Cash to Seller
Condition of Sale and Reason Bought/Sold: Arm's Length/Multi-family Residential Development - Duplex
Present Use: Vacant land **Zoning:** RC – Residential Compact
Highest and Best Use: SFR Development
Size: 0.18 AC **Shape:** Rectangular **Topography:** Sloping
Existing R/W Area: 0 **Area Cleared/Wooded:** Cleared
Soil Type: TYPICAL **Drainage:** Appears adequate **Available Utilities:** connected
Access: Average **Frontage:** Approximately 86 ft along Cabarrus Ave W & 103 ft along Powder St NW
Unit Price: \$291,667/acre **Tax ID:** 5620-65-2655

Additional Comments:

Other Pertinent Information:

**Taken by:** C&W**Date Inspected:** 8/14/2023

COMPARABLE NO: 4

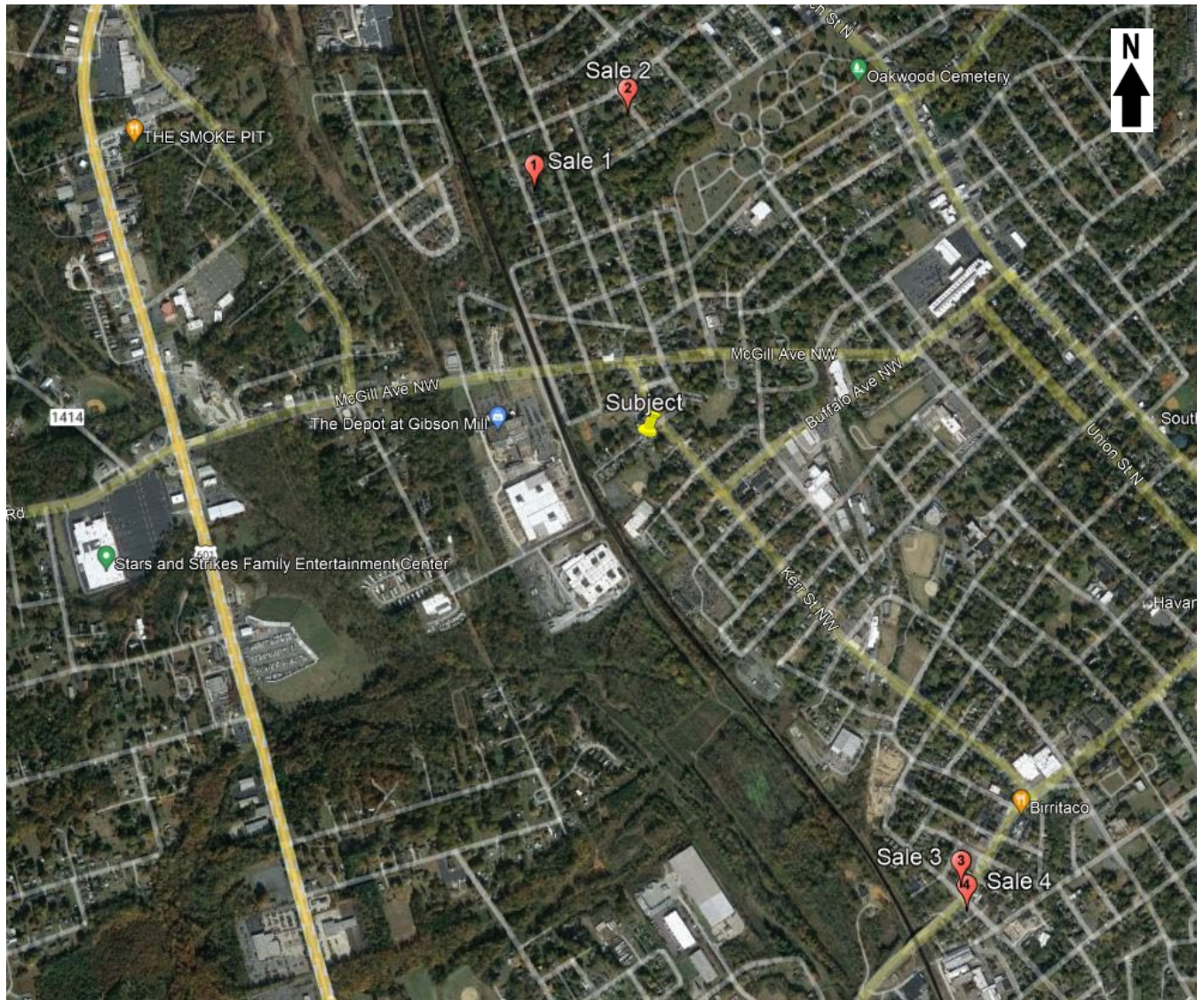
Date: 11/9/22 **Deed Book:** 16274 **Page:** 0337 **Stamps:** \$100 **County:** Cabarrus
Grantor: Scott C. Robertson and wife Ashleigh S. Robertson **Grantee:** Julie Patricia Merriwether, Married
Location: 303 Cabarrus Ave W, Concord, NC 28025
Sales Price: \$50,000 **Confirmed by (Name):** Robin Price, Listing Agent/Broker
Financing: Cash to Seller
Condition of Sale and Reason Bought/Sold: Arm's Length/to build SFR development
Present Use: Vacant land **Zoning:** RC – Residential Compact
Highest and Best Use: SFR Development
Size: 0.15 AC **Shape:** Rectangular **Topography:** Mostly level
Existing R/W Area: 0 **Area Cleared/Wooded:** Cleared
Soil Type: TYPICAL **Drainage:** Appears adequate **Available Utilities:** WSTE
Access: Average **Frontage:** Approximately 86 ft along Cabarrus Ave W & 103 ft along Powder St NW
Unit Price: \$333,333/acre **Tax ID:** 5620-65-3404

Additional Comments:

Other Pertinent Information:

**Taken by:** C&W**Date Inspected:** 8/14/2023

Land Comparables Location Map



LAND SALES COMPARISON AND ADJUSTMENT TABLE						
DESCRIPTION	Subject	Comparable 1	Comparable 2	Comparable 3	Comparable 4	
Location	281 Misenheimer Dr NW Concord, NC 28025	590 Harris St NW Concord, NC 28025	571 Buford St NW Concord, NC 28025	294 Cabbarus Ave W Concord, NC 28025	303 Cabarrus Ave W Concord, NC 28025	
Sales Price	N/A	\$60,000	\$58,000	\$52,500	\$50,000	
Date of Sale	N/A	15-May-23	20-Jan-23	1-Apr-22	8-Nov-22	
Size (Net acres)	0.145	0.220	0.174	0.180	0.150	
Price/Acre	N/A	\$272,727	\$333,333	\$291,667	\$333,333	
Transaction Adjustments						
Property Rights		Fee Simple 0%	Fee Simple 0%	Fee Simple 0%	Fee Simple 0%	
		subtotal \$60,000	subtotal \$58,000	subtotal \$52,500	subtotal \$50,000	
Financing/Concessions		Cash Equiv \$0	Cash Equiv \$0	Cash Equiv \$0	Cash Equiv \$0	
		subtotal \$60,000	subtotal \$58,000	subtotal \$52,500	subtotal \$50,000	
Conditions of Sale		Arm's Length 0%	Arm's Length 0%	Arm's Length 0%	Arm's Length 0%	
		subtotal \$60,000	subtotal \$58,000	subtotal \$52,500	subtotal \$50,000	
Expenditures After Sale		None \$0	None \$0	None \$0	None \$0	
		subtotal \$60,000	subtotal \$58,000	subtotal \$52,500	subtotal \$50,000	
Market conditions		Inferior 0.75%	Inferior 1.69%	Inferior 4.11%	Inferior 2.29%	
	Transaction-Adjusted Price	\$60,449	\$58,982	\$54,658	\$51,147	
Physical Adjustments						
Location	Average	Similar \$0	Similar \$0	Similar \$0	Similar \$0	
Size (Acres)	0.145	0.220 ✓ -\$7,500	0.174 ✓ -\$2,900	0.180 ✓ -\$3,500	0.150 ✓ -\$500	
Flood Zone	None	None \$0	None \$0	None \$0	None \$0	
Utilities	ETWSG	ETWSG \$0	ETWSG \$0	ETWSG \$0	ETWSG \$0	
Topography	Level/Cleared	Similar \$0	Similar \$0	Similar \$0	Similar \$0	
Shape	Rectangular	Similar \$0	Similar \$0	Similar \$0	Similar \$0	
External Impacts	None	Similar \$0	Similar \$0	Similar \$0	Similar \$0	
Other	None	Similar \$0	Similar \$0	Similar \$0	Similar \$0	
Net Adjustment		-\$7,500	-\$2,900	-\$3,500	-\$500	
Adjusted Price		\$52,949	\$56,082	\$51,158	\$50,647	
Statistical summary:						
Gross Adjustment		\$7,500	\$2,900	\$3,500	\$500	
Average	\$52,709					
Median	\$52,053					
Low	\$50,647					
High	\$56,082					
Range	11%					

(As discussed earlier, the value of the adjacent SFR lot is first estimated by comparison to comparable sales. The address and characteristics of the “subject” in the grid, therefore, reflect that adjacent lot.)

Explanation of Adjustments – Land Sales

Unit of Comparison:	Price Per Lot
Transactional Adjustments:	
Property Rights:	No adjustments warranted
Financing:	No adjustments warranted
Conditions of Sale:	No adjustments warranted
Market Conditions:	Overall market conditions have been stable to slightly improving and we have concluded a 3% annual positive adjustment for market conditions, applied to all the sales from their dates of sale.
Physical & Other Adjustments:	
Location:	No adjustments warranted
Size:	An adjustment per acre difference in size is made at a rate of \$100,000/Ac, roughly one third of the sales' central tendency. This recognizes the value of additional yard space beyond the primary function of allowing development of a home.
Access:	No adjustments warranted
Zoning:	No adjustments warranted
Utilities:	No adjustments warranted
Topography/Shape:	No adjustments warranted
Reconciliation:	The same weighting has been applied to all sales, resulting in the indicated value:

ADJACENT SITE VALUE: \$52,700

(Without subject added)

Indicated Value Per SF	\$8.34	(\$52,700 / 0.145 / 43,560)
Indicated Value Per Acre	\$363,448	(\$52,700 / 0.145)

Final Value Indication (Without 900 SF subject):

The market value of adjacent site' fee simple estate (land only) before land grant, as of the effective date, was:

\$52,700

DESCRIPTION OF THE REMAINDER AND EFFECTS OF THE GRANT***Land***

The proposed 900 SF land grant results in a change in acreage from 0.145 acres to 0.1657 acres in the neighboring property. Apart from this slight change in size and shape, the site characteristics remain similar to the “before” condition.

Considered truly “as vacant,” the addition of 900 SF would likely not result in a large increase in the site value because the land would be merely surplus land adding additional area for a yard but not necessary to support development with a house. However, the proposed 900 SF is not surplus land because the existing improvements need this area to be legal (not encroaching). Thus, the proposed grant may be reasonably estimated to add to the site's value at a rate per square foot that is the same as the value per square foot before the grant.

Improvements

There are no primary or site improvements included in the land grant as part of this appraisal and, therefore, no improvements are being valued.

HIGHEST AND BEST USE OF THE ADJACENT LOT AFTER

The highest and best use after the grant would remain the same as before.

Valuation After Taking

The same approach to value and comparable sales remains applicable after the land grant as before. Based on the data and reasoning provided above, the same value per acre applies to the lot after the grant:

$$0.1657 \text{ Ac} \times \$363,448/\text{Ac} = \$60,223, \text{ rounded to } \$60,225$$

RECONCILIATION AND FINAL VALUE CONCLUSION – AFTER THE LAND GRANT

Final reconciliation is the process of evaluating alternative conclusions and selecting a final estimate of value from the approaches used in the report. The appraiser weighs the relative significance, applicability, and defensibility of the indications of value derived from each approach and places the most credence on those which approximate the value being sought in the appraisal. The scope of work is limited to the value of the land only. As such, only the sales comparison approach was deemed necessary to reach a credible value conclusion after the taking.

The same weighting has been applied to the sales, therefore the market value of the adjacent lot's fee simple estate after the land grant, as of the effective date, was:

\$60,225

Subject Value Indication

Based on the previous analysis indicating that the adjacent residential lot would increase from \$52,700 to \$60,225 with the addition of the subject, the subject's final value indication is:

\$60,225 - \$52,700 =

\$7,525

ADDENDA

Photographs of the Subject Property and Adjacent Lot

Photographs were taken by Philip Porter on the day of inspection, August 14, 2023



Adjacent Single-Family Residence



Area of proposed 900 SF addition – the “Subject”

Photo Map



Deed and Legal Information

BOOK 611 PAGE 30



6744

BOOK 611 PAGE 30

JUL 30 12 17 PM '86

BENTON F. WEAVER
REGISTER OF DEEDS
CABARRUS CO., N.C.

Excise Tax

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
 Verified by _____ County on the _____ day of _____, 19____
 by _____

Mail after recording to

City Hall, Concord, N.C.

This instrument was prepared by Reginald K. Smith, Attorney

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12th day of June, 1986, by and between

GRANTOR

GRANTEE

DAVID H. MURDOCK, doing business as
 DHM HOLDING COMPANY

CITY OF CONCORD

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Concord, No. 12 Township, Cabarrus County, North Carolina and more particularly described as follows:

Being part of Tract 52, map 1, as shown on map of Cannon Holding Corporation, property of Atlantic American Properties, Inc., a plat of which is recorded in Map Book 19, page 51, Cabarrus County Registry, and being more particularly described as follows:

BEGINNING at a point in the southern margin of Ballpark Court, N.W., Garry T. Long's western corner, said point being located approximately 160.00 ft. from the southern margin of Kerr Street; thence from said beginning point S. 36-41-00 W. 448.91 ft. to a point, the southeastern corner of Fieldcrest-Cannon in the line of Lanscot-Arlen Fabrics, Inc.; thence along the eastern line of Fieldcrest-Cannon, N. 37-20-55 W. 326.15 ft. to a point, the southeastern corner of Lot No. 39; thence along the southern line of Lots Nos. 40 through 45, N. 53-34-36 E. 435.00 ft. to a point, the southeastern corner of Lot No. 45 in the line of Lot No. 46; thence with the line of Lot No. 46, S. 35-56-56 E. 36.06 ft. to a point, Mable K. Freeze's northwest corner; thence along Mable K. Freeze's western line, S. 36-27-39 E. 159.60 ft. to the point and place of BEGINNING, containing 2.592 acres and being the property as shown upon a survey by Mel G. Thompson, RLS, bearing the date of May 20, 1986, to which reference is hereby made.

BOOK 611 PAGE 31

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By:

President

ATTEST:

Secretary (Corporate Seal)

USE BACK ONLY

David H. Murdock (SEAL)
DAVID H. MURDOCK, doing business as,
DHM HOLDING COMPANY (SEAL)

By: Lynne N. Scott (SEAL)
Attorney-in-Fact (SEAL)

NORTH CAROLINA, Cabarrus COUNTY

I, Deborah C. Jenkins, a Notary Public of Cabarrus County, North Carolina, do hereby certify that LYNNE N. SCOTT, Attorney-in-Fact for David H. Murdock, d/b/a DHM HOLDING COMPANY, personally appeared before me this day and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of David H. Murdock, d/b/a DHM HOLDING COMPANY, and that her authority to execute and acknowledge the said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of Register of Deeds for Cabarrus County, N.C., on the 1st day of May, 1986, in Deed Book 606 at page 764, and that this instrument was executed under and by virtue of the authority given by said instrument granting her Power of Attorney; that the said LYNNE N. SCOTT acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said David H. Murdock, d/b/a DHM HOLDING COMPANY.
WITNESS my hand and Notarial Seal this 16 day of June, 1986.
My commission expires: My Commission Expires July 18, 1987.

NOTARY PUBLIC

The following certificate of

Deborah C. Jenkins, Notary Public of Cabarrus County

is now certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

WILSON F. WEAVER

REGISTER OF DEEDS

REGISTER OF DEEDS FOR Cabarrus COUNTYBy Deborah C. Jenkins Deputy/Assistant-Register of Deeds

Tax Card

CABARRUS COUNTY, NC										8/28/2023 9:06:03 AM									
CITY OF CONCORD										Return/Appeal Notes: Parcel: 5620 39 5338 0000									
BALLPARK CT NW NC										PLAT: /									
1400450										ID NO: 12 019 0001.12 0000									
CONCORD CITY TAX (100), COUNTY TAX (100)										CARD NO. 1 of 1									
Reval Year: 2020 Tax Year: 2023 P/O TRACT 52										2.5900 AC									
Appraised by LR on 03/01/2019 19002 BOYS CLUB										TW-12 CI-02 FR-00 SRC= EX-5 AT- LAST ACTION 20200117									
CONSTRUCTION DETAIL		MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE									
TOTAL POINT VALUE		USE	MOD	EFF. AREA	QUAL	BASE RATE	RCN	EVB	AYB	CREDENCE TO									
BUILDING ADJUSTMENTS		89	00							% GOOD									
TOTAL ADJUSTMENT FACTOR		TYPE: MUNICIPAL OFFICE								DEPR. BUILDING VALUE - CARD									
TOTAL QUALITY INDEX		STYLE:								DEPR. OB/XF VALUE - CARD									
										MARKET LAND VALUE - CARD									
										TOTAL MARKET VALUE - CARD									
										TOTAL APPRAISED VALUE - CARD									
										TOTAL APPRAISED VALUE - PARCEL									
										TOTAL PRESENT USE VALUE - PARCEL									
										TOTAL VALUE DEFERRED - PARCEL									
										TOTAL TAXABLE VALUE - PARCEL \$									
										PRIOR									
										BUILDING VALUE									
										OBXF VALUE									
										LAND VALUE									
										PRESENT USE VALUE									
										DEFERRED VALUE									
										TOTAL VALUE									
										PERMIT									
										CODE DATE NOTE NUMBER AMOUNT									
										ROUT: WTRSHD:									
										SALES DATA									
										OFF. RECORD DATE DEED TYPE Q/UV/I INDICATE SALES PRICE									
										BOOK PAGE MOYR WD Q V 18000									
										HEATED AREA									
										NOTES									
										GIBSON YOUTH FIELD									
										BASEBALL FIELD; PARKING L									
										PMT22188 6/97 CONCESS BLD									
										PMT 34287 5/2000 SHELTER									
SUBAREA		GS AREA	RPL CS	CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE	
FIREPLACE				06	FENCE CL4		0	0	620	11.50	100.00	-	1982	1994	S5		30	2032	
				A4	BOOTH		0	0	1	5,075.00	100.00	-	1982	1982	S3		30	3046	
SUBAREA				A8	DUGOUT		0	0	2	816.00	100.00	-	1982	1990	S5		30	613	
TOTALS				068	FENCE CL8		0	0	80	19.75	100.00	-	1982	1994	S5		30	474	
				44	WARD LTS		0	0	5	800.00	100.00	-	1985	1985	S3		30	1200	
				06	FENCE CL4		0	0	600	11.50	100.00	-	1990	1994	S5		30	1967	
				B8	STAND		40	22	880	40.00	100.00	-	1997	1997	S5		30	12672	
				97	SHELTER FR		0	0	1	3.00	100.00	-	2000	2000	S5		30	1	
				01	STORAGE WD		20	6	120	19.50	100.00	-	1997	1997	S3		31	906	
				TOTAL OB/XF VALUE														22,911	
BUILDING DIMENSIONS																			
LAND INFORMATION																			
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES		
MUNICIPAL	8900	RC	60	449	1.6180	8	0.8000	-02 -18 +00 +00 +00	PS	20,000.00	2.590	AC	1.294	25,880.00	67029				
TOTAL MARKET LAND DATA														2,590					
TOTAL PRESENT USE DATA																			

Qualifications of the Appraiser

			NORTH CAROLINA APPRAISAL BOARD		
APPRAISER QUALIFICATION CARD					
REGISTRATION / LICENSE / CERTIFICATE HOLDER					
23		PHILIP S PORTER		24	
A7392		G		Y	
APPRAISER NUMBER		TYPE		NATIONAL REGISTRY	
					
Appraiser's Signature			Executive Director		
EXPIRES JUNE 30, 2024					

Philip S. Porter



Philip Porter, MAI Senior Director

Valuation & Advisory
Practice Group Member | Infrastructure Practice Group
Cushman & Wakefield of North Carolina, Inc.

Professional Expertise

Philip Porter, MAI is a Senior Director with Cushman & Wakefield's Valuation & Advisory service line and a member of the Infrastructure Practice Group, which provides eminent domain consultations and right of way valuations among other services. He has more than 15 years of experience in the commercial real estate industry, most recently as Appraisal Team Manager with North by Northwest Consulting, where he supervised a team of professional, commercial and residential appraisers providing appraisals for lending, engineering, government and private institutions. He specialized in eminent domain and provided USPAP- and NCDOT-compliant reviews, reviewing appraisal reports for compliance with governmental and client guidelines.

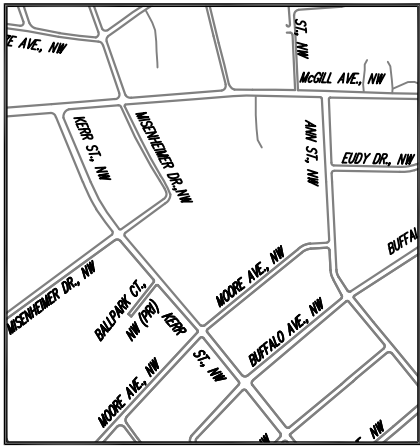
Previously, he was a Real Estate Review Appraiser for the Department of Transportation in Charlotte, NC, and an appraiser for firms T.B. Harris Jr. and Associates and First Appraisal Group, Inc.

Philip is a confirmed right of way expert with a strong reputation in ethical and technical work. Specific accomplishments include appraising some of the first Map Act properties in North Carolina, a regional shopping center for tax appeal, and a complex commercial right of way acquisition for litigation.

Memberships, Licenses, Professional Affiliations and Education

- Designated Member, Appraisal Institute. As of the current date, Philip Porter, MAI has completed the requirements of the continuing education program of the Appraisal Institute
- Approved NCDOT Right of Way Appraiser, September 2014-current
- Certified General Real Estate Appraiser in the following states:
 - North Carolina – A7392
 - South Carolina – 6832
 - Tennessee – 5934
 - Commonwealth of Virginia – 4001018039
- Master of Divinity, Cross Cultural Ministry, Southeastern Baptist Theological Seminary
- Bachelor of Science in Mathematics, Appalachian State University



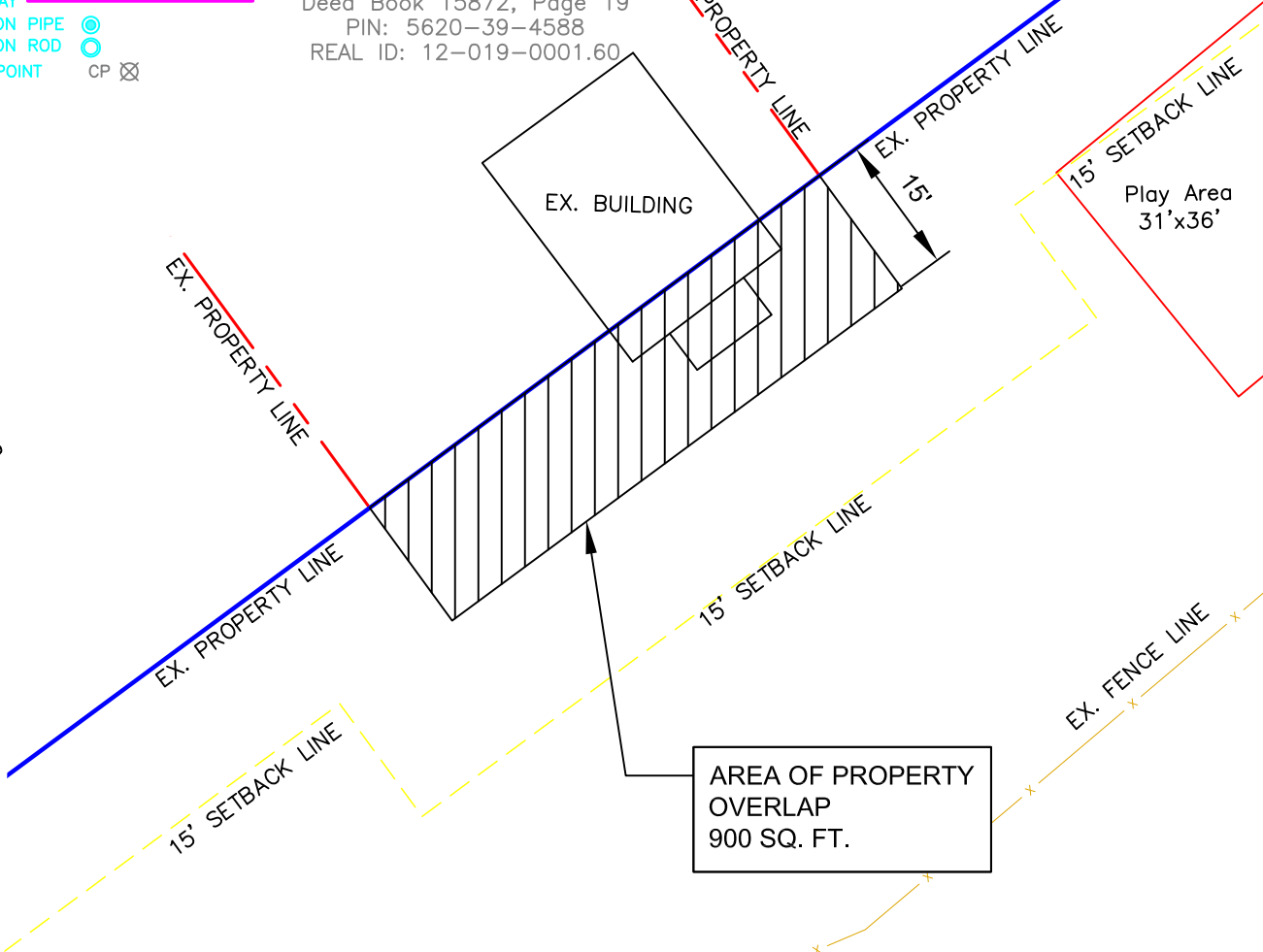


VICINITY MAP
NO SCALE

LEGEND:

- SURVEYED LINE
- LINES NOT SURVEYED
- SUBJECT LINE
- RIGHT OF WAY
- EXISTING IRON PIPE
- EXISTING IRON ROD
- COMPUTED POINT

Now or Formerly
Jessica R. Andreano and
spouse, Vincent Andreano
Deed Book 15872, Page 19
PIN: 5620-39-4588
REAL ID: 12-019-0001.60



NOTES:

- 1. THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.
- 2. ALL DISTANCES SHOWN ARE HORIZONTAL U.S. SURVEY FOOT GROUND DIMENSIONS, UNLESS OTHERWISE NOTED.
- 3. AREAS SHOWN WERE DETERMINED BY COORDINATE COMPUTATIONS.
- 4. THE PROPERTY AS SHOWN ON THIS PLAT IS SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD PRIOR TO THE DATE OF THIS SURVEY.
- 5. THIS MAP IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- 6. THIS MAP IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION AND IS INTENDED FOR EASEMENT ACQUISITION ONLY.

Now or Formerly
CITY OF CONCORD
Deed Book 611, Page 30
Map Book 19, Page 51
Part of Tract 52
PIN: 5620-39-5338
REAL ID: 12-019-0001.12

SHEET 1 OF 1

EXHIBIT MAP PREPARED BY

THE CITY OF CONCORD
ENGINEERING DEPARTMENT
635 ALFRED BROWN JR. COURT, SW
CONCORD, N.C. 28026-0308
(704) 920-5420 FAX (704) 786-4521
WWW.CONCORDNC.GOV/ENGINEERING

DRAWN BY:	CHECKED BY:	REVISED:
BCC	BCC	

EXHIBIT MAP

CROSSING THE PROPERTY OF:

THE CITY OF CONCORD
AND
JESSICA R. ANDREANO & VINCENT ANDREANO

SCALE: 1"= 20' DATE: APRIL 6, 2023

MEMORANDUM

To: Lloyd Wm. Payne, Jr., City Manager

From: Raeshawn Palmer, Community Outreach Coordinator

Date: June 25, 2024

Subject: Neighborhood Matching Grant Funding Recommendation FY 2024-2025

The City received 15 total applications for the FY25 Neighborhood Matching Grant (NMG) Program. The Grant Review Committee met on June 11th and determined that 13 projects met the criteria for funding and two neighborhood projects did not. Below is a brief description of NMG projects that the Committee recommends for funding, as well as a description of the two projects that did not meet the eligibility criteria. If approved, the 13 recommended projects would use the full \$30,000 allocated for the NMG program in FY 2025.

RECOMMENDED PROJECTS

Autumn Ridge

Playground Replacement

Project Amount - \$36,000

Requests \$3,000 in matching grant funds to support the replacement of existing playground equipment with a new commercial-grade play system. The project will also include adding an ADA-compliant access ramp and the required deeper mulch.

Funding Recommendation- \$3,000

Bedford Farms

Trail Phase 4

Project Amount - \$21,300

Requests \$3,000 in matching grant funds to support the continuation of their walking trail project for the fourth year in a row. This phase of the project focuses on creating and improving the natural trail to make it more accessible for pedestrians. During this project pavers will be installed between the existing Baxter Pl access ramp and the first bridge on the trail. To improve access for strollers and wheelchairs, ramps will also be installed.

Funding Recommendation- \$3,000

Carriage Downs

Community Nature Garden Facelift

Project Amount - \$600.00

Requests \$600 in matching grant funds to support the revitalization of their community garden. The project would plant native plants and install seating. The goal of this project is to transform the natural garden into a thriving and inviting sanctuary that fosters biodiversity, wellness, and community engagement.

Funding Recommendation - \$600.00

Christenbury

Beautification Project

Project Amount - \$8,225

Requests \$3,000 in matching grant funds to support the transformation of the Townhome section's communal area with landscaping enhancements and irrigation updates.

Funding Request- \$975

Glen Grove

Walking Trail

Project Amount - \$3,000

Request \$3,000 in matching grant funds to repair the walking trail near the pond. The trail is experiencing erosion and creating a hazard for pedestrians. This project will replace the fence, add new crush and gravel, and add 40 ft. timber to the area of erosion.

Funding Request- \$975

Hallstead

Streetlights

Project Amount - \$2,899.17

Request \$3,000 in matching grant funds to support the installation of 3 City of Concord Street Lights. This project will help to deter crime in the community.

Funding Request- \$1,499.59

Highland Creek

Inclusive Swing Project

Project Amount - \$3,850

Request \$3,000 in matching grant funds to support the installation of special needs playground equipment. This project helps to provide a more inclusive recreation area for children with disabilities living in the community.

Funding Request- \$3,000

Oakleaf

Pool Furniture Project

Project Amount – \$2,499

Request \$2,499 in matching grant funds to support enhancing the neighborhood's pool area by adding new pool furniture. The existing furniture has not been replaced for 10 years.

Funding Request- \$2,499

Overbrook Manor

Decorative Sign Posts

Project Amount – \$3,000

Request \$3,000 in matching grant funds to purchase and install decorative signposts for 3 street signs and 3 stop signs. The neighborhood currently has an illuminated street sign, matching mailboxes, and tree-lined curb strips, these additions will complete the aesthetics of Overbrook Manor.

Funding Request- \$3,000

Parkview Estates

Improvement of Common Area

Project Amount – \$3,000

Request \$3,000 in matching grant funds to support the creation of a large green space in the community's common area. The existing dog park area will be reduced in size. Installation of picnic tables, charcoal grills and park benches.

Funding Request- \$3,000

Winding Walk

Disc Golf Course & Corn Hole Courts

Project Amount – \$3,000

Request \$3,000 in matching grant funds to support the development of a five-hole disc golf course and two corn hole courts within the common area of the neighborhood.

Funding Request- \$3,000

Woodbridge

Irrigation System/Landscaping Upgrade

Project Amount – \$8,421

Request \$3,000 in matching grant funds to add an irrigation system extension, decorative plants, and a bench rest to the common area entrance of the community.

Funding Request- \$3,000

Zemosa Acres

Traffic Calming

Project Amount – \$2,500

Request \$2,500 in matching grant funds to support the installation of a digital radar display to show vehicles their current speed and warn them when they go over the posted limit.

Funding Request- \$2,500

PROJECTS NOT RECOMMENDED *(Failed to meet eligibility requirements)*

Brookvue applied for their Soil Erosion Mitigation and Swimming Pool Mushroom revitalization projects.

The committee decided this request did not meet the eligibility criteria because they considered it a maintenance project. Per the policy, “maintenance or repair projects that are the regular responsibility of the Homeowners, Property Owners, or Neighborhood Associations” are not covered by the grant.

Additionally, the neighborhood was a recipient of the FY23-24 NMG and their FY 23-24 project was not completed by the required June 30, 2024, deadline.

Roberta Ridge applied for their Detention Pond Beautification project. The project was for the improvement and beautification of the ponds in a common area of the neighborhood.

The committee decided this request did not meet the eligibility criteria because Roberta Ridge has not been formally recognized as a neighborhood in the Partnerships for Stronger Neighborhood program for at least a year. To be eligible for grant funding, the program requires membership for at least one year.

Both neighborhoods were given recommendations on how they could proceed with their projects with the help of other City programs or services.

ORDINANCE DIRECTING THE HOUSING CODE ENFORCEMENT
OFFICER TO VACATE, CLOSE, DEMOLISH AND REMOVE THE
PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION
AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED UNTIL REPAIRED

WHEREAS, the City Council of the City of Concord finds that the property described herein is unfit for human habitation under the City Housing Code, and that all of the provisions of the Housing Code have not been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said dwelling should be vacated, closed, demolished and removed to meet the requirements of the Housing Code as directed by the Housing Code Enforcement Officer, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160D-1203 pursuant to an order issued by the Housing Code Enforcement Officer on March 15, 2024 and the owner having failed to comply with the order;

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

Section 1. The Housing Code Enforcement Officer is hereby authorized and directed to place a sign containing the legend, "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." on the buildings owned by Jeremiah Owens Jr. located at the following address: 90 James St SW, Concord, NC 28025.

Section 2: The Housing Code Enforcement Officer is hereby authorized and directed to proceed to vacate, close, demolish and remove the above described dwelling in accordance with his order to the owner thereof dated the 02 day of May, and with the Housing Code and G.S.160D-1203.

Section 3: It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4: The total cost of demolition of the above described dwelling, in accordance with this order, shall constitute a lien against subject property.

Section 5: This ordinance shall become effective _____

Adopted this ____ day of _____, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST:

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney











AN ORDINANCE AMENDING PORTIONS OF CHAPTER 42 OF
THE CITY CODE FOR CONCORD, NORTH CAROLINA

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

Section 1. Chapter 42, Offenses and Miscellaneous Provisions; Article I, In General, be amended to add the following:

Section 42-14, Prohibited aviation devices on city property

It shall be unlawful for any person to voluntarily launch, take off, land, or cause to descend or take off any airplane, flying machine, balloon, parachute, or other apparatus of aviation within or into the confines of any city property, except for city business. City business can only be conducted by staff or a contractor that has obtained the Remote Pilot Certificate from the Federal Aviation Administration. Voluntarily shall mean any action other than a forced landing. This section shall also apply to radio-controlled airplanes, helicopters, rockets, etc. However, kite flying in open areas of city parks is permitted

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST:

Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

CITY OF CONCORD
PURCHASING BID REVIEW AND ROUTING FORM

DATE: 06/18/2024

FORMAL BID: 2635

BID DATE: 06/13/2024

DEPARTMENT: Electric Systems

BIDDERS	AMOUNT	DELIVERY
Border States Electric (Prysmian)	\$297,696.00	14 - 18 weeks
WESCO Distribution, Inc (Okonite)	\$333,984.00	47 - 48 weeks

RECOMMENDATION: Border States Electric

LOW BIDDER: YES ☒ NO ☐ (IF NOT, DOCUMENTATION REQUIRED)

ADDED OPTIONS: _____

PRICE: _____

FLEET SERVICES SIGNATURE (IF REQUIRED) _____

DEPARTMENT HEAD: Alex Burris DATE: 6/19/2024

COMMENTS: _____

ASSISTANT CITY MANAGER OR
EXECUTIVE DIRECTOR OF
OPERATIONS:

LeDerick Blackburn

Digitally signed by LeDerick Blackburn
Date: 2024.06.20 16:49:56 -04'00'

DATE: _____

COMMENTS: _____

PURCHASING OFFICIAL: Ryan LeClear Digitally signed by Ryan LeClear
Date: 2024.06.21 07:33:20 -04'00' DATE: _____

COMMENTS: _____

FINANCE DIRECTOR: Jessica Jones Digitally signed by Jessica Jones
Date: 2024.06.21 09:28:07 -04'00' DATE: _____

COMMENTS: _____

APPROVE AS RECOMMENDED: ☐ YES Lloyd Wm. Payne, Jr., ICMA-CM Digitally signed by Lloyd Wm. Payne, Jr., ICMA-CM
Date: 2024.06.26 14:39:31 -04'00' DATE: _____

CITY MANAGER: _____ DATE: _____

COMMENTS: _____

- Prospect:** City of Concord (City)
9000 Aviation Boulevard NW
Concord, North Carolina 28027
- Contact:** Dirk Vanderleest, Aviation Director
- Location:** Concord-Padgett Regional Airport (Airport)
- Services:** Airport Strategic Business Plan
- Scope:** Aviation Management Consulting Group and Mead & Hunt (AMCG team) propose to facilitate the development of an Airport Strategic Business Plan (Strategic Plan) for the City at the Airport. The proposed work plan is provided in **Attachment A**.
- Fees:** Based on the proposed scope of services, attached work plan, and the AMCG team's experience with similar projects, the Strategic Plan can be provided for a fixed fee of \$247,800.
- Expenses:** An expense allocation of \$11,500 is included in the Fees identified herein to cover the direct (project-related) expenses for the proposed scope of services and work plan. The expense allocation includes three site visits that will consist of four people for a maximum of six days on-site (2 days per site visit). Any direct (project-related) expenses incurred by the AMCG team more than the expense allocation would be reimbursed to the AMCG team (at cost without mark-up).
- Direct (project-related) expenses include air and ground transportation, lodging, subsistence, and costs for outside services (e.g., overnight or courier service, copying, printing, and document production/duplication, etc.).*
- Schedule:** Notwithstanding circumstances beyond the AMCG team's control and based on experience with similar projects, the proposed scope of services and work plan can be completed within 12 months of notice to proceed.
- Other:** This proposal is valid through August 30, 2024, and is subject to change thereafter including, but not limited to, withdrawal in whole or in part. Fees and expenses (and completion of the project in accordance with the schedule) are dependent on the: (1) quality, composition, and timeliness of the information provided to/obtained by the AMCG team and (2) the time required by the City, its representatives, or others to review draft work products and/or provide comments.
- A signed Project Authorization Agreement will be required to commence work on the project.

Airport Strategic Business Plan

Scope

The AMCG team will facilitate the development of an Airport Strategic Business Plan (Strategic Plan) for Concord-Padgett Regional Airport (Airport) utilizing a comprehensive approach, consistent with ACRP Report 77 *Guidebook for Developing General Aviation Airport Business Plans* (2012), and contemporary updates.

The Strategic Plan uses a logical and disciplined structure to set out the near and long-range goals, objectives, and action plans that drive the day-to-day operation and management of the Airport to realize the Airport's mission and vision. The initial elements and deliverables of the process will include an *Airport Market Overview* and *Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis*. Through this process, the mission and vision will be developed, and goals, objectives, and action plans will be identified to reflect the current situation at the Airport.

The Strategic Plan is an important planning tool, a critical management tool, and a vital communications tool.

- As an important planning tool, the Strategic Plan (1) articulates the Airport's mission, vision, values; (2) sets forth the goals and objectives to realize the Airport's mission and vision; (3) identifies the action plans for accomplishing objectives; and (4) establishes the parameters for checking progress and the basis for making adjustments to realize the Airport's mission and vision.
- As a critical management tool, the Strategic Plan helps keep policymakers, airport management and staff, and stakeholders focused on achieving goals and realizing the Airport's mission and vision. The Strategic Plan also provides an actionable game plan for building on strengths, addressing weaknesses, capitalizing on opportunities, and managing threats. Most important, the Strategic Plan provides the framework for making informed, prudent, and defensible decisions concerning the Airport's operation and management.
- As a vital communications tool, the planning process provides the opportunity for policymakers, airport management and staff, and stakeholders to engage in discussions about the Airport's current and future direction.

Once implemented, the Strategic Plan will provide the information needed to assist policymakers and airport management in demonstrating the continued role and value of the Airport (or increasing awareness), justifying new investment in the Airport (or building support), and explaining the Airport's financial performance and position (or fostering transparency).

Key Objectives

Key objectives of the planning process include:

- Define and refine the Airport market position (how is the Airport viewed externally).
- Identify emerging trends, technologies, and markets to leverage.
- Enhance the Airport as a local and regional economic engine.
- Analysis and assessment of existing and future commercial air carrier services.
- Assessment of future terminal planning needs.
- Analysis and benchmarking of competitive airports.
- Strategies and action plans for aeronautical and non-aeronautical land development.
- Terminal planning and ramp expansion analysis.
- General aviation enterprise fund financial analysis.
- Conducting a SWOT analysis.
- Investment and development road map to achieve goals and objectives.

Key Deliverables

Key deliverables of the planning process include:

- Three (3) meeting presentations and sets of meeting notes
- One (1) Draft Strategic Business Plan
- One (1) Final Strategic Business Plan
- One (1) Strategic Business Plan Executive Summary Pamphlet/Infographic
- One (1) annual reporting template for Airport management to use to track progress of key performance indicators and milestones.

Project Management and Administration

Development of the Strategic Plan will be overseen by the AMCG team project manager who is responsible for coordinating work production. Project management tasks include the following:

- Coordination with Airport management and Mead & Hunt to set the project objectives, identify project stakeholders, define deliverables, allocated resources, and create a work breakdown schedule and communication plan.
- Coordination of on-going conference calls (up to two monthly) to discuss project events, overall project status, and next steps.

Work Plan

To accomplish the scope of work, the AMCG team will utilize the following Work Plan:

[Task 1: Project Management and Administration](#)

Development of the Strategic Plan will be overseen by the AMCG team project manager who is responsible for coordinating work production. Project management tasks include the following:

- Coordination with Airport management and Mead & Hunt to develop scope and fee, set the project objectives, identify project stakeholders, define deliverables, allocated resources, and create a work breakdown schedule and communication plan.

- Coordination of on-going conference calls (up to two monthly) with Airport management to discuss project events, overall project status, and next steps.
- Coordination of on-going conference calls (up to two monthly) with AMCG team to discuss project events, overall project status, and next steps.
- Utilize formal Quality Assurance and Quality Control Process on all content delivered to Airport management.
- Develop and submit monthly invoices.

Task 2: Project Initialization Meeting

Conduct a working session (by web-based meeting software) with Airport management to (1) initialize the project and discuss the work plan, (2) discuss the information to be gathered during Task 3, (3) consult with Airport management on the internal and external interviews and the formulation of the Strategic Plan Steering Committee (Steering Committee), and (4) site visit coordination (Task 7).

Additionally, the AMCG team will discuss historical business planning efforts with Airport management related to the (1) existence of mission and vision statements, (2) completion of previously identified goals and objectives, and (3) existence of historical action plans. The AMCG team will also discuss potential benchmarking airports which can provide insight to address challenges faced by the Airport or opportunities available to the Airport.

Stakeholder participation is critical to adoption of any planning effort. Strategic Plans are highly iterative in nature, and high levels of engagement typically provides strong support of the Strategic Plan's vision by those tasked with implementation. The AMCG team envisions the Steering Committee will be divided into two key stakeholder groups, as follows:

- **Internal Stakeholder Group (ISG)** consisting of Airport staff responsible for implementing the Strategic Plan upon completion. The ISG will also include City staff not directly working at the Airport but will play a supporting role in helping the Airport fulfill the Strategic Plan which may include elected and appointed officials, as appropriate.
- **External Stakeholder Group (ESG)** consisting of individuals that use the Airport (e.g., tenants, users, air carrier representatives, rental car companies, etc.) and local organizations with an interest in the Airport, but not part of the City.

Airport management, working in collaboration with the AMCG team, will identify potential participants for the Steering Committee groups.

The AMCG team will conduct a working session (by web-based meeting software) with the City Council to (1) discuss the work plan and (2) identify key areas and tasks identified for the City Council's participation and engagement.

Task 3: Information Collection

Relevant and pertinent information, data, and documentation on the community, market, Airport, air service studies and related information, aviation businesses, non-commercial aeronautical entities, and non-aeronautical tenants located at the Airport will be compiled by Airport management. The AMCG team will provide a written information request to help facilitate this process.

Task 4: Draft Airport Market Overview

Draft the *Airport Market Overview* for Airport management review based on the input received during Task 2 and the information reviewed during Task 3.

One of the most crucial steps in the strategic planning process is to understand the Airport's current operating environment and how historical policies, practices, and decisions have influenced the existing environment. This requires a historical and current overview of the industry, Airport, market (including competition), and community as well as understanding the economic impact of the Airport.

The AMCG team envisions the *Airport Market Overview* will convey (1) an overview of the community, market, and airport, (2) historical business planning efforts (mission, vision, goals, etc.), (3) land assets and resources, (4) emerging trends and technologies, (5) terminal facilities and concessions, (6) revenue status and diversification needs, (7) economic and job creation strategies, and (7) environmental and sustainability strategies.

The purpose of the *Airport Market Overview* is to inform Steering Committee members of the status and future challenges faced by the Airport (in preparation for Task 8). It is assumed that Airport management will provide the necessary reports, documentation, and other relevant information to inform this task.

Task 5: Working Session – Airport Market Overview

Conduct a working session (by telephone or web-based meeting software) with Airport management to review the *Airport Market Overview* and provide comments, identify questions, and make recommendations.

Task 6: Revise Airport Market Overview

Revise the *Airport Market Overview* based on the comments provided, questions identified, and recommendations provided by Airport management during Task 5 and additional research conducted by the AMCG team.

Task 7: First Site Visit – Airport Tour and Mission/Vision/Goals

The AMCG team will conduct a site visit to include: (1) a site visit initialization meeting with Airport management, (2) a tour of the Airport, (3) two meetings with the Steering Committee, and (4) one community meeting for interested parties to learn about the planning process and provide perspectives of the Airport's current operating environment and future opportunities.

- The Steering Committee meetings will provide an opportunity to introduce the planning process, discuss the draft Airport Market Overview, and introduce the upcoming SWOT Analysis process. Additionally, this meeting will be utilized to gather input pertaining to the mission, vision, and goals of the Airport.
- The community meeting will provide an opportunity to introduce the planning process as well as gather perspectives of the Airport's current operating environment, strengths and weaknesses, and future opportunities.

Overall, the purpose of this site visit is to enhance the AMCG team's understanding of: (1) the Airport's current management and operating environment, (2) the Airport's past performance and current goals and objectives, (3) the current challenges, opportunities, and constraints facing the Airport and relating to the development and implementation of a Strategic Plan, and (4) the Airport's current strengths, weaknesses, opportunities, and threats (in preparation for Task 8).

Task 8: Draft SWOT Analysis Survey

Based on the *Airport Market Overview*, the AMCG team will develop a draft web-based SWOT Analysis Survey for review by Airport management.

A **SWOT Analysis** isolates and properly categorizes actual and perceived strengths and weaknesses of the Airport from an internal perspective and opportunities and threats from an external perspective. The results of the SWOT analysis serve to document the understanding of the Airport and provide the framework for updating the mission, vision, and goals (as necessary).

The four components of a SWOT analysis are:

- **Strengths** – internal items accomplished particularly well or unique assets of the Airport, especially in comparison to competitive airports.
 - Strengths need to be preserved, built on, and leveraged.
- **Weaknesses** – internal items that are not accomplished particularly well, hinder or prevent desired performance, or are acutely lacking or needs improvement.
 - Weaknesses need to be addressed and remedied.
- **Opportunities** – external items that could help realize the mission and vision for the Airport. Opportunities may be identified by studying changes or trends within the industry, the marketplace, or the community.
 - Opportunities need to be seized or capitalized on.

- **Threats** – external items that could threaten the realization of the Airport’s mission and vision. As with opportunities, threats are typically identified by studying changes or trends within the industry and the local marketplace.
 - Threats need to be managed, or if possible, eliminated.

Task 9: Conduct SWOT Analysis Survey

The AMCG team and/or Airport management will distribute the web-based SWOT Analysis Survey to the Steering Committee for completion.

Task 10: Draft SWOT Analysis Report

The AMCG team will compile and analyze the results of the SWOT Analysis Survey and prepare a *SWOT Analysis Report* for review by Airport management and the Committee.

Additionally, the SWOT Analysis Report will consider the funding streams that impact business operations at the Airport. The AMCG team will define how the Airport is currently funded and identify other options for increasing funding (including revenue potential from each source).

Task 11: Draft Mission and Vision Statements

Based on the site visit conducted during Task 7, the AMCG will team draft mission and vision statements for review by Airport management.

The **mission statement** conveys the reason for the Airport’s existence and may identify the core competencies as well. The direction provided in the mission statement helps guide decision making, dictate conduct, and shape performance on a day-to-day basis. As such, it is essential that all aspects of the Airport’s management and operation be linked to its mission statement.

The **vision statement** articulates the aspirations for the Airport; it is a picture of success.

Task 12: Working Session – SWOT Analysis Report and Mission/Vision Statements

Conduct a working session (by telephone or web-based meeting software) with Airport management to discuss the *SWOT Analysis Report* and draft mission/vision statements and provide comments, identify questions, and make recommendations.

Task 13: Revise Mission and Vision Statements

Revise the draft mission and vision statements based on the comments provided, questions identified, and recommendations made during Task 12.

Upon completion of the draft mission and vision statements, the AMCG team and/or Airport management will distribute the *SWOT Analysis Report* and draft mission/vision statements to the Steering Committee for input.

Task 14: Working Session – Mission and Vision Statements

Conduct a working session (by telephone or web-based meeting software) with Airport management to discuss the feedback received during Task 13 and make any modifications to the *SWOT Analysis Report* and/or the draft mission/vision statements.

Task 15: Final Mission and Vision Statements

Revise and finalize the mission and vision statements based on the comments provided, questions identified, and recommendations made during Task 13. Airport management will provide the final mission and vision statements to the Airport's policymakers for review and concurrence.

Task 16: Draft Goals

Based on the *Airport Market Overview*, *SWOT Analysis Report*, the Airport's mission and vision statements, and input received during Task 7, the AMCG team will develop initial goals for review by Airport management.

A **goal** is a statement of a desired result, outcome, or level of attainment that needs to be reached to realize the Airport's mission and vision. Each goal should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Based), should utilize a five-year planning horizon, and be prioritized (both in importance and timeline).

Examples of goal categories may pertain to Airport management, FAA grant assurances and compliance, technological improvements, infrastructure improvements (e.g., airfield, terminal, land development, etc.), economic development and revenue generation, funding, and air service development.

Task 17: Working Session – Goals

Conduct a working session (by telephone or web-based meeting software) with Airport management to refine and prioritize the draft goals.

Task 18: Second Site Visit – Goals and Objectives

The AMCG team will conduct a site visit to include: (1) a site visit initialization meeting with Airport management and (2) two meetings with the Steering Committee.

- The Steering Committee meetings will provide an opportunity (1) discuss the final mission and vision statements, (2) introduce, gather feedback, and prioritize the draft goals, and (3) gather input on initial objectives to support the five highest priority goals.

An **objective** is a significant step toward achieving a goal (i.e., it is a means to an end). The process of establishing objectives begins by identifying the airport's functional areas that are relevant to achieving the goals. Each objective should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Based), should utilize a one- to two-year planning horizon, and be prioritized (both in importance and timeline).

Overall, the purpose of this site visit is to (1) finalize and prioritize the goals and (2) gather input for consideration when developing objectives.

Task 19: Draft Objectives

Based on the information gathered during Task 18, the AMCG will develop initial objectives for review by Airport management.

Task 20: Working Session – Objectives

Conduct a working session (by telephone or web-based meeting software) with Airport management to refine and prioritize the draft objectives.

Task 21: Revise Objectives

Revise the draft objectives based on the comments provided, questions identified, and recommendations made during Task 20.

Upon completion of the draft objectives, the AMCG team and/or Airport management will distribute the *Goals and Objectives Report* to the Steering Committee for input.

Task 22: Working Session – Goals and Objectives

Conduct a working session (by telephone or web-based meeting software) with Airport management to discuss the feedback received during Task 21 and make any modifications to the *Goals and Objectives Report*.

Task 23: Final Goals and Objectives

Revise and finalize the goals and objectives based on the comments provided, questions identified, and recommendations made during Task 22. Airport management will provide the final goals and objectives to the Airport's policymakers for review and concurrence.

Task 24: Action Plans

Based on the goals and objectives concurred by the Airport's policymakers, the AMCG team will provide action plan worksheets for completion.

As a fundamental building block of the Strategic Plan, the **action plans** answer the key questions of who is going to do what, when, where, why, and how to accomplish each specific objective.

When formulating an action plan, each of the following questions needs to be answered:

- **Who** will perform the tasks (the people)?
- **What** specific actions need to be performed (the tasks)?
- **When** will the tasks be completed (the schedule)?
- **Where** will the tasks be accomplished (the location)?
- **Why** do the tasks need to be performed (the reason)?
- **How** is the objective going to be accomplished (the approach and the resources)?

Task 25: Draft Strategic Plan

Draft the Strategic Plan incorporating the *Airport Market Overview SWOT Analysis Report* to convey the Airport's mission, vision, and values statements along with the goals, objectives, and action plans and provide for Airport management review.

In addition, the Strategic Plan will outline current and past Air Service Development (ASD) efforts such as recent airline presentations, market studies, leakage studies, or other information from the Airport's current ASD consultant. This assumes that the AMCG team can retrieve this data from the Airport or the Airport's current ASD consultant.

Task 26: Working Session – Draft Strategic Plan

Conduct a working session (by telephone or web-based meeting software) with Airport management to review the draft Strategic Plan and provide comments, identify questions, and make recommendations.

Task 27: Final Strategic Plan

Revise the draft Strategic Plan based on the comments provided, questions identified, and recommendations made during Task 26 and provide for review and approval along with a Strategic Plan pamphlet to support outreach efforts consisting of infographics, photographs, and charts with limited narrative.

Additionally, the AMCG team will develop an annual reporting template for Airport management to track progress (on an internal basis) and communicate progress (on an external basis).

Task 28: Third Site Visit - Final Strategic Plan

Conduct a site visit to present the final Strategic Plan to the Steering Committee and City Council.

247,880

ORD. #

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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	
680-4406000	Retained Earnings Appr	81,566	329,446	247,880
Total				247,880

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4530-5194000	Contract Services	210,153	458,033	247,880
Total				247,880

Reason: The cost of a Concord Padgett Regional Airport Strategic Business Plan. This item will be covered by CARES funds reimbursement that were transferred to Aviation Operations in FY23.

Adopted this 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

**CITY OF CONCORD
CONCORD-PADGETT REGIONAL AIRPORT
CONCORD, NORTH CAROLINA
WORK AUTHORIZATION 2402
FUEL FARM EXPANSION
JUNE 2024
PROJECT NO.: 2203-2402**

It is agreed to undertake the following work in accordance with the provisions of our Contract for Professional Services.

Scope of Services: Talbert, Bright & Ellington, Inc. (TBE) the **CONSULTANT**, proposes to perform professional consulting services associated with the construction administration (CA), quality assurance testing, and Resident Project Representative of the fuel farm expansion at the Concord-Padgett Regional Airport in Concord, North Carolina. The intent of the project is to provide one (1) -20,000 gallon Jet A tank and a containment system for the one (1) proposed 20,000 gallon Jet A. A new Inventory Management and Emergency Fuel Shut Off (EFSO) systems. Also, widening of the access road, and new gate. The Scope of Services is further detailed in Exhibit A.

Time Schedule:

As agreed, upon by both parties.

Deliverables for the Basic Services will be as follows:

The Consultant shall provide 100% plans, specifications as referenced above.

Deliverables for the Basic Services will be as follows:

The Consultant shall provide PDF versions of record drawing plan sheets, and final Engineer's Report.

Special Services

Task 1 – Full-Time Resident Project Representative

A full-time resident project representative will be provided to observe the construction and other responsibilities in accordance with "Section IV – Duties, Responsibilities, and Limitations of Authority of the Resident Project Representative" of the Master Contract. Breakdowns are provided for these services related to the bid construction items.

- Resident Project Representative

Not-to-Exceed \$142,050.00

Task 2 – Quality Acceptance Testing

Quality acceptance (QA) testing required by the project specifications for this project will be provided. The QA testing will be for P-152 Excavation, Subgrade and Embankment, P-209 Crushed Aggregate Base Course, Plant Mix Bituminous Pavement, and P-610 Concrete. Reports of the tests performed will be provided, along with a summary of all tests performed at project closeout. These respective services will be performed in accordance with the FAA's technical specifications.

- Quality Assurance Testing

Not-to-Exceed \$34,500.00

Task 3 – Mechanical/Electrical (CA)

The Mechanical/Electrical services will be to prepare and submit release for construction drawings, attend the preconstruction conference, attend bi-weekly construction progress meetings via Teams, review shop drawings, respond to request for information, attend the final inspection, prepare punch list, and prepare record drawings.

- Mechanical/Electrical

Not-to-Exceed \$50,707.00

Cost of Services: The method of payment shall be in accordance with Section V – Payment of Services of the Master Contract; Paragraphs A and B of Section V will apply. The fuel farm expansion (design and bidding) shall be performed for a lump sum fee, including reimbursable expenses, of **\$47,377.00**. Special Services shall be performed as listed above and as shown in the man-hour summary with a budget of **\$227,257.00**. The total value of this Work Authorization shall not exceed **\$274,634.00** without additional authorization.

CITY OF CONCORD:

TALBERT, BRIGHT & ELLINGTON, INC.:

BY: _____
Lloyd Wm. Payne, Jr., ICMA-CM, City Mgr.

BY: _____
Carl M. Ellington, Jr., P.E., Vice President

ATTEST BY:

City Clerk

ATTEST BY:

Charles Brian Salyers, P.E.

SEAL

APPROVED AS TO FORM:

City Attorney

SEAL



APPROVAL BY CITY FINANCE OFFICER

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Jessica Jones, Director of Finance

EXHIBIT 'A'

SUMMARY OF FEES

FUEL FARM EXPANSION (CONSTRUCTION ADMINISTRATION)

CONCORD-PADGETT REGIONAL AIRPORT

CONCORD, NORTH CAROLINA

AIP PROJECT NO:

TBE PROJECT NO: 2203-2402

June 25, 2024

DESCRIPTION	ESTIMATED
BASIC SERVICES	COST
PROJECT FORMULATION/DEVELOPMENT PHASE (01)	\$ -
DESIGN PHASE (04)	\$ -
BIDDING PHASE (05)	\$ -
CONSTRUCTION PHASE (06)	\$ 46,055.00
SUBTOTAL	\$ 46,055.00
EXPENSES	\$ 1,322.00
SUBTOTAL	\$ 1,322.00
SPECIAL SERVICES	
SUBCONSULTANTS	\$ 85,207.00
RESIDENT PROJECT REPRESENTATIVE	\$ 142,050.00
SUBTOTAL	\$ 227,257.00
TOTAL	\$ 274,634.00

EXHIBIT 'A'

MANHOUR ESTIMATE

FUEL FARM EXPANSION (CONSTRUCTION ADMINISTRATION)

CONCORD-PADGETT REGIONAL AIRPORT

CONCORD, NORTH CAROLINA

AIP PROJECT NO:

TBE PROJECT NO: 2203-2402

June 25, 2024

CONSTRUCTION ADMINISTRATION PHASE (06)

DESCRIPTION	PRIN	PM	E5	E3	E2	E1	T5	AD5	AD3
	\$ 290	\$ 230	\$ 185	\$ 143	\$ 120	\$ 96	\$ 140	\$ 85	\$ 75
Prepare FAA grant application	0	1	0	2	0	0	1	0	0
Develop project scope/work authorization	1	1	0	2	0	0	0	1	0
Prepare contract docs and RFC plans	0	2	0	2	0	4	4	0	2
Coordinate award of contract	0	1	0	0	0	0	0	0	2
Coordinate/conduct preconstruction	0	6	0	0	0	2	1	0	0
Preconstruction minutes	0	1	0	0	0	0	0	2	0
Coordinate/review project schedule	0	2	0	4	0	0	0	0	0
Coordinate/review submittals	0	4	6	10	0	8	0	0	0
Construction visits	0	32	0	12	0	0	0	0	0
Construction observation reports	0	8	0	8	0	0	0	0	0
Review/coordinate field changes	2	6	8	10	0	0	4	0	0
Construction correspondence	1	8	4	8	0	0	0	0	4
Review test results	0	4	6	8	0	8	0	0	0
Process requests for partial payment	0	6	0	10	0	0	0	0	0
Final inspection and punch list	0	4	0	6	0	0	0	0	0
Develop record drawings	0	4	0	4	0	6	8	0	0
Final report	0	2	0	4	0	2	0	2	0
MANHOUR TOTAL	4	92	24	90	0	30	18	5	8

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MHRS	EST. COST
Principal	PRIN	\$ 290	4	\$ 1,160
Project Manager	PM	\$ 230	92	\$ 21,160
Engineer V	E5	\$ 185	24	\$ 4,440
Engineer III	E3	\$ 143	90	\$ 12,870
Engineer II	E2	\$ 120	0	\$ -
Engineer I	E1	\$ 96	30	\$ 2,880
Technician V	T5	\$ 140	18	\$ 2,520
Admin. Assistant IV	AD5	\$ 85	5	\$ 425
Admin. Assistant III	AD3	\$ 75	8	\$ 600
	Total		271	
SUBTOTAL				\$ 46,055.00

EXHIBIT 'A'

MANHOUR ESTIMATE

FUEL FARM EXPANSION (CONSTRUCTION ADMINISTRATION)

CONCORD-PADGETT REGIONAL AIRPORT

CONCORD, NORTH CAROLINA

AIP PROJECT NO:

TBE PROJECT NO: 2203-2402

June 25, 2024

CONSTRUCTION ADMINISTRATION PHASE (06)

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 100	1	\$ 100.00
Postage	LS	\$ 100	1	\$ 100.00
Copying	LS	\$ 200	1	\$ 200.00
Reproduction-Rel. for Const.	LS	\$ 200	1	\$ 200.00
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 200	1	\$ 200.00
Mileage (15 Trips @ 60 miles/trip)	MI	\$ 0.58	900	\$ 522
<i>SUBTOTAL</i>				\$ 1,322.00

SCOPE OF SUCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Quality Acceptance Testing	LS	\$ 34,500	1	\$ 34,500.00
Mechanical and Electrical (TYLin)	LS	\$ 50,707	1	\$ 50,707.00
<i>SUBTOTAL</i>				\$ 85,207.00

TOTAL CONSTRUCTION ADMIN. COST: \$ 132,584.00

EXHIBIT 'A'

MANHOUR ESTIMATE

FUEL FARM EXPANSION (CONSTRUCTION ADMINISTRATION)

CONCORD-PADGETT REGIONAL AIRPORT

CONCORD, NORTH CAROLINA

AIP PROJECT NO:

TBE PROJECT NO: 2203-2402

June 25, 2024

RESIDENT PROJECT REPRESENTATIVE (PHASE 51)

CALENDAR DAYS 120

DESCRIPTION	RPR
	\$ 105
Project review	8
Site mobilization	2
On site inspection	1028
Final inspection	4
Follow up inspection	120
Site demobilization	2
MANHOUR TOTAL	1164

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MHRS	EST. COST
RESIDENT ENGINEER	RPR	\$ 105	1164	\$ 122,220
		Total	1,164	
<i>SUBTOTAL</i>				\$ 122,220.00

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 200	1	\$ 200.00
Postage	LS	\$ 200	1	\$ 200.00
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 300	1	\$ 300.00
Mileage (5 Trips @ 100 miles/trip)	MI	\$ 0.58	500	\$ 290.00
<i>SUBTOTAL</i>				\$ 990.00

PER DIEM:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
DAILY PER DIEM	PD	\$ 157	120	\$ 18,840
		Total	120	
<i>SUBTOTAL</i>				\$ 18,840.00

TOTAL INSPECTION COST: \$ 142,050.00

CAPITAL 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 project ordinance is hereby ordained:

SECTION 1. The project authorized is the **Fuel Farm Expansion Project**.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the N.C. Department of Transportation – Division of Aviation.

Section 3. The following amounts are appropriated for the project

		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5811082				
6300-5811082	Future Projects	119,992	100,773	<19,219>
6302-5800726				
6302-5800726	Fuel Farm	274,499	135,106	<139,393>
6311-5800726				
6311-5800726	Fuel Farm	1,357,600	1,516,212	158,612

SECTION 4. 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 5. 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 6. 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 July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

Valerie Kolczynski, City Attorney

CITY OF CONCORD
CERTIFIED BID TABULATION FORM
STREET PRESERVATION CONTRACT STR25 - Rebid Bid No. 2636

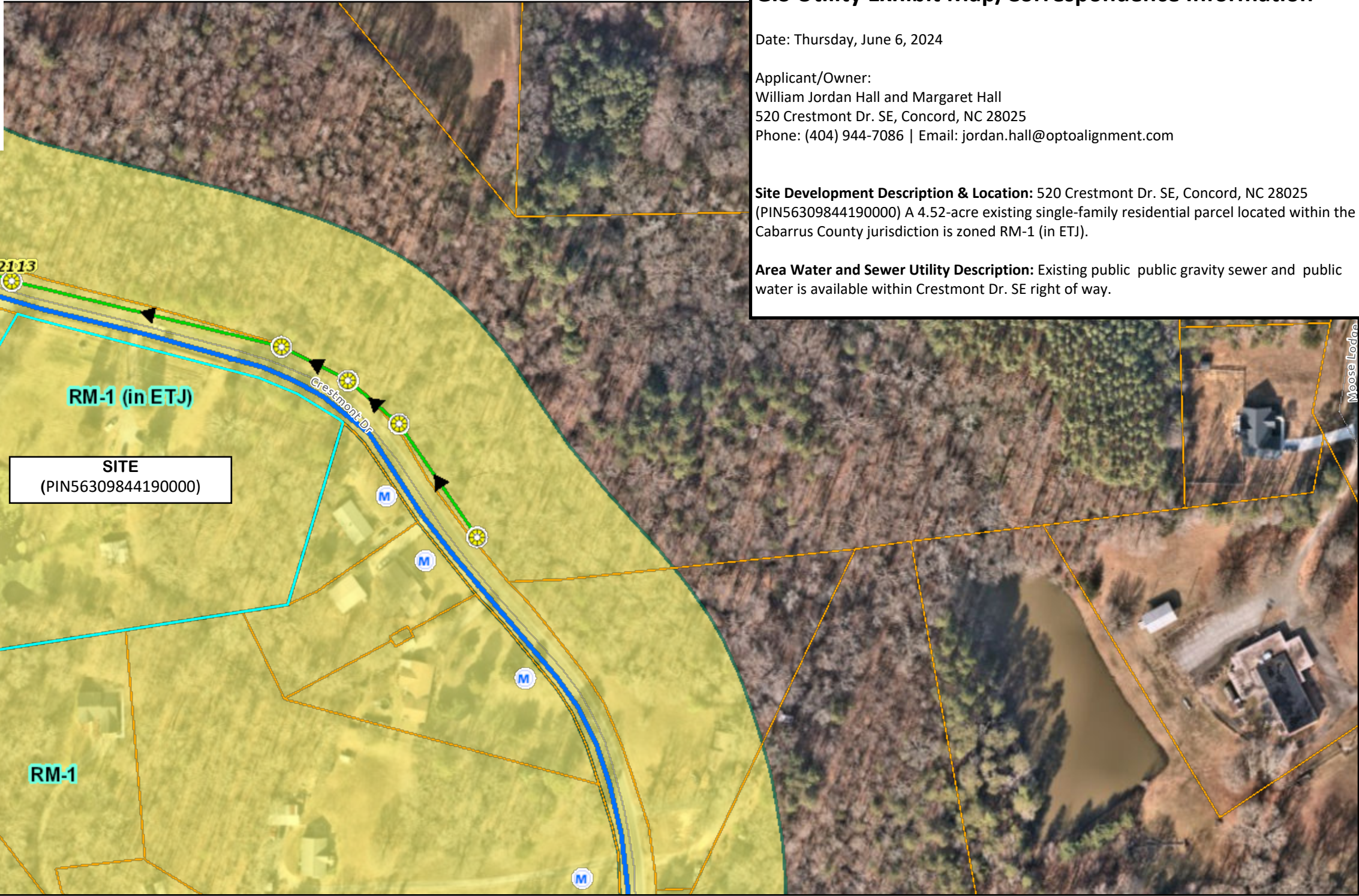
LOCATION: Brown Operations Center at 635 Alfred Brown Jr. Ct. SW, Concord, North Carolina.
TIME: 11:00 A.M. DATE: July 3rd, 2024

Contractor				Blythe Construction Inc.		Ferebee Corporation	
N.C. License No.				7639		18306	
Address				PO Box 31635		PO Box 480066	
City, State Zip				Charlotte, NC 28231		Charlotte, NC 28269	
5% Bid Bond Included				Yes		Yes	
No.	Item	Units	Quantity	Unit Price	Item Total	Unit Price	Item Total
Crack and Joint Sealing							
1.1	Seal Existing pavement cracks and joints	lbs	0	-	NO BID	-	NO BID
					NO BID		NO BID
Patching, Leveling, Asphalt Seal Coating							
2.1	Asphalt Full Depth Finished Patching - Place and compact Intermediate Course 3" I19.0B with 2" Surface Course S9.5 B Cap (areas to be determined)	Tons	2,000	\$173.00	\$346,000.00	\$140.00	\$280,000.00
2.2	Asphalt Full Depth Patching - Place and compact Intermediate Course I19.0B (no Surface Course Cap)	Tons	0	-	NO BID	-	NO BID
2.3	Asphalt Leveling - Place and compact Intermediate Course I19.0B	Tons	11,925	\$106.00	\$1,264,050.00	\$105.70	\$1,260,472.50
2.4	Asphalt Leveling - Place and compact Asphalt Open Graded Leveling Course (P78 or mix as approved by Director)	Tons	505	\$115.00	\$58,075.00	\$123.00	\$62,115.00
2.5	Place and compact suitable Sub-base material (Location to be determined)	Cu. Yd	500	\$125.00	\$62,500.00	\$100.00	\$50,000.00
2.6	Asphalt Seal Coat	Sq. Yd	0	-	NO BID	-	NO BID
					\$1,730,625.00		\$1,652,587.50
Milling							
3.1	Full Mill the bituminous pavement - Depth 0" to 4"	Sq. Yd	118,370	\$3.44	\$407,192.80	\$3.25	\$384,702.50
3.2	Edge Mill the bituminous pavement - Depth 0" to 4"	Sq. Yd	8,250	\$4.83	\$39,847.50	\$3.25	\$26,812.50
3.3	Incidental Milling 0" to 6"	Sq. Yd	100	\$10.50	\$1,050.00	\$20.00	\$2,000.00
					\$448,090.30		\$413,515.00
Reclamation							
4.1	Reclamation of existing roadway with concrete stabilization	Sq. Yd	0	-	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
Resurfacing							
5.1	Asphalt Resurfacing - Place and compact 1.25" of Surface Course S9.5B	Tons	1,560	\$119.00	\$185,640.00	\$116.00	\$180,960.00
5.2	Asphalt Resurfacing - Place and compact 1.5" of Surface Course S9.5B	Tons	12,025	\$113.00	\$1,358,825.00	\$114.00	\$1,370,850.00
					\$1,544,465.00		\$1,551,810.00
Concrete							
6.1	City of Concord Standard Valley Type Concrete Curb and Gutter (Incidental and as directed:	LF	0	-	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
6.3	Wheelchair Ramps (Incidental and as directed:	Ea.	0	-	NO BID	-	NO BID
6.4	4" Thick Concrete Sidewalk	Sq. Yd	0	-	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	7,110	\$2.60	\$18,486.00	\$2.35	\$16,708.50
7.2	Thermoplastic Pavement Marking Lines 4" Yellow Solid, Skip, and Mini Skip Line	LF	3,100	\$1.50	\$4,650.00	\$1.25	\$3,875.00
7.3	Thermoplastic Pavement Marking Lines 8" Yellow Gore Line	LF	0	-	NO BID	-	NO BID
7.4	Thermoplastic Pavement Marking Lines 4" White Solid, Skip, and Mini Skip and Parking Stall Line	LF	8,250	\$2.00	\$16,500.00	\$1.25	\$10,312.50
7.5	Thermoplastic Pavement Marking Lines STOP Bar - 24"	LF	360	\$20.00	\$7,200.00	\$13.35	\$4,806.00
7.6	Temporary Painted Pavement Marking White and Yellow	LF	12,000	\$0.80	\$9,600.00	\$0.42	\$5,040.00
7.7	Thermoplastic Pavement Marking Lines Crosswalk, Hi-Visibility - 24" White Bars NCDOT Std.	LF	1,900	\$20.00	\$38,000.00	\$13.35	\$25,365.00
7.8	Thermoplastic Pavement Marking Symbol Yield Lane Symbol	LF	0	-	NO BID	-	NO BID
7.9	Thermoplastic Pavement Marking Symbol Thur, Right-Turn or Left-Turn Arrow	Ea.	65	\$145.00	\$9,425.00	\$185.00	\$12,025.00
7.10	Thermoplastic Pavment Marking Symbol Combo Arrow - Thur-Rt. / Thru-Lf. / Thru Rt. & Lf.	Ea.	30	\$190.00	\$5,700.00	\$350.00	\$10,500.00
7.11	Thermoplastic Pavement Marking Symbol Characters 8'-4" NCDOT Std.	Ea.	0	-	NO BID	-	NO BID
7.12	Thermoplastic Pavement Marking Symbol SCHOOL 10' w/ 24" Band NCDOT Std.	Ea.	0	-	NO BID	-	NO BID
7.13	Thermoplastic Marking Symbol Railroad - RXR NCDOT	Ea.	0	-	NO BID	-	NO BID
7.14	Thermoplastic Pavement Marking Symbol Bicycle Shared Lane NCDOT Std.	Ea.	8	\$475.00	\$3,800.00	\$955.00	\$7,640.00
7.15	Thermoplastic Pavement Marking Symbol Bicycle Detector NCDOT Std.	Ea.	0	-	NO BID	-	NO BID
7.16	Thermoplastic Pavement Marking Symbol Handicap Symbol NCDOT Std.	Ea.	0	-	NO BID	-	NO BID
7.17	Permanent Raised Pavement Marker Yellow / Yellow	Ea.	0	-	NO BID	-	NO BID
7.18	Permanent Raised Pavement Marker Crystal / Red	Ea.	0	-	NO BID	-	NO BID
7.19	Permanent Raised Pavement Marker Blue / Blue at Fire Hydrant Locations	Ea.	0	-	NO BID	-	NO BID
7.20	Permanent Raised Pavement Marker Crystal / Crystal	Ea.	0	-	NO BID	-	NO BID
7.21	(Match Exisiting) - "Fire Lane" Red Box with White Lettering	Ea.	0	-	NO BID	-	NO BID
					\$113,361.00		\$96,272.00
BASE BID SECTIONS SUBTOTAL					\$3,836,541.30		\$3,714,184.50
+ 10% CONTINGENCY					\$383,654.13		\$371,418.45
TOTAL BID					\$4,220,195.43		\$4,085,602.95

This is to certify that bids tabulated herein were publicly opened and read aloud at 11:00AM. On July 3rd, 2024, in the conference room at the Brown Operations Center at 635 Alfred Brown Jr. Ct. SW, Concord, North Carolina.

This Certified Bid Tabulation is true and correct to the best of my abilities and knowledge.
(amounts rounded up to nearest \$0.01)

signed: George Edwards Jr., P.E.
George Edwards Jr, P.E., Transporatation Project Enginee



Area Water and Sewer Utility Description: Existing public public gravity sewer and public water is available within Crestmont Dr. SE right of way.

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GIS Utility Exhibit Map/Correspondence Information

Date: Monday, June 3, 2024

Applicant/Owner:
Christopher Burren and Kelley J. Burren
441 Scalybark Tr., Concord, NC 28027
Phone: (704) 701-6059 | Email: cburren@ymail.com

Site Development Description & Location: 441 Scalybark Tr., Concord, NC 28027 (PIN46806768290000) A 1.01-acre existing single-family residential parcel located within the Cabarrus County jurisdiction is zoned LDR.

Area Water and Sewer Utility Description: Public 8-inch public Existing gravity sewer located within the recorded 30-ft public utility easement (Deed Book 7481, page 193) and at Scalybark Tr road right of way at the northern corner of the parcel. Public water is not available.

The property owner/developer shall be responsible for any required system modifications and/or extensions to ensure service to the proposed site development. In accordance with Chapter 62 of the Code of the City of Concord, it is the sole responsibility of the owner or the developer to extend water and sewer infrastructure from existing service points and secure any right(s)-of-way/easements as may be necessary to meet site development needs unless the needed utility extension has been identified and approved in the City's capital improvement plan.

Any upgrades to the existing infrastructure that are required to provide adequate service to the property are the financial responsibility of the owner or developer. In addition, it is the responsibility of the owner or developer to confirm all information regarding physical locations, sizes, and materials of pipes; and confirm that the water flow and pressure and sewer capacities of the existing (or any proposed) infrastructure are adequate to meet the required usage and fire protection demands in accordance with federal, state, and local codes and ordinances.

THIS IS NOT A CONTRACT, NOR IS IT AN OFFER TO CONTRACT. THIS IS NOT CONSIDERED VESTING FOR SEWER FLOW ALLOCATION APPROVAL, NOR IS CONSIDERED AN OFFER OF SEWER FLOW ALLOCATION APPROVAL BY THE CITY.

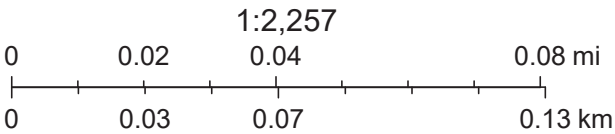
Please note that the actual horizontal and vertical locations of the water and sewer mains with the associated appurtenances should be verified by survey.

In accordance with Chapter 62 of the Code of the City of Concord, it is the sole responsibility of the owner or the developer to extend water and sewer infrastructure from existing service points and secure any right(s)-of-way as may be necessary to meet project needs unless the needed utility extension has been identified and approved in the City's capital improvement plan.

The City makes no warranty of merchant ability or fitness for any purpose, express or implied, and assumes no legal responsibility for the information contained herein.

6/3/2024, 2:32:50 PM

Raw Water Line	Distribution Main	Not Active	SSummitManhole	AG-CD	CC	MX-CC1	PUD	RM-1-CD
<all other values>	Interconnect	Private	SUnknownMHType	B-1	CC-CD	MX-CC2	R-CO	RM-2
Raw Transmission Line	Pipe Bridge	Sewer Pressurized Main	WATER.WR.WSACC_Pipes_1	B-1-CU	CD	MX-IB	RC	RM-2-CD
Pressure Main Type	Sampling Station	SForce	WATER.WR.WSACC_Manholes_1	C-1	I-1	MX-NC	RC-CD	RM-2-CU
<all other values>	Transmission Main	SPipeBridge	Centerline	C-1-CD	I-1-CD	O-I	RC-CU	RV
Air Release	Unknown Line Type	Sewer Gravity Main	Parcels	C-1-CU	I-1-CU	O-I-CD	RE	RV-CD
Blow Off	Hydrants	Manhole	Zoning Districts	C-2	I-2	O-I-CU	RE-CU	RV-CU
Bypass	<all other values>	SDropManhole	<all other values>	C-2-CD	I-2-CD	PID	RL	TND
Chemical Injection	City	SStandardManhole	AG	C-2-CU	I-2-CU	PRD	RM-1	not-yet-zoned



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GIS Utility Exhibit Map/Correspondence Information

Date: Wednesday, June 12, 2024

Applicant/Owner:
John P. Furr and Peggy S. Furr
1037 Manassas Dr., Concord, NC 28027
Phone: (704) 467-0392 | Email: furrjp@gmail.com

Site Development Description & Location: 1037 Manassas Dr., Concord, NC 28027 (PIN552879504000) A 4.28-acre parcel located in Area B of Cabarrus County is zoned LDR.

Area Water and Sewer Utility Description: Public water main located within Manassas Drive right of way. Public sewer is not available.

The property owner/developer shall be responsible for any required system modifications and/or extensions to ensure service to the proposed site development. In accordance with Chapter 62 of the Code of the City of Concord, it is the sole responsibility of the owner or the developer to extend water and sewer infrastructure from existing service points and secure any right(s)-of-way/easements as may be necessary to meet site development needs unless the needed utility extension has been identified and approved in the City's capital improvement plan.

Any upgrades to the existing infrastructure that are required to provide adequate service to the property are the financial responsibility of the owner or developer. In addition, it is the responsibility of the owner or developer to confirm all information regarding physical locations, sizes, and materials of pipes; and confirm that the water flow and pressure and sewer capacities of the existing (or any proposed) infrastructure are adequate to meet the required usage and fire protection demands in accordance with federal, state, and local codes and ordinances.

THIS IS NOT A CONTRACT, NOR IS IT AN OFFER TO CONTRACT. THIS IS NOT CONSIDERED VESTING FOR SEWER FLOW ALLOCATION APPROVAL, NOR IS CONSIDERED AN OFFER OF SEWER FLOW ALLOCATION APPROVAL BY THE CITY.

Please note that the actual horizontal and vertical locations of the water and sewer mains with the associated appurtenances should be verified by survey.

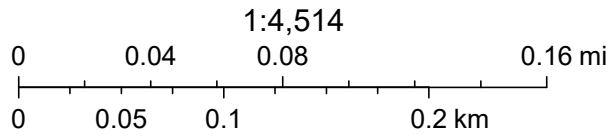
In accordance with Chapter 62 of the Code of the City of Concord, it is the sole responsibility of the owner or the developer to extend water and sewer infrastructure from existing service points and secure any right(s)-of-way as may be necessary to meet project needs unless the needed utility extension has been identified and approved in the City's capital improvement plan.

The City makes no warranty of merchant ability or fitness for any purpose, express or implied, and assumes no legal responsibility for the information contained herein.

6/12/2024, 4:40:51 PM

Raw Control Valves	Raw Water Fittings	Unknown Valve Type	Sampling Station	Copper Locations	TTHM and HAA Locations sites
<all other values>	<all other values>	Pressure Main Type	Transmission Main	Automatic Blow Off	Sample Locations Symbology
Air Control	Bend	<all other values>	Unknown Line Type	Future Sampling Locations	Parcels
CV Air Release	Cap/Plug	Air Release	Hydrants	<all other values>	<all other values>
Simple Check	Tap	Blow Off	<all other values>	BO	AG
Unknown Valve Type	Tee	Bypass	City	LC	AG-CD
Raw Water Line	Raw System Valve	Chemical Injection	Not Active	ST	B-1
<all other values>	<all other values>	Distribution Main	Private	Sample_Locations	B-1-CU
Raw Transmission Line	Butterfly	Interconnect	Lake Sampling Sites	THM Flush	C-1
	Gate	Pipe Bridge	Customer Complaints		C-1-CD
					C-1-CU
					I-2
					I-2-CD
					I-2-CU
					MX-CC1
					MX-CC2
					MX-IB
					MX-NC
					O-I
					O-I-CD
					O-I-CU
					PID
					PRD
					PUD
					R-CO
					RC
					RC-CD
					RC-CU
					RE
					RE-CU
					RL
					RM-1
					RM-1-CD
					RM-2
					RM-2-CD
					RM-2-CU
					RV
					RV-CD
					RV-CU
					TND
					not-yet-zoned

Notice
Sensitive information not to be copied or distributed without the express written consent of the City of Concord. In compliance with North Carolina Public Record Law, all information provided was created for the City's internal use. The City of Concord, its agents and employees shall not be held liable for any errors in the data. This includes errors of omission, commission, error concerning the content of the data, and relative and positional accuracy of the data. The data cannot be construed to be a legal document. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10 and shall be considered confidential information vital to national security under exemption 1 and/or a trade secret or commercial information that is confidential under exemption 4 of the Freedom of Information Act.
City of Concord
PO Box 308, Concord,
North Carolina 28026-0308
704-920-5425



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**RESOLUTION BY THE CITY OF CONCORD, NORTH CAROLINA
AUTHORIZING EXECUTION OF KROGER OPIOID SETTLEMENT AND
APPROVING SECOND SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS**

WHEREAS, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, a settlement has been reached in litigation against the Kroger Co. (“Kroger”) as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement; and

WHEREAS, representatives of local North Carolina governments and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF-2, the state and local governments maximize North Carolina’s share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments to sign onto the settlements and SAAF-2 to demonstrate solidarity in response to the opioid overdose crisis and maximize the share of opioid settlement funds received by state and local governments to help abate the harm; and

WHEREAS, the SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute all documents necessary to enter into opioid settlement agreements with

Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the _____ day of July, 2024.

William C. Dusch, Mayor

ATTEST:

Kim Deason, City Clerk

SEAL

CITY OF CONCORD
RESOLUTION APPROVING THE ADOPTION OF THE 2021 UPDATES TO THE
NORTH CAROLINA LOCAL GOVERNMENT RECORDS RETENTION & DISPOSITION
SCHEDULES

WHEREAS, the Records Analysis Unit of the North Carolina Department of Natural Cultural Resources has updated and published the General Records and Program Records Retention Schedules in accordance with Chapters 121 and 132 of the North Carolina General Statutes; and

WHEREAS, the governing body is directed to adopt this schedule in an open meeting; and

WHEREAS, this schedule will supersede the following standards on all local schedules published prior to October 1, 2021.

NOW THEREFORE, BE IT RESOLVED that the City Council of Concord adopts the updated and published General Records and Program Records Retention Schedules as supplied through the North Carolina Department of Natural and Cultural Resources.

Adopted this the 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

NORTH CAROLINA'S RECREATIONAL TRAILS PROGRAM GRANT APPLICATION:

GENERAL INFORMATION & GUIDELINES



Division of Parks and Recreation
North Carolina Trails Program

****Disclaimer:*** RTP Grant Information produced by the NC Trails Program is guidance. This document can be updated/changed at any time pending review/ comment from the Federal Highway Administration.

QUICK FACTS ABOUT NORTH CAROLINA'S RECREATIONAL TRAILS PROGRAM

Full App review by Trails Program – SUBMIT BY: January 13, 2023

Final App -- APPLICATION DEADLINE: February 17, 2023

Source of Funds: 'Moving Ahead for Progress in the 21st Century Act' (MAP-21)
'Fixing America's Surface Transportation Act' (FAST)

Acronym: RTP - Recreational Trails Program

RTP Funding Allocation for North Carolina: 2022 - 2023 – Approximately \$1.49 Million

Permissible Uses:

- New Trail/Greenway Construction
- Trail/Greenway Renovation
- Approved Trail/Greenway Facilities & Trail Head/Trail Markers
- Purchase of Tools to Construct &/or Renovate Trail/ Greenway
- Land Acquisition for Trail Purposes
- Planning, Legal, Environmental, and Permitting Costs - up to 10% of grant amount
- Combination of the Above

Grants Available to: Governmental Agencies & Non-profit Organizations

Minimum Grant Amount: \$10,000

Maximum Grant Amount: \$100,000

Match Requirement: 25% Match of RTP Funds Received

CONSULTATION AND TECHNICAL ASSISTANCE

Your NC Trails Program staff is ready to assist you in the development and/or review of your RTP Application. Please contact our [Trails Program Staff](#) for assistance.

GENERAL GUIDELINES

The Division of Parks & Recreation ([DPR](#)), the [North Carolina Trails Program](#), and the North Carolina Trails Committee ([NCTC](#)) value trail projects that are legal, safe, managed, and provide connectivity, reasonable public access and parking. The North Carolina Trails Program Staff are ready, willing, and available to assist in all phases of the application process of projects that are *construction ready* for grant funding. These sustainable, "shovel-ready" projects leverage local funds to meet recreational trail and trail-needs, to provide low infrastructure economic development opportunities through natural resource tourism. The NC Trails Program Staff are also available to assist applicants with conceptual projects, in order to meet the technical requirements of an RTP Grant before applying.

The NC Trails Program has changed the application process. We are no longer requiring a pre-application, rather we have opened the full application to all applicants. We are encouraging applicants to submit their full application on **January 13th** for review by the NC Trails Program. Feedback will be provided and applications will be re-opened for edits, generally a week after the early review deadline. The deadline for submitting the final application is **February 17th**. In order for a project to be considered for RTP funding, the final application must be submitted for review. This document is designed to assist applicants through the Federal and State RTP Grant requirements.

It is strongly recommended that applicants carefully review the information provided in this Guide Booklet before and during completion of the application form and gathering of supplemental materials. If a project is awarded funding, the specific information provided on the application will be used to generate a formal contract with the State of North Carolina – to which the applicant is contractually bound. If there are specific questions regarding RTP legislation that are not answered in this packet; please reference [Federal Highway Administration – Recreational Trails Program](#).

Completed Applications are due no later than **11:59 pm on the Application Deadline date as stated on page 2**. Applications received after the due date will not be considered for funding. Applications missing **ANY** required documents, documents in a non-working state, or incomplete documents will not be considered during NCTC review.

We look forward to working with you on your project! - [North Carolina Trails Program Staff](#)

FEDERAL ENABLING LEGISLATION - RECREATIONAL TRAILS PROGRAM

The RTP is a federal grant program authorized by Congress in 2010 as the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Fixing America's Surface Transportation Act (FAST). This authorization provided funding for the RTP through the 2021 fiscal year.

The intent of the RTP is to help fund trails and trail-related recreational needs at the State level. Funding for the RTP comes from federal gas taxes paid on non-highway fuel used in off-highway vehicles. The program is administered at the Federal level by the Federal Highway Administration (FHWA). At the State level, the Secretary of Department of Natural & Cultural Resources (DNCR) has assigned that responsibility to the NC Trails Program within the Division of Parks & Recreation (DPR). Funding recommendations are made by the NC Trails Committee (NCTC), a seven-member advisory group who reviews all applications and makes recommendations for funding to the Secretary of DNCR. The Secretary of DNCR has the final grant approval authority for North Carolina.

FEDERAL HIGHWAY ADMINISTRATION/RECREATIONAL TRAILS PROGRAM WEBSITE AND PROGRAM INFORMATION

For more information about RTP, please visit [FHWA](https://www.fhwa.gov/rtp). This site includes information about enabling legislation, program guidelines, and funding authorization.

FEDERAL DEFINITION OF A TRAIL

Section 206 of the RTP Legislation provides the following definitions for Motorized Recreation and Recreational Trail:

MOTORIZED RECREATION -- The term "motorized recreation" means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

RECREATIONAL TRAIL -- The term "recreational trail" means a thoroughfare or track across land, water, or snow, used for recreational purposes such as:

- Pedestrian activities, including wheelchair use
- Skating or skateboarding
- Equestrian activities, including carriage driving
- Non-motorized snow trail activities, including skiing
- Bicycling or use of other human powered vehicles
- Aquatic or water activities
- Motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles

FUNDING & BUDGETING GUIDELINES

The RTP Grant Program is a reimbursement and matching grant program. A grantee must first pay for approved project deliverables and then will be reimbursed by the State for approved costs. The RTP's matching requirement is a 25% minimum for every RTP dollar received by a grantee. The match may be made in cash, by in-kind contributions, or force labor, as explained further in this Guideline Booklet. All listed matches in the application will be noted in the State Grant Contract and a grantee will be expected to account for all listed matches in the application. All match funding must be expended during the contract period of an awarded RTP grant. **Grant recipients must be able to initially finance the project while periodically requesting reimbursements.**

PROJECT DESCRIPTION REQUIREMENTS

The project description section requires a project narrative that will determine the overall sustainability of the trail project as compared to peer applications. The NC Trails Program, DPR, & the NCTC feel that the definitions listed below best define each level of sustainability required for a quality trail project.

Sustainability is defined as a project that is economically feasible, environmentally appropriate, structurally sound, with demonstrated, quantifiable social and fiscal support from the sponsoring community, which ultimately provides the greatest return on the investment of public funds.

It is highly recommended that you read the following definitions carefully to ensure you are covering each level in your project description.

Note: Include applicable documents with application submission.

Definitions for Components of Sustainability:

- Physically Possible: Any potential use must be physically possible given the size, shape, **topography**, and other characteristics of the site.
 - Is the project just in a concept phase? Are the plans developed and approved?
 - Is the project ready to build? If the project is funded; how soon will the project be completed or can construction start? (*Note: Projects must be completed within 3 years of receiving a contract.*)
 - Are all the necessary permits obtained?
- Legally Permissible: Only those uses that are or may be legally allowed and fall within environmental regulation will be considered for trail projects.
 - What is the public usage and rights of the land status?
 - Is the project ADA compliant, where required?

- *Economically Feasible:* The trail project must have adequate funding sources to justify the costs of construction and long-term maintenance.
 - What kinds of commitment: financial, letters of support, or other types?
 - What sources of additional funding, other than the Grant and Match?
 - Can the initial costs of construction be funded in order to be reimbursed?
- *Maximally Productive:* The trail project must indicate all potential opportunities have been leveraged, not a duplicate of other efforts of the same scale and location and shows a defined public need for the use of public funds.
 - What is the public need for the project?
 - Does the project complete a critical gap in an existing trail system?
 - Does the project provide a linkage to a larger existing trail system?
 - Does the project connect neighborhoods to schools, parks, or business districts?
 - How has the public been informed about the trail project?

PERMITTED USES OF RTP GRANT FUNDS

- Construction of new trails on state, county, municipal, or conveyed easements across private lands, where a recreational need for such construction is shown and where such construction is approved by the administering agency
- Construction of new trails crossing federal lands, where such construction is approved by the administering agency charged with management of all impacted lands
- Development of urban trail linkages
- Maintenance of existing recreational trails
- Restoration of areas damaged by usage of recreational trails
- Development of trail-side and trail-head facilities with preference for trail-head and trail information signs and parking areas; and consideration given to restrooms, drinking fountains, and other trail side facilities
- Development of canoe/kayak access facilities and camping platforms
- Provision of features which facilitate the access and use of trails by persons with disabilities
- Acquisition of easements for trails
- Acquisition of fee-simple title to property from a willing seller for trail use, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means

Note: *RTP guidance prohibits condemnation of any kind of interest in property and you must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 – 49 CFR Part 24*

- Planning, design, engineering, permitting, and environmental compliance study costs of not to exceed 10% of any RTP grant award
- Acquisition of trail construction and maintenance tools and/or equipment
- Rental of trail construction and maintenance tools and equipment for a specific trail project

NON-PERMITTED USES OF RTP GRANT FUNDS

- Trail brochures and maps
- Condemnation of any kind of interest in property
- Construction of any recreational trail on National Forest System lands for motorized uses, unless such lands (other than wilderness areas) are otherwise consistent with the management direction in such approved land and resource management plan and are permitted
- Upgrading, expanding or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users, and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred
- Feasibility Studies
- Law Enforcement
- Railroads
- Roads
- Sidewalks
- Wilderness areas are subject to restrictions of the Wilderness Act (16 USC 1131)

FEDERAL RTP ALLOCATION REQUIREMENTS

- 30% Reserved for Motorized Trails -
Not less than 30% of the State's allocation must be reserved for uses relating to motorized recreation. This includes motorized single use projects and motorized diverse use projects.
- 30% Reserved for Non-Motorized Trails -
Not less than 30% of the State's allocation will be reserved for uses relating to non-motorized recreation. This includes non-motorized projects for a single use and non-motorized diverse use projects.
- 40% Diverse Use Projects -
40% of the State's allocation is discretionary funding, but preference will be given to projects with the greatest number of compatible recreational purposes or that provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

FEDERAL MATCH REQUIREMENTS

The RTP grant is a reimbursement structured grant program requiring matching funds. For every RTP dollar received, the grantee must provide a required 25% match. This 25% match must come from a non-FHWA source in the form of cash, force labor services, in-kind services, donated materials, or the value of acquired or donated land for this specific trail project.

APPROVED IN-KIND ACCOUNT LABOR MATCH ALLOWANCES

RTP applicants can use *In-Kind* and *Force Account Labor* services as all or some portion of their required 25% match. The services provided must be performed to assist with or support the project that will be accomplished with approved RTP grant funds. Each listed *In-Kind* and/or *Force Labor* match must reference a specific deliverable. Proof of donation/gift must be provided with the value of the donation documented on official letterhead with the date of donation.

Allowable services are:

General Volunteer Labor:

- 17 years and up – labor valued at \$29.95 per hour as noted by the [Independentsector.org](https://independentsector.org) in North Carolina. (as of: April 2022)
- 16 years and under – labor valued at \$7.25 per hour, North Carolina's Minimum Wage

Skilled Volunteer Labor and/or Services:

- Valued at the fair market rate, equal to what the individual is normally paid for such service; documentation of labor and value of labor is required.

Donated Equipment and Operator:

- Equipment and labor valued at the fair market rate, equal to what the individual is normally paid for such service, documentation of gift and value required.

Donated Materials:

- Valued at the fair market value of any materials from the person or persons donating the materials, documentation of gift and value required.

Project Planning and Environmental Compliance Costs:

- The donation of professional or accredited planning and environmental compliance services will be valued at the fair market value, documentation of gift and value required. These services are limited to costs incurred less than 18 months prior to or after the RTP grant contract document is fully executed. This service must apply specifically to guidance or support of the project that will be accomplished with approved RTP funds.

Land Donated for this Trail Project:

- Land donated to a governmental agency or a non-profit organization for public trail – valued at the appraised value of the donation. The donation of land must have taken place less than 18 months prior to or after the RTP grant contract document is fully executed.

Note: *The donation of land or interest in land must be for a minimum of 10 years with no cancelation clauses.*

APPROVED FORCE ACCOUNT LABOR MATCH ALLOWANCES

Allowable services are:

Agency or Organization's Paid Labor:

- Valued at the current hourly rate of pay for employee labor per hours worked for the associated deliverable.

Agency or Organization Owned or Leased Equipment:

- Valued according to the federally approved Federal Emergency Management Agencies (FEMA) equipment rates
 - Information provided on the following [website](#).

Value of Land Acquired by an Agency or Organization:

- Valued at the price paid by the agency or organization for the land. This acquisition of land must have taken place less than 18 months prior to or after the RTP grant contract document is fully executed.

Note: *The acquisition of land or interest in land must be for a minimum of 10 years with no cancellation clauses.*

GUIDANCE FOR DELIVERABLES

Applicants are required to detail their project budget in the grant application. The project deliverables will define what specifically is to be accomplished. Care must be taken in defining deliverables as they will be included in the contract and serve as the basis for reimbursement.

NOTE: Deliverables should be phased or scaled so that some deliverables are completed and submitted for reimbursement within 6 months of the contract start date. This timeline is why it is paramount that the project is planned and budgeted properly.

Please refer to the sample Deliverable Form (Figure 1 and Figure 2) on the following pages for examples of how to create your deliverables.

Each deliverable should list one of the following Item Types:

Item Type:

New Trail – Unpaved (boardwalk, natural surface trail, gravel, compacted screenings)

New Trail – Paved (greenway, multi-use paths)

New Trail – Paddle Trail (blueways)

Materials (ex. Lumber, decking, hardware, stone, etc.)

Equipment (ex. Chainsaw, bush hog, motorized trail equipment)

Tools (ex. Pulaski, pry bars, hand tools, hammer drill, etc.)

Design/Planning*

Engineering*

*Total reimbursable amounts cannot exceed 10% of requested RTP funds. Any amount over 10% can be used for match.

Permitting*

Trail Renovation

Existing Trail Routine Maintenance

New Trail Facility

Trail Facility Renovation

New Trail Parking Lot

Trail Parking Lot Renovation

Trail Information – Website

Trail Information – Signs/Markers (Small informational kiosks, signage, blazes)

Fees for Land Acquisition for Trail Purposes (appraisals, closing costs, etc.)

Land Acquisition for Trail Purposes (actual value of land, donated or purchased)

Description: Applicant describes details relating to the Item Type.

Accomplished by: select how the deliverable will be completed

Unit(s): select appropriate unit quantity for item type

Of Measure: select appropriate measurement for your item type

Rate: enter appropriate dollar amount per unit

Total is calculated automatically and put into the Match Column.

Applicant then selects the amount of funds they are requesting be paid with RTP Funds.

Match value will change accordingly.

Match:

- ALL Match items (*In-Kind & Force Account*) must reference a specific *Deliverable #*.
- It is recommended to only list match contributions totaling 25% of the requested grant amount in the Deliverables – Match section.
- Match in excess of the 25% required contribution can also be listed in the Match section, however, documentation of proof of all match must be provided at the time of request for reimbursement. **Excess match, if listed, will be required to fulfill the terms of the grant contract.** Contact your Regional Trails Specialist if you have questions about how to structure your deliverables & match.

ENVIRONMENTAL REVIEW

A requirement of MAP-21 and FHWA is compliance with the National Environmental Policy Act, the Historic Preservation Act (Section 106), the Endangered Species Act, and other Federal, State, and Local Environmental Laws, regulations, and Executive Orders. Projects awarded funding are required to comply with applicable Local, State, and Federal regulations. **Completion of the Environmental Review section is required for the final application. For a final application to be reviewed by the NC Trails Program Staff and the NCTC, comments must be received from all applicable agencies.** This section enables applicants to coordinate with agencies regarding the applicable permits for the project.

Any project found not in compliance with environmental regulations will be disqualified from the grant cycle.

All applicants are asked to provide documentation from the corresponding regulatory agency for the project's impact on the environment with the final application of the grant application process. All documentation must be submitted on official letterhead or email correspondence from the agency. Please follow the instructions as detailed below in submitting your correspondence.

“Yes” responses to questions on the application: Environmental Review section will require documentation from the corresponding regulatory agency with the Final Application.

“No” responses to questions in the application: Environmental Review section of the application will require documentation stating: the regulatory agency and the point of contact at the regulatory agency has determined there will be “No” environmental impact from the project, with submission of Final Application

Please do not procrastinate in submitting your project information to regulatory agencies. Some have a 4-6 week turn around and may not be able to review your project if you do not submit it in a timely manner. The recommended date of June 12th for submitting your project for environmental review should allow adequate time for the necessary agencies to review your project and provide input. The further along you are in this process the more thoroughly the NC Trails Program will be able to review your application and relay relevant feedback.

Environmental Review Guide

Every applicant recommended for RTP funding must fill out an Environmental Review Checklist (ERC). The checklist is part of the National Environmental Policy Act (NEPA) process and is required by federal law for projects utilizing federal funds. This requires the applicant to contact all the agencies listed below to obtain the necessary permits or authorizations. Applicants must have obtained any required permits, determinations, and authorizations from all the agencies identified within the ERC prior to any construction activities taking place. The checklist will also need to be completed before the North Carolina Trails Program can generate a contract for the applicants grant award.

Projects occurring on federally administered lands or with federal funds must comply with the NEPA requirements imposed by that federal agency.

What to include in your submissions to environmental regulatory agencies:
Additional or alternate information may be required by an agency depending on the impacts they are evaluating. Please consider any potential environmental impacts and contact the relevant agency prior to submission.

- **Cover letter:** includes a brief description of the project, contact information and request to provide comments.
- **A complete project description:** You can submit a printed copy of your application that should contain all the project details required. This will serve as the main source of information to the regulatory agencies in their review. Please be as detailed as possible in the description of your project including the length and width of the proposed trail footprint. This should contain purpose of the project, construction methods, all permanent and/or temporary impacts and their locations. Specifically note impacts to natural resources such as water resources or vegetation.
- **Clear and concise maps.** Please include the following from your application:
 - Overview map.** This is a general location reference map. Please include applicable cities and towns surrounding the project area, NCDOT roads, rivers and streams.
 - Project specific AND topographic map.** These are more detailed maps of your project area. Please note all project disturbances on this map.
 - Floodplain map.** If your project is located in or near a floodplain please make sure to note it using the mapping service below. You can also include floodplain layers on your project specific map. Floodplain Mapping Services are offered here: <http://www.ncfloodmaps.com/>

- **Construction Drawings:** drawings of structures pertaining to impacts to natural resources such as bridges or boardwalks.

Agency Contacts

- Due to frequent employee turnover, we ask that you contact the agency directly with the numbers/links listed below to determine the optimal person for project submission and review.

Cultural Resources:

- All projects should consider potential impacts to cultural resources including historical and archaeological. Please visit the [State Historic Preservation Office](#) webpage for a GIS mapping service that provides locations of potential impacts.
- If impacts are listed, please consider alternative or avoidance plans to comply with the listed structures or sites.
- All project must be submitted to the State Historic Preservation Office for review even if the GIS mapper doesn't present listed impacts.
- Applicants must allow 30 days for review once project is submitted.

Projects can be submitted to the State Historic Preservation Office for review to: <mailto:Environmental.Review@ncdcr.gov> More information on SHPO's environmental review process can be found here: [Environmental Review | NC DNCR \(ncdcr.gov\)](#)

Threatened and Endangered Species:

- Determine if projects will impact federally threatened and endangered species by contacting your regional U.S. Fish and Wildlife Service Office. There are two regional offices serving North Carolina, please visit their [website](#) to determine which office serves your county. *Please allow at least 30 days for review.*

U.S. Fish and Wildlife Asheville Regional Office:

160 Zillicoa St.
Asheville, NC 28801
(828) 258-3939

U.S. Fish and Wildlife Raleigh Regional Office:

P.O. Box 33726
Raleigh, NC 27636-3726
(919) 856-4520

Wetland and Jurisdictional Waters of the United States:

- The United States Army Corps of Engineers (USACE) determines the permitting requirements for impacts to wetlands and jurisdictional waters of the United States.
- Please contact your county USACE permitting specialist. County contacts can be found here: [Submitting E-Applications to the Wilmington District \(army.mil\)](https://www.army.mil)
- All projects must be submitted to the appropriate USACE representative for review. USACE review times can extend upwards of 45 days.

Department of Environmental Quality Review:

- The North Carolina Department of Environmental Quality (DEQ) provides a clearinghouse review for several divisions including:
 - Division of Air Quality
 - Division of Coastal Management
 - Division of Waste Management
 - Underground Storage Tanks Section
 - Solid Waste Section
 - Superfund Section
 - Division of Energy, Mineral and Land Resources
 - Erosion and Sediment Control Section
 - Stormwater Section
 - Dam Safety Section
 - Division of Water Resources
 - Water Quality Permitting Section
 - Public Water Supply Section
 - Wildlife Resources Commission
 - Division of Marine Fisheries

*Please Note: There may be additional sections that will provide comments not listed above.

You do not need to contact the DEQ offices above individually for the requirements of this environmental review - one project review may be submitted to Lyn Hardison in the Washington Regional Office to be distributed to all DEQ Divisions. Please allow at least 60 days for review.

Lyn Hardison
DEQ Environmental Assistance and Customer
Service Washington Regional Office
943 Washington Square
Mall Washington, NC 27889
Lyn.Hardison@ncdenr.gov (252) 948-3842

When all necessary permits, authorizations, and/or additional environmental review documentation are obtained, please make copies and submit all documents electronically to the Grant Management System. Refer to the GMS Quick Start Guide for further guidance on proper bundling and uploading of attachments.

If your grant is awarded, you will be required to submit documentation of all environmental permits prior to construction activities. Only after verification of all required permits and surveys will you be issued a formal Notice to Proceed with construction. Please contact your regional trail specialist for details and guidance.

Environmental Review Checklist

Please attach this page to your final application along with agency comments, even if comments state that no permit is required.

Name of Project: _____

The following programs have reviewed the proposed RTP Project:

_____ North Carolina State Historic Preservation Office

_____ U.S. Fish and Wildlife Service

_____ U.S. Army Corps of Engineers

_____ North Carolina Department of Environmental Quality (Clearinghouse)

GUIDANCE FOR REQUIRED DOCUMENTS & MAPS

Maps and documents are a vital part of the application process. These are used to evaluate the project and are utilized during the environmental review process. All documents & maps should be sized to an 8½" × 11" page, in .pdf format. Checked boxes indicate an understanding of what attachments are required for the application and inclusion with the application submission.

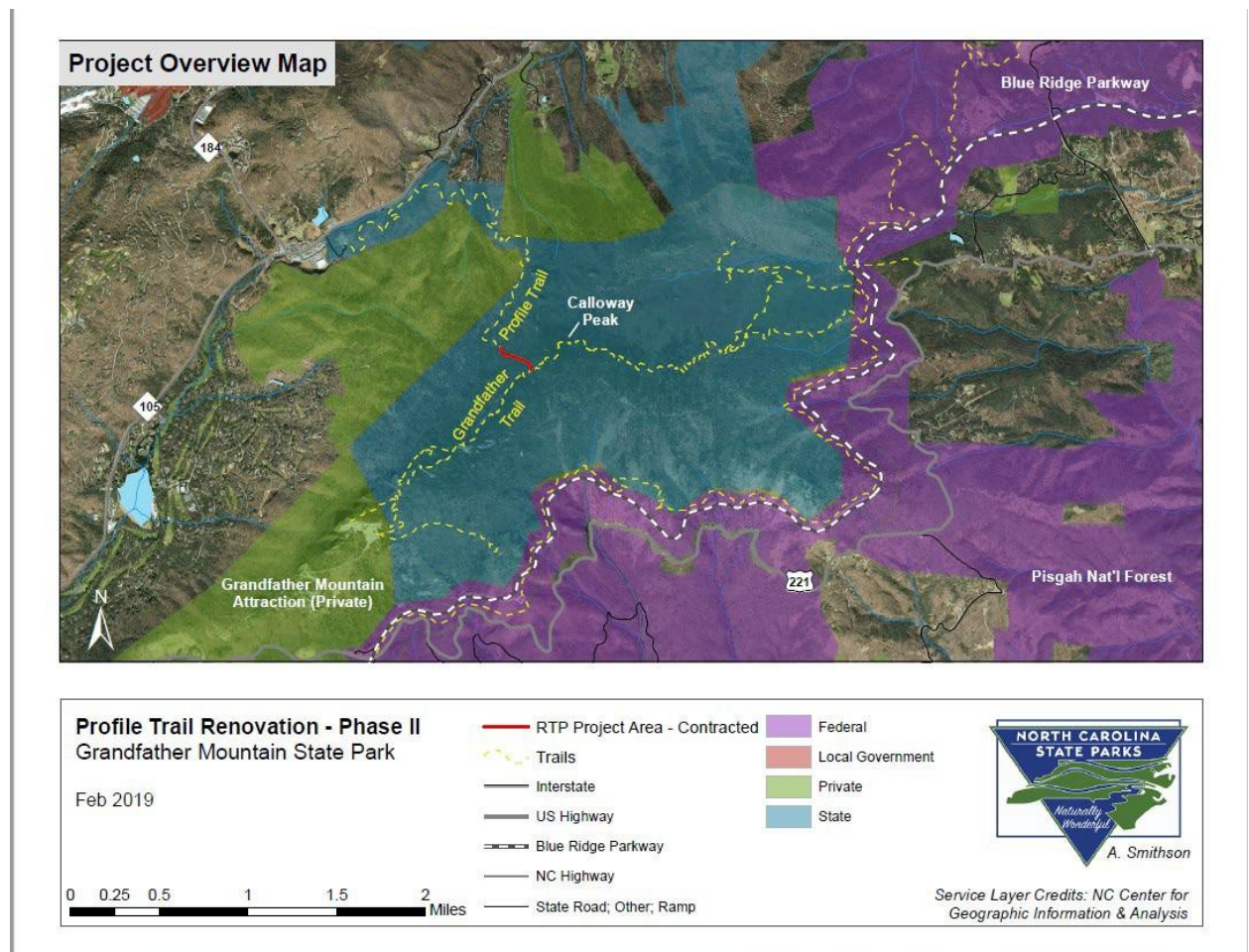
All projects are required to have corresponding maps and documents that reflect the scope of the trail project. For large plans, include counties adjacent to the project area with existing and planned segments clearly identified on the map. All documents should be on official letterhead. We want to understand how the project fits into the greater trail or greenway plan.

Maps Packet

All maps should be scanned and uploaded as one packet

Overview Maps:

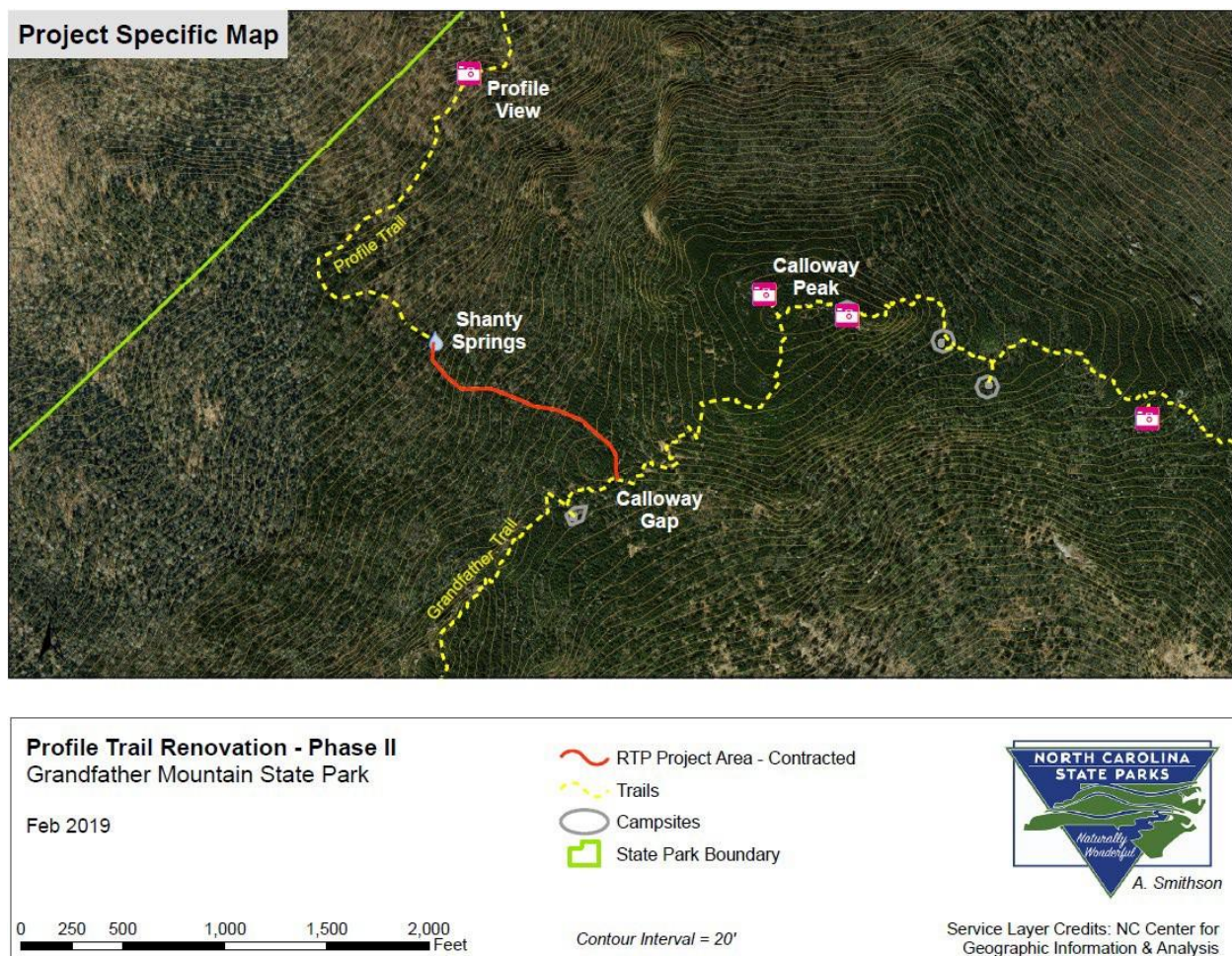
All projects must include an overview map that clearly shows how the project fits into any larger trail/greenway system of planned and/or existing trails and facilities. If the project is a segment or phase of a larger trail/greenway project or plan, include an additional map showing the entire planned trail project. A project that is submitted for consideration should be clearly delineated and defined.



Project Specific Maps:

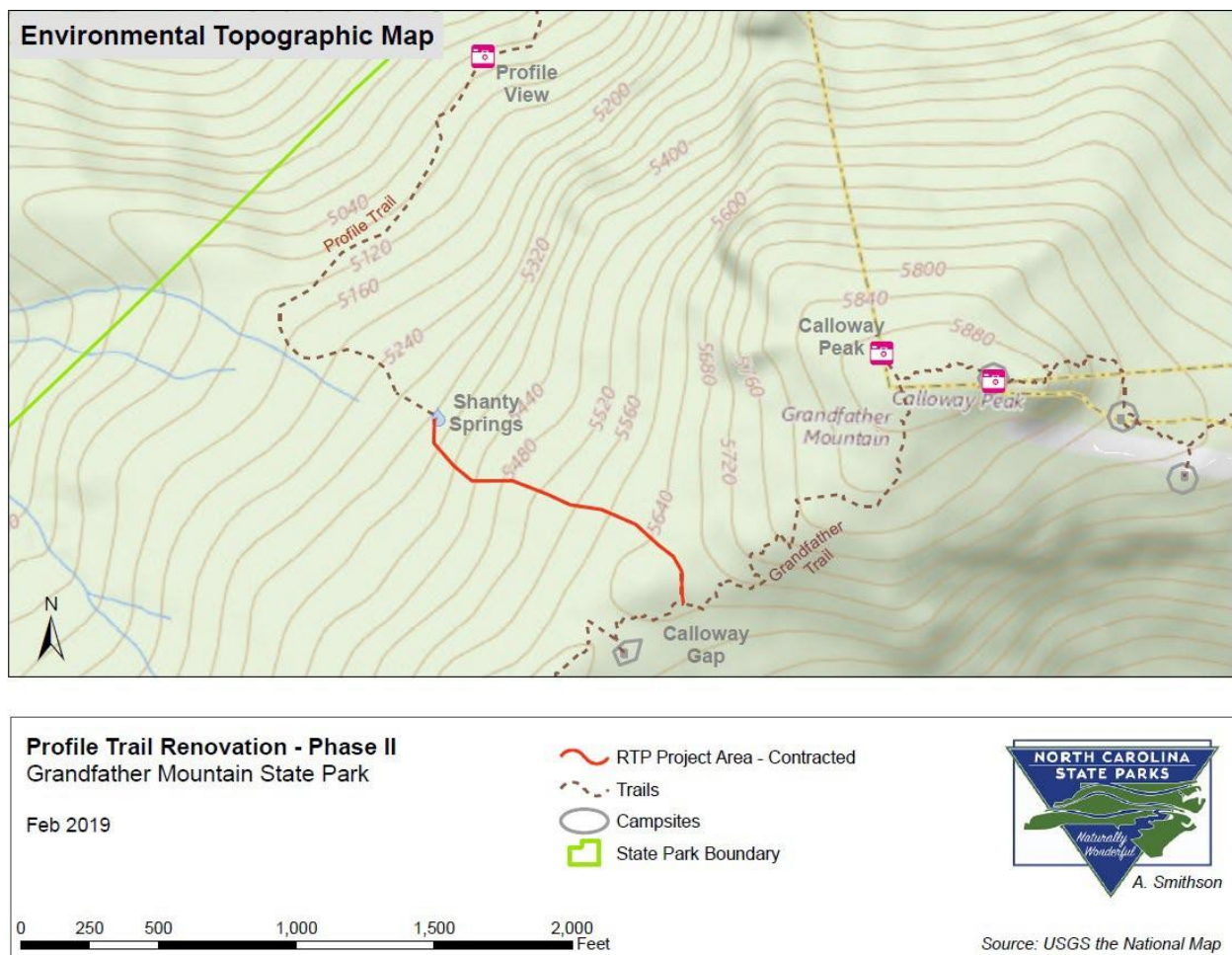
All projects must include a project specific map that clearly shows the location of the trail project. This map focuses on the location of the project to be accomplished and any connections to existing and planned trail systems. It should include both existing and planned trails/greenways/sidewalks, parking areas, roads, accesses, facilities, and points of interest. All map components - aforementioned items and property lines - should also be clearly indicated.

Project Specific Map(s) shall also show the deliverables to be completed during the project. Maps should include locations for bridges, trail, facilities, trailheads, parking lots, and any other deliverables or features referenced in the project description. Map shall note which deliverables will be contracted out. Map shall note which deliverables will be completed in-house. Map should also note which deliverables will be accomplished with requested tools, materials, and/or equipment rental.



Environmental Topographic Map:

All projects must also include a topographic map showing the project area. The map excerpt must delineate how the project site falls on the land. This includes indication of all bridges or water crossings, known locations of waterbodies (streams, ponds, lakes, etc.) and wetlands in relation to all project development. Documents and Maps must be submitted as a PDF packet to minimize difficulty in located documents and maps on the Grant Management System. **Please only upload attachments using the instructions provided here and in the GMS Quick Start Guide.**



Support Documents Packet

Scan all documents in order and submit as one packet

Project Timeline:

Includes project start date, major milestones, and completion date. Use deliverable budget as guidance regarding milestones.

Private Land Stipulation Documents:

Official documents with property owner's stipulations granting easements, leases (*minimum of 10 years of public use*), licenses, MOA, MOU, or other permissions. (* Required if "Yes", to question referencing "current status of land.")

Letters of Commitment:

Official letters of commitment or intent for donations listed in *Project Deliverables*, *Budget*, and/or *Non-Contract Contributions*.

Governing Body Commitment:

Official letters of commitment or resolution supporting at least 25% match and completion of the project within a 3-year time frame.

Public Comment Documents:

Official documentation of event(s): list of date(s), location(s), and type of public meeting(s) where the project was presented to the public (*electronically or physically*) and given the opportunity to comment regarding the project. Also, include a copy of official documents of summary/overview of any public comment(s) received.

(* Required if "Yes", to question referencing "public comment".)

Acquired Land Documents:

Official documentation of land acquired or donated and its appraised value, as noted in the *Project Deliverables* and *Budgeting* sections. (* Required if noted in the project Deliverables and Budgeting sections.)

Be sure that all documents are in working order and included with your application submission. **Applications missing any required documents will not be reviewed for funding.** Checking a box indicates an understanding of required application attachments and the documents inclusion with the application submission. All attachments should be sized to an 8.5" x 11" and in a .pdf format. **All documents should be on official letterhead.**

NORTH CAROLINA - STATE RTP REQUIREMENTS

RTP Project Lands:

North Carolina Trails Program will award RTP grants to projects that are:

- On lands owned in fee simple or easements that are held in perpetuity by a governmental agency, provided that the public is allowed use of the trail or facilities.
- On lands owned in fee simple or easements that are held in perpetuity by a non-profit organization, provided that the public is allowed use of the trail or facilities.
- On lands that are leased by a governmental agency or non-profit organization for a minimum of 10 years, provided that the public is allowed use of the trail or facilities.

Note: *These are listed in priority order for evaluation and funding recommendations.*

Minimum Timeframe for Public Use:

[FHWA](#) states, “The RTP legislation does not require a minimum timeframe for a trail project to remain open to the public. Each State should establish a minimum timeframe appropriate for the type of trail use.”

DPR, after consulting with the NCTC, has established the following minimum timeframe for public use:

Any trail project funded in part with RTP grant funds shall remain open to the public for a minimum period of 10 years. Should a RTP trail project be closed prior to 10 years of public use, without sufficient reason, the State reserves the right to seek repayment of RTP funds based on a 10% per year depreciation schedule; and, the grantee’s grant performance will be used when evaluating future grant applications submitted.

REIMBURSEMENT GRANT PROGRAM

The GRANTEE must finance 100% of the project costs. All eligible, incurred and documented expenditures will be refunded to the grantee, up to 90% of the total RTP award amount. The last 10% will be withheld until the project is complete, all records submitted, and a final site inspection has been completed. When all requirements have been met, the final 10% will be reimbursed.

Note: *You must complete at least one of your defined project deliverables in order to request any reimbursement.*

RTP GRANTS MANAGEMENT GUIDANCE

Guidance is provided in the following categories, *Recommendations* and *Requirements*.

Recommendations are processes tested by time that help to alleviate clerical errors and facilitate the processing of grant contracts. Recommendations are strong suggestions but are not requirements.

Requirements are mandates from internal and external divisions that describe the process for contract execution, funding reimbursements, timelines and other grant contract terms and activities. Requirements are non-negotiable and must be followed. Please do not hesitate to contact your Trails Specialists with any questions or concerns.

RECOMMENDATIONS

Managing Funds:

RTP grants are structured on a reimbursement basis. Through the years we have found that the applicant's attention to the funding streams (cash outlay and reimbursement) prior to contract, results in a more organized project. Plotting out timelines, ensuring cash is available when needed and that reimbursements are available within expected parameters is the responsibility of the applicant.

Staff is available to offer suggestions prior to contract. Ultimately though, the applicant will need to structure the contract deliverables and reimbursement requests to run in concert with applicant's financial needs. Generally, applicants fare better to structure their deliverables and the corresponding reimbursements in blocks. Ten (10) percent of all contracts must be reserved until the completion of the project. Therefore, a 30% - 30% -30% -10% draw structure, or something similar is recommended. This keeps cash flowing in blocks and facilitates processing. Note, this is a recommendation. Other formats can be constructed due to the applicant's needs.

REQUIREMENTS

Legally Binding Contract:

Your application becomes part of your contract, and all Grant Contracts issued by DNCR are legally binding. Failure to meet terms results in breach of contract.

Revisions to Application/Budget Amendments; Pre-Contract:

In the guidance section *Managing Funds*, it was recommended that the applicant structure their deliverables to coincide with the needs for reimbursements. Special attention should be given to the structure of deliverables in the application before a contract is issued. The contract is a legally binding document. Therefore, once the terms are contracted, it is the applicant's responsibility to perform the terms as they are stipulated in the contract. The following information regarding requirements should be considered prior to contract.

Pre-contract Requirements:

1. Any application requiring changes prior to contract will have to be revised and resubmitted. This is a requirement of DNCR to ensure uniformity of contract deliverables and terms.
2. Contracts will not be issued until a final approved grant application package has been received by the NC Trails Program.

Reimbursements:

1. Deliverables must be structured in the application so that reimbursement requests relate to a completed deliverable and requisite (25%) match.
2. The entire deliverable must be completed prior to request for the deliverable reimbursement.
3. The match for the deliverable request for reimbursement must be documented.
4. Reimbursements for partially completed deliverables will not be processed.
5. Reimbursements for actions before contract execution and after the contract expiration date will not be processed.
6. Any deviation to the above Reimbursement Requirements must be submitted in writing to, and be approved by, the NC Trails Program Head prior to the completion of the deliverable.

Contract Amendments:

Contract amendments and/or contract extensions may be requested **no less than 45 days prior to expiration** of the contract. Note that all amendments or requests for extensions must be fully executed prior to the expiration of the grant contract.

We look forward to working with you on your project! Please contact the [NC Trails program](#) with any questions.

Great Trails State Program (GTSP)

The Great Trails State Program provides funding for the new trail development and extension of existing trails within the state of North Carolina. This includes paved trails or greenways, natural surface trails, biking trails, equestrian trails, and any other type of trail recognized by the Department of Natural and Cultural Resources. Eligible trails do not include a series of tourism attractions related to a particular theme that are jointly marketed based on that theme and are interconnected only by vehicular roadways. There will be one grant cycle distributing the full \$25 million dollars in non-recurring funds.

Eligible Applicants:

- A municipality or county.
- A regional council of government created pursuant to G.S 160A-470.
- A public authority, as defined in G.S. 159-7.
- A nonprofit entity provided the entity demonstrates in a manner acceptable to the Department that the unit or units of local government where the eligible trail project will be conducted have been notified of and support the trail project.

Eligible Projects include:

- **Planning & Feasibility:** The intent of Planning & Feasibility studies for the GTSP funds is an in-depth corridor study for a trail alignment, not an overall comprehensive trail plan for an area (town, county, etc.). Planning & Feasibility will include assessments of all elements of the trail project including trail class (paved / natural surface), target users, design aspects, trail corridor / land needed, and partners to maintain the trail, ensuring the overall feasibility of a trail and/or trail location from a technical, financial, and operational aspect. The conclusion of this effort will be able to lead directly into Design & Engineering of the trail.
- **Design & Engineering:** D&E projects will create a set of design drawings that build upon the/a Planning & Feasibility study considering all assessments completed. This effort will provide technical details to construct sustainable trails and typically include surveys, geotechnical study (if needed), design drawings, construction specifications, and maintenance agreements. The conclusion of this effort will be a set of construction documents that can be used to bid out the project for construction or construct the project.

Great Trails State Program (GTSP)

- **Acquisition:** GTSP can be used to acquire land or easements for trail projects.
 - Acquisition projects may include Planning & Feasibility, Design & Engineering, or Construction.
- **Construction:** GTSP funds can be used to construct trails or trail structures. Trail structures include bridges, boardwalks, retaining walls, and other structures that are necessary for visitors to use the trail to travel from one location to another. For paddle trails, trail structures include waterway access points and watercraft launch structures. Trail amenities are also an eligible project expense, and these include markers, signage, benches, water fountains, restroom facilities, bathhouses, campsites, docks, boat ramps, parking facilities, picnic facilities, equipment rental facilities, and other improvements or structures intended to enhance visitor experience for trail users.
- **Maintenance:** Maintenance projects for the GTSP funds includes any activity to maintain the usability and sustainability of trails. This can include ensuring trails are passable by the users for which they are managed, preventing environmental damage resulting from trail deterioration, protecting public safety, and averting future deferred maintenance cost.

Project Minimums:

- \$100,000 minimum for Planning & Design, Acquisition (all types), Construction of natural surface trails, and Maintenance of natural surface trails
- \$250,000 minimum for Maintenance of paved trails
- \$300,000 minimum for Construction of paved trails

Project Maximum:

- Grants made under this program shall not exceed five hundred thousand dollars (\$500,000) per project.

Great Trails State Program (GTSP)

Matching Grant Summary:

- Eligible applicants receiving a grant under this program shall provide matching funds based on the tier ranking of the county where the project is located. In the case of trail projects in more than one county, the match shall be based on the lowest county tier. The required match is as follows:
 - Tier 1: in the amount of one non-State dollar (\$1.00) of matching funds for every four dollars (\$4.00) of State funds.
 - Tier 2: in the amount of one non-State dollar (\$1.00) of matching funds for every two dollars (\$2.00) of State funds.
 - Tier 3: in the amount of one non-State dollar (\$1.00) of matching funds for every one dollar (\$1.00) of State funds.
- The match may include cash, fee waivers, in-kind services, the donation of assets, the provision of infrastructure, or a combination of these. Non-cash matches must be quantifiable and documented. Additional information will be provided in the application guide.

Award Timeline:

Notification of Funding: March 1, 2024

Application Deadline: September 3, 2024

Awards Made: Early 2025

Project Period: TBD

**Award timeline and project period will be updated here in the coming weeks.*

Application Support:

- An application guide will be published by March 15, 2024.
- A launch webinar will be held on March 26 at 11am. Registration information will be posted on the DPR website, in WebGrants, and shared via email.

Great Trails State Program (GTSP)

Selection Criteria:

- Readiness (60 possible points)
 - Clear objectives
 - Secured match
 - Proven record with trail projects
 - Sustainable design
- Impact (20 possible points)
 - Connections to daily destinations and/or existing trail networks
 - Increases access
 - Eliminates trail gap
- Partners and Community Support (10 possible points)
 - Support from community where trail will be built
 - Support from other partners or organizations
 - Public support
- Management and Maintenance (10 possible points)
 - Long-term maintenance plan
 - Emergency management plan

THEREFORE, NOW BE IT RESOLVED BY THE the Concord City Council IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Concord, NORTH CAROLINA,
THIS 11th DAY OF July, 20 24, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Major Keith Eury
(Name and Title of Representative) is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 25,000
(Federal Dollar Request) to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.00
(Local Cash Appropriation) as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

ATTESTED BY _____
(Clerk)

SEAL

DATE _____

North Carolina Governor's Highway Safety Program
Agreement of Conditions

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

A. Federal Provisions

- 1. Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
 - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
 - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
 - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
 - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
 - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
 - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
 - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
 - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
 - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- 2. Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
- 3. Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
 - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
 - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
 - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
 - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
 - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
 - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 (www.nhtsa.gov) and additions or amendments thereto.
- 4. Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- 5. Lobbying.**
 - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
 - (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
 - (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
 - (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
 - (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
 - (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
- 8. Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
- 9. Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
- 10. Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
- 11. Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

- 12. Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 13. Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

B. General Provisions

- 1. Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
- 2. Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
- 3. Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
- 4. Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
- 5. Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
- 6. Property and Equipment.**
 - (a) Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
 - (b) Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
 - (c) Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
 - (i)** Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

14. Out-of-State Travel.

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

15. Conditions for Law Enforcement. In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

(a) Certifications Required.

- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.

- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

16. Conditions for Local Governmental Agencies.

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

17. Seat Belt Policy and Use. Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

18. Text Messaging Policy. Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

19. Prohibited Interests. No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

20. Continued Federal and State Funding.

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
- 21. Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
- 22. Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
- 23. Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- 24. Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
- 25. Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
- 26. Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.

(b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.

(c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.

27. Completion Date. Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.

28. E-Verify requirements. If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.

29. Certification of Eligibility Under the Iran Divestment Act. Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:

- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.

30. Agency Fiscal Year. The end date for the Agency's fiscal year is 06/30/2025.

31. Signature. By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME Keith Eury	TITLE Major	ADDRESS 41 Cabarrus Avenue W, Concord, NC 28025
SIGNATURE <i>Keith Eury</i>	DATE	TELEPHONE NUMBER 704-920-5015
AGENCY AUTHORIZING OFFICIAL		
NAME Lloyd Wm. Payne Jr.	TITLE City Manager	ADDRESS 35 Cabarrus Avenue W, Concord, NC 28025
SIGNATURE	DATE	TELEPHONE NUMBER 704-920-5215
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME Jessica Jones	TITLE Finance Director	ADDRESS 35 Cabarrus Avenue W, Concord, NC 28025
SIGNATURE	DATE	TELEPHONE NUMBER 704-920-5222

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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	
100-4603200	Police Grants	\$ 300,000	325,000	\$25,000
Total				<u>\$25,000</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5122000	Overtime	\$585,000	610,000	<u>\$25,000</u>
Total				<u>\$25,000</u>

Reason: To appropriate the NC Governor’s Highway Safety Program overtime grant awarded in the amount of \$25,000.

Adopted this 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

ORD.

CAPITAL PROJECT ORDINANCE AMENDMENT
FIRST CONCORD

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/amended:

SECTION 1. The project authorized and amended is First Concord 2024 LOBS.

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>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
554-4501100	Transfer from General Fund	0	1,194,380	1,194,380
Total				1,194,380

SECTION 4. The following amounts are appropriated for the projects:

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
554-5710000	Bond/Debt Principal	0	853,129	853,129
554-5720000	Bond/Debt Interest	0	341,251	341,251
Total				1,194,380

SECTION 4. 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 5. 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 6. 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 July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolcznski, City Attorney

PARKS & CAPITAL RESERVE FUND ORDINANCE
AMENDED

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following Capital Reserve Fund ordinance is hereby amended:

SECTION 1. The purpose authorized is to accumulate funds for future capital projects and capital outlay. Funds will be accumulated until such time the City Council designates the funds for projects or capital outlay. These funds may only be designated for projects that are listed in the City’s Capital Improvement Plan or capital outlay approved in the City’s operating budget ordinance. The General Fund will serve as the funding source for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the project/projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues & expenditures are anticipated to be available to the City of Concord for this fund:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8100-5987000	Transfer to Proj Fund	2,663,558	2,480,000	(183,558)
8100-5811082	Future Projects	1,151,870	1,335,428	183,558

SECTION 4. 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 capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund 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 July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

CAPITAL RESERVE FUND ORDINANCE AMENDMENT

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following Capital Reserve Fund ordinance is hereby adopted/amended:

SECTION 1. The purpose authorized is to accumulate funds for future projects and capital outlay as listed in the City’s Capital Improvement Plan. Funds will be accumulated until such time the City Council designates the funds for projects. The General Fund will serve as the funding source for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the fund.

SECTION 3. The following revenues are anticipated to be available/expenditures anticipated to be expended to the City of Concord for this fund & the following amounts are appropriated for the project:

Fund 285 General Capital Reserve Fund

		<u>Budget</u>	<u>Amended Budget</u>	<u>Inc(Dec)</u>
8150-5987000	Transfer To Project Fund	13,994,417	13,607,129	-387,288
8150-5811082	Future Projects	16,441,270	16,828,558	387,288

SECTION 4. 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 capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund 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 July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLarie Kolczynski, City Attorney

Driveway Easement Request For Proposed Single Family Residence
Georgia Street PIN Number 5620824240

435ft

361 Georgia Str.

James Pharr, Jr.
PIN: 5620-82-4240

**The Proposed Single
Family Residence**

129.59

Existing Driveway For
361 Georgia Str.

Driveway Easement
Across the ROW

Parkview Ave SW

Georgia Street SW

City of Concord
PIN: 5620-823198

City of Concord
PIN: 5620-82-1226





MEMORADUM

DATE: Monday, June 23, 2024
 TO: Jackie Deal, Dir. of Engineering
 FROM: Gary Stansbury, Const. Mgr.
 SUBJECT: Roadway Acceptance
 Haven at Rocky River
 PROJECT NAME: Subdivision
 PROJECT NUMBER: 2018-054
 DEVELOPER: True Homes
 COUNCIL ACCEPTANCE
 DATE: Thursday, July 11, 2024
 ONE-YEAR WARRANTY DATE: Thursday, July 10, 2025

Street	Length in LF	ROW in FT	Plat
Ashrock PL SW	445.00	50.00	PH 1 MP 1
River Haven AVE SW	841.00	50.00	PH 1 MP 1
Clarisse DR SW	789.00	50.00	PH 1 MP 1
Rocky Wagon LN SW	795.00	50.00	PH 1 MP 1
Rocky Wagon LN SW	108.00	50.00	PH 1 MP 2
River Haven AVE SW	758.00	50.00	PH 1 MP 2
Clarisse DR SW	378.00	50.00	PH 1 MP 3
Total	4114.00		



MEMORADUM

DATE: Thursday, May 30, 2024
TO: Jackie Deal, Director of Engineering
FROM: Gary Stansbury, Construction Manager
SUBJECT: Infrastructure Acceptance
PROJECT NAME: Spring Meadow Subdivision PH 4 MP 1
PROJECT NUMBER: 2019-032
DEVELOPER: Pulte Home Company, LLC
FINAL CERTIFICATION - LOT NUMBERS: 152-169
INFRASTRUCTURE TYPE: Water and Sewer
COUNCIL ACCEPTANCE DATE: Thursday, July 11, 2024
ONE-YEAR WARRANTY DATE: Friday, July 11, 2025

Water Infrastructure	Quantity
6-inch in LF	673.00
6-inch Valves	2
8-inch in LF	428.00
Hydrants	2

Sanitary Sewer Infrastructure	Quantity
8-inch in LF	1018.00
Manholes as EA	7



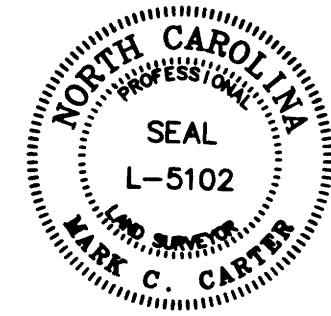
MEMORADUM

DATE: Friday, June 29, 2024
TO: Jacklyn Deal, Eng. Director
FROM: Gary Stansbury, Construction Manager
SUBJECT: Roadway Acceptance
PROJECT NAME: Cypress Village Subdivision
PROJECT NUMBER: 2019-003
DEVELOPER: Moss Creek, LLC
COUNCIL ACCEPTANCE DATE: Thursday, July 11, 2024
ONE-YEAR WARRANTY DATE: Thursday, July 10, 2025

Street	Length in LF	ROW in FT	Plat
Cypress Village Dr. NW	1142.00	Variable - 50.00	PH 1 MP 1
Village View CT. NW	278.00	50.00	PH 1 MP 1
Coddle CT. NW	354.00	50.00	PH 1 MP 1
Cypress Village DR. NW	578.00	50.00	PH 1 MP 2
Coddle CT. NW	268.00	50.00	PH 1 MP 2
Total	2620.00		

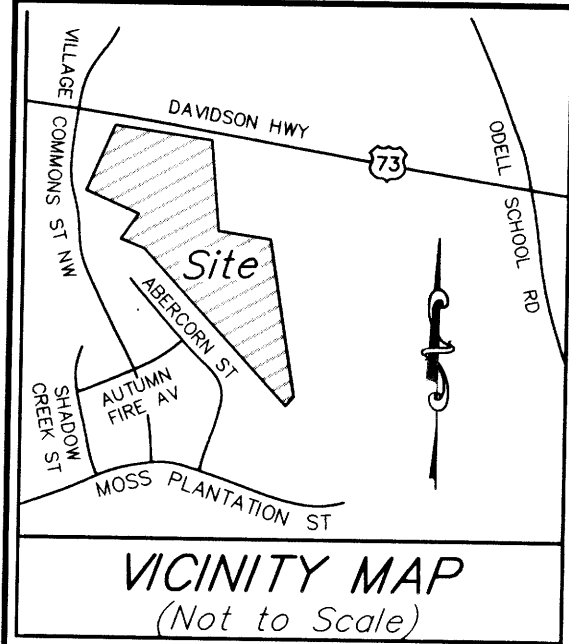
I, MARK C. CARTER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12907, PAGE 112; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17th DAY OF SEPTEMBER, A.D., 2019

Mark C. Carter
PROFESSIONAL LAND SURVEYOR
L-5102



I, Mark C. Carter, Registered Land Surveyor No. L-5102, certify to one or more of the following as indicated thus, ☒ or ☐:

- ☒ A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☐ C. That this plat is of a survey of an existing parcel or parcels of land.
- ☐ D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision.
- ☐ E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (A) through (D) above.



NCGS MONUMENT "GUARD"

N 74°25'00" W 620.58 GROUND
SCALE FACTOR=0.99997147

MOSS CREEK VILLAGE MASTER NOW OR FORMERLY COS DB 10829 PG 328 PB 43 PG 94 PARCEL # 46812975570000

VILLAGE COMMONS STREET NW
50' PUBLIC R/W
per PB 43 PG 94

PRIVATE COS 1 1.773 ACRE 77,216 SF
SCM ACCESS AND MAINTENANCE EASEMENT PER DB 13901 PG 299

MOSS CREEK VILLAGE MASTER NOW OR FORMERLY COS DB 10829 PG 328 PB 43 PG 94 PARCEL # 46812975570000

BRIAN MILLER & LARA MILLER NOW OR FORMERLY LOT 172 DB 9031 PG 24 PB 43 PG 31 PARCEL # 46812983690000

NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF CITY OF CONCORD. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND CITY ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. SUBJECT PROPERTY ZONED O-1.
9. PROPERTY SUBJECT TO SCM ACCESS EASEMENT per DB 13901 PG 299.
10. THE COMMON OPEN SPACE WILL BE PRIVATELY OWNED, NOT FOR THE USE BY THE PUBLIC. TREE SAVE AREAS AND STORMWATER PONDS CONTAINED IN THE COMMON OPEN SPACE WILL BE MAINTAINED BY THE OWNER ON RECORD.
11. THE PURPOSE OF THIS PLAT IS TO CORRECT THE BEARING AND DISTANCES FOR LOTS 1-29 AND LOTS 71-85, AND TO CORRECT THE METES AND BOUNDS ALONG CYPRESS VILLAGE DRIVE NW, VILLAGE VIEW COURT NW, AND CIDDLE COURT NW, AND ADD NUMBERS TO PRIVATE COMMON OPEN SPACE AREAS. THIS PLAT REPLACES AND SUPERCEDES PB 84 PG 85 IN THE CABARRUS COUNTY REGISTER OF DEEDS.

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

FLOOD NOTE:

NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710468100K, DATED: NOVEMBER 16, 2018.

SEE SHEET 4 OF 4 FOR LOT DATA

HARRISBURG TOWN CENTER IX LLC NOW OR FORMERLY DB 11978 PG 22 PARCEL # 46813948300000

LEGEND

- RF REBAR FOUND
RS REBAR SET
CMF CONCRETE MONUMENT FOUND
R/W RIGHT-OF-WAY
SF SQUARE FEET
MB MAP BOOK
DB DEED BOOK
PG PAGE
FS FRONT SETBACK
RY REAR YARD
SY SIDE YARD
ST SIGHT TRIANGLE
PUE PUBLIC UTILITY EASEMENT
SSE SANITARY SEWER EASEMENT
COS COMMON OPEN SPACE
WLE WATERLINE EASEMENT
SDE STORM DRAINAGE EASEMENT
** SDE IS PRIVATE AND TO BE MAINTAINED BY THE HOA
RWE RETAINING WALL EASEMENT (PRIVATE)
** RWE IS PRIVATE AND TO BE MAINTAINED BY THE CURRENT OWNER OF PROPERTY.
SCM STORMWATER CONTROL MEASURE
EXISTING TREE
SCM STORM DRAINAGE EASEMENT
** SDE IS PRIVATE AND TO BE MAINTAINED BY THE HOA
SCM SCM ACCESS AND MAINTENANCE EASEMENT
COMMON OPEN SPACE (PRIVATE)
SEE NOTE # 10
RETAINING WALL EASEMENT (PRIVATE)
TO BE MAINTAINED BY CURRENT OWNER
AREA DEDICATED AS PUBLIC R/W TO NCDOT

FILED Apr 14, 2021 03:22 pm
BOOK 00087
PAGE 0099 THRU 0099
INSTRUMENT # 16286
EXCISE TAX \$0.00

REVISED FINAL PLAT
AT PROPERTY KNOWN AS
CYPRESS VILLAGE SUBDIVISION
PHASE 1, MAP 1
CITY OF CONCORD, TOWNSHIP 3,
CABARRUS COUNTY, NC
SHEET 1 OF 4

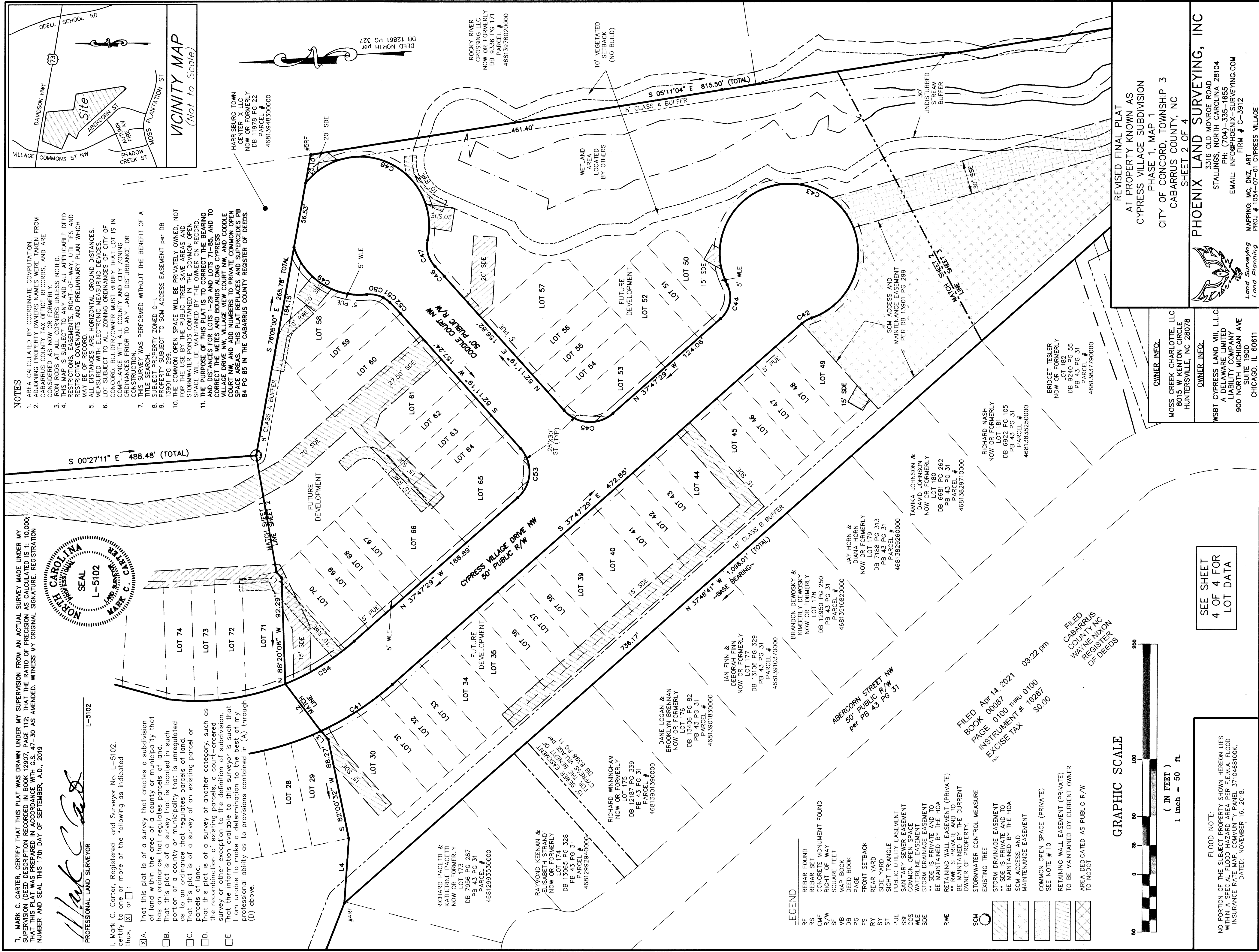


PHOENIX LAND SURVEYING, INC
3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912

OWNER INFO:
MOSS CREEK CHARLOTTE, LLC
8015 W KENTON CIRCLE
HUNTERSVILLE, NC 28078

OWNER INFO:
WSBT CYPRESS LAND VII, L.L.C.
A DELAWARE LIMITED LIABILITY COMPANY
900 NORTH MICHIGAN AVE
SUITE 1900
CHICAGO, IL 60611

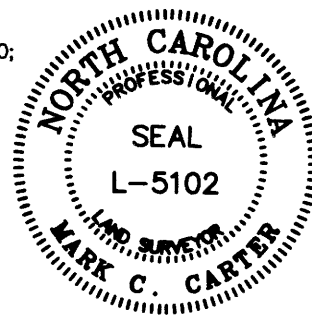
Land Surveying
Land Planning
MAPPING: MC, DNZ, ART
PROJ # 1054-07-01 CYPRESS VILLAGE



"I, MARK C. CARTER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12907, PAGE 112; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17th DAY OF SEPTEMBER, A.D., 2019

Mark C. Carter
PROFESSIONAL LAND SURVEYOR

L-5102



I, Mark C. Carter, Registered Land Surveyor No. L-5102, certify to one or more of the following as indicated thus, ☒ or ☐:

- ☒ A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☐ C. That this plat is of a survey of an existing parcel or parcels of land.
- ☐ D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision.
- ☐ E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (A) through (D) above.

BRANDON DEWOSKY &
KIMBERLY DEWOSKY
NOW OR FORMERLY
LOT 178
DB 12950 PG 250
PB 43 PG 31
PARCEL #
46813910820000

JAY HORN &
DIANA HORN
NOW OR FORMERLY
LOT 179
DB 7188 PG 313
PB 43 PG 31
PARCEL #
468138297260000

TAMIKA JOHNSON &
DAVID JOHNSON
NOW OR FORMERLY
LOT 180
DB 6681 PG 262
PB 43 PG 31
PARCEL #
46813829710000

RICHARD NASH
NOW OR FORMERLY
LOT 181
DB 6922 PG 105
PB 43 PG 31
PARCEL #
46813838250000

BRIDGET TESLER
NOW OR FORMERLY
LOT 182
DB 9240 PG 55
PB 43 PG 31
PARCEL #
46813837790000

KAREN WOLCOTT
NOW OR FORMERLY
LOT 183
DB 12296 PG 113
PB 43 PG 31
PARCEL #
46813847100000

MOSS CREEK
VILLAGE MASTER
NOW OR FORMERLY
COS
DB 7994 PG 29
PB 52 PG 2
PARCEL #
46813835660000

ROCKY RIVER
CROSSING LLC
NOW OR FORMERLY
DB 9336 PG 171
PARCEL #
4681490380000

CENTERLINE OF
STREAM
APPROXIMATE
LOCATION

RWB PROPERTIES LLC
NOW OR FORMERLY
COS
DB 7470 PG 129
PB 52 PG 2
PARCEL #
46813885470000

OWNER INFO:
MOSS CREEK CHARLOTTE, LLC
8015 W KENTON CIRCLE
HUNTERSVILLE, NC 28078

OWNER INFO:
WSBT CYPRESS LAND VII, L.L.C.
A DELAWARE LIMITED
LIABILITY COMPANY
900 NORTH MICHIGAN AVE
SUITE 1900
CHICAGO, IL 60611

NOTES

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WETLAND
AREA
LOCATED
BY OTHERS

ROCKY RIVER
CROSSING LLC
NOW OR FORMERLY
DB 9336 PG 171
PARCEL #
46813976020000

SEE SHEET
4 OF 4 FOR
LOT DATA

LEGEND

RF	REBAR FOUND
RS	REBAR SET
CMF	CONCRETE MONUMENT FOUND
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
MB	MAP BOOK
DB	DEED BOOK
PG	PAGE
FS	FRONT SETBACK
RY	REAR YARD
SY	SIDE YARD
ST	SIGHT TRIANGLE
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	RETAINING WALL EASEMENT (PRIVATE)
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FILED Apr 14, 2021 03:22 pm
BOOK 00087
PAGE 0101 THRU 0101
INSTRUMENT # 16288
EXCISE TAX \$0.00

FILED
CABARRUS
COUNTY NC
WAYNE NIXON
REGISTER
OF DEEDS

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

REVISED FINAL PLAT
AT PROPERTY KNOWN AS
CYPRESS VILLAGE SUBDIVISION
PHASE 1, MAP 1
CITY OF CONCORD, TOWNSHIP 3
CABARRUS COUNTY, NC
SHEET 3 OF 4



Land Surveying
Land Planning

MAPPING: MC, DNZ, ART
PROJ # 1054-07-01 CYPRESS VILLAGE

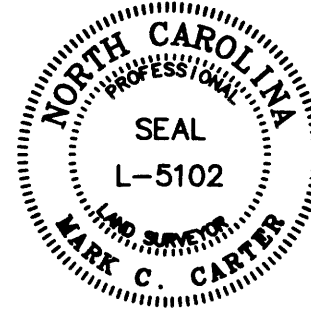
PHOENIX LAND SURVEYING, INC

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STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
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DEVELOPMENT DATA

EXISTING ZONING: O-1
OF LOTS BEFORE SUBDIVISION: 3
PARCEL ID #: 46812987850000, 46813912950000, 46813916600000
DEED BOOK/PAGE: 12907/112, 12861/327, 2997/36
2997/39 & 7994/21
ADDRESS: 46812987850000- 9339 DAVIDSON HWY
46813912950000- N/A
46813916600000- 9245 DAVIDSON HWY

TOTAL SITE AREA: 14.407 AC
EXISTING IMPERVIOUS AREA: 28,741 SF
PROPOSED IMPERVIOUS AREA: 212,255 SF/ 4.87 AC
HOUSE AREA: 102,990 SF/ 2.36 AC
SIDEWALK AREA: 19,137 SF/ 0.44 AC
PAVED AREA: 54,962 SF/ 1.26 AC
DRIVEWAY AREA: 35,436 SF/ 0.81 AC
MAX DENSITY: 15 UNITS/ AC
MAX ALLOWABLE LOTS: 216 LOTS
PROPOSED DENSITY: 5.9 UNITS/ AC
PROPOSED TOTAL LOTS (THIS MAP): 44 LOTS
PROPOSED TOTAL LOTS IN SUBDIVISION: 85 LOTS
PROPOSED TOTAL AREA IN LOTS: 4.53 AC
PROPOSED TOTAL AREA IN R/W: DAVIDSON HWY: 0.62 AC
RESIDENTIAL ROADS: 2.52 AC
PROPOSED TOTAL OPEN SPACE: 6.23 AC
ACTIVE OPEN SPACE: 0.0 AC
TOTAL PASSIVE OPEN SPACE: 6.23 AC
TOTAL OPEN SPACE (THIS MAP) 2.64 ACRE

LINEAR FEET OF STREET:
CYPRESS VILLAGE DRIVE NW: 1,142 LF
VILLAGE VIEW COURT NW: 278 LF
CODDLE COURT NW: 354 LF
TOTAL LINEAR FEET OF STREET: 1,774 LF

SETBACKS:
MIN FRONT YARD: 20 FEET
MIN SIDE YARD (INTERIOR): 0 FEET
SIDE CORNER: 0 FEET
MIN REAR YARD: 0 FEET

LOTS:
MIN LOT WIDTH REQUIRED: 20 FEET
MIN LOT AREA PROVIDED: 1,800 SF
AVERAGE LOT AREA PROVIDED: 2,568 SF

NOTES

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CERTIFICATE OF STREETS, WATER, SEWER AND STORMWATER 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.

A 13 2021
DATE

M. Sue Hyde
DIRECTOR OF ENGINEERING

DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE

I HEREBY CERTIFY THAT THE RIGHT OF WAY DEDICATION ALONG THE EXISTING STATE MAINTAINED ROADWAY(S) SHOWN ON THIS PLAT IS APPROVED AND ACCEPTED AS PUBLIC RIGHT OF WAY BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.

DISTRICT ENGINEER

DATE

ONLY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVED STRUCTURES ARE TO BE CONSTRUCTED ON PUBLIC RIGHT OF WAY.

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, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT FOR THOSE SPECIFICALLY INDICATED AS PRIVATE, AND 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.

OWNER

DATE

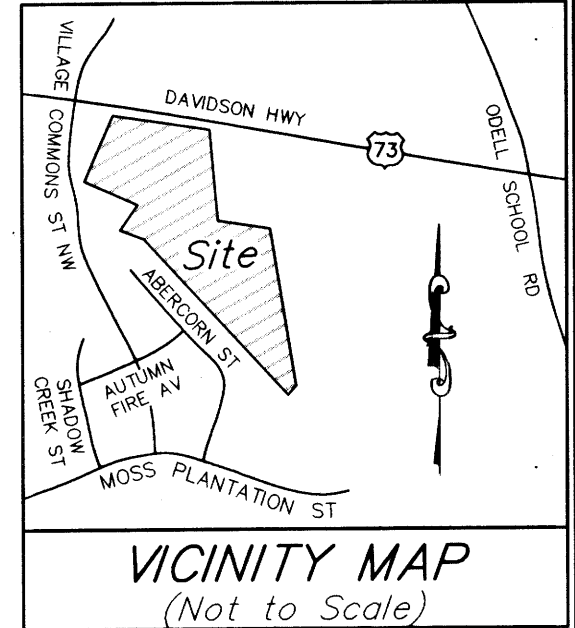
OWNER

DATE

NORTH CAROLINA
CABARRUS COUNTY

I, *Jeby Ann Robinson*, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT *Alan Chars* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL, THIS THE *4th* DAY OF *April*, 2021.

NOTARY PUBLIC:

MY COMMISSION EXPIRES: *12/9/22*

VICINITY MAP
(Not to Scale)

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, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT FOR THOSE SPECIFICALLY INDICATED AS PRIVATE, AND 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.

OWNER

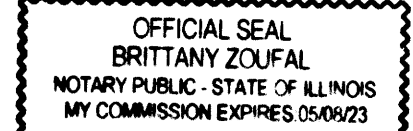
DATE

WSBT CYPRESS LAND VII, L.L.C., IS SIGNING SOLELY IN ITS CAPACITY AS THE OWNER OF LOTS 1-29 AND LOTS 71-85 IN ORDER TO SUBMIT THIS PLAN OF SUBDIVISION, AND TO ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE PUBLIC UTILITY EASEMENTS AFFECTING ONLY THOSE AS SHOWN ON THIS PLAN OF SUBDIVISION, AND MAKES NO OTHER DEDICATIONS, WARRANTIES OR REPRESENTATIONS RELATING TO COMPLETION OR MAINTENANCE OF IMPROVEMENTS, OR GUARANTEES RELATED TO THE CORRECTIONS OF ANY DEFECTS OR FAILURE OF IMPROVEMENTS, AS ADDRESSED IN THE CERTIFICATIONS ABOVE, AND FURTHER STATES THAT THE CITY OF CONCORD IS TO LOOK SOLELY TO MOSS CREEK CHARLOTTE, LLC FOR ANY SUCH OTHER DEDICATIONS, WARRANTIES, REPRESENTATIONS, CORRECTIONS, MAINTENANCE OR GUARANTEES.

ILLINOIS
COOK COUNTY

I, *Brittany Zoufal*, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT *Jordan Calaguire* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL, THIS THE *4th* DAY OF *April*, 2021.

NOTARY PUBLIC:

MY COMMISSION EXPIRES: *05/08/23*

LEGEND

- RF REBAR FOUND
- RS REBAR SET
- CMF CONCRETE MONUMENT FOUND
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- MB MAP BOOK
- DB DEED BOOK
- PG PAGE
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- COMMON OPEN SPACE (PRIVATE)
- SEE NOTE # 10
- RETAINING WALL EASEMENT (PRIVATE)
- TO BE MAINTAINED BY CURRENT OWNER
- AREA DEDICATED AS PUBLIC R/W TO NCDOT

LINE	BEARING	DISTANCE
L1	S 52°13'33" W	6.70'
L2	S 56°34'34" W	51.48'
L3	S 52°12'18" W	9.67'
L4	N 82°22'25" W	56.20'
L5	N 76°13'14" W	16.50'
L6	N 76°13'14" W	9.93'
L7	S 76°13'14" E	10.49'
L8	S 76°13'14" E	15.78'
L9	S 07°48'59" W	53.41'
L10	N 19°10'07" E	11.37'
L11	N 19°10'07" E	40.20'
L12	N 19°10'07" E	8.65'
L13	S 03°56'40" W	29.45'
L14	S 03°56'40" W	2.42'
L15	N 07°46'58" E	28.63'
L16	N 59°30'50" W	29.85'
L17	N 15°20'28" W	19.70'
L18	S 49°28'03" E	22.05'
L19	S 43°52'05" E	12.15'
L20	S 81°27'31" E	42.34'
L21	S 81°52'52" E	9.27'
L22	S 00°57'53" E	10.08'
L23	S 70°51'21" W	6.90'
L24	S 45°42'26" W	66.09'
L25	N 21°25'40" E	63.23'
L26	N 32°11'45" E	31.17'
L27	S 76°13'14" E	120.00'

LOT #	SF	ACRE
1	2,565.74	.059
2	1,940.14	.046
3	2,328.16	.053
4	3,346.73	.077
5	3,858.82	.089
6	1,741.95	.040
7	2,059.88	.047
8	2,158.37	.050
9	4,807.62	.110
10	2,065.68	.047
11	1,777.71	.040
12	2,805.51	.064
13	3,648.64	.083
14	2,197.52	.050
15	3,267.96	.075
16	3,102.00	.071
17	1,976.35	.045
18	2,405.69	.055
19	3,149.23	.072
20	3,279.40	.075
21	2,278.20	.052
22	1,838.73	.042
23	2,176.67	.050
24	4,122.70	.095
25	3,315.38	.076
26	2,210.04	.051
27	1,816.94	.042
28	2,192.73	.050
29	3,054.38	.070
71	3,442.18	.079
72	2,499.03	.057
73	2,111.52	.049
74	2,501.67	.057
75	3,296.50	.076
76	3,494.88	.080
77	2,175.00	.050
78	1,815.00	.042
79	2,175.00	.050
80	2,842.50	.065
81	3,232.50	.074
82	2,175.00	.050
83	1,815.00	.042
84	2,175.00	.050
85	2,565.00	.059

SSE LINE TABLE	BEARING	DISTANCE
S1	S 37°48'41" E	55.16'
S2	S 50°36'37" W	30.01'
S3	N 37°48'41" W	72.81'

SSS CURVE TABLE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD	BEARING	CHORD LENGTH
SC1	32.54'	160.00'	31°04'17.48"	N 56°51'30" E	32.14'	

FILED Apr 14, 2021 03:22 pm
BOOK 00087
PAGE 0102 THRU 0102
INSTRUMENT # 16289
EXCISE TAX \$0.00

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER
OF DEEDS

OWNER INFO:

OWNER INFO:
MOSS CREEK CHARLOTTE, LLC
8015 W KENTON CIRCLE
HUNTERSVILLE, NC 28078

WSBT CYPRESS LAND VII, L.L.C.
A DELAWARE LIMITED LIABILITY COMPANY
900 NORTH MICHIGAN AVE
SUITE 1900
CHICAGO, IL 60611

REVISED FINAL PLAT
AT PROPERTY KNOWN AS
CYPRESS VILLAGE SUBDIVISION
PHASE 1, MAP 1
CITY OF CONCORD, TOWNSHIP 3
CABARRUS COUNTY, NC
SHEET 4 OF 4



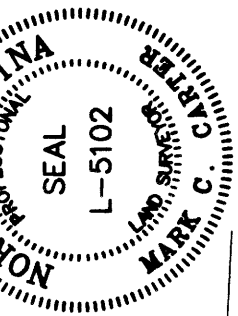
Land Surveying
Land Planning

MAPPING: MC, DNZ, ART
PROJ # 1054-07-01 CYPRESS VILLAGE

PHOENIX LAND SURVEYING, INC.
3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912



I, MARK C. CARTER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 12901, PAGE 112; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF JULY, A.D. 2020



Mark C. Carter
PROFESSIONAL LAND SURVEYOR
L-5102

I, Mark C. Carter, Registered Land Surveyor No. L-5102, certify to one or more of the following as indicated thus, ☒ or ☐:

- ☒ A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☐ C. That this plat is of a survey of an existing parcel or parcels of land.
- ☐ D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision.
- ☐ E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (A) through (D) above.

- NOTES**
1. AREA CALCULATED BY COORDINATE COMPUTATION.
 2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY OWNERS.
 3. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
 4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
 5. LOT SUBJECT TO ALL ZONING ORDINANCES OF CITY OF CONCORD.
 6. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND CITY ZONING ORDINANCES PRIOR TO ANY LAND DEVELOPMENT OR CONSTRUCTION.
 7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
 8. SUBJECT PROPERTY ZONED O-1.
 9. PROPERTY SUBJECT TO SCM ACCESS EASEMENT per DB 13901 PG 299.
 10. THE COMMON OPEN SPACE WILL BE PRIVATELY OWNED, NOT FOR THE USE BY THE PUBLIC. TREE SAVE AREAS AND STORMWATER PONDS CONTAINED IN THE COMMON OPEN SPACE WILL BE MAINTAINED BY THE OWNER ON RECORD.

FLOOD NOTE:
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARDOUS AREA PER FEMA FLOOD INSURANCE RATE MAP (FIRM) # 1704-335-1655, DATED NOVEMBER 16, 2018.

FILED May 27, 2021 10:50 am
BOOK 00088
PAGE 0047 THRU 0047
INSTRUMENT # 23015
EXCISE TAX \$0.00

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

OWNER INFO:
MOSS CREEK CHARLOTTE, LLC
8015 W KENTON CIRCLE
HUNTERSVILLE, NC 28078

FINAL PLAT
AT PROPERTY KNOWN AS
CYPRESS VILLAGE SUBDIVISION
PHASE 1, MAP 2
TOWNSHIP NO. 3, CITY OF CONCORD,
CABARRUS COUNTY, NC
SHEET 1 OF 3

PHOENIX LAND SURVEYING, INC
3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704) 335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912
MAPPING: MC, DNZ, ABT
PROJ # 1054-07-01 CYPRESS VILLAGE

"I, MARK C. CARTER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12901, PAGE 112; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF JULY, A.D., 2020

Mark C. Carter

PROFESSIONAL LAND SURVEYOR L-5102

I, Mark C. Carter, Registered Land Surveyor No. L-5102, certify to one or more of the following as indicated thus, ☒ or ☐:

- ☒ A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
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- ☐ E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (A) through (D) above.

BRANDON DEWOSKY &
KIMBERLY DEWOSKY
NOW OR FORMERLY
LOT 178
DB 12950 PG 250
PB 43 PG 31
PARCEL #
46813910820000

JAY HORN &
DIANA HORN
NOW OR FORMERLY
LOT 179
DB 7188 PG 313
PB 43 PG 31
PARCEL #
46813829260000

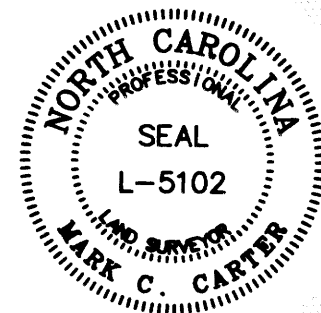
TAMIKA JOHNSON &
DAVID JOHNSON
NOW OR FORMERLY
LOT 180
DB 6681 PG 262
PB 43 PG 31
PARCEL #
46813829710000

RICHARD NASH
NOW OR FORMERLY
LOT 181
DB 6922 PG 105
PB 43 PG 31
PARCEL #
46813838250000

BRIDGET TESLER
NOW OR FORMERLY
LOT 182
DB 9240 PG 55
PB 43 PG 31
PARCEL #
46813837790000

KAREN WOLCOTT
NOW OR FORMERLY
LOT 183
DB 12296 PG 113
PB 43 PG 31
PARCEL #
46813847100000

MOSS CREEK
VILLAGE MASTER
NOW OR FORMERLY
COS
DB 7994 PG 29
PARCEL #
46813835660000



NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AN RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF CITY OF CONCORD. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND CITY ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. SUBJECT PROPERTY ZONED O-1.
9. PROPERTY SUBJECT TO SCM ACCESS EASEMENT per DB 13901 PG 299.
10. THE COMMON OPEN SPACE WILL BE PRIVATELY OWNED, NOT FOR THE USE BY THE PUBLIC. TREE SAVE AREAS AND STORMWATER PONDS CONTAINED IN THE COMMON OPEN SPACE WILL BE MAINTAINED BY THE OWNER ON RECORD.

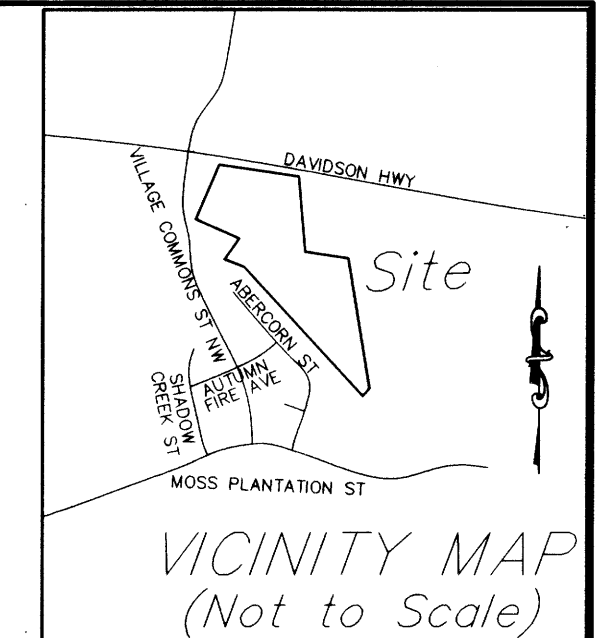
FLOOD NOTE:
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710468100K, DATED: NOVEMBER 16, 2018.

WETLAND AREA

ROCKY RIVER
CROSSING LLC
NOW OR FORMERLY
DB 9336 PG 171
PARCEL #
46813976020000

ROCKY RIVER
CROSSING LLC
NOW OR FORMERLY
DB 9336 PG 171
PARCEL #
4681490380000

RWB PROPERTIES LLC
NOW OR FORMERLY
COS
DB 7470 PG 129
PB 52 PG 2
PARCEL #
46813885470000



LEGEND

RF	REBAR FOUND
RS	REBAR SET
CMF	CONCRETE MONUMENT FOUND
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
MB	MAP BOOK
DB	DEED BOOK
PG	PAGE
FS	FRONT SETBACK
RY	REAR YARD
SY	SIDE YARD
ST	SIGHT TRIANGLE
PSDE	PUBLIC STORM DRAINAGE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SSE	SANITARY SEWER EASEMENT
COS	COMMON OPEN SPACE
WLE	WATERLINE EASEMENT
SDE	STORM DRAINAGE EASEMENT
	** SDE IS PRIVATE AND TO BE MAINTAINED BY THE HOA
RWE	RETAINING WALL EASEMENT (PRIVATE)
	** RWE IS PRIVATE AND TO BE MAINTAINED BY THE CURRENT OWNER OF PROPERTY.
SCM	STORMWATER CONTROL MEASURE
	STORM DRAINAGE EASEMENT
	** SDE IS PRIVATE AND TO BE MAINTAINED BY THE HOA
	SCM ACCESS AND MAINTENANCE EASEMENT per DB 13901 PG 299
	COMMON OPEN SPACE (PRIVATE) SEE NOTE # 10
	RETAINING WALL EASEMENT (PRIVATE) TO BE MAINTAINED BY CURRENT OWNER
	PROPOSED SANITARY SEWER EASEMENT

FILED May 27, 2021 10:50 am
BOOK 00088
PAGE 0048 THRU 0048
INSTRUMENT # 23016
EXCISE TAX \$0.00

FILED
CABARRUS
COUNTY NC
WAYNE NIXON
REGISTER
OF DEEDS

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

FINAL PLAT
AT PROPERTY KNOWN AS
CYPRESS VILLAGE SUBDIVISION
PHASE 1, MAP 2
TOWNSHIP NO. 3, CITY OF CONCORD,
CABARRUS COUNTY, NC
SHEET 2 OF 3

PHOENIX LAND SURVEYING, INC

3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912



Land Surveying
Land Planning

MAPPING: MC, DNZ, ART
PROJ # 1054-07-01 CYPRESS VILLAGE

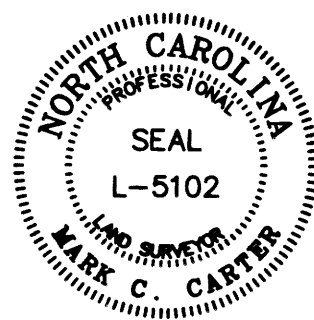
OWNER INFO:

MOSS CREEK CHARLOTTE, LLC
8015 W KENTON CIRCLE
HUNTERVILLE, NC 28078

"I, MARK C. CARTER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12901, PAGE 112; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF JULY, A.D., 2020

Mark C. Carter
PROFESSIONAL LAND SURVEYOR

L-5102



I, Mark C. Carter, Registered Land Surveyor No. L-5102, certify to one or more of the following as indicated thus, ☒ or ☐:

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DEVELOPMENT DATA

EXISTING ZONING: O-1

OF LOTS BEFORE SUBDIVISION: 3

PARCEL ID #: 46812987850000, 46813912950000, 46813916600000

DEED BOOK/PAGE: 12907/112, 12861/327, 2997/36

2997/39 & 7994/29

ADDRESS: 46812987850000 - 9339 DAVIDSON HWY

46813912950000 - N/A

46813916600000 - 9245 DAVIDSON HWY

TOTAL SITE AREA: 14.407 AC

EXISTING IMPERVIOUS AREA: 28,741 SF

PROPOSED IMPERVIOUS AREA: 212,255 SF/ 4.87 AC

HOUSE AREA: 102,990 SF/ 2.36 AC

SIDEWALK AREA: 19,137 SF/ 0.44 AC

PAVED AREA: 54,962 SF/ 1.26 AC

DRIVEWAY AREA: 35,436 SF/ 0.81 AC

MAX DENSITY: 15 UNITS/ AC

MAX ALLOWABLE LOTS: 216 LOTS

PROPOSED DENSITY: 5.9 UNITS/ AC

PROPOSED LOT (THIS MAP): 41 LOTS

PROPOSED TOTAL LOTS IN SUBDIVISION: 85 LOTS

PROPOSED TOTAL AREA IN LOTS: 2.49 AC

PROPOSED AREA IN R/W:

RESIDENTIAL ROADS: 2.52 AC (TOTAL)

RESIDENTIAL ROADS: 1.37 AC (THIS MAP)

PROPOSED OPEN SPACE (THIS MAP): 3.58 AC

ACTIVE OPEN SPACE: 0.0 AC

PASSIVE OPEN SPACE: 3.58 AC

LINEAR FEET OF STREET (THIS MAP):

CYPRESS VILLAGE DRIVE NW: 578 LF

CODDLE COURT NW: 268 LF

SETBACKS:

MIN FRONT YARD: 20 FEET

MIN SIDE YARD (INTERIOR): 0 FEET

SIDE CORNER: 0 FEET

MIN REAR YARD: 0 FEET

LOTS:

MIN LOT WIDTH REQUIRED: 20 FEET

MIN LOT AREA PROVIDED: 1,800 SF

AVERAGE LOT AREA PROVIDED: 2,568 SF

NOTES

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- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
- SUBJECT PROPERTY ZONED O-1.
- PROPERTY SUBJECT TO SCM ACCESS EASEMENT per DB 13901 PG 299.
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FLOOD NOTE:
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710468100K, DATED: NOVEMBER 16, 2018.

CERTIFICATE OF CONFORMITY WITH PLANS AND SPECIFICATIONS CITY OF CONCORD

CYPRESS VILLAGE MAP 2

NAME OF SUBDIVISION

CYPRESS VILLAGE DRIVE NW

CODDLE COURT NW

NAME OF STREETS IN SUBDIVISION

MOSS CREEK CHARLOTTE, LLC

SUBDIVIDER

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREETS, 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 DEPARTMENTS 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, CITY OF CONCORD.

SIGNED:

REGISTERED PROFESSIONAL ENGINEER

33046

REGISTRATION NO.

4-20-21

DATE

NORTH CAROLINA

COUNTY

D. NICOLE ZBIKOWSKI

A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO

HEREBY CERTIFY THAT BARRY M. FAY

PERSONALLY APPEARED

BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS 28 DAY OF APRIL, 2021.

NOTARY PUBLIC:

MY COMMISSION EXPIRES: 8/25/25

8/25/25

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CERTIFICATE OF STREETS, WATER, SEWER AND STORMWATER 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.

5/25/21

DATE

M. S. Hyde

DIRECTOR OF ENGINEERING

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 CYPRESS VILLAGE SUBDIVISION WAS APPROVED BY THE CONCORD PLANNING & ZONING COMMISSION/ADMINISTRATOR ON MAY 20, 2021.

5/26/21

DATE

T. M. Hyde

DEVELOPMENT SERVICES DIRECTOR

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, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT FOR THOSE SPECIFICALLY INDICATED AS PRIVATE, AND 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.

BY:

OWNER

4/29/21

DATE

NORTH CAROLINA

County

Davidson

John W. Oakes II

A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO

HEREBY CERTIFY THAT Gerald Mosley

PERSONALLY APPEARED

BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 19th DAY OF April, 2021.

NOTARY PUBLIC:

MY COMMISSION EXPIRES: 9-21-22

9-21-22

9-21-22

9-21-22

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9-21-22

Outstanding Debt of the City of Concord
30-Jun-24

Series	Revenue Bonds Description	6/30/2024 Principal Outstanding	Final Maturity	Avg Coupon	Use of Proceeds	FYE 2025 Principal Due	FYE 2025 Interest Due
Series 2012	Utility System Revenue Bonds-Refunding	6,520,000	12/1/2028	4.080%	Water/Electric	1,215,000	188,606
Series 2016	Utility System Revenue Bonds-Refunding	14,970,000	12/1/2035	4.684%	Water/Electric/Sewer	950,000	679,750
Series 2024	Utility System Revenue Bonds	22,000,000	12/1/2043	4.378%	Water	555,000	1,107,305
TOTAL		<u>43,490,000</u>				<u>2,720,000</u>	<u>1,975,661</u>

Series	General Obligation Debt Description	6/30/2024 Balance Outstanding	Final Maturity	Interest Rates	Use of Proceeds	FYE 2025 Principal Due	FYE 2025 Interest Due
Series 2023	General Obligation	42,000,000	9/1/2043	4% to 5%	Parks & Rec improvements	2,100,000	1,963,500
TOTAL		<u>42,000,000</u>				<u>2,100,000</u>	<u>1,963,500</u>

Series	Non General Obligation Debt Description	6/30/2024 Balance Outstanding	Final Maturity	Interest Rates	Use of Proceeds	FYE 2025 Principal Due	FYE 2025 Interest Due
Series 2014A	Limited Obligation	16,050,000	6/1/2034	2.0% to 5%	**Building/Telecommunication	1,635,000	632,531
11/10/2015	Installment Purchase	2,705,000	5/1/2030	2.420%	Parking Facility-Aviation	424,000	65,461
10/11/2017	Installment Purchase Refunding 07 IPA	2,114,710	11/9/2027	2.040%	***Aviation/Fire Station	624,417	39,932
3/10/2021	Installment Purchase	4,284,503	3/1/2031	1.430%	Fire Station 12	620,000	61,268
TOTAL		<u>25,154,213</u>				<u>3,303,417</u>	<u>799,192</u>
		<u>110,644,213</u>				<u>8,123,417</u>	<u>4,738,353</u>

** City Hall, Police HQ, Telecommunication Equip.

*** Land, Hangar, N Taxiway, Fuel Farm, Fire Station 9

Notes

2014 LOBS refunded the 2005 COPS

2017 IPA refunding 2008 IPA

2016 Utility Revenue Bonds refunded 2008 bonds

2019 Utility Revenue Bonds refunded 2009B bonds

Tax Report for Fiscal Year 2023-2024**FINAL REPORT****May****Property Tax Receipts- Munis**

2023 BUDGET YEAR	129,895.28
2022	4,066.51
2021	1,518.19
2020	1,075.78
2019	863.06
2018	501.75
2017	157.97
2016	157.97
2015	191.71
2014	191.71
Prior Years	1,050.92
Interest	8,739.14
Refunds	
	<hr/>
	148,409.99

Vehicle Tax Receipts- County

2023 BUDGET YEAR	596,059.17
2022	
2021	
2020	
2019	
2018	
2017	
Prior Years	105.70
Penalty & Interest	8,793.23
Refunds	
	<hr/>
	604,958.10

Fire District Tax - County

2023 BUDGET YEAR	2818.66
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Less: Collection Fee from County

Net Ad Valorem Collections	<hr/>
	756,186.75

423:Vehicle Tag Fee-Transportation Impr Fund	38,480.57
100:Vehicle Tag Fee	156,239.14
630:Vehicle Tag Fee-Transportation Fund	38,480.57
Less Collection Fee - Transit	
Net Vehicle Tag Collection	<hr/>
	233,200.28

Privilege License	814.50
Prepaid Privilege Licenses	
Privilege License interest	30.63
Total Privilege License	<hr/>
	845.13

Oakwood Cemetery current	-
Oakwood Cemetery endowment	-
Rutherford Cemetery current	-
Rutherford Cemetery endowment	-
West Concord Cemetery current	1,675.00
West Concord Cemetery endowment	-
Total Cemetery Collections	<hr/>
	1,675.00

Total Collections	<hr/>
	\$ 991,907.16

Current Year	
Original Scroll	
Levy	
Penalty	
Adjustments	
Public Service	
Levy	
Penalty	
Discoveries/Annex	96,640.08
Discovery Penalty	336.92
Total Amount Invoiced - Monthly	96,977.00
Total Amount Invoiced - YTD	71,533,762.24

Current Year	
Less Abatements (Releases)	
Real	4,202.89
Personal	
Discovery	
Penalty - all	
Total Abatements	4,202.89

Adjusted Amount Invoiced - monthly	92,774.11
Adjusted Amount Invoiced - YTD	71,253,550.78

Current Levy Collected	129,895.28
Levy Collected from previous years	9,775.57
Penalties & Interest Collected	8,739.14
Current Month Write Off - Debit/Credit	-
Total Monthly Collected	148,409.99
Total Collected - YTD	71,043,998.03

Total Collected - net current levy -YTD	70,659,370.21
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Percentage of Collected -current levy	99.17%
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Amount Uncollected - current year levy	594,180.57
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Percentage of Uncollected - current levy	0.83%
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100.00%

CITY OF CONCORD

Summary of Releases, Refunds and Discoveries for the Month of May 2024

RELEASES

CITY OF CONCORD	\$	4,202.89
CONCORD DOWNTOWN	\$	157.11

REFUNDS

CITY OF CONCORD	\$	96.10
CONCORD DOWNTOWN	\$	-

DISCOVERIES

CITY OF CONCORD

TaxYear	Real	Personal	Total	Rate	Calculated	Penalties
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
2021	6,602,590	42,960	6,645,550	0.0048	31,898.64	82.48
2022	6,602,590	43,000	6,645,590	0.0048	31,898.83	61.92
2023	6,614,280	200,981	6,815,261	0.0048	32,713.25	177.74
2024	0	30,800	30,800	0.0042	129.36	14.78
Total	19,819,460	317,741	20,137,201		\$ 96,640.08	\$ 336.92

DOWNTOWN

TaxYear	Real	Personal	Total	Rate	Calculated	Penalties
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
2021	0	0	0	0.0023	0.00	0.00
2022	0	0	0	0.0023	0.00	0.00
2023	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 Transaction
Group By: Security Type
Average By: Cost Value
Portfolio / Report Group: All Portfolios
As of 5/31/2024

Description	CUSIP/Ticker	Face Amount/Shares	Cost Value	Maturity Date	YTM @ Cost	% of Portfolio	Settlement Date	Cost Price	Days To Maturity
Commercial Paper									
CP MUFG BK LTD 0 6/7/2024	62479LF75	5,000,000.00	4,918,022.22	6/7/2024	5.358	1.15	2/16/2024	98.360444	7
CP ANGLESEA FUNDING 0 7/19/2024	0347M2GK6	5,000,000.00	4,876,041.65	7/19/2024	5.230	1.14	1/26/2024	97.520833	49
CP TOYOTA MOTOR CREDIT 0 9/6/2024	89233GJ64	3,200,000.00	3,075,162.66	9/6/2024	5.474	0.72	12/14/2023	96.098833	98
CP ING US FDG LLC 0 10/18/2024	4497W0KJ6	5,000,000.00	4,847,166.67	10/18/2024	5.405	1.13	3/22/2024	96.943333	140
CP NATIXIS NY 0 10/25/2024	63873JKR0	5,000,000.00	4,844,255.55	10/25/2024	5.408	1.13	3/25/2024	96.885111	147
CP MUFG BANK LTD 0 11/15/2024	62479LLF0	5,000,000.00	4,866,533.33	11/15/2024	5.425	1.14	5/17/2024	97.330667	168
CP CREDIT AGRICOLE CIB NY 0 11/22/2024	22533TLN4	5,000,000.00	4,844,680.56	11/22/2024	5.470	1.13	4/25/2024	96.893611	175
Sub Total / Average Commercial Paper		33,200,000.00	32,271,862.64		5.391	7.54		97.208281	113
FFCB Bond									
FFCB 0.46 8/19/2024-21	3133EM2U5	5,000,000.00	5,000,000.00	8/19/2024	0.460	1.17	8/19/2021	100	80
FFCB 0.43 9/10/2024-20	3133EL6V1	5,000,000.00	5,000,000.00	9/10/2024	0.430	1.17	9/11/2020	100	102
FFCB 0.63 10/21/2024-22	3133ENBM1	4,189,000.00	4,172,244.00	10/21/2024	0.768	0.97	11/12/2021	99.6	143
FFCB 0.97 12/9/2024-22	3133ENGN4	5,000,000.00	5,000,000.00	12/9/2024	0.970	1.17	12/10/2021	100	192
FFCB 5 3/10/2025	3133EPCW3	5,000,000.00	5,000,989.35	3/10/2025	4.984	1.17	8/10/2023	100.019787	283
FFCB 5.21 4/3/2025-24	3133EPT39	5,000,000.00	5,000,000.00	4/3/2025	5.210	1.17	1/12/2024	100	307
FFCB 0.71 4/21/2025-22	3133EMWH1	5,000,000.00	5,000,000.00	4/21/2025	0.710	1.17	4/21/2021	100	325
FFCB 0.53 9/29/2025-21	3133EMBH4	5,000,000.00	5,000,000.00	9/29/2025	0.530	1.17	9/29/2020	100	486
FFCB 1.21 12/22/2025-22	3133ENHU7	5,000,000.00	5,000,000.00	12/22/2025	1.210	1.17	12/22/2021	100	570
FFCB 4.625 3/5/2026	3133EP4K8	5,000,000.00	4,999,610.20	3/5/2026	4.628	1.17	3/22/2024	99.992204	643
FFCB 0.625 6/16/2026-21	3133EMKV3	5,000,000.00	5,000,000.00	6/16/2026	0.625	1.17	12/17/2020	100	746
FFCB 4.75 9/1/2026	3133EPUW3	5,000,000.00	4,971,300.00	9/1/2026	4.961	1.16	9/22/2023	99.426	823
FFCB 0.94 9/28/2026-22	3133EM6E7	5,000,000.00	5,000,000.00	9/28/2026	0.940	1.17	9/28/2021	100	850
FFCB 1.55 3/30/2027-23	3133ELUN2	5,000,000.00	5,000,000.00	3/30/2027	1.550	1.17	3/30/2020	100	1,033
FFCB 1.4 3/10/2028-22	3133EMSW3	5,000,000.00	5,000,000.00	3/10/2028	1.400	1.17	3/10/2021	100	1,379
FFCB 1.5 3/23/2028-22	3133EMUB6	5,000,000.00	5,000,000.00	3/23/2028	1.500	1.17	3/23/2021	100	1,392
FFCB 1.04 1/25/2029-22	3133EMNL2	5,000,000.00	4,986,250.00	1/25/2029	1.076	1.16	2/16/2021	99.725	1,700
FFCB 1.55 3/15/2029-22	3133EMSX1	5,000,000.00	4,960,000.00	3/15/2029	1.658	1.16	3/24/2021	99.2	1,749
Sub Total / Average FFCB Bond		89,189,000.00	89,090,393.55		1.877	20.81		99.889981	716
FHLB Bond									
FHLB 0.4 6/7/2024-21	3130AMKX9	5,000,000.00	5,000,000.00	6/7/2024	0.400	1.17	6/7/2021	100	7
FHLB 0.5 7/15/2024-21	3130AMXL1	5,000,000.00	5,000,000.00	7/15/2024	0.500	1.17	7/15/2021	100	45
FHLB 0.5 7/29/2024-21	3130ANCU2	5,000,000.00	5,000,000.00	7/29/2024	0.500	1.17	7/29/2021	100	59
FHLB 0.45 8/27/2024-20	3130AJZH5	5,000,000.00	5,000,000.00	8/27/2024	0.450	1.17	8/28/2020	100	88
FHLB 1.27 1/27/2025-23	3130AQMJ9	5,000,000.00	5,000,000.00	1/27/2025	1.270	1.17	1/27/2022	100	241
FHLB 0.4 7/15/2025-21	3130AKM29	5,000,000.00	4,999,000.00	7/15/2025	0.405	1.17	1/29/2021	99.98	410
FHLB 0.5 10/20/2025-21	3130AKNK8	5,000,000.00	4,999,000.00	10/20/2025	0.504	1.17	1/20/2021	99.98	507
FHLB Step 12/30/2025-21	3130AKLH7	5,000,000.00	5,000,000.00	12/30/2025	0.636	1.17	12/30/2020	100	578
FHLB 5.35 1/23/2026-25	3130B14G9	5,000,000.00	5,000,000.00	1/23/2026	5.350	1.17	4/25/2024	100	602
FHLB Step 1/29/2026-21	3130AKRA6	5,000,000.00	5,000,000.00	1/29/2026	1.002	1.17	1/29/2021	100	608
FHLB 0.53 2/17/2026-21	3130AKWS1	5,000,000.00	4,995,000.00	2/17/2026	0.550	1.17	2/17/2021	99.9	627
FHLB 0.8 3/10/2026-21	3130ALFS8	5,000,000.00	5,000,000.00	3/10/2026	0.800	1.17	3/10/2021	100	648
FHLB Step 4/29/2026-21	3130ALZA5	5,000,000.00	5,000,000.00	4/29/2026	1.432	1.17	4/29/2021	100	698
FHLB 5.2 6/30/2026-24	3130B03A5	5,000,000.00	4,998,250.00	6/30/2026	5.218	1.17	2/27/2024	99.965	760
FHLB 0.825 8/17/2027-21	3130AJXH7	5,000,000.00	4,986,250.00	8/17/2027	0.866	1.16	8/28/2020	99.725	1,173
FHLB 2.32 11/1/2029-22	3130AHEU3	5,000,000.00	5,000,000.00	11/1/2029	2.320	1.17	11/1/2019	100	1,980
Sub Total / Average FHLB Bond		80,000,000.00	79,977,500.00		1.388	18.68		99.971922	564

FHLMC Bond									
FHLMC 5.05 6/14/2024-23	3134GY5E8	5,000,000.00	5,000,000.00	6/14/2024	5.050	1.17	12/14/2022	100	14
FHLMC 3 6/28/2024-22	3134GXWZ3	5,000,000.00	5,000,000.00	6/28/2024	3.000	1.17	6/28/2022	100	28
FHLMC 0.45 7/29/2024-22	3134GWFS0	2,250,000.00	2,250,000.00	7/29/2024	0.450	0.53	9/24/2021	100	59
FHLMC 1.5 2/12/2025	3137EAEP0	1,305,000.00	1,296,987.51	2/12/2025	1.715	0.30	3/4/2022	99.386016	257
FHLMC 5.15 2/14/2025-23	3134GYJ29	5,000,000.00	4,984,200.00	2/14/2025	5.409	1.16	11/17/2023	99.684	259
FHLMC 5.25 3/21/2025-23	3134GYA77	5,000,000.00	5,000,000.00	3/21/2025	5.250	1.17	12/21/2022	100	294
FHLMC 5.25 6/30/2025-23	3134GY6T4	4,596,000.00	4,596,000.00	6/30/2025	5.250	1.07	12/30/2022	100	395
FHLMC Step 6/30/2025-22	3134GXVT8	5,000,000.00	5,000,000.00	6/30/2025	3.676	1.17	6/30/2022	100	395
FHLMC 0.375 7/21/2025	3137EAEU9	1,315,000.00	1,215,559.70	7/21/2025	3.063	0.28	8/4/2022	92.438	416
FHLMC 0.375 9/23/2025	3137EAEX3	1,570,000.00	1,405,668.10	9/23/2025	4.166	0.33	10/6/2022	89.533	480
FHLMC 0.375 9/23/2025	3137EAEX3	1,010,000.00	893,535.53	9/23/2025	4.694	0.21	11/4/2022	88.468864	480
FHLMC 0.375 9/23/2025	3137EAEX3	560,000.00	504,624.88	9/23/2025	4.156	0.12	12/6/2022	90.111586	480
FHLMC 5.15 2/18/2026-24	3134H1TY9	5,250,000.00	5,249,212.50	2/18/2026	5.159	1.23	2/23/2024	99.985	628
FHLMC 0.8 7/14/2026-21	3134GV5T1	5,000,000.00	5,000,000.00	7/14/2026	0.800	1.17	7/14/2020	100	774
FHLMC 5.05 9/25/2026-24	3134H1CK7	5,000,000.00	4,963,500.00	9/25/2026	5.322	1.16	10/27/2023	99.27	847
FHLMC 5.55 10/30/2026-24	3134H1GU1	5,000,000.00	4,996,250.00	10/30/2026	5.578	1.17	10/30/2023	99.925	882
FHLMC 5.2 12/4/2026-24	3134H1LA9	5,000,000.00	5,000,000.00	12/4/2026	5.200	1.17	12/4/2023	100	917
FHLMC 5.25 12/11/2026-24	3134H1MA8	5,000,000.00	5,000,000.00	12/11/2026	5.250	1.17	12/15/2023	100	924
FHLMC 4.25 2/22/2027-24	3134H1SN4	5,000,000.00	4,952,500.00	2/22/2027	4.593	1.16	2/22/2024	99.05	997
FHLMC 2.67 3/25/2027-24	3134GXNM2	5,000,000.00	4,745,882.69	3/25/2027	4.500	1.11	3/25/2024	94.917654	1,028
FHLMC 5.55 9/27/2027-24	3134H1DG5	5,000,000.00	4,998,250.00	9/27/2027	5.560	1.17	9/27/2023	99.965	1,214
FHLMC Step 1/12/2029-24	3134H1PC1	5,000,000.00	5,000,000.00	1/12/2029	6.019	1.17	1/12/2024	100	1,687
Sub Total / Average FHLMC Bond		87,856,000.00	87,052,170.91		4.534	20.33		99.142505	671
FNMA Bond									
FNMA 1.75 7/2/2024	3135G0V75	945,000.00	983,130.75	7/2/2024	0.390	0.23	7/7/2021	104.035	32
FNMA 1.75 7/2/2024	3135G0V75	565,000.00	588,487.72	7/2/2024	0.313	0.14	8/5/2021	104.157119	32
FNMA 0.455 8/27/2024-21	3136G4Y72	5,000,000.00	5,000,000.00	8/27/2024	0.455	1.17	8/28/2020	100	88
FNMA 2.625 9/6/2024	3135G0ZR7	3,167,000.00	3,093,525.60	9/6/2024	5.424	0.72	10/27/2023	97.68	98
FNMA 1.625 10/15/2024	3135G0W66	1,740,000.00	1,797,259.31	10/15/2024	0.527	0.42	10/6/2021	103.290765	137
FNMA 1.625 10/15/2024	3135G0W66	640,000.00	656,959.05	10/15/2024	0.714	0.15	11/4/2021	102.649852	137
FNMA 0.5 12/16/2024-21	3135G06M0	5,000,000.00	4,989,850.00	12/16/2024	0.560	1.17	7/19/2021	99.797	199
FNMA 1.625 1/7/2025	3135G0X24	1,055,000.00	1,072,574.78	1/7/2025	1.060	0.25	1/5/2022	101.665856	221
FNMA 0.625 4/22/2025	3135G03U5	1,360,000.00	1,268,407.71	4/22/2025	3.017	0.30	5/5/2022	93.265273	326
FNMA 0.625 4/22/2025	3135G03U5	5,000,000.00	4,761,950.00	4/22/2025	4.500	1.11	1/12/2024	95.239	326
FNMA 0.5 6/17/2025	3135G04Z3	925,000.00	861,249.00	6/17/2025	2.892	0.20	6/6/2022	93.108	382
FNMA 0.5 6/17/2025	3135G04Z3	1,365,000.00	1,271,599.52	6/17/2025	2.943	0.30	7/7/2022	93.157474	382
FNMA 0.7 7/14/2025-21	3136G4YH0	5,000,000.00	5,000,000.00	7/14/2025	0.700	1.17	7/14/2020	100	409
FNMA 0.55 8/19/2025-22	3136G4H63	5,000,000.00	5,000,000.00	8/19/2025	0.550	1.17	8/19/2020	100	445
FNMA 0.58 8/25/2025-22	3136G4J20	5,000,000.00	5,000,000.00	8/25/2025	0.580	1.17	8/25/2020	100	451
FNMA 0.375 8/25/2025	3135G05X7	920,000.00	839,132.00	8/25/2025	3.521	0.20	9/7/2022	91.21	451
FNMA 5.375 10/17/2025-24	3135GAKU4	5,000,000.00	5,000,000.00	10/17/2025	5.375	1.17	12/21/2023	100	504
FNMA 0.5 11/7/2025	3135G06G3	1,295,000.00	1,169,555.72	11/7/2025	4.152	0.27	1/5/2023	90.313183	525
FNMA 0.5 11/7/2025	3135G06G3	830,000.00	743,924.04	11/7/2025	4.682	0.17	3/7/2023	89.629402	525
FNMA 0.5 11/7/2025	3135G06G3	885,000.00	815,301.29	11/7/2025	3.719	0.19	4/5/2023	92.12444	525
FNMA 0.57 12/29/2025-21	3135GABS9	5,000,000.00	4,563,350.00	12/29/2025	4.967	1.07	11/17/2023	91.267	577
FNMA 2.125 4/24/2026	3135G0K36	545,000.00	519,466.75	4/24/2026	3.805	0.12	5/3/2023	95.315	693
FNMA 0.75 7/30/2026-20	3136G4D91	1,000,000.00	888,980.00	7/30/2026	5.116	0.21	10/27/2023	88.898	790
FNMA 0.73 10/29/2026-21	3136G46F5	5,000,000.00	5,000,000.00	10/29/2026	0.730	1.17	10/29/2020	100	881
FNMA 5.625 11/24/2026-24	3135GAKB6	5,000,000.00	5,000,000.00	11/24/2026	5.625	1.17	11/27/2023	100	907
FNMA 5 1/4/2027-24	3135GAL58	5,000,000.00	4,998,750.00	1/4/2027	5.009	1.17	1/12/2024	99.975	948
FNMA 5 1/8/2027-25	3135GALP4	5,000,000.00	5,000,000.00	1/8/2027	5.000	1.17	1/12/2024	100	952
FNMA 5.25 2/2/2027-24	3135GAMS7	5,000,000.00	5,000,000.00	2/2/2027	5.250	1.17	2/2/2024	100	977
FNMA 5.3 3/4/2027-25	3135GAPU9	5,000,000.00	5,000,000.00	3/4/2027	5.300	1.17	3/4/2024	100	1,007
FNMA 4.25 4/9/2027-25	3135GAQU8	5,000,000.00	4,951,479.86	4/9/2027	4.600	1.16	4/9/2024	99.029597	1,043
FNMA 0.8 11/4/2027-22	3135GA2L4	5,000,000.00	5,000,000.00	11/4/2027	0.800	1.17	11/4/2020	100	1,252
Sub Total / Average FNMA Bond		97,237,000.00	95,834,933.10		3.103	22.38		98.663209	621

Local Government Investment Pool									
NCCMT LGIP	NCCMT599	92,890.74	92,890.74	N/A	5.230	0.02	6/29/2012	100	1
NC CLASS LGIP	NCCLASS	2,002,366.21	2,002,366.21	N/A	5.398	0.47	5/24/2024	100	1
NCCMT LGIP	NCCMT481	16,023,436.43	16,023,436.43	N/A	5.230	3.74	12/31/2005	100	1
NCCMT LGIP	NCCMT271	217,477.39	217,477.39	N/A	5.230	0.05	12/31/2005	100	1
Sub Total / Average Local Government Investment Pool		18,336,170.77	18,336,170.77		5.248	4.28		100	1
Money Market									
PINNACLE BANK MM	PINNACLE	15,786,957.08	15,786,957.08	N/A	5.000	3.69	3/31/2019	100	1
Sub Total / Average Money Market		15,786,957.08	15,786,957.08		5.000	3.69		100	1
Treasury Bill									
T-Bill 0 8/22/2024	912797KC0	5,000,000.00	4,871,791.67	8/22/2024	5.307	1.14	2/23/2024	97.435833	83
Sub Total / Average Treasury Bill		5,000,000.00	4,871,791.67		5.307	1.14		97.435833	83
Treasury Note									
T-Note 4.5 11/30/2024	91282CFX4	5,000,000.00	4,977,150.00	11/30/2024	5.278	1.16	4/25/2024	99.543	183
Sub Total / Average Treasury Note		5,000,000.00	4,977,150.00		5.278	1.16		99.543	183
Total / Average		431,605,127.85	428,198,929.72		3.203	100		99.253464	541